



## PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 5 December 2013**

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](mailto:jackierodger@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

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## AGENDA

Page No.

### 1. Apologies

### 2. Public questions

To receive questions from the public (notice to be given to the committee officer by 10am on the day before the meeting.)

### 3. 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).

**4. Minutes 5**

To agree the accuracy of the minutes of the meeting held on 7 November 2013.

**5. Planning applications 15**  
(Report of the head of planning services)

**Purpose** - To determine the current planning applications as summarised on pages **11** 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.

27 November 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](mailto:jackierodger@norwich.gov.uk)

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## PLANNING APPLICATIONS COMMITTEE

11.15am to 12.40pm

7 November 2013

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

### 1. DECLARATION OF INTERESTS

None

### 2. MINUTES

**RESOLVED** to approve the minutes of the meeting held on 10 October 2013.

### 3. APPLICATION NO 13/01341/VC SAINSBURY'S 1 BRAZEN GATE, NORWICH, NR1 3RB

The planner (development) presented the report with the aid of plans and slides. He said that the application was recommended for approval and that there were a number of conditions which mitigated the concerns raised by members of the public, including an agreement with the applicant for a more suitable route out of the site.

A resident of Langham Place addressed the committee, outlining his concerns about the application, which included: concerns about noise from vehicles, opening the metal gates and the use of trollies; and that there should be no deliveries late at night or before 7am and that he was concerned that the two deliveries would not be at specific times and therefore difficult to monitor. He added that he was speaking on behalf of other residents, many of them older people.

A representative of the Town Close Labour Community Team addressed the committee and said that the majority of residents were opposed to this application. The proposal would have a negative affect on residents in the area and would not increase employment opportunities. Residents' complaints about noise had not been addressed by the applicant and there would be more opportunity for the applicant to create a nuisance to its neighbours by permitting deliveries during the night. He pointed out that there were reports that bottles had been collected for recycling from the supermarket's car park before 7am which was not considerate to neighbouring residents.

The town planning officer for Sainsbury's explained that the application was for two additional deliveries to a side entrance throughout the night. He undertook to raise residents' concerns about noise, especially from the early morning bottle collection, with the store manager. The company had experience of other stores and would take steps to minimise disruption to neighbouring residents; including the use of smaller vehicles and not loading empty crates on to the vehicles.

The environmental protection officer said that since 2005, the council had received only four complaints from members of the public about noise on the site but there had been no further evidence to support a breach of conditions by the applicant. The complainants had been asked to keep a record of the date and time of when noise occurred. No reports had been submitted and the council could not investigate or take out action without this information. The chair suggested that the environmental protection officer provided his contact details to the two speakers. The environmental protection officer then commented on the noise impact assessment and said that he did not have any issues with the application being approved, subject to vehicles using the same route to access and egress the site at night and that the conditions were managed effectively.

During discussion the planner, environmental protection officer and the planning development manager, referred to the report and answered members' questions. Members were advised that the original planning conditions of the earlier permission would be re-imposed if this application was approved, and that additional conditions should be reasonable and relevant to the new application. The supermarket managers should be informed if members of staff were not operating within agreed procedures. Members were advised of the powers that the council had to enforce a breach of planning conditions and that excessive noise on the site could be dealt with under separate legislation. In response to a question, the planner said that he had taken into consideration the outcome of planning applications from supermarkets for night deliveries in residential areas.

Discussion ensued in which some members continued to express concerns about the impact of the night deliveries on local residents. Some members considered that the proposal was positive in that the number of deliveries during the day to the service bay could be reduced. Councillor Little moved and Councillor Grahame seconded an amendment to refuse the application because of the disturbance to residents, which was withdrawn on receipt of advice that it would be not be defensible as there were measures in place to mitigate any nuisance to residents. Members did consider that the application should be granted for a period of time to monitor its impact on residents and twelve months was suggested as a reasonable period. Councillor Sands said that she was opposed to the grant of a temporary planning permission because she considered that a year was too long a period for a trial if the measures to reduce noise and disturbance were later found to be insufficient.

The chair then moved and Councillor Ackroyd seconded that planning permission be granted for a twelve month period.

**RESOLVED**, with 10 members voting in favour (Councillors Bradford , Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Jackson, Little, Neale and Storie) and 2 members voting against (Councillors Grahame and Sands) to approve application

no 13/01341/VC Sainsbury's, 1 Brazen Gate Norwich, NR1 3RB and grant planning permission for a twelve month period, subject to the following conditions:

1. No goods of any description shall be sold or offered or displayed for sale outside the buildings the subject of this permission unless otherwise agreed in writing by the Council as local planning authority.
2. The pedestrian access ways within the site (which for the avoidance of doubt shall include any new or re-routed pedestrian access ways approved under permission reference 10/01637/F granted on 5th November 2010 and shown on drawing no. CHQ.10.9230-PL06 Revision A referred to in that permission) shall be kept free of all goods, articles, structures and vehicles of any description, other than those expressly approved under planning permission reference 4870466/F granted on 6th May 1988 or authorised by virtue of subsequently approved details or subsequent planning permissions pertaining to the site and premises the subject of this permission.
3. No materials, goods or refuse shall be kept, deposited or stored in the open on the site the subject of this permission other than (a) within the designated areas set aside for the storage and compaction of commercial waste within the service and delivery yard accessed from Brazen Gate and; (b) within the designated and signed customer waste recycling banks within the store car park (which for the avoidance of doubt shall include the relocated recycling banks approved by virtue of permission ref. 10/01637/F granted on 5th November 2010 and shown on drawing no. CHQ.10.9230-PL06 Revision A referred to in that permission).
4. There shall be no deliveries or servicing to the premises the subject of this permission before 7am (0700 hours) or after 10pm (2200 hours) on any day save for up to two deliveries at the north-east entrance point to the store.
5. Any deliveries between the hours of 22:00 hours and 07:00 hours as allowed by condition 4 shall be subject to the following restrictions:
  - (a) Compliance with a tracking diagram that shows detail of the route delivery vehicles will take when entering and leaving the site as well as the area where goods will be delivered shall be submitted to and agreed by the local planning authority and operated in accordance with the approved details.
  - (b) Audible reversing alarms shall be turned off on any delivery vehicles upon entering the site the subject of this permission and shall not be switched on again until delivery vehicles have departed.
  - (c) Only fixed axle vehicles shall be used for deliveries.
  - (d) Refrigeration units on delivery vehicles shall be switched off upon entering the site and shall not be switched on again until delivery vehicles have departed.
  - (e) There shall be no return of salvage or assets to delivery vehicles.
6. Deliveries between 22:00 hours and 07:00 hours shall take place in full accordance with the Delivery Management Plan as included as Appendix C of the approved Noise Assessment (received 19.08.2013).

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

#### **4. APPLICATION NO 13/01442/VC SITE OF PROPOSED RESIDENTIAL CARE HOME IVY ROAD, NORWICH, NORFOLK**

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

**RESOLVED**, unanimously, to approve application No 13/01442/VC site of proposed residential care home Ivy Road Norwich and grant planning permission, subject to the following conditions:-

1. Commencement of development
2. Development in accordance with drawings and details listed
3. Details of sample materials; external lighting; joinery (windows and doors)
4. Details of access road, site links, car parking, cycle storage, bin stores
5. Parking and service areas available before use commences
6. Details of Travel Plan
7. Details of landscaping, biodiversity enhancements, planting, boundary treatment, walls and fences and site treatment works. Landscape maintenance
8. Details tree works and protection
9. Implementation of tree works and protection
10. Areas to be undisturbed within tree protection areas
11. Details, installation and maintenance to ensure that at least 10% of its energy requirement is achieved through decentralised and renewable or low-carbon sources
12. Details of water efficiency measures
13. Submission of contamination verification plan
14. Cessation of site works if further contamination found
15. Control of imported topsoil
16. Details of plant and machinery
17. Details of fume and flue
18. Provision of fire hydrant
19. Restriction on use to care home only

#### **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 earlier application and pre-application stages the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

Informatives

1. Historic Environment Service advise that there are possible flint and chalk workings in this area.
2. Work to have regard to wildlife and bird breeding season (1 March – 31 August)
3. Considerate constructors' scheme (to avoid noise and disturbance)
4. Vehicle crossovers for site access road will be expected to meet the Highway Authority's specification and to be constructed at the applicant's cost.

**5. APPLICATION NO 13/01610/F GARAGES ADJACENT TO 86 ROSARY ROAD, NORWICH**

The senior planner (development) presented the report with the aid of plans and slides. Members were advised that the layout of one of the plans was different to the one published with the agenda for the meeting and showed a minimal change to the plans which had been reconfigured to allow rear access to the adjacent commercial property. In response to a members' question the senior planner said that all five of the people renting garages on this site had been offered an alternative in the locality.

**RESOLVED**, unanimously, to approve application 13/01610/F Garage site, at Rosary Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accordance with drawings and details
3. Details of facing and roofing materials; joinery; boundary treatments, walls and fences; external lighting;
4. Details of hard and soft landscaping, planting, biodiversity enhancements.
5. Details and provision of car parking
6. Details and provision of cycle parking
7. Implementation of sustainability measure/energy efficiency measures as outlined in Design and Access Statement
8. Site contamination conditions
9. Control on imported materials

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 committee report.

**6. ENFORCEMENT CASE 13/00068/EXTEN/ENF – HEIGHAM NEWS 268 HEIGHAM STREET, NORWICH, NR2 4LZ**

The planning enforcement officer presented the report with the aid of plans and slides.

Discussion ensued in which members commented on the premises owner's need for storage and that the shipping container was a cheaper solution than a brick extension. Members also considered that a shed could be an alternative or planting could hide the container from view. The planning enforcement officer said that

during the notice period the owner could consider submitting a planning application for additional storage.

**RESOLVED** to authorise enforcement action up to and including prosecution and direct action in order to secure the removal of the unauthorised development (shipping container on land).

CHAIR

# Planning applications committee – summary of applications for consideration

ITEM

5 December 2013

5

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
5(1)	13/01636/F	15	Castle Mall, Back of the Inns	Caroline Dodden	Alterations to Castle Mall entrance at Back of the Inns including new design of entrance and alterations to access arrangements.	Previously considered at committee	Refuse
5(2)	13/01609/VC	25	463-503 Sprowston Rd.	Jo Hobbs	Removal of Condition 8 relating to resurfacing and provision of pedestrian link between Anthony Drive and Sprowston Road required under planning permission 13/00208/F 'Mixed use development incorporating a food store (Aldi), 9 No. flats and associated access, car parking and landscaping.	Objections and previously considered at committee	Vary wording of condition 8
5(3)	13/01681/F	35	476 Sprowston Rd	John Dougan	Change of use from shop (Class A1) to cafe (Class A3 and A5).	Objections	Approve
5(4)	13/01732/F	47	57 Ipswich Rd.	John Dougan	Replacement of roof and creation of 1 No. new dwelling at second floor within the roof space.	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** 5 December 2013

**Report of** Head of planning services  
**Subject** 13/01636/F Castle Mall Norwich

**Item**  
**5(1)**

## SUMMARY

<b>Description:</b>	Alterations to Castle Mall entrance at Back of The Inns including new design of entrance and alterations to access arrangements.
<b>Reason for consideration at Committee:</b>	Previously considered at committee
<b>Recommendation:</b>	Refuse planning permission
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Mrs Caroline Dodden Planner 01603 212503
<b>Valid Date:</b>	18th October 2013
<b>Applicant:</b>	InfraRed UK Retail Nominee3 Ltd and InfraRed UK Retail Nominees
<b>Agent:</b>	GL Hearn

## INTRODUCTION

### The Site

#### Location and Context

1. The Back of the Inns forms part of the Primary City Centre retail area and falls within the St Stephens character area of the City Centre Conservation Area. This area contains the majority of the large department stores within the primary retail area and is therefore a busy pedestrian environment.
2. Completed in 1993, the Castle Mall scheme redeveloped large parts of the city centre, in particular parts of the historic Timberhill and cattle market. Castle Mall was at the time unique for being largely underground, on the site of the outer bailey of Norwich Castle. The scheme won the Silver Jubilee Medal of the Royal Town Planning Institute and the Major Centre Award from the British Council of Shopping Centres.
3. The Back of the Inns entrance, at the junction with White Lion Street, is one of the main entrances to Castle Mall. The City Centre Conservation Appraisal identifies the entrance as having a positive frontage and as being a local landmark.
4. The architecture of the entrance is distinctive. A large glazed entrance with decorative glazing bars in a distinct design sits elevated and set back from the brick elevations of the clock tower to the south and the frontage to the north. A series of columns and steps provide access to the Mall with two ramps, one on either side of the entrance. A number of shops both within the Mall, and outside it, face this entrance.

## **Constraints**

5. This is an area with a tight urban feel and an historic street pattern which should be respected in any development proposal.

