



## **Planning applications committee**

**Date:** Thursday, 16 April 2015

**Time:** 09:30

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

### **Committee members:**

#### **Councillors:**

Gayton (chair)  
Sands (M) (vice chair)  
Ackroyd  
Blunt  
Boswell  
Bradford  
Button  
Herries  
Grahame  
Jackson  
Neale  
Woollard

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## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declaration of interest**

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

### **3 Minutes**

**5 - 14**

To approve the accuracy of the minutes of the meeting held on 26 March 2015.

### **4 Planning applications**

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 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 9:30.
- 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 13:00 and 14:00 if there is any remaining business.

### **Summary of planning applications for consideration**

**15 - 16**

### **Standing duties**

**17 - 18**

4(A)	Applications nos 1500139MA and 1500232L - Land Rear of 39 Unthank Road Norwich	19 - 38
4(B)	Application no 1500245O - 161 Oak Street, Norwich, NR3 3AY	39 - 54
4(C)	Application no 1500305F - 117 - 127 Trinity Street Norwich NR2 2BJ	55 - 112
4(D)	Application no 1401496RM – Former Lakenham Sports and Leisure Centre, Carshalton Road, Norwich NR1 3BD	113 - 136
4(E)	Application no 1500325F - 67 The Avenues, Norwich, NR2 3QR	137 - 146
4(F)	Enforcement Case 1400068BPCENF– 1 Cathedral Street Norwich, NR1 1LU	147 - 164
5	Performance of the development management service, Quarter 4, 2014-15 (1 January to 31 March 2015)	165 - 174
	<p><b>Purpose</b> - This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 January to 31 March 2015.</p>	

Date of publication: **Wednesday, 08 April 2015**





**Planning applications committee****9:30 to 12:25****26 March 2015**

Present: Councillors Gayton (chair), Sands (M) (vice-chair), Ackroyd, Blunt, Bradford, Button, Henderson (substitute for Councillor Grahame), Herries, Jackson, Neale and Woollard

Apologies: Councillor Boswell and Grahame

**1. Declarations of interest**

Councillor Herries declared an other interest in item 3, Application no 1500225F – 1 The Moorings and item 12, Application no 1500044F - 1A Oak Street, Norwich, NR3 3AE.

**2. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 26 February 2015.

**3. Application no 1500225F - 1 The Moorings, Norwich, NR3 3AX**

(Councillor Herries had declared an other interest in this item.)

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

Two local residents addressed the committee and outlined their objections to the scheme which included concerns that the revised application did not address their concerns about the mass and size of the proposed extension and its proximity to 19 Indigo Yard.

The applicant explained the design principles of the proposal and pointed out that he had over 50 years' experience as an architect in Norwich. He had shown the trees in a "denuded state" in his drawings to display the design which could work well without the trees but would always be covered by the vegetation of the tree canopy. There was a gap between 1 The Moorings and 19 Indigo Yard and the two terraces were not aligned. He considered that Indigo Yard was already overlooked.

The planner referred to the supplementary report of updates to reports, which was circulated at the meeting, and advised members that it contained summaries of two further letters of representation from neighbouring residents and additional correspondence from the applicant.

Discussion ensued in which the planner referred to the report and answered members' questions. He confirmed that the tree in front of 1 The Moorings was

owned by the council and that it needed some maintenance work but would not be felled or heavily pruned.

**RESOLVED**, unanimously, to refuse application no. 15/00225/F - 1 The Moorings Norwich NR3 3AX for the following reason:

The proposed first floor extension would partially fill the wedge-shaped gap between the host dwelling and 19 Indigo Yard, and this would detract from one of the positive elements of the adjacent Riverside Walk and conservation area. A key element of the attractiveness of this section of the Riverside Walk is the spatial relationship between the public walkway and the residential development blocks fronting it, with gaps between buildings adding to the variety and interest of the street scape. As a result of its scale and massing the addition sits incongruously at the end of the attractively designed terrace, and in this specific location partially in-filling the gap in the river frontage, it fails to respect or respond to the character and local distinctiveness of the area and accordingly the proposal would cause unacceptable harm to the character of the City Centre conservation area, contrary to the objectives of the National Planning Policy Framework (March 2012), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and Norwich Development Management Policies Local Plan 2014 policies DM3 and DM9.

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. Whilst a scheme had previously been given a recommendation for approval by officers, elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable. The applicant has made attempts to address these concerns but officers do not feel this addresses the fundamental concerns clearly raised by members. Should the applicant be aggrieved by any decision of the local planning authority, the applicant's attention is drawn to the right of appeal.

**4. Application no 14/01615/FT - Telecommunications mast in front of 47 - 69 Newmarket Road, Norwich**

The planner (development) presented the report with plans and slides. He referred to the supplementary report of updates to reports circulated at the meeting, which summarised an additional letter of objection from a neighbour who was unable to attend the committee meeting and the officer response. Members also noted the objections that had been raised by a number of residents.

Discussion ensued in which members sought clarification from the planner about the location and size of the proposed cabinets and mast and that noise from the cabinets was acceptable. A member said that he had noted the views of the Norwich Society on street clutter in conservation areas, but he considered that the proposed removal of the large cabinet and its replacement with two new cabinets, increasing the cabinets to three, would reduce the visual impact. Members were advised that the cabinets would be colour coordinated and a standard dark green colour, typical for utility cabinets.

**RESOLVED**, unanimously, to approve application no. 14/01615/FT – Telecommunications mast in front of 47 - 69 Newmarket Road Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works done in accordance with National Joint Utilities Group No.4;
4. Mast to be finished in colour live Drab (RAL 6022);
5. Cabinets to be finished in Fir Green (RAL 6009).

Article 31(1)(cc) statement

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

**5. Applications nos 14/01604/F and 14/01605/L - The Cottage, 2 The Crescent, Chapel Field Road, Norwich NR2 1SA**

The planner (development) presented the report with plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and set out corrections to the report and proposed that conditions 3 and 4 of the listed building consent should be amended as well as a recommended reason for approval. The updates report also summarised two follow-up letters of representation and the officer response.

The immediate neighbour of the adjacent property addressed the committee and outlined her concerns about the proposal, using photographs to illustrate her points. This included concern about the proposal to insert a window in the gable end in an original wall and that no assessment had been made of the impact of the proposal from her property. She was also concerned about glare from the solar panels and the applicant's ability to maintain the proposed green barrier. She pointed out that there was potential for ground source energy in The Crescent in the future. There was also concern that some residents in Coach and Horses Row had not been notified about the planning application and therefore had not commented.

The applicant explained that the application was to increase the energy efficiency of the building and bring it back into use.

The planner, together with the planning development manager, referred to the report and responded to the issues raised by the speakers and members' questions. Solar panels were designed to absorb glare not reflect it. Members were advised that nos 6, 8 and 10 to 28 (evens) Coaches and Horses Row had been sent a notification letter about the proposal. The Norwich Society had not submitted any comments on this application.

Discussion ensued in which the members expressed concern that the proposal was in the curtilage of a listed building and that it was proposed to insert a window into the gable end of an original wall of The Cottage. Several members considered that the current application was unacceptable and that a better solution could be provided

to get this building back into use in a way that was more sympathetic to the building and the area. A member suggested that false gables could be added to improve the appearance of the solar panels. The planner advised members that the window in the gable end and the roof lights would provide light to a dark room but that it was up to members to decide whether the measures were excessive. The particular window could not be installed under permitted development rights.

One member pointed out that the garage on the premises was built in the 60s and that the gable end needed essential maintenance. He considered that the proposed alterations would enhance the building rather than cause harm, considering the improvements it would bring to some apparently deteriorated parts of the listed curtilage building.

Councillor Jackson moved and Councillor Neale seconded that the application be refused on the grounds that it would be contrary to national and local planning policies to protect listed buildings in conservation areas, and it was:

**RESOLVED**, with 9 members voting in favour of refusal (Councillors Jackson, Neale, Ackroyd, Blunt, Button, Bradford, Henderson, Herries and Woollard), 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Gayton) to refuse application nos 14/01604/F and 14/01605/L - The Cottage, 2 The Crescent, Chapel Field Road, Norwich NR2 1SA on the grounds that the proposals are detrimental to the amenity of a listed building and conservation area and to ask the head of planning services to provide the reasons in planning policy terms.

(Reasons for refusal subsequently provided by the head of planning services:

Reason for refusal for 14/01604/F:

Despite the mitigation measures, the proposed PV solar panels projecting above the flat roof would appear as incongruous in a number of views, detracting from the character and setting of not only the adjacent listed curtilage building but also the listed terrace and the nearby listed curtilage buildings. By undermining the significance of these statutory listed buildings, this also devalues the contribution they make towards the character of the wider conservation area. Combined with the harm caused by the changes to the cottage, this compounded less than substantial harm is not considered to be outweighed by the benefits of the proposals. The development is therefore contrary to the objectives of the National Planning Policy Framework (March 2012), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and Norwich Development Management Policies Local Plan 2014 policies DM3, DM4 and DM9.

Reasons for refusal for 14/01605/L:

1. The changes proposed to the cottage are considered to cause unacceptable harm to the character of the listed curtilage building, particularly through the loss of historic fabric as a result of the new side elevation window. The extent of the alterations are not considered necessary to secure the building's optimum viable use as there are apparent alternatives which would bring it back into a more usable

state without causing the level of harm identified. For these reasons the public benefits of the proposal are not considered to outweigh the less than substantial harm, particularly given the detrimental impact these changes will have on the listed curtilage building's contribution to the character of the conservation area. The proposal is therefore contrary to the objectives of the National Planning Policy Framework (March 2012), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and Norwich Development Management Policies Local Plan 2014 policies DM3 and DM9.

2. Despite the mitigation measures, the proposed PV solar panels projecting above the flat roof would appear as incongruous in a number of views, detracting from the character and setting of not only the adjacent listed curtilage building but also the listed terrace and the nearby listed curtilage buildings. By undermining the significance of these statutory listed buildings, this also devalues the contribution they make towards the character of the wider conservation area. Combined with the harm caused by the changes to the cottage, this compounded less than substantial harm is not considered to be outweighed by the benefits of the proposals. The development is therefore contrary to the objectives of the National Planning Policy Framework (March 2012), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014) and Norwich Development Management Policies Local Plan 2014 policies DM3, DM4 and DM9.

**6. Application no 1500147VC - 240 Hall Road, Norwich, NR1 2PW**

(Councillor Henderson was absent from the room for the duration of the item and did not take part in the decision making.)

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

**RESOLVED**, unanimously, to approve application no. 15/00147/VC - 240 Hall Road Norwich NR1 2PW and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details:
  - (a) Bricks – TBS Waveney red blend
  - (b) Tiles – Imerys Monopole Clay tiles
  - (c) Render textured finish and colour to match 240 Hall Road.
  - (d) Bay window – plain tiled with lead rolled hips to match 240 Hall Road.
  - (e) Rooflights – standard top hung Velux units
  - (f) Paving – Driveway Drivesett tegular priora porous paving
  - (g) Paving – rear garden patio Bradstone Grey Textured slab or similar
  - (h) Bin and cycle store as per drawing no. RS/3538/14/01 Rev BDetails to be provided as per above prior to occupation and retained as such unless otherwise agreed in writing with the local planning authority.
4. Water conservation measures.

Article 31(1)(cc) statement

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

**7. Application no 1500188F - 24 Ipswich Road, Norwich, NR2 2LZ**

(Councillor Henderson was absent from the room for part of this item and did not take part in the decision making.)

The planner (development) presented the report with plans and slides. She referred to the supplementary report of updates to reports and said that the Norwich Society objected to the alterations to the front of the property.

The resident of the adjacent neighbouring property addressed the committee and outlined his concerns about the impact of the proposed extension on his property, which included loss of light and noise, and that the measurements in the plans were incorrect.

The architect said that the proposal was an extension for a four bedroomed house and was not as large as the extensions to the neighbouring houses.

The planner referred to the report and responded to the issues raised by the speakers and answered members' questions. The extension next door projected out more than the proposed extension there was less impact. The windows were to the rear of the building and as a residential property, noise was not a consideration. The hipped roof was the highest point from the boundary. The planner had not measured the distances, however had taken 6m from the plan.

**RESOLVED**, unanimously, to approve application no. 15/00188/F - 24 Ipswich Road Norwich NR2 2LZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. First floor side facing windows to be obscure glazed and non-opening except at 1.7m+ above finished floor level.
4. Replacement tree in front garden.

**8. Application no 1500195F - 414A Dereham Road, Norwich, NR5 8QG**

The senior planning technical officer presented the report with the aid of plans and slides. The applicant had provided additional information on the management of the property.

During discussion the senior planning technical officer and the planning team leader referred to the report and answered members' questions. Members were advised that the building had previously been used as a half-way house and that the proposal was to increase the number of bedrooms by four. Discussion ensued on whether there was an adequate provision of washing and toilet facilities. Members also

considered the adequacy of the parking facilities and that the number of cars owned by the residents would be greater than the provision on site.

The applicant was invited to address the committee at the chair's discretion. He explained that the building was a purpose built hostel and that it had a large kitchen and garden. The tenants would be students, occupying single rooms, and it was not expected that parking would be a problem, as only one in four students had a car and most students would walk, cycle or use the bus. There was parking in Tollhouse Road as most of the houses had driveways. He confirmed that there were adequate provision of toilets and washing facilities. The amenities met the current guidelines.

Councillor Blunt, as ward councillor for Wensum, sought reassurance that approval of the application would not exacerbate parking problems for local people in the area. Members were advised that car ownership among students was around 8 to 9%. The senior technical planning officer said that he had visited the site on two occasions and gauged the parking and traffic each time. He considered that the changes to the property would not cause a significant impact on the parking. The properties adjacent to the site had been consulted. Councillor Sands pointed out that future residents could be young working people with cars.

Councillor Sands proposed and Councillor Blunt seconded that the committee deferred making a decision to allow a review of the parking situation. However the committee was advised that any further provision on site would contradict the council's policy standards for car parking for houses in multiple- occupation. The proposal was then withdrawn.

A member pointed out that the house was already in use as a house of multiple-occupation and that increasing the bedrooms by four would not have a significant impact on parking.

**RESOLVED** with 10 members voting in favour (Councillors Gayton, Ackroyd, Blunt, Bradford, Button, Henderson, Herries, Jackson, Neale and Woollard) and 1 member voting against (Councillor Sands) to approve application no. 15/00195/F - 414A Dereham Road Norwich NR5 8QG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. Condition restricting number of full time occupants.

#### **9. Application no 1401841F - 36 - 50 Drayton Road, Norwich**

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an additional representation and further additional / revised information from the applicant and associated officer responses. The council had received a petition, signed by seven people, in support of the application the previous day.

Discussion ensued in which the planner referred to the report and, together with the planning development manager, answered members' questions about pedestrian

access, access to the riverside and that bollards would be placed on the road to prevent the parking of heavy goods vehicles, waiting to access the car dealership site further up the road, from parking. Members considered that the proposals would enhance the site and that part of the retail footprint would be restricted to the sale of bulky goods. Members were advised that there was no provision in planning policy to stipulate that local people were given preferential employment opportunities.

A representative, on behalf of the applicant, confirmed that the company would safeguard the pedestrian walkway to the boundary of the site and would consider resurfacing the path if it were necessary.

**RESOLVED**, unanimously, to approve application no. 14/01841/F - 36 - 50 Drayton Road Norwich and grant planning permission subject to the following conditions, which are summarised as follows:

1. Standard time limit;
2. In accordance with plans
3. Unit 2 to be restricted to restricted retail only i.e. bulky goods
4. Opening and delivery hours 0800 to 2200 and 0700 to 2300 respectively
5. No commencement until the following has been approved in writing:
6. Revised junction layout.
  - (a) Details of pedestrian refuge to bus stop (subject to 278 agreement and feasibility)
  - (b) Revised parking and soft / hard landscaping including surface materials
  - (c) Details of new boundary treatment to the east boundary
  - (d) Revised cycle storage layout
  - (e) Details of bat friendly lighting
7. Landscape schedule, implementation and management plan
8. Arboricultural implications, method statement and tree protection plan
9. Submission of a delivery management plan
10. Details of lighting, site security and control of anti-social behaviour
  - (a) Closure of access gates and servicing areas
  - (b) Position and coverage of on-site CCTV
  - (c) Litter management protocol
  - (d) Position, luminance and spread of internal / external lighting, to minimise light spill upon bat habitat.

**Informatives:**

1. Highway guidance relating to junction improvements and provision of a pedestrian refuge to serve the bus stop
2. Add police guidance re security
3. Informative with regard to Japanese Knotweed.

**Article 31(1)(cc) statement**

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



**10. Application no 1500095F - 18 Jessopp Road, Norwich, NR2 3QA**

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

**RESOLVED**, unanimously, to approve application no. 15/00095/F - 18 Jessopp Road Norwich NR2 3QA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. Side windows to be obscure glazed.

Article 31(1)(cc) statement

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

**11. Application no 1500113F - 20 Grosvenor Road, Norwich, NR2 2PY**

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained a further comment from Councillor Carlo, ward councillor for Nelson ward. In response to objections to students living in the property, the committee was advised that any resident of the premises could hold parties and barbecues in the rear garden and that there had not been a report of antisocial behaviour at this address since 2011.

The planner referred to the report and answered members' questions. The application would enlarge the kitchen and improve facilities for the residents.

**RESOLVED**, unanimously, to approve application no. 15/00113/F - 20 Grosvenor Road Norwich NR2 2PY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. First floor bathroom window to be obscure-glazed to an acceptable standard.

Article 31(1)(cc) statement

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

**12. Application no 1500044F - 1A Oak Street, Norwich, NR3 3AE**

(Councillor Herries had declared an other interest in this item.)

The planning development manager presented the report with the aid of plans and slides.

The planner (development) answered a member's question about the cycle store which was an existing one and part of the current facilities on the site. The applicant was not seeking to alter the existing cycle store as part of this application.

**RESOLVED**, unanimously, to approve application no. 15/00044/F - Julian Housing Support Trust 1A Oak Street Norwich NR3 3AE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Guardrail to have matt black finish;
4. Provision of cycle stands and refuse storage prior to occupation;
5. No trade deliveries or collections before 7000 hours and after 22000 hours Monday to Saturday. None on Sundays or Bank or Public Holidays;
6. Ventilation units installed in accordance with approved drawings and maintenance scheme to be submitted.

Article 31(1)(cc) statement

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

CHAIR

# Summary of planning applications for consideration

16 April 2015

Item

4

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(A)	15/00139/MA	Land to rear of 39 Unthank Road	Tracy Armitage	Minor material amendment – Amendments to layout of development as approved under planning permission 14/00324/F	Objections	Approve
4(B)	15/00245/O	161 Oak Street	Tracy Armitage	Demolition of existing buildings and erection of 27 flats and houses	Objections	Approve
4(C)	15/00305/F	117-127 Trinity Street	Rob Parkinson	Demolition of 11 flats and erection of 13 flats and basement car parking.	Objections	Approve
4(D)	14/01496/RM	Former Lakenham Sports And Leisure Centre, Carshalton Road	Lee Cook	Reserved matters of appearance, landscaping, layout and scale of planning permission 12/01885/O 75 dwellings and public allotments, children's playground and five-a-side football pitch	Objections	Approve subject to deed of variation on S106 agreement
4(E)	15/00325/F	67 The Avenues	Stephen Polley	Demolition of garage and erection of two storey side and rear extension.	Objections	Approve
4(F)	14/00068/BP C/ENF	1 Cathedral Street Norwich, NR1 1LU	Ali Pridmore	Change of use from Social Club (sui generis) use to residential (Class C3) use.	Authorisation to service enforcement notice	Authorise enforcement action up to and including prosecution



## **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

**Item**

16 April 2015

**Report of** Head of planning services

**Subject** Applications nos 1500139MA and 1500232L -  
Land Rear of 39 Unthank Road Norwich

**4(A)**

**Reason for referral** Objections

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<b>Ward:</b>	Nelson
<b>Case officer</b>	Tracy Armitage - tracyarmitage@norwich.gov.uk

Development proposal		
Amendments to layout of development as approved under planning permission 14/00324/F, including additional development adjacent to northern boundary wall.		
Representations		
Object	Comment	Support
5		

Main issues	Key considerations
1 Principle of development	Acceptability of a new dwelling in this location
2 Design	Impact on the proposed changes on the quality of design
3 Heritage	Impact of the changes on the coach house, listed wall, adjacent listed buildings and the Conservation Area
4 Trees	Impact of the changes on existing significant beech trees
5 Amenity	Impact of the changes on neighbours living close to the site
<b>Expiry date</b>	10 April 2015
<b>Recommendation</b>	Approve planning permission and grant listed building consent , subject to the imposition of conditions



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Planning Application No 15/00139/MA

Site Address Land to rear of 39 Unthank Road

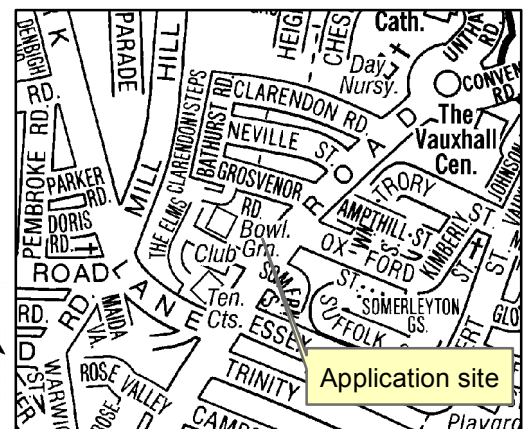
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## The site and surroundings

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

## Constraints

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

## Relevant planning history

Ref	Proposal	Decision	Date
14/00324/F	Erection of 1 No. three bedroom dwelling.	APPR	13/06/2014
14/00332/L	Erection of 1 No. three bedroom dwelling.	APPR	13/06/2014

## The proposal

4. Planning permission was granted for the conversion and extension of the former coach house to a dwelling house in June 2014 (ref: 14/00324/F). The site has recently been sold and no longer forms part of the curtilage of 39 Unthank Road.