## **Topography**

6. The access into the Mall slopes down over a series of steps and ramps. A ramped access needs to be retained, and preferably enhanced, in any development proposals.

## **Relevant Planning History**

**13/00460/F** - Alterations to Castle Mall entrance at Back of The Inns including new shopfront and alterations to access levels. Refused at Planning Applications Committee, 18 June 2013.

**13/00499/A** - Display of: 1) 1 No. internally illuminated fascia sign; 2) 1 No. fascia incorporating individually pinned internally illuminated letters. Refused at Planning Applications Committee, 18 June 2013.

**13/01637/A** - Display of 2 No. internally illuminated fascia signs (on north and west elevations of the existing tower). Pending consideration.

**13/01638/F** – Erection of infill extension at unit entrance. Pending consideration.

## **Equality and Diversity Issues**

There are considered to be equality or diversity issues. These are discussed within the report (see paragraphs 37 - 39).

## **The Proposal**

7. The proposal seeks to implement a significant remodelling of the Castle Mall entrance at the Back of the Inns by providing a new contemporary entrance feature and improving access arrangements.
8. The lower floor of the existing glazed entrance would be removed and the remaining façade would be wrapped in coloured vinyl and over-clad with a contemporary aluminium fret cut feature, which would be illuminated from behind. The height of the proposed central section would be approximately 10 metres and approximately 6 metres wide.
9. The four existing entrance columns would be narrowed and clad with an illuminated skin with stainless steel bases. The entrance steps would be removed but the handrails would remain. New, contrasting, granite paving would be laid, in which some recessed floor lighting would be added.
10. The original drawings submitted removed the four high level clocks and two decorative coat of arms from the clock tower. Revised details leave the four high level clocks and coat of arms intact. As the clock tower features are to remain as existing it was considered unnecessary for the application to be re-advertised. The only proposed change to the clock tower would be the installation of two signs, for

which separate advertisement consent has been sought (ref: 13/01637/A).

11. In the supplementary supporting information the Architect describes the proposal as follows:

“The key principles of the design concept are to create a new attractive entrance that responds to the local and historic context, responds to the existing scale of the frontage, provides an appropriate modern design solution that reflects the commercial activities within the shopping centre. The proposal is well thought through and has evolved in response to the local and historic context with input from the design team and clients. The proposal represents a high quality scheme that is appropriate for it’s purpose and setting and will contribute towards a positive townscape and street scene for Norwich in the future”.

## Representations Received

12. Advertised on site and adjacent and neighbouring properties have been notified in writing. Six letters of representation from four commentators have been received citing the issues as summarised in the table below.

13.

Issues Raised	Response
Consider ideas for Castle Mall entrance to be inappropriate and rather clumsy, which do not match the elegance and creativity of the original designs.	Paragraphs 27 - 35
The ‘shawl’ is an inappropriate ‘borrowed’ and alien idea, as are the clocks and should not be approved.	Paragraphs 32 and 34
If misjudged, it will set a trend for other elements of the exterior of Castle Mall, all of which have unity, of great importance in their relationship to Norwich Castle and the city centre.	Paragraphs 28 - 32
The fret cut cladding is inappropriate and out of scale for an entrance that was designed to suggest connections with the castle behind.	Paragraphs 31 - 33
The obscure film should be removed from the existing glass gables. It would be a dramatic improvement that would be more cost effective.	Paragraphs 27 - 35
If Castle Mall’s architecture was similar to Chapelfield, something like this could be considered acceptable. However, this is an award winning shopping complex that was designed in a particular way for a particular reason.	Paragraphs 27 - 35
The re-cladding of the four columns is unnecessary and would disconnect them from their internal counterparts.	Paragraph 34
The removal of the steps and handrails and full repaving is a good idea.	Paragraphs 37 - 39

Pleased to see that the four clocks and decorative coat of arms have been reinstated on revised drawings.	Paragraph 34
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A number of supporting letters have been submitted by the Agent from the following:

GCW Chartered Surveyors; Castle Mall, Centre Manager; Boots of Castle Mall, Norfolk Chamber of Commerce and Douglas Stevens Chartered Surveyors, all supporting new investment at Castle Mall and four out of the five positively supporting the specific entrance proposal at the Back of the Inns.

In addition, a three day public exhibition was recently held within Castle Mall. 524 respondents answered three questions as follows:

- Would you like to see investment in Castle Mall? 99% said 'yes'.
- Will making the entrance more visible and accessible improve the Back of the Inns? 98% said 'yes'.
- Are you in favour of this proposal? 97% said 'yes'.

## Consultation Responses

14. **Transportation:** No objection on transportation grounds. The sloped entrance to the Castle Mall is welcome for disabled access and pedestrian flow especially for evacuation events and decongestion of Back of the Inns.
15. **The Norwich Society:** The tower already clearly defines the presence of the entrance, and acts as a visual stop, from both the Back of the Inns and White Lion Street directions. Applying a folded perforated metal screen to part of the total façade does not respect the scale and materials of the full Castle Mall entrance on this streetscape. This is a superficial measure which may well look “tired and dated” in only a few years thus defeating its intended purpose.
16. The projection of this folded screen extends outwards and clashes with the clear statement of the tower as viewed from the Back of the Inns. The increase in height of 2.5m above the existing curved gable adds to the overpowering appearance of the proposal again compromising the appropriate scale of the existing façade.
17. The existing elevation must be considered as a whole, including the tower and the large brick element to the left hand side of the entrance. Just remodelling one area disrupts the overall impact of the present satisfactory design.
18. It is strongly felt that the existing facade above the entrance has been left to fall into a poor state of maintenance and that this is the principal problem to solve.
19. We support the idea of reducing the visual impact of the columns by redesigning their casings and also infilling the open corner at the entrance to the shop. (ref: 13/01638/F)
20. Replacing the supports for the security doors at the bottom of the entrance steps with a full width opening will also help the pedestrian flow and offer a more

uncluttered appearance in the entrance. Here again the use of the latest lighting technology, colour and new materials can add tremendously to improving the visual vitality of the space. Down-lighting and not up-lighting makes sense in this location.

21. No objection to the changes in the flooring and the proposed removal of the steps.

22. **Historic Environment Service:** No archaeological implications.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework (NPPF):**

Statement 1 – Building a strong, competitive economy

Statement 2 – Ensuring the vitality of town centres

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 (JCS)**

Policy 2 – Promoting good design

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 11 – Norwich City Centre

Policy 20 – Implementation

#### **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

HBE12 - High quality of design in new developments

TRA26 - Design and materials in streetscape

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

City Centre Conservation Area Appraisal, September 2007

#### **Other Material Considerations**

#### **Development Management Policies Development Plan Document – Pre-submission**

#### **policies (April 2013)**

DM3 Delivering high quality design\*

DM9 Safeguarding Norwich's heritage

DM16 Employment and Business development\*

DM30 Access and highway safety

\* Limited weight may be applied alongside existing development plan depending on circumstances of the case

Written Ministerial Statement: Planning for Growth March 2011

## **Background**

A previous planning application, ref: 13/00460/F, for this Castle Mall entrance included a new high level glazed frontage. This application was refused, against officer recommendation, at the Planning Applications Committee in June 2013. The reason for refusal was as follows:

'The proposed shopfront is considered to be out of scale with the adjacent buildings. The design is not considered to represent or respond to local character and history or result in good architecture. It is considered that the resulting impact of the proposals would have a detrimental impact on the street scene, and wider heritage asset of the City Centre Conservation Area. Therefore the proposals are considered to be contrary to the NPPF, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policy HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted November 2004) and emerging policy DM3 of the Development Management Policies DPD (Pre-submission policies April 2013).'

With different architects on board a pre-application enquiry for a new entrance feature was submitted to the Planning Department in September 2013, which included a pre-application presentation to the Planning Applications Committee on 10 October 2013.

## **Principle of Development**

### **Policy Considerations**

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

23. 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. 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.
24. Of particular relevance to the proposal are Paragraph's 60 and 64 of the National Planning Policy Framework. Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes, but it is, however, proper to seek to promote or reinforce local distinctiveness.
25. Paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
26. Policy 2 of the JCS and Local Plan Policies HBE8 and HBE12 seek to achieve all development to be designed to the highest possible standards and in particular, that proposals respect local character and distinctiveness.

## **Design and Impact on Conservation Area**

27. The Castle Mall dates from the early 1990s and is a post-modern style of design typical of the 80's and early 90's period. A considerable effort was put into the

design of the mall, which was unique for being mainly underground, on the site of the former castle bailey.

28. There are four main entrances to the Mall at the Back of the Inns, Timberhill, Castle Meadow and Cattlemarket Street. Each entrance differs slightly in its character and form in response to the local context of the street/area upon which they open out onto. However, it is important to note that there is a common shared architectural language throughout the building, which reinforces a sense of a cohesive identity throughout the Mall as a result of architectural unity. Any proposed alteration therefore needs to take into account both the impact of any change within the immediate area of an entrance, as well as the overall impact on the architecture of the mall as a much larger and complex building structure.
29. This application includes the proposal to implement a significant remodelling of the Back of the Inns entrance, which falls within the St. Stephens character area of the city centre conservation area. The part of the Back of the Inns close to the Castle Mall entrance has always been characterised by relatively functional, low status buildings of humble design (with the exception of the Royal Arcade). More recent buildings are also of no significant architectural merit, with the exception of the award winning Castle Mall. It was praised at the time of completion for achieving a unified and coherent architectural form on a constrained site. Because this part of the city was relatively devoid of architectural note and poor in townscape quality, the clock tower was designed to provide a very prominent and legible landmark, which also provides an important function and interest in the wider townscape with its clock faces.
30. With large and complex buildings such as Castle Mall, which have been designed with architectural unity, but have been split into multiple units, there is a danger that gradual incremental changes in character can dilute the overall design quality and the strength of a unified design approach. Some changes have already been carried out to the entrance such as fitting obscure glazing to the gable features and the sub-division of the former Virgin Megastore unit. Although these have to some extent degraded the quality of the architecture, the entrance still retains commonality with the other entrances to the mall whilst also responding to the local context, particularly with regard to the local tower feature. Special care and consideration therefore needs to be taken to ensure that further incremental alterations to the Mall seek to enhance the overall character rather than dilute it further.
31. The principal element of this proposal is to upgrade the central glazed section with a new fret cut aluminium covering, which would “fold” to a point approximately 2.4 metres forward of the current glazed entrance. This is of significant scale being approximately 10 metres in height. It is understood that the current proposal would be replicated in some form at the other entrances, although the extent and scale of treatment is likely to vary.
32. The supporting information informs that the contextual shape, form and pattern of the proposed entrance structure relates to the ‘Norwich Shawl’ and Norwich’s textiles industry. It is assumed that this relates to the shape made by draped fabric over an off-centre raised point rotated through 90 degrees. This is unconvincing, particularly as other supporting information states the aim was to make the entrance more visible in the streetscene and the shape, form and pattern were randomly created digitally rather than being based on a particular pattern. The proposed structure would result in a significant change in character and loss of the cohesiveness, which has been achieved through the existing unified architectural approach. Overall, it is therefore considered to have a significant, but negative, impact on the character of the Mall.
33. The desire to make the entrance more visible is appreciated and the principle of a

projecting element is not necessarily opposed, if well designed. It is considered that the inappropriately designed and prominent alteration which projects forward would have a detrimental impact on views within the conservation area. In particular, the projecting structure would be detrimental to views along the intimate street scene of the Back of the Inns as it cuts across views of the tower, in so doing detracting through its prominence from a landmark that already provides an important and recognisable focal point with a clear, functional, design. The new design is strikingly different to the existing architecture of Castle Mall, to the extent that at the scale proposed it will become the dominant feature within the streetscene at this entrance. Since the proposed design remains unconvincing and is not considered to be of high quality, the proposal is considered to result in a detrimental impact on the character and appearance of the city centre conservation area. At present the dramatic change in style has also only been proposed at this scale for this entrance and it remains unclear how this change in style and identity for the Mall would be introduced into the other parts of the complex.

34. The retention of the four high level clocks and two Castle Mall motifs on the clock tower is a welcome revision as these are an important and very visible landmark feature.
35. The narrowing and re-cladding of the four entrance columns and removal of the entrance steps are also considered to be positive aspects of the proposal as they will improve pedestrian access and enhance the attractiveness of the shopping centre.

## **Local Finance Considerations**

36. There are no direct financial considerations as a result of the proposal. However, the importance of the overall investment and upgrading works to Castle Mall is acknowledged.

## **Equality and Diversity Issues**

37. Significant alterations are proposed to the access to Castle Mall. There are currently a series of four columns and steps with two ramps on either side of the entrance.
38. The four columns would be narrowed and clad with an illuminated skin and stainless steel. The existing hand rails (currently either side of the steps) would remain and a gradient would be created from the perimeter of the Castle Mall down to the entrance doors. Although this does not meet the current building regulations standards it improves the existing situation, retains the hand rails (the previous refused scheme removed them) and it would be practically impossible to extend the ramp to achieve the ideal gradient.
39. The proposed re-configuration of the entrance is considered to be acceptable with regard to access and is considered to meet the requirements of the NPPF, policy 6 of the JCS and emerging local plan policy DM30.