5. The application seeks a number of changes to the approved scheme. Since the application was submitted amended plans have been received, the plans indicate the following changes to the approved 2014 scheme:
- Extension of the approved building approximately 1.0m further towards the northern boundary.
  - Repositioning of window to the en-suite
  - Insertion of additional windows on the west elevation – to serve re-positioned kitchen area
  - Replacement of window on the eastern elevation with patio/double doors – to serve re-positioned dining room.
  - Revised porch configuration and external facing materials
  - Height – increase in height of single storey additions by approximately 30cm :- 2.8m - 3.1m
  - Extension of the area of proposed sedum roofing
  - Revised roof light over the proposed lounge area
  - Alteration of colour of external joinery - from bronze to French grey
  - Garage – handing of the layout

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Five letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Application type – in appropriate to consider changes as a minor material amendments	The changes do not materially change the scale or nature of the proposed development. The S73 application is intended to allow such design changes to be sought.
Increased footprint of the extensions will be to the further detriment of the 2 mature beech trees  - further prejudice the safety of the trees and those living below them	The application as originally submitted proposed additional floorspace in the root protection area (RPA) of the trees. The scheme has been amended and the extent of construction within the RPA is now as approved.

Issues raised	Response
<p>Extension of development towards boundary wall:</p> <ul style="list-style-type: none"> <li>- Physical impact on and visibility of the listed curtilage wall</li> <li>- Increased roof area - detrimental effect on the landscape setting of the Conservation Area and the Listed houses</li> </ul>	<p>See Main issue 2</p> <p>The scheme has been amended reducing the size of the extension to the element close to the boundary wall. The amended scheme maintains a 'step in' from the wall.</p>
<p>Increased amenity impacts</p> <ul style="list-style-type: none"> <li>- Addition of kitchen window - increased overlooking of 31 Grosvenor Road</li> <li>- New double doors to dining room – increased overlooking/ noise/light pollution impacting on 23,25,27,29 Grosvenor Road</li> <li>- Large en-suite rooflight – increased overlooking and light pollution to</li> <li>- Noise /loss of privacy associated with the dressing room</li> <li>- Log burner – cause emissions and nuisance</li> <li>- Impact of extracts and flues</li> </ul>	<p>See Main issue 3</p> <p>This element has been deleted</p> <p>This element has been deleted</p>
<p>Concern over structural stability of coach house and impact of conversion works.</p>	<p>The scheme has no immediate structural implications for the coach house</p>
<p>Proposed changes to the construction material garage detract from the natural setting of the Conservation Area and garden setting of listed houses.</p>	<p>Proposal to alter construction material has been deleted - change confined to the handing of the garage layout</p>
<p>Concern over increased area of hard surfaced/decked areas within the proposed garden – limiting parking/manoeuvring space; impact on trees and root protection area and</p>	<p>As submitted the revised scheme included two decked area within the garden area. These elements have</p>

Issues raised	Response
natural setting of Conservation Area.  Hardstanding – may facilitate the increased level of use of the external space leading to more external noise and visitors accessing the property by car. Additional noise and disturbance.	been deleted
Impact of construction vehicles /construction phase	

Norwich Society - More single storey accommodation adjacent to the north boundary will tend to crowd the space at the rear of the houses on Grosvenor Road and damage the quality of the neighbourhood in this location.

## Consultation responses

7. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Design and conservation

8. This proposal affects several Grade II listed buildings as well as some buildings of Local Interest. The site is located in the Heigham Grove Conservation Area. The impact of the proposal is considered to remain the same as the previously approved scheme. The revised scheme is still designed to be a lightweight, low structure that sits well within the natural surroundings of the site. Minor changes to the proposed kitchen window arrangement is recommended and the imposition of conditions.

### Norfolk Constabulary Architectural Liaison Officer

9. General advice on designing out crime

### Tree protection officer

10. On the basis of the amended plans the construction within the root protection area is as previously approved. Re-imposition of planning conditions regarding tree controls/measures is imperative to a successful outcome in terms of tree protection.

## Assessment of planning considerations

### Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery

## **12. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

## **13. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF12 Conserving and enhancing the historic environment

### **Case Assessment**

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Main issue 1: Principle of development**

15. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
16. The principle of a new dwelling on this site has been established through the approval of application 14/00324/F. This application is made under Section 73 to vary a number of the approved elements of the previous scheme whilst not substantially changing the scale and nature of the development. The acceptability of these modifications is discussed in the paragraphs below.

### **Main issue 2: Design**

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
18. The approved scheme sought to minimise external alterations to the former 19C coach house and to provide additional living accommodation in single storey extensions. The approved extensions have a simple contemporary appearance constructed in contrasting materials to the coach house - comprising lime render and sedum roof materials. This approach was informed by the context of the site

and its surroundings i.e. the historic buildings and wall, the character and appearance the Conservation Area, the existing trees and the adjacent open space. This design approach has been maintained and the proposed changes do not detract from these core design principles.

19. The majority of the proposed changes reflect the new owners detailed planning of the accommodation and consideration of their specific space requirements. The latter has resulted in the proposed enlargement of the overall footprint i.e. to create larger open plan living accommodation and storage provision within the main bedroom. However, it should be noted that following concerns raised regarding the arboricultural impact of the extensions to the living space, the scheme has been scaled back and a 2.3m x 1.0m extension to the ground floor bedroom is now the only additional floorspace sought. In addition the proposed reconfiguration of the internal layout has necessitated revised fenestration. These changes are considered minor and do not detract from the overall quality of the design.
20. The height of the extensions relative to the coach house was previously a material design consideration. Given the expanse of extensions and the objective of retaining the coach house as a principal element, there remains a necessity for height to be minimised. In this case the need to safeguard the beech trees on the site requires specialised foundations to be used and the detailed construction drawings have highlighted that once an allowance is made for floor insulation, the approved scheme would result in a constrained internal roof height. Plans, including a cross-section have been submitted indicating the impact of the increased height. These confirm that the height of the extension adjacent to the listed wall will be as approved (i.e. below the height of the adjoining listed wall) and that the sedum-roof system will continue to have the effect of softening the visual appearance of the roof surface. On this basis the increased height of the roof is considered acceptable.

### **Main issue 3: Heritage**

21. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
22. The impact of the development on the historic environment, including listed and locally listed buildings and their settings and the Conservation Area, was fully assessed in the determination of applications 14/00324/F and 14/00332/L. The impact of the proposal is considered to remain the same as the previously approved scheme. The revised scheme is still designed to be a lightweight, low structure that sits well within the natural surroundings of the site. The increase in height relative to the coach house is considered to be the main change and the Design and Conservation Officer has indicated that given the scale of the increase, the impact on the significance of the heritage asset is minor.

### **Main issue 4: Trees**

23. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
24. There are two mature beech trees located within the curtilage of the application site. The trees are classified as category A and have a high amenity value. The trees are in a good condition and make a significant contribution to the character and appearance of the surrounding area. Ensuring the care and protection of the trees, both during construction and longer term was a significant consideration in the

assessment of the 2014 planning application. The previous application was accompanied by both a Arboricultural Impact Assessment (AIA) and a Method Statement (AMS). Subject to the imposition of planning conditions the Council's tree protection officer was satisfied that any risks to the trees could be appropriately mitigated. As originally submitted the revisions included an enlarged footprint. Following concerns raised by the Council's Tree Protection Officer the scheme has been amended and the extent of construction within the root protection area is now as approved in 2014. On this basis, the tree officer raises no objection to the amended scheme subject to planning conditions to protect the trees during the construction phase and in the future.

### **Main issue 5: Amenity**

25. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
26. The coach house abuts the North West boundary of the site and the proposed extensions will be in close proximity to this boundary and neighbouring properties on Grosvenor Road. The proposed changes including: revised flat roof light above the lounge area; re-siting of the en-suite window; increased height of the extensions and projection of the enlarged ground floor bedroom, are not considered detrimental to the amenities of the adjacent neighbours. The design and location of these changes relative to the boundary reduces the potential impact and the existing 2.3m high wall will continue to act as an effective screen.
27. Representations have additionally raised concerns over the internal re-siting of the dining room with patio door access to the side garden area and how this may promote the more intensive use of the garden - increasing potential noise levels to the detriment of the amenity of adjoining residents. This part of the city is a well-established residential area characterised by medium – high density housing. The use of the garden area by future occupiers is very unlikely to result in unacceptable noise levels.

### **Compliance with other relevant development plan policies**

28. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition

Requirement	Relevant policy	Compliance
Sustainable urban drainage	DM3/5	Yes subject to condition

### Other matters

29. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: biodiversity.

### Equalities and diversity issues

30. There are no significant equality or diversity issues.

### Local finance considerations

31. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
32. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
33. In this case local finance considerations are not considered to be material to the case.

### Conclusion

34. The proposed changes to the approved scheme are considered acceptable. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### Recommendation

To approve applications no. 15/00139/MA and application no. 15/00232/L - Land Rear Of 39 Unthank Road Norwich and grant planning permission and Listed Building Consent subject to the following conditions:

15/00139/MA

1. Time limit; three years from approval of 14/00324/F
2. In accordance with plans;

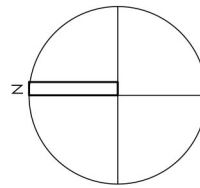
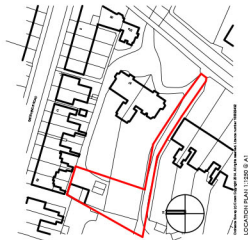
Conditions as per 14/00324/F – revised to take account of the new scheme; details of timber cladding; detailed section of junction between new building/coach house; rainwater goods; new brick work to match existing



1. Time limit
2. Conditions as 14/000332/L - + Details of any underpinning of listed wall; re-use of first floor of coach house; detail of flat roof construction adjacent to listed wall, or

### **Article 35(2) Statement**

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



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A	23-12-14	REVISED PLANNING ISSUE

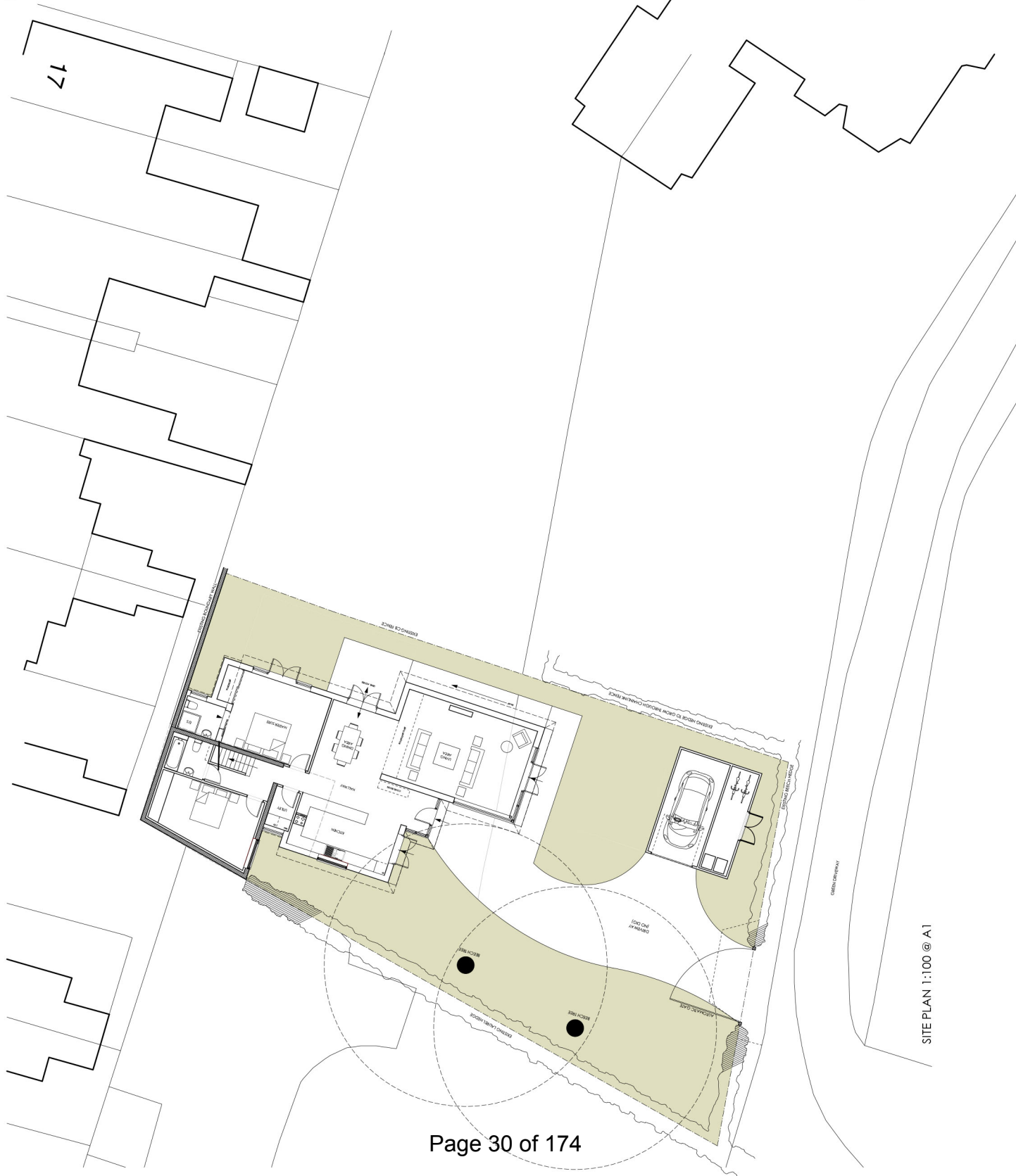
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## Plans II

Land to rear of 39 Unthank Rd, Norwich,  
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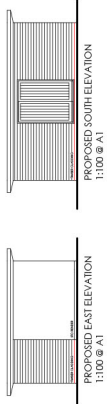
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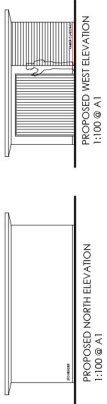
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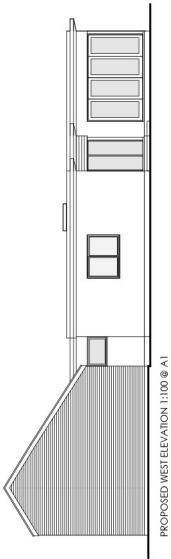
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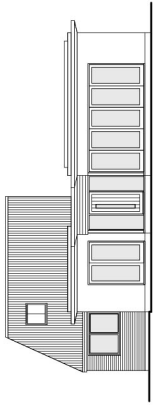
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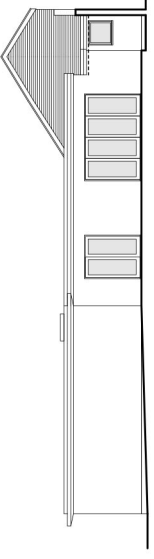
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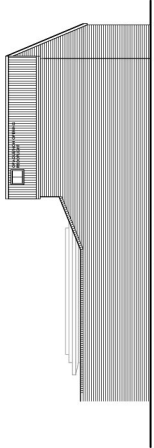
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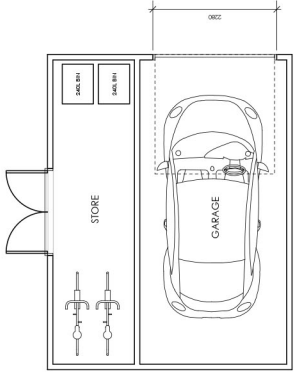
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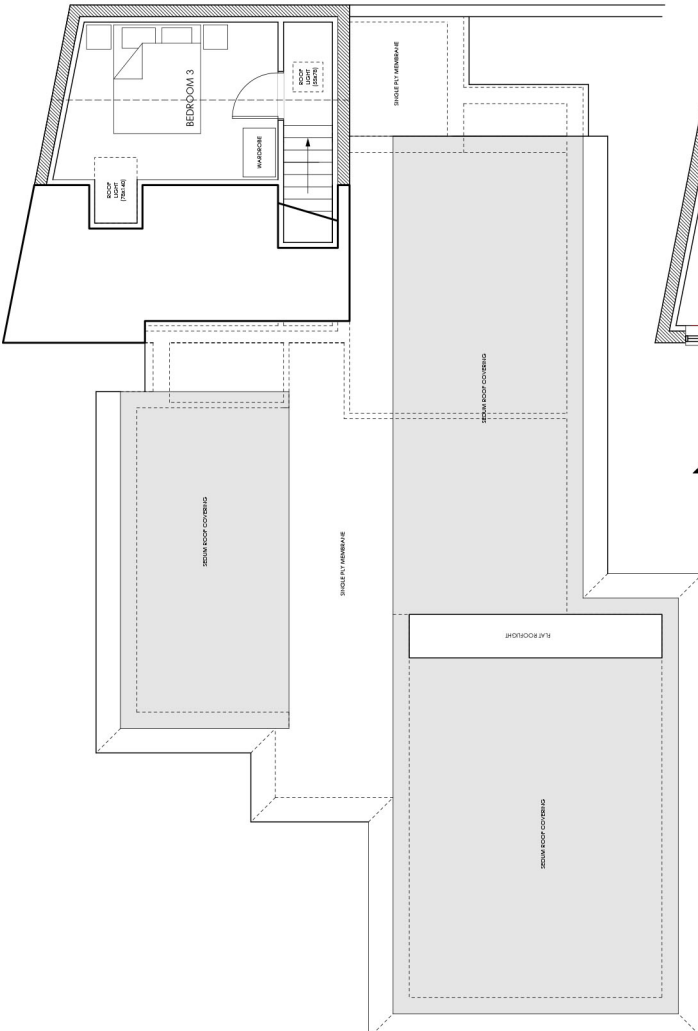
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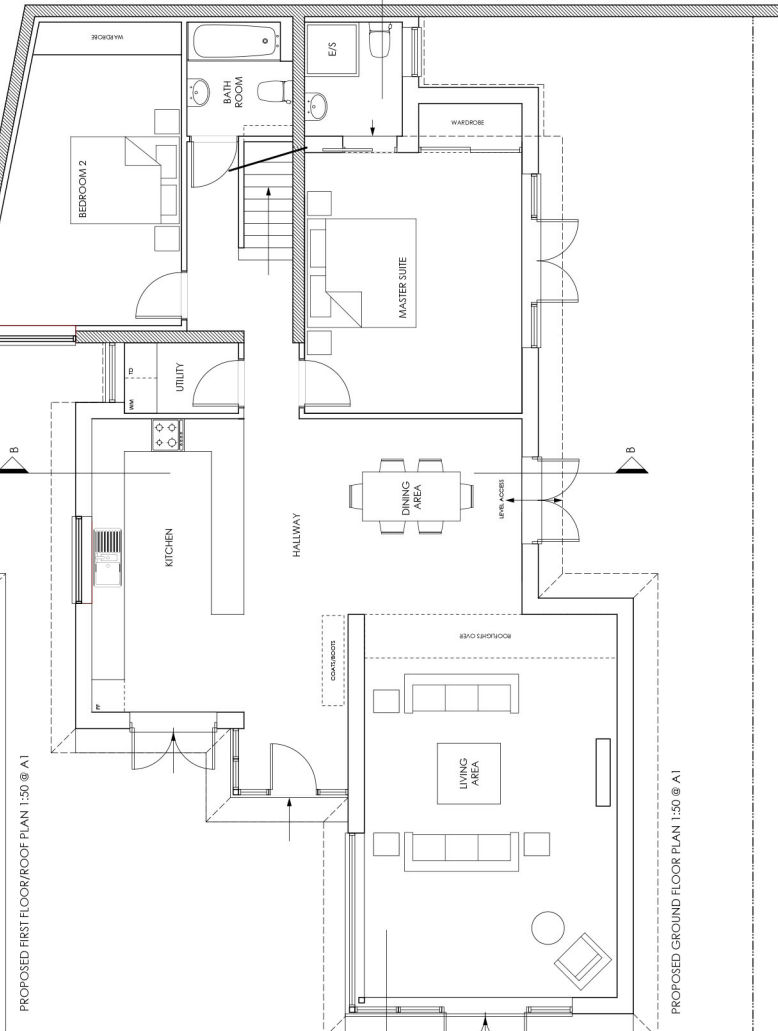
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C 23-03-15 REVISED PLANNING ISSUE III  
B 23-02-14 REVISED PLANNING ISSUE II  
A 23-12-14 REVISED PLANNING ISSUE I

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Plans/Elevations

Land to rear of 39 Unthank Rd, Norwich,  
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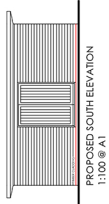