## **Conclusions**

40. There are a number of positive aspects to this proposal. The remodelling of the lower level, notably the “opening up” and other design changes to the ground floor pedestrian environment are an improvement on the existing situation. In principle, a contemporary entrance feature at this Castle Mall entrance may be acceptable if designed to a high standard and complements the existing design of the Mall, and it

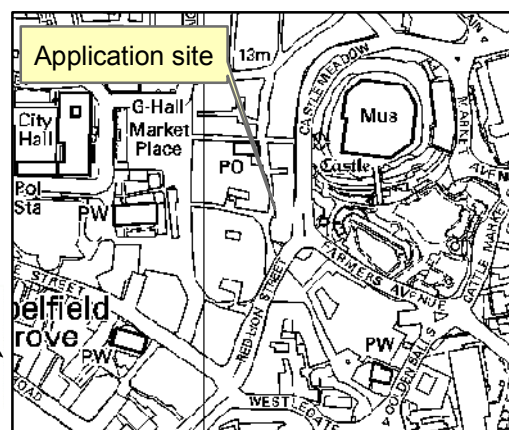
is not the case that the existing upper floor treatment must be retained. However, the design solution proposed is not considered to be of adequate architectural and aesthetic quality and will result in a detrimental change to the architectural character of the building, and the character and appearance of the city centre conservation area, which cannot be justified.

41. The comments and advice given to the Agent have been consistent throughout the pre-application and application process. Officers positively sought to negotiate an acceptable revised proposal and it is disappointing that this has not been achieved.

## **RECOMMENDATIONS**

To refuse planning permission for Application No 13/01636/F at the Castle Mall entrance, Back of the Inns for the following reason(s):-

1. The design of the proposed entrance (above ground floor level) would provide a discordant feature, considered to be of low design quality, which would result in a significant change to, and dilution of, the existing architectural character of the Castle Mall complex. There is inadequate architectural reasoning and local historical connection to justify the proposal. The proposals are therefore considered to be contrary to the NPPF, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policy HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted November 2004) and emerging policy DM3 of the Development Management Policies DPD (Pre-submission policies April 2013).
2. The proposed entrance feature (above ground floor level) would have a significant detrimental impact on views of the clock tower, which already provides an important and recognisable focal point within this part of the City Centre Conservation Area. In particular the proposed entrance design would be a prominent feature that would become an intrusive element that would detract from views of the tower from the north along the narrow street of the Back of the Inns. Therefore the proposals are considered to be contrary to the NPPF, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policy HBE8 and HBE12 of the City of Norwich Replacement Local Plan (Adopted November 2004) and emerging policy DM3 of the Development Management Policies DPD (Pre-submission policies April 2013).



**Report to** Planning applications committee  
**Date** 5 December 2013  
**Report of** Head of planning services  
**Subject** 13/01609/VC 463 - 503 Sprowston Road Norwich

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**Item**  
**5(2)**

## SUMMARY

<b>Description:</b>	Removal of Condition 8) No use of the retail store shall take place until details of the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road have been submitted to and agreed in writing by the Local Planning Authority, providing a pedestrian link from Anthony Drive to Sprowston Road of previous planning permission 13/00208/F 'Mixed use development incorporating a foodstore, 9 No. flats and associated access, car parking and landscaping (revised design)'.
<b>Reason for consideration at Committee:</b>	Previously determined at committee/neighbour objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Catton Grove
<b>Contact Officer:</b>	Jo Hobbs Planner 01603 212526
<b>Valid Date:</b>	15 October 2013
<b>Applicant:</b>	Aldi Stores Ltd
<b>Agent:</b>	Mr Rob Scadding

## INTRODUCTION

### Purpose of application

1. This report seeks to vary an existing planning condition. This condition was attached to the previously approved application 13/00208/F which was for the redevelopment of the above site with a retail store.
2. The retail store is programmed to open to the public on 28 November. The application seeks to remove condition 8, but as the report details it is instead suggested that the wording of the condition is instead varied.
3. Condition 8 relates to the resurfacing of the track to the south of the site, that connects Anthony Drive to Sprowston Road past 461 Sprowston Road. The wording of the condition is as follows:

“No use of the retail store shall take place until details of the surface treatment of the access track to the south of the application site and to the north of 461 Sprowston Road have been submitted to and agreed in writing by the Local Planning Authority, providing a pedestrian link from Anthony Drive to Sprowston Road. The resurfacing shall be carried out in full accordance with the agreed details prior to the first use of the retail store.”

## **The Site**

### **Location and Context**

4. The site is located on the east side of Sprowston Road towards the junction with the outer ring road. The site has been vacant for a number of years, with previous applications for a retail unit and housing submitted on the site.
5. A full site description is given in the original application report (13/00208/F) referred to the April 2013 Committee and which can be found here:  
<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/Document%20Library/156/REPPlanning511300208F463503SprowstonRoad20130418.pdf>  
The only significant change to the site since the last report was made is the construction of the retail store.
6. The building at 483 Sprowston Road has also been rebuilt since the last application was approved, granted permission under application 13/00211/F.
7. With specific reference to this current application, the land around 461 Sprowston Road contains residential units to the south of the site which face onto Sprowston Road, along with workshop buildings on an un-adopted track to the south of the site.

### **Constraints**

8. The site is adjacent to the Sprowston Road/Shipfield local centre. The site forms part of housing allocation HOU12 B38 under the City of Norwich Replacement Local Plan and proposed allocation R12 under the Site Allocations Plan. There is one protected tree on site to the south adjoining Anthony Drive (ref. TPO.215).

### **Topography**

9. The land to the east of the site is elevated, leading to residential development along Windmill Court and Anthony Drive. As indicated above, the site of the former windmill (41 Windmill Court) is elevated compared to the rest of the site. Land along the north of the site is also elevated compared to land to the south of the site.

### **Planning History**

10. The full planning history of the site can be found within the original report for application 13/00208/F (see link in paragraph 5). Since the previous application was approved, the hair salon at 463 Sprowston Road granted permission under 13/00211/F has been rebuilt. Details for the new retail store have also been mostly submitted and agreed (13/00976/D).
11. The planning history for the adjacent site on Anthony Drive is also relevant. The development of the residential dwellings on this site in the 1970s identified pedestrian links in the planning conditions:
  - 751157/D – Details including condition iv) planting and site treatment, including pedestrian links.
  - 741524/F – Extension of existing residential estate by the erection of 33 dwellings with garage and 5 parking spaces at land of Antony Drive, Sprowston

Road. Approved 06 May 1975. Condition 3 of this permission required pedestrian links to the west of this site to be agreed to connect the site to Sprowston Road.

- 32580 – Layout of roads and sewers and erection of 71 terrace houses with garages at Sprowston Road (between nos. 427 and 447). Approved 05 April 1967.

## **Equality and Diversity Issues**

12. There are some equality or diversity issues. These are discussed further in the report.

## **Representations Received**

13. Advertised on site and in the press. 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.

14.

<b>Issues Raised</b>	<b>Response</b>
Application made to designate route as public right of way	Paragraphs 31-35
Foot path currently blocked by land owner	As above

## **Consultation Responses**

15. Local Highway Authority – no response received.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

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

Statement 4 – Promoting sustainable transport

Statement 7 – Requiring good design

Statement 8 – Promoting healthy communities

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 2011**

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

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

HBE12 – High quality of design

EP16 – Water conservation and sustainable drainage systems

EP22 – Protection of residential amenity

TRA14 – Enhancement of the pedestrian environment and safe pedestrian routes

## **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 17<sup>th</sup> April 2013. After this time some weight can 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

**DM5** – Planning effectively for flood resilience

**DM28** - Encouraging sustainable travel

**DM30** - Access and highway safety

## **Emerging Site Allocations**

**R21:** Sprowston Road / land north of Windmill Road

## **Principle of Development**

### **Policy Considerations**

16. The application raises the following key considerations – safety of pedestrians, residential amenity, the accessibility around the site and the appearance of the access track. The current application to designate the route as a public right of way is also a consideration.

### **Safety**

17. The safety of pedestrians using the site is a consideration. This is both in terms of personal safety from crime and safety from other road users.

18. The principle of the pedestrian link has already been established through the permission granted under 13/00208/F. The pedestrian link has also been in use previously which has been used safely to the best knowledge of officers. The sight lines through the access track to Sprowston Road also reduce the opportunity for threats to personal safety. The pedestrian link would be subject to limited lighting, but given the close proximity to neighbouring dwellings it would be difficult to have significant lighting over and above the existing lighting on Anthony Drive and Sprowston Road. The access track is therefore considered to be designed to be sufficiently safe for pedestrians to use.

19. A neighbour to the site raised concerns over site safety if the path continued to be used. They were concerned over potential conflict with vehicles using the track to

access 461 Sprowston Road and the commercial unit to the rear of 461. These concerns were not however put in writing. In response to these concerns, the principle of using the footpath for pedestrians was established under application 13/00208/F. Further to this the size of the commercial unit, the frequency of commercial and domestic vehicles using the track, along with the good visibility down the track to not raised significant enough concerns to merit refusal of using this track as a pedestrian link. The pedestrian use would only be occasional and no more intense than has already occurred over the past few years. Vehicles using the track would be travelling at a sufficiently low speed to be able to react to pedestrians on the route. Appropriate surface materials can be selected to create pedestrian priority areas as well.

### **Residential amenity**

20. There are residential properties facing onto the access track and adjacent to it on Anthony Drive. The amenity of residents is a key consideration. Disturbance could occur from increased footfall past residential windows. This has been considered, but given the access track has been in use and the fact there would be no increase in dwellings on Anthony Drive using the access track, it is unlikely there would be a sufficient loss of amenity to prevent public access being acceptable.

### **Accessibility**

21. The intention of the original condition 8 was to ensure pedestrian links around the allocated site were provided to ensure good urban design principle were followed. Enabling residents on Anthony Drive to access Sprowston Road on foot and by bike were intended to increase pedestrian permeability through the site.
22. The pedestrian link from Anthony Drive to Sprowston Road, alongside 461 Sprowston Road, has been an issue of dispute with the land owner of 461 Sprowston Road. The owner of the land has maintained that the land is not publically accessible and has taken action over several years to prevent access over their land. This has included erecting barriers such as the wooden structure currently present on the site.
23. The right to use this access is also being pursued as a public right of way with Norfolk County Council. An application with supporting evidence to show the use for over 20 years as a public right of way has been submitted. No determination has been made on this application at present however.
24. It is also worth noting that the original planning application for the dwelling on Anthony Drive identified pedestrian links to be agreed by planning condition (74/1524/F). The status of the agreed plans within application 75/1157/D however is not clear, with a 'pedestrian footpath to Sprowston Road' shown on a superseded plan, but not on a finally agreed plan. There is also a letter from the planning officer at the time identifying that the issue needed to be resolved but no further action was taken before discharging the conditions. Therefore this does provide evidence there was an intention to provide pedestrian links, but the approved plans would be difficult to enforce against.
25. Therefore there are a number of issues that require consideration before removing the requirement for a pedestrian access to be provided.

### **Design and appearance**

26. The resurfacing of the access track was also requested within the condition. This

was to ensure that the new development had an appropriate setting and landscaping that was of benefit to the new development.

27. The newly surfaced pathway would also be of benefit to the people using the access track as an improved surface that was level would be of benefit to pedestrians, in particular those with reduced mobility or those using wheelchairs.
28. The appearance of the track is therefore of concern, but also strongly relates to the accessibility issues identified above. These issues are discussed further in the conclusion.

## **Equality and Diversity Issues**

29. As referred to above there are some equality and diversity issues. The provision of an access reduces the distance residents of Anthony Drive would need to travel to reach Sprowston Road where there are shops and public transport routes. The resurfacing of this track would also provide an improved access track which could help those using mobility aids or push chairs for young children.
30. The removal of this condition would therefore lead to some negative impact on those with reduced mobility, using wheelchairs or for people using push chairs for young children.

## **Conclusions**

31. The impact of removing the condition has been discussed above. The issues raised include reduced accessibility for surrounding residents and a loss in the potential quality of the final appearance of the approved development for the retail store.
32. There is also the consideration of the public right of way application that is currently being sought by local residents with Norfolk County Council. If this application were approved, the condition removed and the right of way application were successful, there would be a missed opportunity to resurface the pedestrian link and bring the appearance up to a good standard.
33. The concerns the landowner has over resurfacing the existing track may also change should the route be designated as a public right of way. The requirement to bring the track up to a good standard of surfacing and finish may be more pertinent if the general public have the right to use the route.
34. It is therefore suggested that condition 8 is reworded to enable more time before the resurfacing and provision of the pedestrian link need to be provided. Given the likely timescale of the public right of way application, including the time for the landowner to appeal should the application be successful, it is suggested the following wording is used:

“Within 18 months of the retail store opening details of 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, providing a pedestrian link from Anthony Drive to Sprowston Road. The resurfacing shall be carried out in full accordance with the agreed details within 6 months of the details being agreed.”