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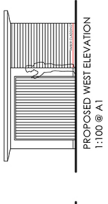
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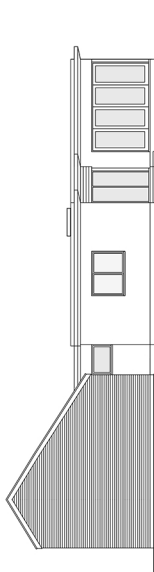
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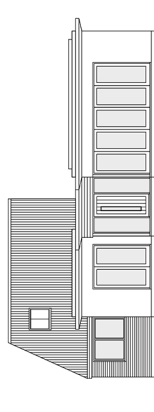
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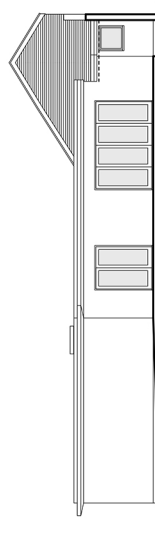
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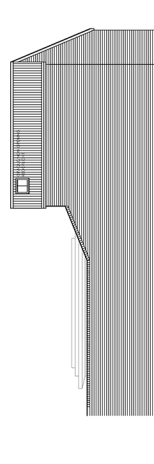
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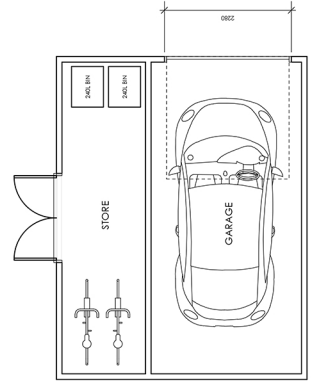
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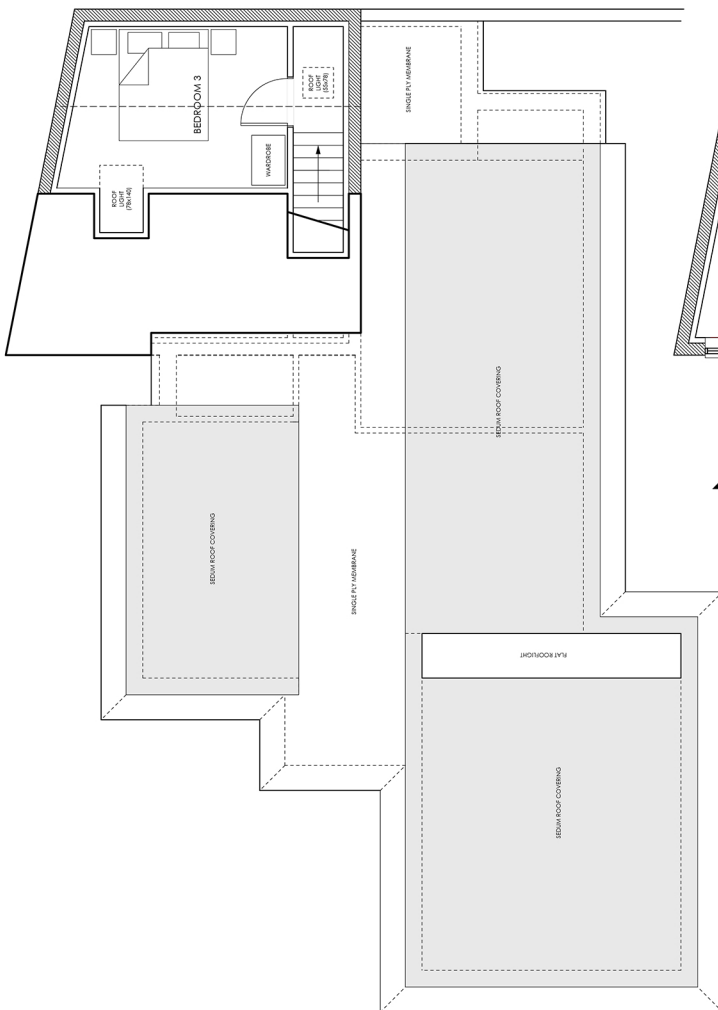
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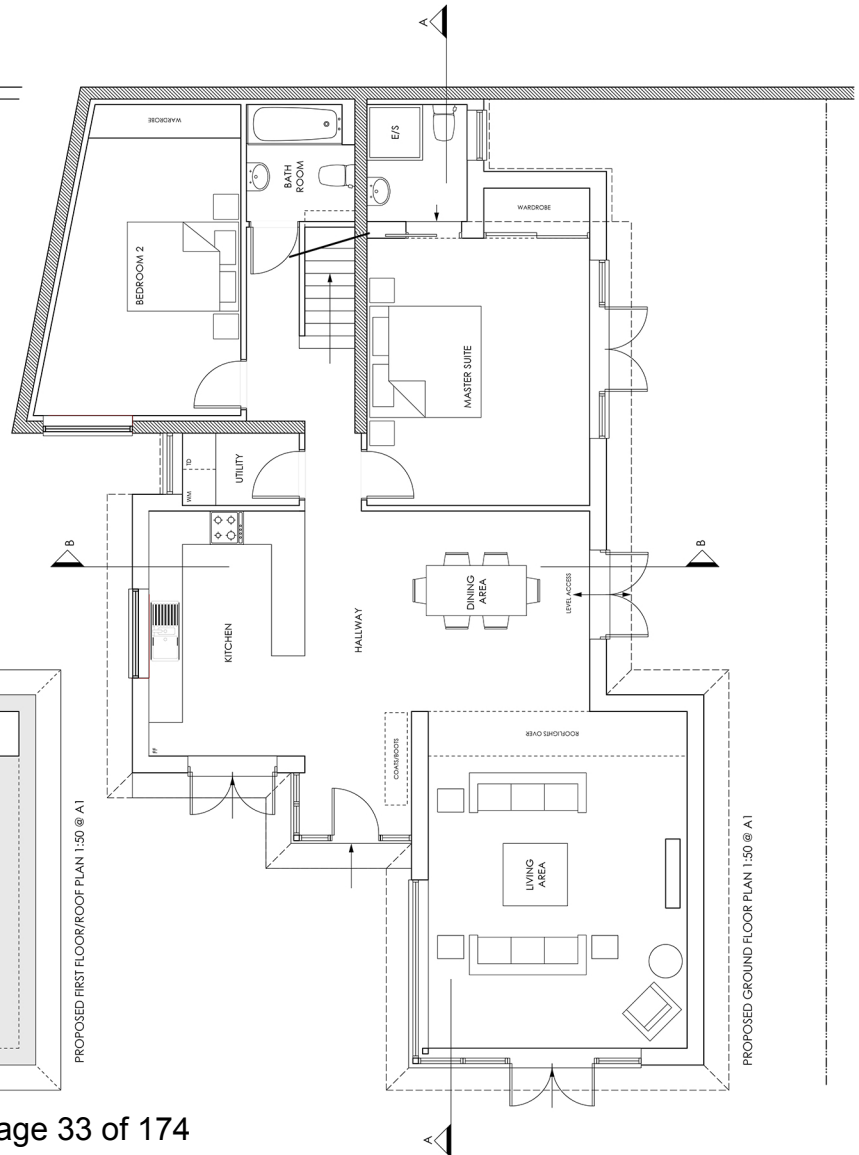
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PROPOSED GROUND FLOOR PLAN 1:50 @ A1

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C	23-03-15	REVISED PLANNING ISSUE III
B	23-02-14	REVISED PLANNING ISSUE II
A	23-12-14	REVISED PLANNING ISSUE

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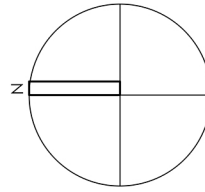
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Plans II

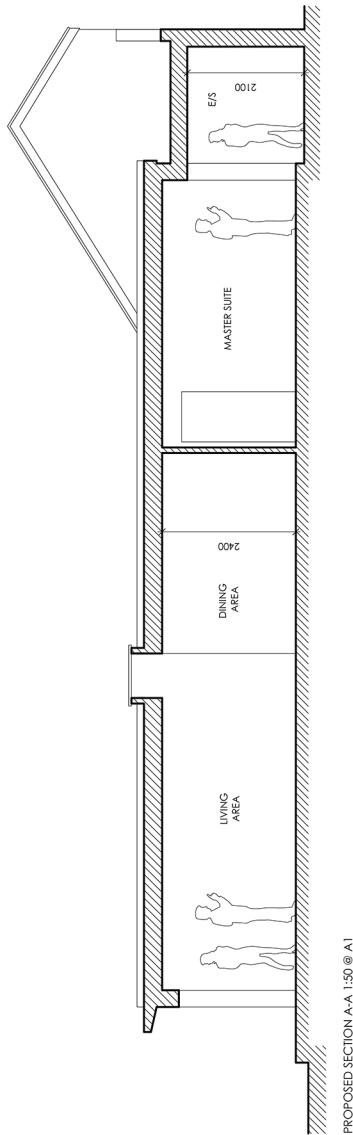
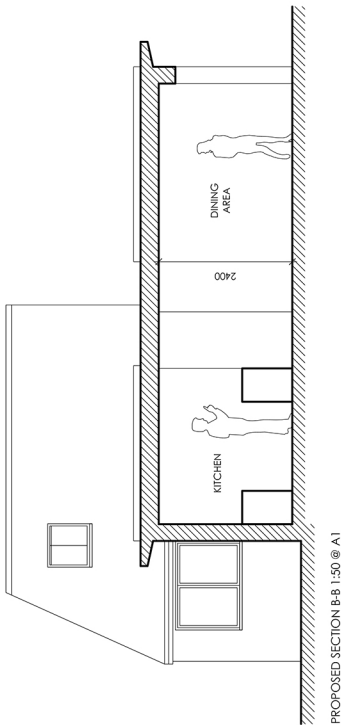
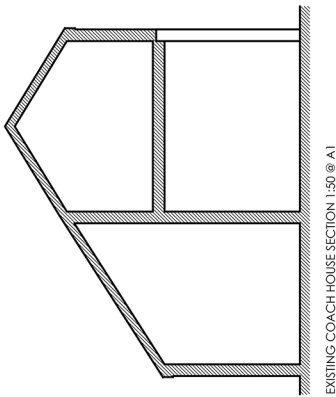
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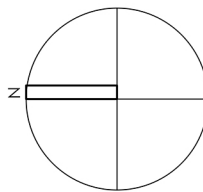
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Sections

Land to rear of 39 Unthank Rd, Norwich,  
Norfolk, NR2 2PB

Drawing No: RS/3537/14/03 Date: March 2015





C	07-04-15	REVISED PLANNING ISSUE III
B	23-02-15	REVISED PLANNING ISSUE II
A	23-12-14	REVISED PLANNING ISSUE

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## Plans II

Land to rear of 39 Unthank Rd, Norwich,  
Norfolk, NR2 2PB

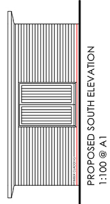
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SITE PLAN 1:100 @ A1