35. This will enable review of the condition once the situation relating to the public right of way is known in further detail. This would also mean the opportunity for the track to be resurfaced would not be lost should the right of way application be successful.
36. As this is a variation of condition application it will be necessary to re-apply former conditions from application 13/00208/F. Some have been discharged under application 13/00976/D, the conditions below are re-applied as necessary.

## **RECOMMENDATIONS**

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.
- a. Details for retail store - external materials and gate to vehicular entrance of site to be installed as agreed under application 13/00976/D.
- b. Details for 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.
- a. Landscaping scheme for retail unit as agreed under 13/00976/D
- b. Landscaping scheme for 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 8:**

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.

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

### *Car parking, cycle and refuse storage*

17. Servicing provision – retail – as agreed under 13/00976/D
18. Servicing provision – residential to be agreed
19. Car parking management plan – as agreed under 13/00976/D

### *Water and energy efficiency*

20. Provision and maintenance of SUDS system – as agreed under 13/00976/D

21. Water conservation to Code for Sustainable Homes Level 4 for homes – to be agreed
22. Provision of renewable energy for retail store to 10% - as agreed under 13/00976/D
23. Provision of renewable energy for residential units to 10% - to be agreed

*Restrictions to protect amenity*

24. 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
25. Plant and machinery installed – to be agreed
26. Removal of permitted development rights for ventilation and fume extraction for any future plant required at the store after implementation
27. No storage or materials on site outside of designated areas unless first agreed
28. No use of reversing alarms on lorries on site
29. Refrigeration units on delivery vehicles to be switched off
30. Loading/unloading in designated areas only
31. Rubber shroud around delivery bay – as agreed under 13/00976/D
32. No cages to be used on site

*Archaeology and ground contamination*

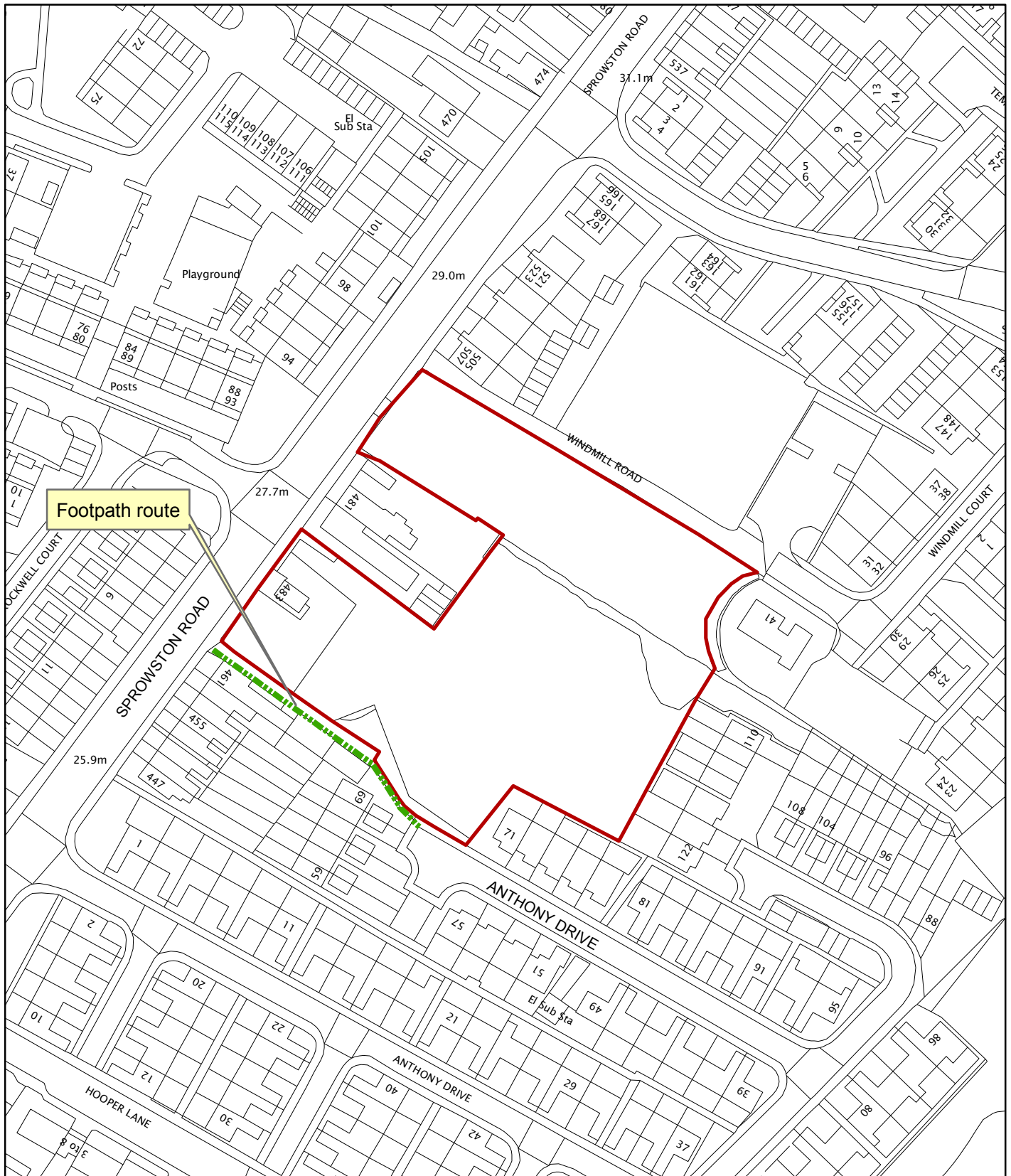
33. Archaeology – stop work if any artefacts found
34.
  - a. Retail - watching brief for land contamination – as agreed under 13/00976/D
  - b. Residential – watching brief for land contamination
35.
  - a. Retail - remediation strategy for ground contamination as agreed under 13/00976/D
  - b. Residential – remediation strategy for ground contamination to be agreed
36. Unidentified contamination found on site
37. Agreement of any imported topsoil

*Other conditions*

38. Goods sold limited to 198sq.m. of floorspace for non-convenience goods
39. Travel information plan – as agreed under 13/00976/D
40. 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.)



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Planning Application No 13/01609/VC  
463-503 Sprowston Road

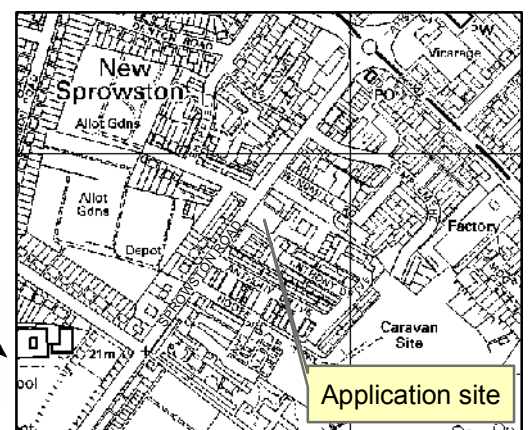
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Scale 1:1,250

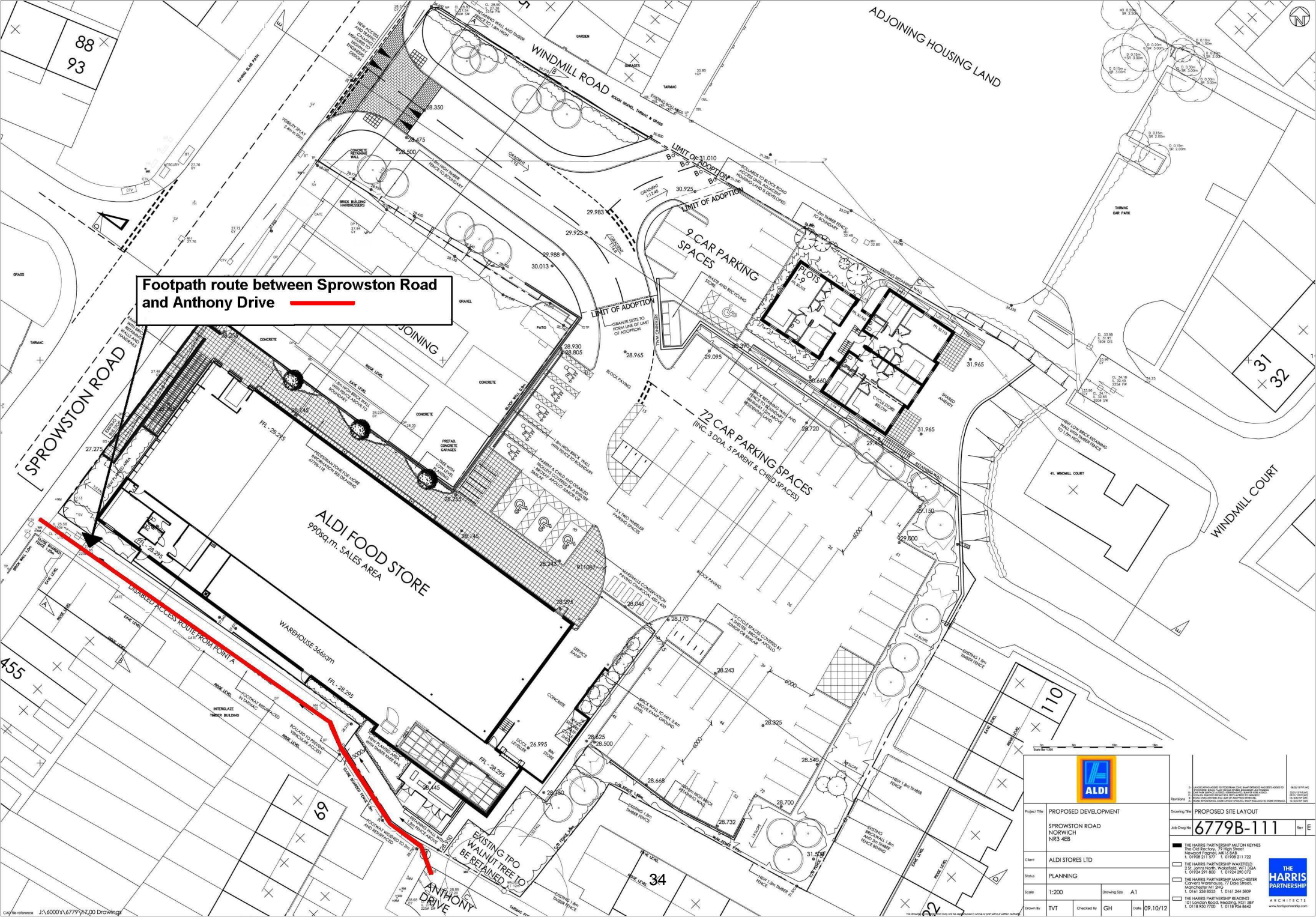


**NORWICH**  
City Council

PLANNING SERVICES



Footpath route between Sprowston Road and Anthony Drive





**ALDI**

Project Title	PROPOSED DEVELOPMENT SPROWSTON ROAD NORWICH NG5 4EB
Client	ALDI STORES LTD
Status	PLANNING
Scale	1:200
Drawn By	TVT
Checked By	GH
Date	09.10/12

Revisions

Job/Dwg No. **6779B-111**

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**THE HARRIS PARTNERSHIP**  
ARCHITECTS

**Report to** Planning applications committee  
**Date** 5 December 2013  
**Report of** Head of planning services  
**Subject** 13/01681/F 476 Sprowston Road Norwich NR3 4DY

**Item**  
**5(3)**

## SUMMARY

<b>Description:</b>	Change of use from shop (Class A1) to café / takeaway (Class A3 and A5).
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Catton Grove
<b>Contact Officer:</b>	Mr John Dougan Planner 01603 212504
<b>Valid Date:</b>	12 October 2013
<b>Applicant:</b>	Mrs Maithily Balasingham
<b>Agent:</b>	Mr Mark Ashurst

## INTRODUCTION

### The Site

#### Location and Context

1. The wider area is residential with this part of Sprowston Road being in close proximity to the roundabout which links with the outer ring road. The local retail centre has a range of retail, commercial and other uses including a pub (The Brickmakers), bank, takeaways, retail shops and vacant hairdressers on either side of the road. The area does have restricted parking on each side of the road.
2. The site in question is on the west side of Sprowston Road within the main concentration of commercial activity, with there also being a newsagents and vacant hairdressers on the opposite side of the road. There is a residential property on the first floor above the shop, with an access way to the south elevation of the building.
3. The current boundary of the local retail centre comprises 12 units, 6 of which (50%) are classed as being A1, meaning that there is currently a deficit of 10% retail with the retail presence threshold (60%).
4. The existing unit comprises the shop floor area at ground floor level and a staff kitchenette and WC.
5. The applicant states that the vacant shop is currently being used by the applicant who runs the convenience shop at 484 Sprowston Road for the purposes of storage. They also state that use of the premises as a shop ended in July 2012.

## Planning History

**12/01500/F** - Installation of external roller shutters on windows and associated advertising unit. (APPR - 29/11/2012)

**04/00599/F** - Sub- division of existing shop into two units. (APPR - 02/08/2004)

**4/2003/0348** - Change of use to hot food takeaway.  
(APPR - 06/06/2003)

**4/1990/0271** - Erection of single storey extension at rear of shop. (APCON - 15/06/1990)

**4/1997/0936** - Erection of two storey extensions at side and rear and single storey extension at rear. (REF - 26/02/1998)

**4/1998/0369** - Erection of two storey extension at side and rear and single storey extension at rear. (APCON - 06/07/1998)

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

6. A change of use of the site from A1 to A3 / A5. The unit would comprise of a server area to the rear with the majority of its floor space being devoted to the sit down café element.
7. There will be no external alterations except the addition of an extractor discharging to a location close to the refuge area. No detailed specification of the extractor and associated ducting has been submitted.
8. The application site includes the access way to the south elevation. The applicant has confirmed that the access way is available for the purposes of refuse storage bin storage or is solely for the use of the flat above.
9. No specific hours of operation are proposed.
10. The applicant has filled in certificate b of the application form, informing everyone who has freehold/leasehold interest in the land. The applicant was made aware of the importance to notify all parties with a freehold or leasehold interest in the land within the application red line.

## Representations Received

11. Adjacent and neighbouring properties have been notified in writing. 10 letters of representation have been received citing the issues as summarised in the table below.
12. This type of planning application does not require the erection of a site notice
- 13.

Issues Raised	Response
Increased competition will have an adverse financial impact on other uses	See paragraph 17
There will be too many cafes and	See paragraphs 16-30

takeaways in the area	
Adverse impact on residential amenity (noise, smell and litter)	See paragraphs 31-42
The use would lead to increased crime on the area	See paragraph 43
The extractor fan will have an adverse impact on the amenity of my flat	See paragraphs 39-42
Adverse impact on highway safety and parking	See paragraphs 44-48
The proposed bin storage area is located on the access area which is solely reserved for the first floor flat.	See paragraphs 35-38
Not all owners have been correctly notified.	See paragraph 10
No planning site notice has been erected.	See paragraph 12
Will the alcohol license granted mean that the premises will be able to sell alcohol	Alcohol licensing and conditions are matters outside the scope of the planning process.

## Consultation Responses

14. Local highway authority – no objection

15. Environmental protection – Details of mechanical extraction required including a maintenance schedule. Recommended opening hours 0900-2300 (Mon-Fri) and 0900 – midnight (Fri-Sun). Recommend restrictions on delivery times.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

- Statement 1 - Building a strong and effective economy

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

- Policy 5 – The economy
- Policy 19 – The hierarchy of centres

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

- SHO15 – Changes of use within district or local centres
- EMP1 – Small scale business development
- EP22 – Residential amenity

- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards
- TRA8 – Servicing standards

#### **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
- DM21 – Protecting and supporting district and local centres
- DM24 – Managing the impacts of hot food takeaways
- 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. 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.

#### **Principle of Development**

16. 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 use on the site has been vacant for at least a year and that another retail unit in the centre is vacant. 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.
17. A number of representations have expressed concern that the proposal would result in more competition and distress to other businesses, having an adverse financial impact on the viability of existing operators. However the NPPF encourages competition and consumer choice. The relationships between the applicant and surrounding residents are not material planning considerations.
18. 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.

19. The council's retail shop monitor indicates that the retail presence in the local centre currently stands at 50% with the current proposal reducing this retail (A1) presence further to 42%. Such a reduction is considered to be significant, further eroding the retail presence within the centre, reducing the range of goods and services available in order to provide for peoples day to day needs.
20. Emerging policy DM21 does reduce this threshold to 50%. However, an outstanding objection to DM21 and Cabinet's decision to accept a significant redraft of the policy as a basis for discussion at examination, DM21 as submitted can only be given limited weight at present.
21. 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 threshold or the change to the retail boundary which adjusts the boundary of the centre to include the five units within the Shipfield shopping centre, two of which fall within the A1 use class. If one uses the expanded centre (17 units) as the basis for calculating the A1 presence under DM21, the proposal would result in an A1 presence of 41% - a deficit of only 9% under the emerging policy threshold of 50%.
22. In addition, to the above, the recently opened Aldi (13/00208/F), could change the dynamics of the nearby local centre by increasing the amount of footfall/passing trade, helping the vitality of existing shops and encouraging vacant A1 premises to reopen for that purpose. The new store now operated by Aldi was an objective of emerging site allocation policy R21 to expand the local centre. Its completion may also mean that further adjustments to the boundary of the centre, by including the Aldi site and the three adjoining units (two of which are A1) this would have the effect of increasing the A1 retail presence in the centre, resulting in 10 retail units out of a total of 21 (48%).
23. Another key factor is whether or not it would harm vitality, viability, diversity of services and retail function, taking into account the impending expansion and reinforcement of the Sprowston Road centre through new retail development.
24. It is acknowledged that the principle of the unit being used as a takeaway was granted planning permission in 2003. The assessment of the current application is based on the current use profile evident in the local centre. Vitality and viability is not solely related to filling vacant premises, in that the type of use within each premise has a contribution to play on how the local centre functions.
25. Whilst a takeaway use could provide a service appropriate to the centre's position in the hierarchy, such a use cannot be considered to be under represented as there are already 2 takeaway (A5) establishments and a sit down pub within the retail centre. Within the expanded retail centre proposed under the emerging proposals map, the centre would also include a Chinese takeaway located within the Shipfield shopping centre.

26. The proposal also contains a sit down café element (A3). It could therefore be argued that the proposal would provide an additional service to the community, not currently represented in the centre. Takeaways are often closed during the day only opening during peak times of the day such as lunchtime or in the evenings. However, having the café element will mean that the premises are likely to be open throughout the day, helping deliver vitality to the centre during the day.
27. There would appear to be no other units available in or adjacent to the centre in which the use could be accommodated.
28. The reduction in the retail presence is regrettable. However, the acceptability of the principle of such a change of use is finely balanced, especially in light of the imminent changes to the emerging changes to policy relating to changes of use in local centres as well the changing retail environment presented by the implementation of the Aldi supermarket.
29. Whilst the emerging policy can only be given limited weight, more weight can be given to the reduced retail threshold and expansion of the boundary elements. Such a consideration demonstrates the changing range and mix of goods and services available to the local community. The fact that Aldi development is under construction only reinforces the fact that the retail profile in the area will be in better health compared with the existing boundary of the centre.
30. Weighing up all the above factors, the loss of the A1 unit and replacing it as A3/A5 unit is not considered to significantly harm the vitality, viability, diversity of services and retail function of the centre. The principle of the change of use is considered to be acceptable subject to it not have a significant adverse impact on the amenity of the first floor flat / surrounding area and highway safety.

### **Impact on living conditions (including environmental effects)**

31. Key receptors include the occupants of the first floor flat. Weight should also be given to emerging policy DM2 which also considers the impact of a development on the occupants of other uses such as the nearby businesses.
32. Emerging policy DM24 should also be given significant weight and states that hot food takeaways will be permitted where they would not give rise to unacceptable environmental effects which could not be overcome by the imposition of conditions.

### **Overlooking and privacy**

33. No new windows are proposed so no additional overlooking to surrounding residential or other uses will result.
34. It is noted that the proposed external refuge area is in close proximity to an area also used to access the first floor flat. Given that the development is small scale, no significant conflict between the refuge area and access to the flat is expected.

### **Waste management**

35. Like the surrounding uses, the existing use would have generated a certain level of waste, requiring them to be adequately stored and collected ensuring that the site does not attract pests. The applicant has proposed such facilities to the side of the

premises which are not considered to result in an obstruction which would significantly hamper the occupant of the first floor flat. The owner of the flat above has stated that this area is used to access their flat. The applicant was made aware of this and confirmed that the access way is available for the purposes of refuse storage bin storage.

36. It is acknowledged that concern has been raised about public litter bins being full and litter strewn along the ground having an adverse impact on the appearance of the area.

37. Any littering or improper bin storage created by the use or surrounding properties would normally be subject to other environmental health legislation. Emerging policy DM24 recognises that takeaways can present problems of increased litter and that suitable storage and management arrangements are in place. The bin storage facilities to the side of the premises are deemed to be sufficient to deal with operational waste. However, a condition requiring further details of how the bins are stored and the management of any waste within the access area or to the public footpath will help control this potential problem.

38. Therefore, there are no reasonable grounds to suggest that such a change of use would result in significant additional levels of litter or inconvenience above what is already possible at the moment.

### **Noise and Disturbance**

39. There is a residential flat above the existing premises which would already receive a certain level of noise and smells from the existing retail use, nearby takeaways and noise emitted from the main arterial route into the city.

40. Any noise emitted from the new use is not considered to be a significant deviation over what could theoretically be omitted by the existing use. However, the lack of detailing about the ducting and ventilation system to deal with food cooking processes could mean that the flat above could be adversely impacted by noise vibration and smells. Whilst, the lack of information is a concern, due to the small scale nature of the development, such impacts could be addressed via condition.

41. No specific opening hours have been proposed so nearby residents could be adversely impacted by excessive night time noise. However, such impacts are considered controllable by the imposition of specific operating hours as recommended by the Council's Environmental protection team. These hours are considered to be reasonable as they broadly reflect openings times of other units in the centre.

42. The Environmental protection team have also recommended no trade deliveries of collections including trade waste shall take place between the hours of 1900 and 0700 Monday to Saturday and that there shall be no trade deliveries or collections including trade waste on Sundays or bank or public holidays. Such a condition is deemed to be necessary to ensure that the amenity of the first floor flat and surrounding uses is safeguarded.

### **Public safety**

43. Concern was raised that the approval of such a use would increase crime in the area due to the thieves being attracted to money and expensive equipment within the premises. Such a concern is considered rather unreasonable, especially as the existing use would already have had similar items within the premises.

### **Highway safety and parking**

44. Relevant policies including emerging policy DM24 require that proposals such as takeaways have safe and convenient access and would not have a detrimental impact to highway safety. Policy DM24 also states that hot food takeaways need to be located appropriately so that the potential impact of car borne customers stopping to use the outlet, or customers congregating outside can be properly managed.
45. The existing site is located in a local retail centre which is considered to be accessible by sustainable modes of transport which reduces the need for using the car. It is located in a residential area meaning many customers could access it by foot, cycling or by bus.
46. A number of representations have expressed concern that the development would have insufficient parking and have an adverse impact on highway safety. There may well be lack of parking, in the near area but this cannot be reasonably considered to be attributable to a single business.
47. The type of use proposed will result in car borne trade. However, the development is quite small scale, occupying the same footprint of the existing retail premises. Therefore it would not result in significantly different levels over what the current use of the site would generate. The development would therefore not have a significant additional impact on highway safety or parking in the area.
48. The local highway authority has also raised no objections to the proposal.

### **Local Finance Considerations**

49. As the proposal is solely for a change of use it would not be liable for CIL payments.

### **Equality and Diversity Issues**

50. None

### **Conclusions**

51. The acceptability of the principle of such a change of use is finely balanced.
52. On initial examination of the resulting retail profile of the centre, such a reduction in retail presence could have a significant adverse impact on the centres ability to offer a range and mix of goods and services. The A5 component of the proposal is also not considered to be under represented within the centre. Although, the A3 part of the proposal would deliver a use not currently represented within the centre and could also contribute to the vitality of the centre during the day.