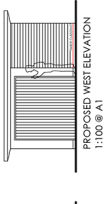




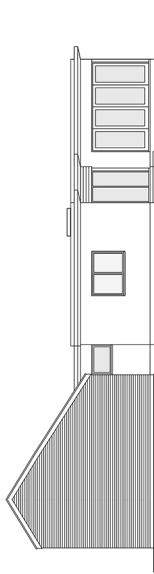
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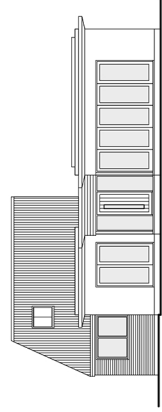
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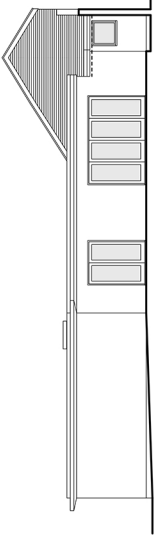
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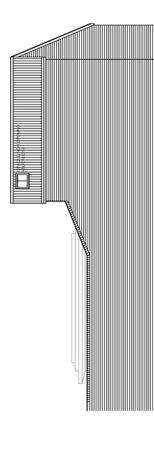
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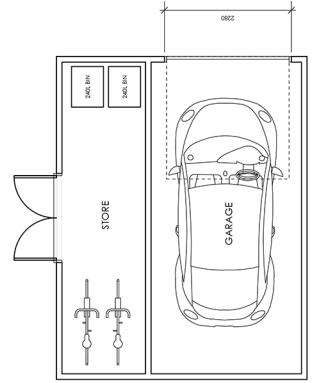
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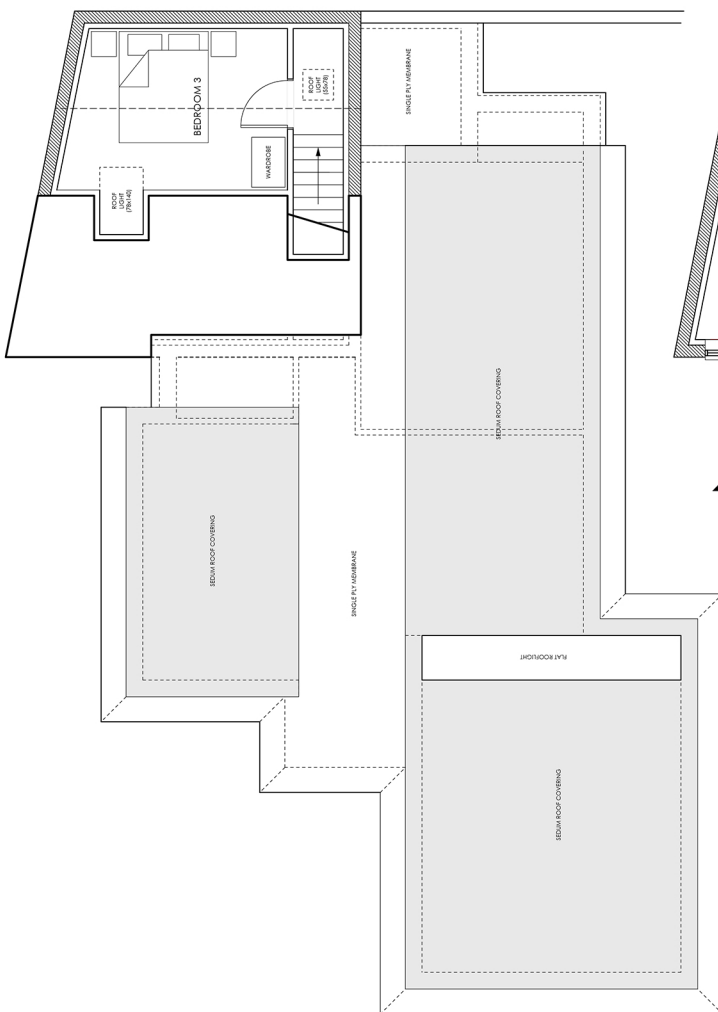
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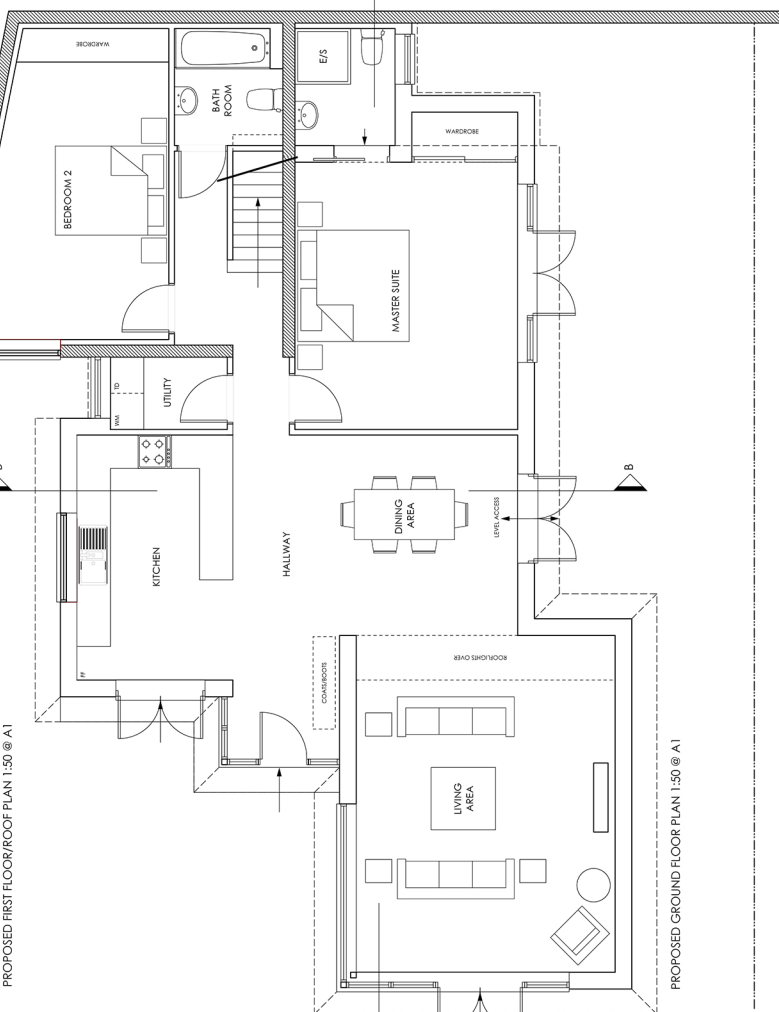
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PROPOSED LAYOUT PLAN 1:50 @ A1



PROPOSED FIRST FLOOR/ROOF PLAN 1:50 @ A1



PROPOSED GROUND FLOOR PLAN 1:50 @ A1

D 07-04-15 REVISED PLANNING ISSUE IV  
C 25-03-15 REVISED PLANNING ISSUE III  
B 25-03-15 REVISED PLANNING ISSUE II  
A 23-12-14 REVISED PLANNING ISSUE I

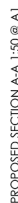
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Plans/Elevations

Land to rear of 39 Unthank Rd, Norwich,  
Norfolk, NR2 2PB

Drawing No: RS/3537/14/01 Date: December 2014



A 07-04-15 PLANNING ISSUE

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## Sections

Land to rear of 39 Unthank Rd, Norwich,  
Norfolk, NR2 2PB

Drawing No: RS/3537/14/03

**Report to** Planning applications committee

**Item**

16 April 2015

**Report of** Head of planning services

**Subject** Application no: 15/00245/O - 161 Oak Street  
Norwich NR3 3AY

**Reason for referral** Objections

**4(B)**

<b>Ward:</b>	Mancroft
<b>Case officer</b>	Tracy Armitage - tracyarmitage@norwich.gov.uk

<b>Development proposal</b>		
Outline application for demolition of existing buildings and erection of 27 flats and houses including means of access only.		
<b>Representations</b>		
Object	Comment	Support
4		

<b>Main issues</b>	<b>Key considerations</b>
1 – Principle of residential development	Whether the proposed residential use of this employment generating site is acceptable
2 – Type and mix of residential	Whether the mix and type of dwellings proposed are appropriate in this location
3 – Design considerations	Whether the design is acceptable within the context of the Conservation Area and the river Wensum
4 – Noise from adjacent businesses	Whether the new occupiers will enjoy satisfactory levels of amenity
5 – Flood risk	Whether the site will be safe from river and surface water flooding
6 – Biodiversity	Impact on bats and opportunities for enhancements
7 - Access and parking	Whether the access is adequate to serve the needs of future development
8 - Contamination	Pollution risk to ground water and river
<b>Expiry date</b>	27 May 2015
<b>Recommendation</b>	Approve, subject to conditions and a S106 Obligation



## **The site and surroundings**

1. This 0.38 hectare site is currently occupied by an architectural salvage/reclamation company, a number of vehicle repair businesses and a hot food outlet. The site fronts onto Oak Street and slopes markedly westwards down to the River Wensum. There are currently two points of access from Oak Street providing access to the various business premises and to the rear of adjoining dwellings. There are a number of existing single storey buildings on the site in use for a variety of business purposes and extensive areas of external storage.
2. The site is bounded to the north by residential properties, whilst commercial uses are dominant to the south and opposite the site on the eastern side of Oak Street.

## **Constraints**

3. City Centre Conservation Area - Northern Riverside character area
4. The Great Hall, a Grade II listed building, is located to the south of the site
5. Remnant of the city wall/tower dating to medieval times is located to the north of the site – Scheduled Ancient Monument
6. Flood Risk Area: Flood zone 2
7. County Wildlife site on opposite side of the River Wensum – Train Wood
8. Area of Main Archaeological Interest

## **Relevant planning history**

9. No recent planning history. Current proposals were subject to pre-application discussions with planning officers.

## **The proposal**

10. The application seeks outline permission for the erection of 27 dwellings on the site following the demolition of existing buildings. Apart from access, all other matters relating to scale, appearance, layout and landscaping are reserved for future consideration. A number of technical reports have been submitted along with a Design and Access Statement and a Concept Plan which sets key design parameters for future development.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	27 – min of 50% family houses
No. of affordable dwellings	33%, subject to future viability
No. of storeys	2 – 3.5 storeys
Density	71 dwellings per hectare
<b>Transport matters</b>	
Vehicular access	From Oak Street
No of car parking spaces	Indicative parking ratio – less than 1:1
No of cycle parking spaces	Policy compliant levels
Servicing arrangements	On site

## Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received, one of which is St Augustine's Community Together Residents' Association, citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Pre-application consultation was not satisfactory and the wider community was not invited to take place	The submitted Statement of Community Involvement indicates that a public consultation event was held on 15 <sup>th</sup> December 2014 following a total of 500 leaflets being distributed to surrounding properties
Narrowing of Oak Street could create bottle neck and divert traffic onto adjacent streets	The indicative plans illustrate highway works and a build- out into Oak Street. Although the local highway engineer would wish to see highway enhancement these would not be allowed if they were to cause an obstruction as currently shown. Works enhancing the appearance of the street including tree planting will be subject to

Issues raised	Response
	approval at a later stage.
Height of proposed development out of scale with surrounding buildings and landscape setting of Train Wood/Wensum Park	See Main Issue 3
Parking level should be a minimum of 1 space per dwelling	See Main issue 6
Oak Street more suited to commercial use	The site has been allocated for residential redevelopment for a number of years
Riverside location – unsuitable for young families	Native planting is proposed adjacent to the river – this will provide a level of natural protection to the river's edge.