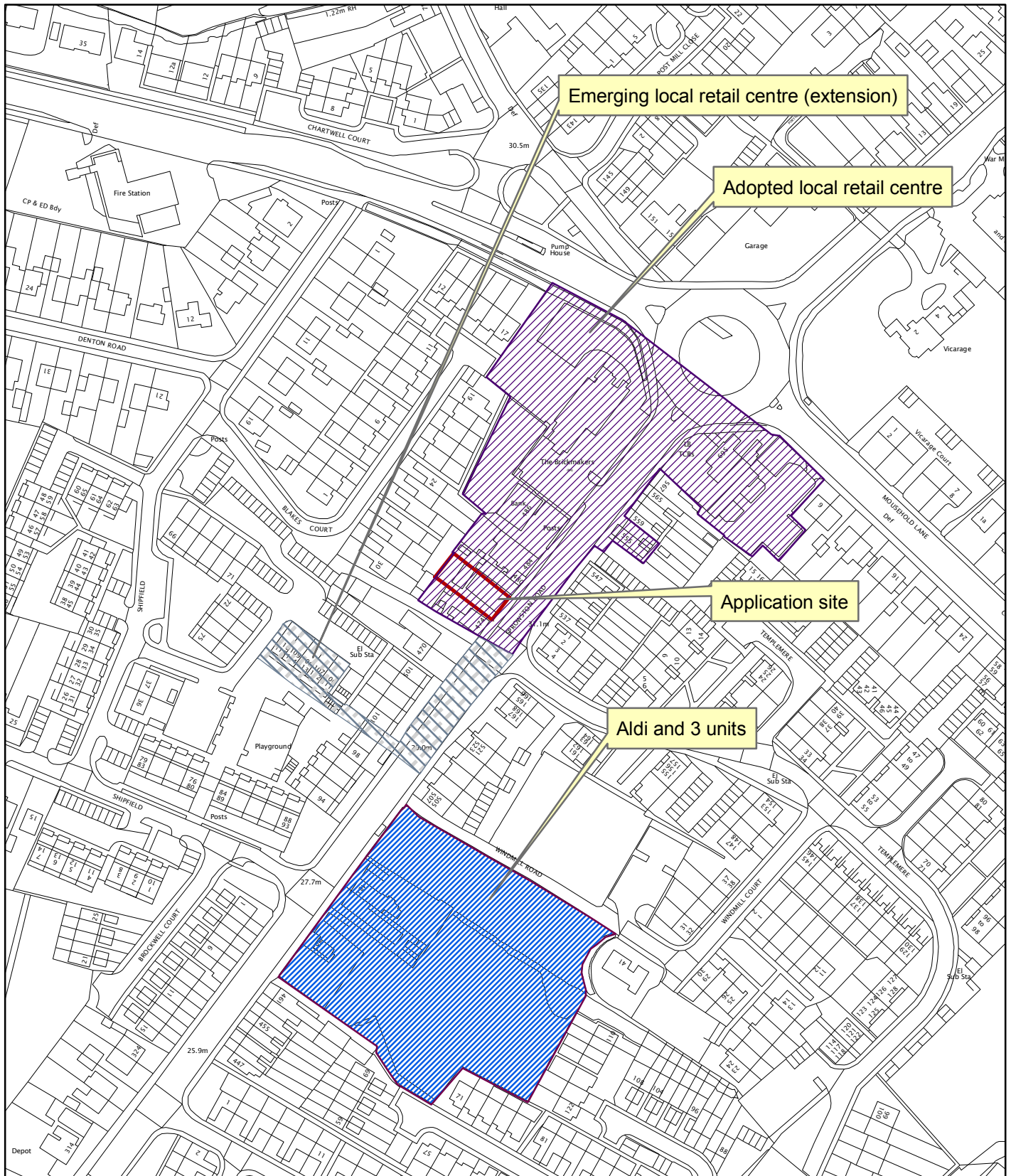
53. Objections to emerging policy DM21 means that limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are objections, the less significant the unresolved objections, the greater the weight that may be given, in this case the specific elements of the policy relating to retail thresholds and the boundary of the centre are not subject to objection. These factors demonstrate the changing range and mix of goods and services available to the local community. The fact that the Aldi development is under construction only reinforces the fact that the retail profile in the area will be in better health compared with the existing centre.
54. In the context of the existing environment and use of the site, the amenity of nearby residential properties and surrounding uses will not be significantly adversely impacted. Matters relating to opening hours, hours of delivery, bin storage, litter management and details of mechanical extraction can be secured by condition.
55. The existing site is located in a local retail centre which is considered to be accessible by sustainable modes of transport which reduces the need for using the car. No significant additional impact on highway safety is expected.
56. The development is quite small scale and would not result in significantly different levels over what the current use of the site would generate. The development would therefore not have a significant detrimental impact on highway safety or parking in the area.
57. Weighing up the above factors, the loss of the A1 unit and replacing it as A3/A5 unit is not considered to significantly harm the vitality, viability, diversity of services and retail function of the centre.

## **RECOMMENDATIONS**

To approve Application No 13/01681/F at 476 Sprowston and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with the approved plans
3. The premises shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 09:00 hrs and 23:00 hrs [Monday to Thursday] and 09:00 hrs and Midnight [Friday 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.



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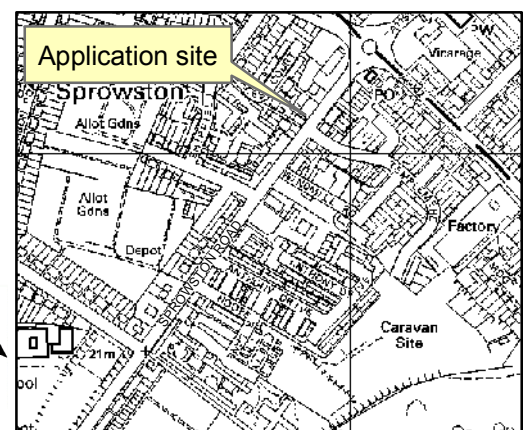
Planning Application No 13/01681/F  
Site Address 476 Sprowston Road

Scale 1:2,000



**NORWICH**  
City Council

PLANNING SERVICES



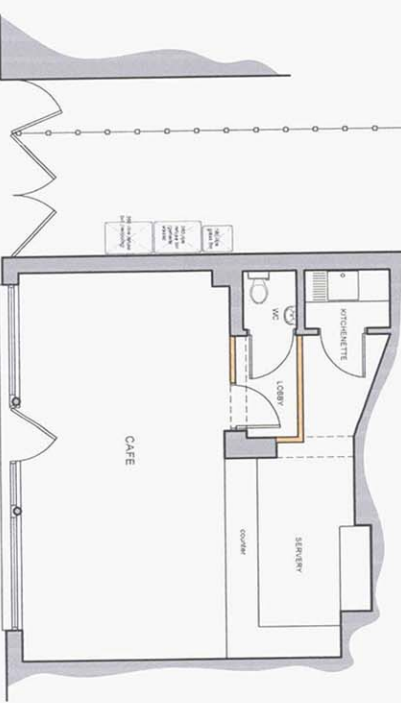
Norwich City Council  
11 OCT 2013  
Planning Services

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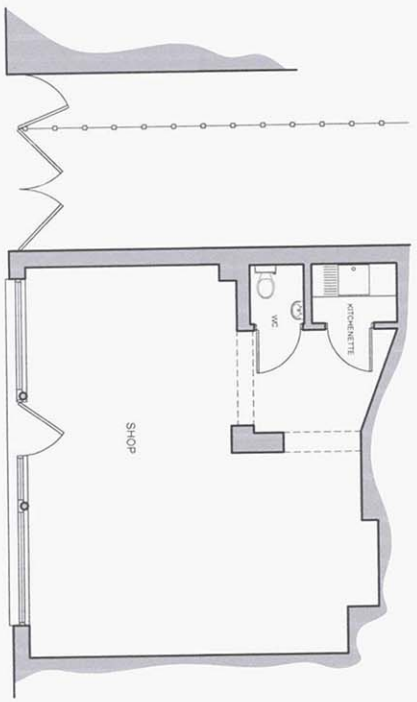


Site Location Plan 1:1250

Proposed Ground Floor Plan 1:100



Existing Ground Floor Plan 1:100



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Client  
Mrs M Balasingam

Change of use at  
476 Sproston Road  
Norwich

Floor plans and location plan

Scale  
1:100/1250@A1  
Date  
Oct 2013

Drawn By  
mja

Checked By  
Date  
Drawing No.  
Job No.

**Report to** Planning applications committee  
**Date** 5 December 2013  
**Report of** Head of planning services  
**Subject** 13/01732/F 57 Ipswich Road Norwich NR4 6LA

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

## SUMMARY

<b>Description:</b>	Replacement of roof and creation of 1 No. new dwelling at second floor within the roof space.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Lakenham
<b>Contact Officer:</b>	Mr John Dougan Planner 01603 212504
<b>Valid Date:</b>	24 October 2013
<b>Applicant:</b>	Lant Management Limited
<b>Agent:</b>	Robin Gibbs Architecture

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on Ipswich Road in the ward of Lakenham to the south of the city. The site is at the junction of Ipswich Road and Tuckswood Lane, and is also located to the south of the junction of Ipswich Road with Lakenham Road and Daniels Road that forms part of the Outer Ring Road in Norwich.
2. The area is characterised predominantly by residential development, but there are commercial uses along Ipswich Road including a public house and petrol station to the south of the site. There are residential properties immediately to the north and east of the application site. The site is bordered by Ipswich Road to the west and Tuckswood Lane to the south.
3. The existing building on site is a two-storey detached building that is rendered a cream colour, with slate roof tiles and Upvc windows. There is a single storey extension to the building to the south east and a conservatory on the east elevation. The remainder of the site is landscaped or used for parking, with a more private amenity area to the rear of the property.
4. The existing residential flat within the building is at first floor on the north side of the building. The remainder of the first and ground floor are used in conjunction with the massage and day spa use.
5. The site is not within a conservation area nor is the building locally listed. There are a number of mature trees within the curtilage of the building.
6. At the time of the case officer's site visit, it was evident that there were construction activities possibly related to the implementation of recent approval

13/00625/VC for the change of use from therapeutic massage centre (Class D1) and single flat (Class C3) to five residential flats (Class C3) with associated external alterations. The applicant has been made aware that a separate application would be required to discharge all appropriate conditions before implementing this permission.

7. Representations have also raised alleged enforcement issues relating to the former consent 13/00625/VC. These are subject to separate investigation by the planning enforcement team.

## **Planning History**

13/00625/VC - Variation of Condition 2: Approved forms, plans and drawings of previous permission 12/00666/F 'Change of use from therapeutic massage centre (Class D1) and single flat (Class C3) to five residential flats (Class C3) with associated external alterations.' (Revised plans). (APPR - 31/05/2013)

12/00666/F - Change of use from therapeutic massage centre (Class D1) and single flat (Class C3) to five residential flats (Class C3) with associated external alterations. (APPR - 01/06/2012)

08/00226/F - Erection of a 1.5m high fence at boundary of Ipswich Road and Tuckwood Lane to replace existing wall. Refused 10 June 2008.

07/00585/F - Erection of a single-storey extension and conversion of garage to treatment room. Approved 31 July 2007.

07/00222/F - Construction of two single-storey extensions and associated alterations to therapeutic massage centre on ground floor of building. Refused 13 April 2007.

07/00221/F - Change of Use of part of first floor from residential to therapeutic massage centre. Construction of two single-storey extensions and associated alterations. Refused 13 April 2007.

06/00617/U - Change of use from dwelling and single practitioner dental surgery to part residential and part therapeutic massage centre. Approved 29 August 2006.

06/00093/U - Change of use from dwelling and single practitioner dental surgery to three dental consulting rooms on ground floor and flat above. Approved 30 March 2006.

## **Equality and Diversity Issues**

There are no significant equality or diversity issues. However it should be noted that the proposal is for a second floor flat. The development would be subject to building regulations compliance. No lift access is provided, however in the context of the conversion such provision would not be considered reasonable.

## **The Proposal**

8. To increase the height of the roof from 1.9 metres to 3.3 metres using pan-tiles to match the existing including an increase in height of the existing chimney.

9. The new roof space will accommodate an additional 2 bedroom flat. It will include a balcony area with a 1.8 metre high obscured glazed screen to protect the privacy of both the occupants and the adjoining properties.
10. The flat will have access to the 10 car parking spaces approved under permission 13/00625/VC. It is noted that the applicant has removed the 5 cycle stands approved under the previous permission.
11. The flat would have access to a private amenity space on the balcony area.

## Representations Received

12. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below.
- 13.

Issues Raised	Response
An additional flat is excessive	See paragraphs 15-20
Increasing the number of flats will bring more footfall and noise	See paragraphs 15-20 and 30-33
Overlooking from the balcony to my rear garden and property, resulting in loss of privacy	See paragraphs 22-27
The proposed screen will not be effective as it will be removed or broken.	See paragraph 27
Increased traffic and congestion	See paragraphs 39-43
Impact on parking availability	See paragraphs 39-43
You will be aware that there is an application for a flat to be built in the roof space of my premises. The proposal will overlook that area making it less attractive to tenants.	See paragraphs 22-27

## Consultation Responses

14. Transportation – no objection on transportation grounds. This property is not located within a controlled parking zone. Parking provision on site is adequate for the existing and proposed uses, on street parking is permissible. However there does not appear to be any provision for cycle parking for existing or proposed residential use. As there are 6 residential units it is advisable that a minimum of 3 stands for use by 6 bikes are provided. Refuse collection uses extant provision. The capacity of the bins should be reviewed and improved if required; the applicant should assess this and make adequate provision accordingly.