Norwich Society - No objection but feel strongly that the design of the street scene is not in harmony with the adjacent Great Hall – elevations need to be more imaginative.

## Consultation responses

12. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Design and conservation

13. No objection in principle, subject to an outline/concept plan setting clear design parameters for future development. Plan should secure shared access along the route of 'Little Buck Yard', riverside walk, height and development frontages and environmental improvements to Oak Street.

### Historic England

14. No objection in principle but consider the scale of building fronting Oak Street should correspond to the scale of historic housing close by and that the building should 'turn the corner'. Design of the northern section should specifically ensure that the setting of the scheduled ancient monument is enhanced.

### Environmental protection

15. No objection subject to the imposition of conditions to ensure that contamination and noise impacts are addressed and mitigated

### Environment Agency

16. Formal final consultation response is awaited at the time of writing of this report but the EA have advised that they have no objection in principle subject to the imposition of conditions relating 1) final SW scheme to include pollution prevention,

2) protection of the Wensum during demolition/construction 3) buffer zone/undisturbed river margin.

### **Highways (local)**

17. No objection - proposed road and turning head is acceptable and could be adopted by the Highway Authority. Recommends shared surface treatment and appropriate highway enhancements to Oak Street frontage be secured.

### **Housing strategy**

18. No objection – Development triggers an affordable housing requirement and that 33 % of the total building mix would be sought. At the design stage consideration should be given minimising landscape /communal space maintenance costs for the RP

### **Landscape**

- 19.No objection in principle – support the broad mass and location of development . Recommends naturalised treatment to the river frontage and riverside walk and small areas of individually/privately owned green space for properties fronting the river - excessive subdivision should be avoided. Scope for tree planting within the site and need to ensure appropriate planning and surface treatment of amenity space and communal areas.

### **Norfolk historic environment service**

- 20.No objection subject to imposition of standard archaeological conditions

### **Natural areas officer**

- 21.No objection subject to conditions securing biodiversity enhancements associated with the river corridor, bats and small mammals.

### **Tree protection officer**

- 22.No objection subject to conditions ensuring appropriate protection and construction methods in the vicinity of existing trees on the river frontage.

## **Assessment of planning considerations**

### **Relevant development plan policies**

#### **23. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS11 Norwich city centre

#### **24. Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**

- LU3: Residential development



- OSN2 : land at 123 – 161 Oak Street

**25. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

**Other material considerations**

**26. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**27. Supplementary Planning Documents (SPD)**

- Affordable housing SPD adopted 2015

**Case Assessment**

28. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

## **Main issue 1: Principle of development**

29. Key policies and NPPF paragraphs – JCS 4, OSN3, DM12, NPPF paragraphs 49 and 14.
30. The site forms approximately one half of an area of land allocated for housing under Policy OSN2 of the Northern City Centre Area Action Plan (NCCAAP). The site has been allocated for housing for a substantial number of years, the designation pre-dating the current NCCAAP. The principle of residential redevelopment of this non-designated employment land is therefore firmly established and indeed this site is one of a number specifically identified in the northern city centre for re-development to support broad environmental, economic and social regeneration objectives.
31. Policy OSN2 includes a number of specific requirements relating to the development of this allocation, these matters are considered in the paragraphs below. It is stated that development will:
- provide a minimum of 55 dwellings
  - include an extension to the riverside walk
  - be designed to enhance the setting of the Great Hall and City Wall
  - provide environmental improvements on Oak Street.
32. The allocation as a whole is in multiply landownership and occupied by numerous existing businesses. Although it would be preferable for the whole allocation to be planned and developed at the same time, in this case the principle of phased delivery is considered acceptable, provided: it is clear that the proposals would not compromise the development of the remainder of the site; and living conditions in the interim would provide an acceptable level of amenity.

## **Main issue 2: Mix and type of residential**

33. Key policies and NPPF paragraphs – JCS2, DM3, LU3, DM12 NPPF paragraphs 9,17, 56 and 60-66.
34. Policy LU3 requires in this part of the Action Plan area that residential development should include at least 50% of units designed as suitable for occupation by a family with children. Although permission is being sought for 27 dwellings, the precise mix of dwellings on this site is reserved for future consideration. The proposed number of dwellings is consistent with Policy OSN2 and results in a density which would be commensurate with a scheme delivering a mix of dwelling types ie family houses and flats. The submitted Concept Plan indicates that a minimum of 50% of the proposed dwellings would be houses and this plan, if approved, would provide certainty over the broad mix of dwellings on the site. The proposal is therefore considered to be in accordance with policies LU3 and DM12.
35. Development of this scale triggers a requirement for a proportion of the dwellings to be affordable. In accordance with JCS 4, 33% of the units would need to be affordable with approximately 85%: social rented and 15% intermediate tenures. In accordance with para. 25 of the Affordable Housing SPD, outline planning applications should as a minimum secure the full affordable housing provision in

accordance with JCS policy 4. This will be secured through a S106 Obligation which will require a proportion of all of the proposed dwelling types to be affordable.

### **Main issue 3: Design**

36. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.

37. The detailed design of the scheme is not for approval at this stage but information has been submitted both within the Design and Access Statement and on the accompanying Concept Plan which indicates broad design principles. Given the characteristic of the site and the sensitivities of the surroundings it is considered necessary to agree such broad design parameters at this stage in order to ensure that an appropriate form of development comes forward in future reserved matters applications.

38. The Concept Plan indicates the following:

- Development fronting Oak Street, max. height x 2.5 storeys
- Development fronting the R. Wensum – set back a min of 15m, max. height 3-3.5 x storeys
- Riverside Walk set in natural green corridor
- A corner ‘Malthouse’ building, max. height 3-3.5 storeys
- Access from Oak street: re-establish historic lane ‘Little Buck Yard’ providing public access to the river
- Development fronting ‘Little Buck Yard’ - max. height x 2.5 storeys
- Internal layout to provide for a mix of private/communal amenity space and parking

39. These design principles reflect pre-application advice provided by the council which highlighted the character and appearance of this part of the Conservation Area/ the River Wensum corridor and the heritage considerations relating to the historic use of the site and the setting of listed buildings/monuments close by. The design parameters seek to ensure that development is appropriate in form and scale to the context/topography of the site and that specific opportunities associated with the location influence the design approach. These opportunities include the re-establishment of historic building lines, historic routes (Little Buck yard), creation of historic forms of development (site of the former Steward & Patterson’s malthouse ), provision of a new section of riverside walk and environmental improvements of the river corridor. The quantum of development and range of heights indicated are considered appropriate for this location and respond to both the scale of buildings in the vicinity and drop in levels across the site. The proposed scale of development reflects the supporting text of the site specific policy OSN2 and the requirement to have positive regard to the setting of the Great Hall to the south and the remnants of the city wall/tower to the north.

40. Historic England do not object to the application but have in particular indicated that development on Oak Street should be guided by the rhythm and traditional form of

historic houses on Oak Street and that opportunities should be taken to improve access to and appreciation of the remnant of city wall/tower to the north. It is considered that the Concept plan provides sufficient control to enable these matters to be addressed at reserved matters stage.

41. The proposed broad development approach would not prejudice the future development of the southern half of the allocation. The re-establishment of Little Buck Yard provides a focus for the whole allocation providing access and the opportunity for frontage development.
42. The Concept plan is based on sound contextual analysis and provides robust design parameters to guide the detailed design of a housing scheme for the site. Parameters are consistent with ensuring development complies with the design objectives in the local plans and DM6 and DM9 of securing enhancements of the natural environment and heritage assets.

#### **Main issue 4 : Noise from adjacent businesses**

43. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
44. A Noise Assessment has been submitted which identifies two sources of noise potentially impacting future residents of the site – traffic noise associated with Oak Street and noise associated with industrial and commercial activities located to the south of the site. In relation to the former the council's Environmental Protection officer has indicated that careful building layout design and the use of specified glazing and ventilation will allow suitable internal noise levels to be achieved.
45. In relation to the second source, there is the probability that noise from adjacent industrial activities will affect the outside amenity spaces of the proposed development. Adjacent uses include an end of life vehicle operation which is licenced by the Environment Agency to depollute and dismantle vehicles. This site has a poor visual appearance. The Noise Assessment demonstrate that this activity does not produce constant high levels of noise but short bursts, confined mainly to daytime weekday and Saturday mornings. This operation is located on the southern half of the residential allocation but at this stage it is unclear whether the site will come forward for residential redevelopment or over what timescale. However, the council's Environmental Protection officer has indicated that building layout could assist in mitigating the noise impact on amenity spaces, along with the 2.5m acoustic fence proposed in the Noise Assessment. On this basis and the imposition of suitable planning conditions, no objection on the basis of noise is raised.
46. In terms of general amenity, the proposed density of development offers scope for adequate separation distances to be achieved, for adequate outlook, privacy and access to both private and/or communal amenity areas.

#### **Main issue 5: Flood risk**

47. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 99 -106
48. The site is shown to be located predominantly in Environment Agency Flood zone 2 (medium risk of flooding) with the far extremities of the site shown to be in flood zone 1 (low risk of flooding). The NPPF and DM 5 requires inappropriate development in areas at risk of flooding to be avoided by directing development

away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk

49. The northern city centre is a key regeneration in the city and this site has been identified as suitable for residential development through its allocation. The principle of development in this flood susceptible location has therefore been established and there is no policy requirement for the sequential test to be applied. In these circumstances the prime consideration is whether the development has been designed to ensure safety and that the impact of flooding is minimised.
50. A flood risk assessment has been submitted with the application which considers the precise nature and extend of flood risk and recommends measures to ensure that the development is safe over its lifetime. The natural slope of the site offers protection to the eastern portion of the site and it is proposed to ensure that where necessary finished floor levels of the dwellings are set at height above the 1:100 years + Climate change flood level. This requirement along with the foul drainage strategy will raise the floor level of development fronting the river by approximately 0.5 storeys. The design of the detail scheme will need to ensure that this does not detract from the appearance of the development and any use of the void is for non-habitable and is flood resilient in construction.
51. The FRA also includes an assessment of surface water runoff rates and proposes a strategy for future management. The site lies within a Ground Water Protection Zone where it is necessary to ensure that pollution risks to ground water are minimised. Given the existing and historic commercial use of the site, ground conditions and the shallow level of the water table, infiltration surface water disposal is neither recommended nor feasible. It is therefore proposed to direct surface water from impervious surfaces to an attenuation storage feature with regulated discharge into the R Wensum via an existing outfall. This approach is considered acceptable in principle and matters of detailed specification and future management and maintenance will need to be agreed through a suitable planning condition.