# 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 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

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

NE8 – management of features of wildlife importance and biodiversity  
NE9 – Comprehensive landscaping scheme and tree planting  
HBE12 – High quality of design  
EP16 – Water resource conservation  
EP17 – Water quality, treatment of runoff from car parks  
EP22 – Protection of residential amenity  
HOU13 – Criteria for other housing sites  
HOU18 – Criteria for conversion of multi-occupied dwellings  
TRA6 – Parking standards  
TRA7 – Cycle parking provision  
TRA8 – Provision in development for servicing

**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  
DM7 – Trees and development  
DM12 – Ensuring well planned housing development  
DM24 – Managing the impacts of hot food takeaways  
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. 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.

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. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA 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".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

## **Principle of Development**

### **Policy Considerations**

15. The principle of the five flats on the ground and first floors including parking for 10 cars, 5 cycles and amenity area has already been established in planning permission 13/00625/VC subject to the discharge of various conditions including approval of materials, adherence to level 4 code for sustainable homes, car parking, vehicle turning, cycle storage, servicing, landscaping and removal of the storage building.
16. The area is predominantly residential in character, although as noted above there are some commercial uses in the area.
17. The proposed housing would be on previously developed land in an existing residential area that has fairly good public transport connections to the city centre and local shops.
18. Policy HOU18 of the local plan requires consideration to be given to the character of the area and the residential density resulting from the flats. There are a number of other houses either detached or semi-detached set in fairly spacious plots. Therefore the intensification of residential units on this plot is not considered to lead to an adverse impact on the character of the area or the amenities of other adjacent residents.
19. Consideration also needs to be given to emerging policy DM12 which states that development proposals will be expected to maximise opportunities for the conversion and re-use of existing residential and commercial premises.
20. The principle of further housing on this site is therefore considered to be acceptable, provided the following considerations are met as outlined below.

## **Impact on Living Conditions**

21. The key receptors are the occupants of the proposed flat and the residents of the 2 residential units in the adjoining properties to the east (1 Tuckswood Lane) and to the north (55 Ipswich Road).

### **Overlooking and loss of privacy**

22. The occupants will have access to a small private external amenity area in the form of a balcony accessed from their living room kitchen area. It is acknowledged that it commands an elevated and prominent position. Although, the privacy of the users of the balcony will be protected by a 1.8 metre high obscured glazed screen.
23. The key issue is whether or not the proposed balcony area and roof lights will result in any loss of amenity of the adjoining properties.
24. The roof light serving bedroom 2 will not result in any significant loss of privacy of no.55's rear amenity area. This is due to the roof light being relatively small and being some 11 metres from the boundary with no.55.
25. There are no windows or roof lights proposed on the east elevation of the roof except for the balcony which is in very close proximity to the boundary with no.1 Tuckswood and their rear amenity area. It is also noted that planning consent has been recently given for extensions to that property (13/01528/F). High level windows were used on the first floor of the west elevation to protect the amenity of no.57 Ipswich Road.
26. Given the elevation of the balcony, there would have been much potential for overlooking to the east and north resulting in loss of privacy of the amenity areas of those properties and possibly the new high level window serving bedroom 3 of 1 Tuckswood Lane.
27. Any overlooking or loss of privacy has been addressed by the use of a 1.8 metre high screen in obscure glazing. However, given the sensitive location of the balcony, it is recommended that a condition be added to any approval requesting details of the specification of the screening, ensuring that it delivers the required privacy. It is also recommended that a further condition state that the flat cannot be occupied until the screen has been erected in accordance with the approved details and properly maintained.

### **Overshadowing and outlook**

28. The increase in height of the roof by 1.4 metres will add to the overall massing of the roof. It is therefore important to assess if this massing would lead to any significant loss of outlook or overshadowing of the adjoining properties.
29. No.55 will not be overshadowed or have any significant loss of outlook due to the large distance between the building and the boundary fence. Whilst the extended roof is in close proximity to the boundary with the no.1, it is also considered that no significant adverse impact will result. This is due to the roof being proportionate to the building and the hipped roof design and balcony having the effect of breaking up the massing when viewed from the east. The orientation of the building also means that very little additional overshadowing will be cast onto no.1.

## **Noise**

30. The previously approved application (13/00625/VC) for the 4 additional flats assessed the impacts on surrounding properties.
31. Other forms of disturbance to these neighbouring properties could originate from noise from residents parking cars and using amenity space. The previous use must be considered however. The former therapeutic massage centre involved a certain number of cars accessing the site each day as people visit for appointments. Also the rear amenity space is set out for use by visitors to the centre which would result in a certain amount of noise. Therefore it is not considered there would be a loss of amenity through noise in disturbance when compared with the former use.
32. It is acknowledged that the balcony area is a new location with the potential for the occupants and their visitors to congregate there during the day and the evening. This would be in relatively close proximity to the first floor (bedroom 3) in the recently approved flat at 1 Tuckswood Lane (13/01528/F) possibly causing some disturbance.
33. Whilst there is potential for some noise impact, the intensity is not considered to be significant due to the fact that the bedroom window is offset to the left of the balcony and being some 7 metres away. It should also be noted that the privacy screen will deliver a degree of noise attenuation. It is anticipated that the balcony area will not result in significant levels of noise disturbance to the adjoining property.

## **Amenity space**

34. The amenity of future residents needs to take account of private outdoor amenity space, space to store cycles, park cars and store refuse. Provision has been made for all of these, although final details need to be agreed to ensure these are all to an acceptable level, location and standard. Notwithstanding the details submitted on the plans with the application a condition is therefore recommended to agree these. The bin storage will need to be located closer to the highway, but an existing gravelled area can be used adjacent to the main entrance in any case.
35. A small amount of private amenity space is provided on the balcony area. Given the smaller size of the flats the demand for outdoor amenity space is likely to be less, such provision is deemed acceptable. A condition is recommended however to require landscaping of the outside areas to ensure amenity space is appropriately provided and materials used for this are to an appropriate standard to create a suitable outdoor amenity area.

## **Design**

36. The key issues are whether or not the proposal respects the appearance of the building, is sympathetic to the visual amenities of the street scene and the site/flat is of an appropriate layout.
37. A 1.4 metre increase in height of the roof is considered to be a scale proportionate to the two-storey profile of the original building. Whilst the 1.8 metre high screen is slightly at odds with the roofscape and partially visible from Tuckswood Lane, the impact on the appearance of the building is not considered significant.

38. The building commands a corner plot location but the prominence of the existing building in the streetscape of both Ipswich Road and Tuckswood Lane is varied due to sections of dense hedging and trees to the boundary. The increase in height of the roof and balcony will be visible, but its impact mitigated by the sections of existing landscaping around the property. It is also not considered to be at odds with nearby properties, due to the varied styles and heights of dwellings and other buildings evident in the area.

## **Highways, access and servicing**

39. The addition of another flat will not have a significant adverse impact on highway safety or result in lack of parking around the site. It is important to note that parking standards are maximum standards i.e. a maximum of 1 space devoted to each 1-2 bed unit. Having 10 spaces coupled with it having fairly good public transport connections to the city centre and local shops means that residents and visitors have other alternatives to the car.
40. It should also be noted that the local highway authority has confirmed that the property is not located within a controlled parking zone and that on street parking is also allowed. They have also confirmed that parking provision on site is adequate for the existing and proposed uses.
41. The proposed site plan have omitted 5 no. covered secure cycle parking shown on the approved site plan for the additional 4 flats (13/00625/VC). Cycle parking is important as it will encourage more sustainable modes of transport by both the residents and visitors.
42. Refuse collection uses extant provision. The capacity of the bins should be reviewed and improved if required; the applicant should assess this and make adequate provision accordingly.
43. All of the above matters are acceptable in principle subject to details being secured by condition.

## **Water conservation**

44. All new residential development is required to meet Code for Sustainable Homes Level 4 for water efficiency. A condition is therefore recommended to meet this requirement.
45. The surfacing for parking areas should be porous to reduce surface water runoff from the site. A condition is therefore recommended to this effect.

## **Trees and Landscaping**

46. The original approval for the additional 4 flats concluded that there are a number of mature trees and hedges on site that form important landscape features and provide natural screening. There would not be any development adjacent to any of these trees however and the proposed development does not require the removal of any vegetation. The proposed bin store is adjacent to a mature tree on Tuckswood Lane. There is an existing hard standing adjacent to this tree however and so no further hard surfacing would be required for bin storage.

## **Affordable housing**

47. The proposal would result in one additional unit resulting in a total of 6 units within the site, 4 of which having being originally approved under permission 12/00666/F.
48. Normally a proportion of affordable housing would be sought on sites for 5-9 dwellings so it is important to determine if piecemeal development has occurred in an attempt to not having to devote a proportion of the site to affordable housing or a commuted sum.
49. The addition of one more flat to the above conversion would lead to a total increase of 5 flats on the site which would have made the scheme liable for affordable housing were this submitted as one application. However, as the fifth flat is being put forward at a later date under a later application an opinion needs to be formed as to whether the site should be treated as a whole and the earlier application (12/00666/F) be taken into account for affordable housing provision.
50. Looking through similar cases that have been determined at appeal, planning inspectors have ruled on the basis of the benefits resulting from a site being treated as a whole. If the benefits were significant then a site should be treated as a whole. In this instance the development would yield one affordable dwelling, although given the nature of the site it is unlikely that a Registered Provider for affordable housing would want to take on the management of one flat in an existing converted building.
51. However, affordable housing should only be sought on piecemeal development if it was considered that affordable housing was deliberately being avoided. In this instance as the building project progressed and the building refurbished it became evident that an additional flat would be possible in the roof space.
52. In this instance, given the scale and nature of the project, and small extent of benefit arising from applying affordable housing to the whole site, it is not considered reasonable or productive to require affordable housing or a contribution as a result of this application. Indeed doing so would likely render the additional unit unviable and reduce the availability of market housing for which there is a significant need.

## **Local finance considerations**

53. 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.
54. The proposal will be liable for Community Infrastructure Levy payments.

## **Conclusions**

55. The principle of adding an additional flat to those approved in previous permission 13/00625/VC is acceptable in the context of the previous use of the site and its capacity to accommodate the additional traffic and parking. It is considered to be a logical opportunity to maximise the use of the land without having a significant

impact on the character of the area.

56. It has been concluded that affordable housing contributions are not necessary on this occasion.
57. In the context of the former use of the site and the capacity of the site, the addition of another flat will not have a significant impact on the amenities of nearby properties. Any overlooking from the balcony to sensitive areas in the adjoining is solved by the installation of the 1.8 metre high obscure glazed screen. Exact details of specification of the secure glazing can be secured by condition. No significant additional noise disturbance is expected. The proposal also provides sufficient levels of amenity for the new occupants.
58. The scale, design and layout of the proposal are considered to be sympathetic to the appearance of the original building and the visual amenities of the street scene.
59. The internal and external layout is also considered to be adequate for the purposes of providing an appropriate living space for the new residents.
60. The development is of a scale and layout which provides appropriate access and parking which will not have an adverse impact on highway safety or parking in the nearby area. Further details relating to parking layout, cycle storage, circulation areas and servicing areas can be secured by condition.
61. Further details on landscaping, surfacing materials, lighting, water conservation measures can also be secured by condition.

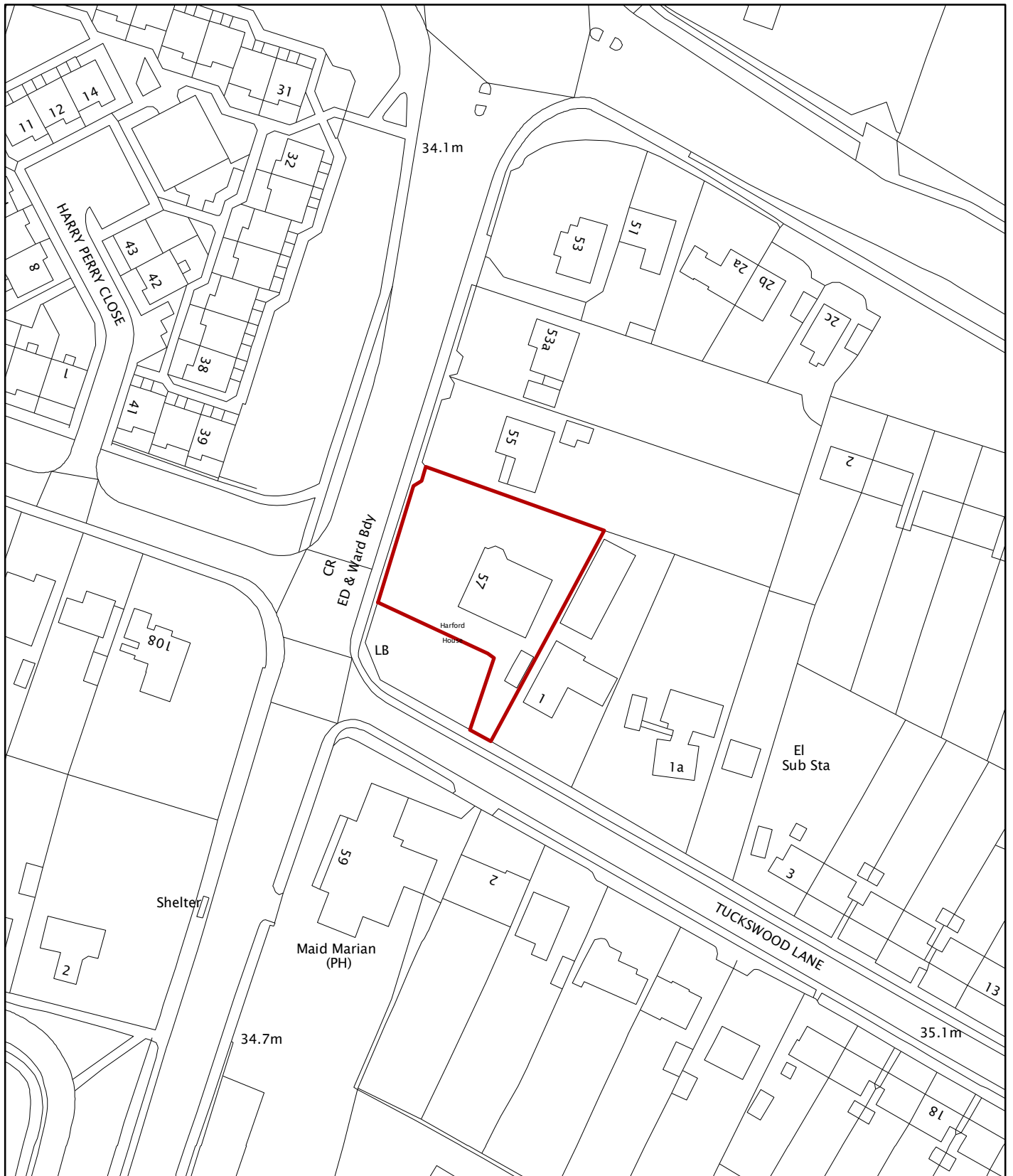
### **RECOMMENDATION**

To approve application no. 13/01732/F 57 Ipswich Road 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.



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Planning Application No 13/01732/F  
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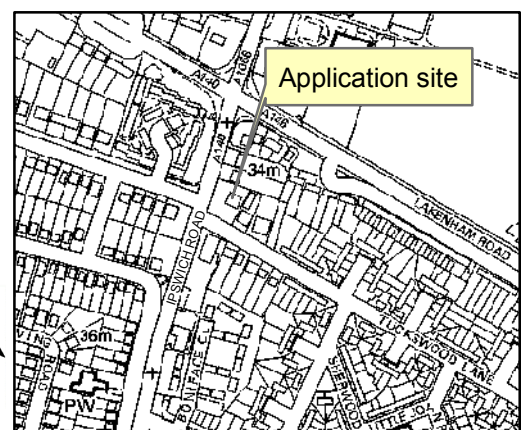
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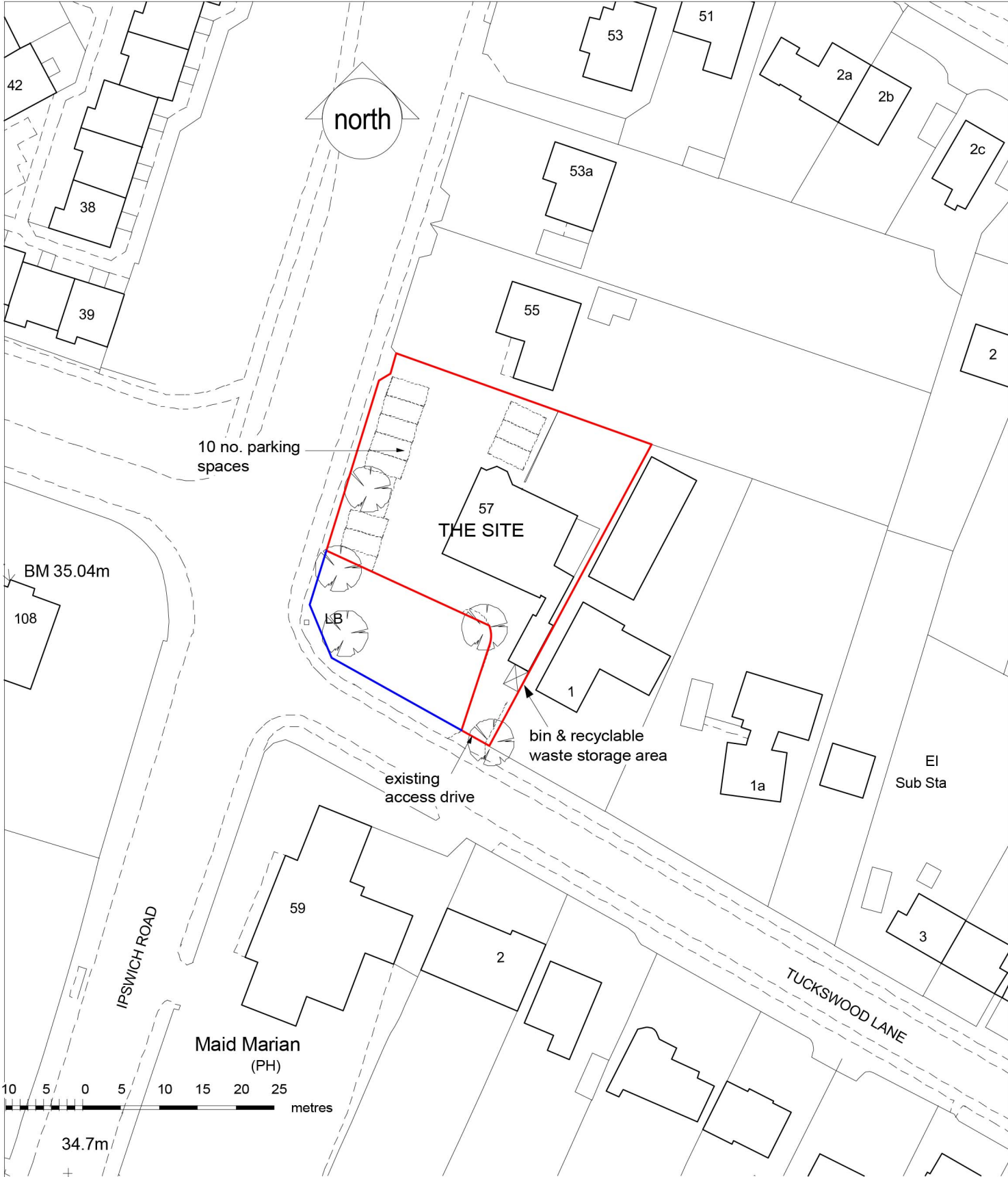


**NORWICH**  
City Council

PLANNING SERVICES

57





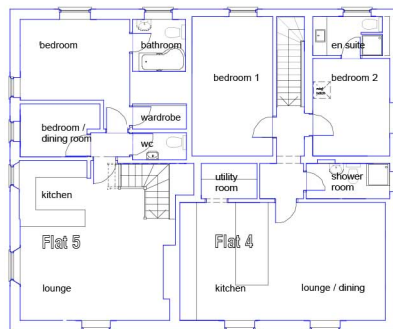
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**GBM**  
architecture

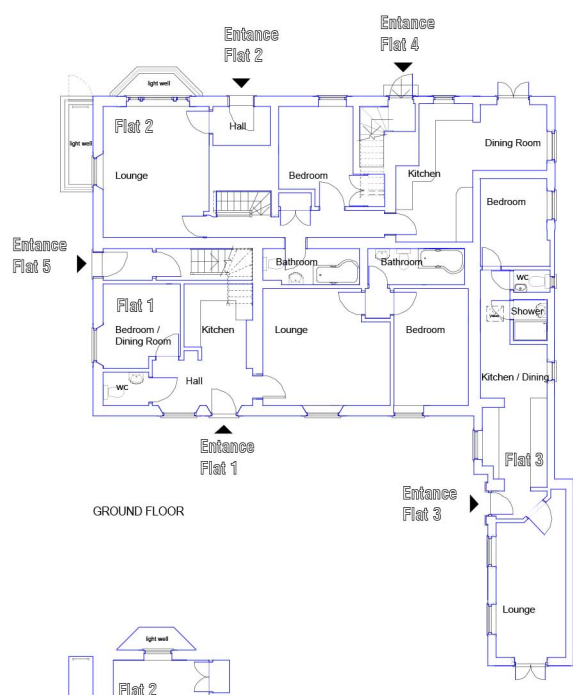


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client LANT MANAGEMENT LTD.				
job HARFORD HOUSE TUCKSWOOD LANE, NORWICH				
title LOCATION + BLOCK PLAN				
scale 1:500	job no. 1109	drg. no. (--)	01	rev. A
date Mar. 2012				



FIRST FLOOR



GROUND FLOOR



BASEMENT  
[Flat 2]



NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

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no. date revision

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**ROBIN GIBBS**  
Architecture

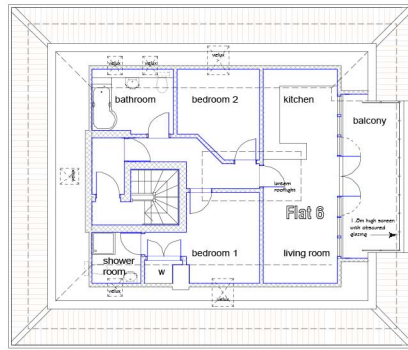
Robin Gibbs MCIAI ACIOB  
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client LANT MANAGEMENT LTD.

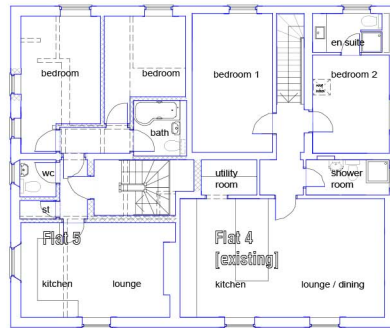
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TUCKSWOOD LANE, NORWICH

title AS EXISTING  
FLOOR PLANS & ELEVATIONS

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Oct. 2013				



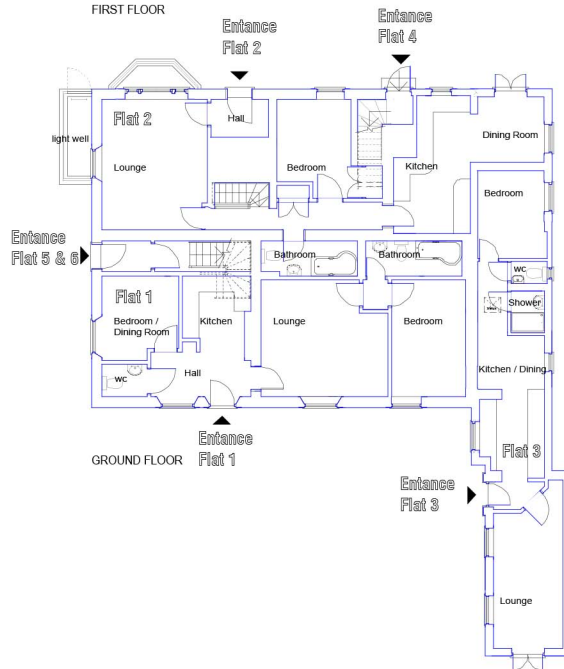
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FIRST FLOOR



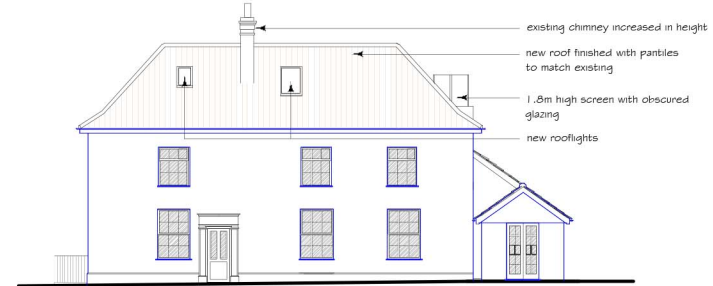
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[Flat 2]



GROUND FLOOR



NORTH ELEVATION



SOUTH ELEVATION



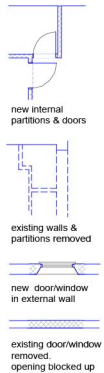
EAST ELEVATION



WEST ELEVATION

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KEY



A	1/0/1/1/3	Balcony screen amended
no.	date	revision

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client	LANT MANAGEMENT LTD.		
job	HARFORD HOUSE TUCKSWOOD LANE, NORWICH		
title	AS PROPOSED LOFT APARTMENT		
scale	1:100	job no.	1109
date	Oct. 2013	diag. no.	(-)
		date	04
		rev.	A