## **Main issue 6: Biodiversity**

52. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
53. The site is currently intensively used for commercial purposes but the location of the site adjacent to the River Wensum and opposite a County Wildlife Site, Train Wood, increase the likelihood that the site is used by wildlife, particularly bats. An Ecological Survey has been undertaken which established that the site is generally of low ecological value, although the mixture of buildings and tall walls around the site together with materials scattered around the area, provide suitable habitat for nesting birds and potentially bats. The investigations found no bat roosts on the site but nocturnal surveys found low levels of foraging and commuting by common pipistrelle, soprano pipistrelle, noctule and myotis bats. High activity levels of noctule bat were observed over the river with a potential roost within trees on within Train Wood.
54. The current site is environmentally poor and the residential scheme which proposes the formation of a green corridor along the river frontage provides substantial scope for biodiversity enhancement. The parameters plan indicates the river fronting development set back by a minimum of 15m and space either side of a new section of riverside walk for natural low maintenance planting. Given the proximity of the

river channel any works within this area will need to be carefully designed and constructed in order to ensure that the riverine environment is not directly or indirectly adversely affected. Following an initial objection from the Environment Agency the applicant has submitted a Briefing Note which provides further information about the extent to which development of the site would require works close to the river. The Environment Agency has now confirmed that subject to an inclusion of a buffer zone and the imposition of conditions that they have no objection to development of this site.

55. On this basis the proposed design/landscape approach to the river frontage is strongly supported. Additionally there is scope to provide further ecological enhancement elsewhere on the site through the placing of bird and bat boxes/access tiles on the new building facing west and north and through the provision of tree planting both within the site and on Oak Street.

### **Main issue 7: Access and parking**

56. Key policies and NPPF paragraphs – JCS6, DM7, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
57. Access to the site is a matter for full approval at this stage. Principal access to the site is proposed in a location to the south of the site. The proposed road type and point of access would be capable of serving future development of the southern portion of the allocation. The new shared surface access would also enable public access to the river frontage and to the new section of the riverside walk. The right of way from Oak Street to the site and the rear of no 163/165 is retained and this would have the ability to function as a potential secondary access. In addition in accordance with DM7, given the site has a frontage of more than 10m, street trees are proposed on the Oak Street frontage, these would be secured as part of a highway enhancement scheme. The Council's Highway Engineer has indicated that these access arrangements and works are acceptable and will also facilitate safe access for servicing purposes
58. A low car development is indicated, with private parking for houses and communal parking serving flatted properties. This level of parking is consistent with DM32 and acceptable for edge of city centre sites which offer scope for future residents to travel to work and everyday services/facilities by sustainable means.

### **Main issue 8: Contamination**

59. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
60. The site has a long history of commercial use including historic use as a boat yard and a malt house and current use as a reclamation yard and for vehicles repairs. The use of the site and the surrounding area results in a high Likelihood that areas of the site may be impacted by soil contamination. In addition heavy bombing during WW2 and the underlying geology raise additional risks related to unexploded bombs and natural ground gas.
61. The Environment Agency have advised that the River Wensum is currently classified as 'less than good ecological potential and heavily modified' and that a key objection is the restoration and enhancement of the water body. The redevelopment of the site for residential purposes offers the potential for an environmentally

preferable land use to the existing but the construction phase poses risks of contaminants being mobilised. A Phase 1 desk Top Report has been submitted which recommends a site investigation strategy; this includes intrusive investigation and laboratory testing of material. Environmental Protection and the Environmental Agency have recommended a number of detailed planning conditions to ensure that appropriate remediation works are carried out and verified in order to ensure that ground water and the adjacent water course are protected from pollution and that public health is safeguarded.

### **Compliance with other relevant development plan policies**

62. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Yes subject to condition</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>

### **Other matters**

63. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: archaeology and trees.

### **Equalities and diversity issues**

64. There are no significant equality or diversity issues.

### **S106 Obligations**

65. A S106 Obligation is necessary to ensure the provision of affordable housing; right of access to the river /riverside walk; and provision and long term maintenance of the riverside walk. The applicant is in agreement to these matters being secured and a formal legal agreement is at draft stage.

### **Local finance considerations**

66. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance

considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

67. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

68. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

69. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 15/00245/O - 161 Oak Street Norwich NR3 3AY and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing/riverside walk/public access rights and subject to the following conditions:

1. Standard time limit for outlines;
2. In accordance with plans/details;
3. Contamination conditions required by EA
4. Flooding and surface water mitigation/management
5. Archaeological investigation/monitoring
6. % Lifetime homes
7. Water and energy efficiency
8. Access details/provision
9. Noise mitigation

## **Article 35(2) statement**

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







**Report to** Planning applications committee

**Item**

16 April 2015

**Report of** Head of planning services

**Subject** Application no 15/00305/F - 117 - 127 Trinity Street  
Norwich NR2 2BJ

**Reason for referral** Objection

4(C)

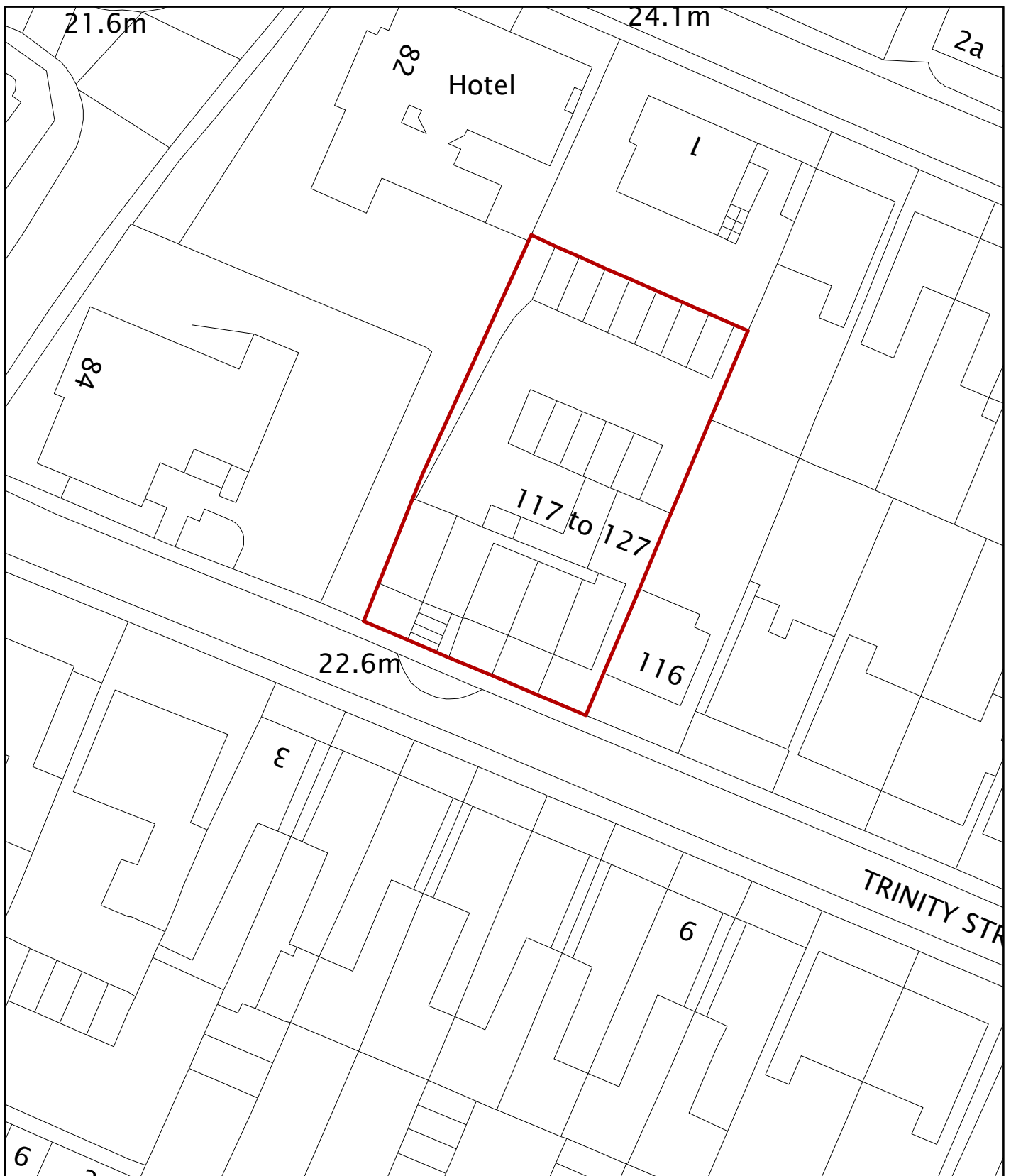
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<b>Ward:</b>	Town Close
<b>Case officer</b>	Rob Parkinson - <a href="mailto:robparkinson@norwich.gov.uk">robparkinson@norwich.gov.uk</a>

Development proposal		
Demolition of 11 No. flats and associated garages. Erection of 13 No. flats and basement car parking.		
Representations		
Object	Comment	Support
12		

Main issues	Key considerations
1	Overbearing design of rear block
2	Loss of daylight received by 1 and 3 Essex Street
3	Loss of outlook affecting 1 and 3 Essex Street
4	Overlooking from the glazed stair core
5	Internal space standards
<b>Expiry date</b>	1 June 2015
<b>Recommendation</b>	Approve with conditions





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Planning Application No 15/00305/F

Site Address 117-127 Trinity Street

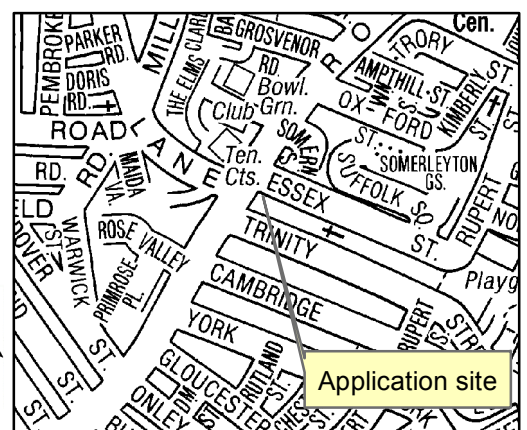
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The proposals are a revision of application 14/01094/F, previously considered by planning applications committee on 8 January 2015. Neither the site area nor its existing condition, nor the neighbouring uses / developments have changed since January.
2. The previous planning applications committee report is available at Appendix 1, and the written update report which was issued at the committee meeting is available at Appendix 2. The previous application is available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 14/01094/F.

## Constraints

3. None of the site's constraints or development plan designations have changed in the interim, namely the site is within a conservation area and surrounded to front and rear by locally listed buildings, and forms part of the Critical Drainage Area.
4. Most influential of the site's characteristics is the significant change in topography, as the site rises from the footpath by 3.2m at the back of the site to meet the same level as the rear gardens on Essex Street.

## Relevant planning history

5. There was no relevant planning history prior to the application below.

Ref	Proposal	Decision	Date
14/01094/F	Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.	REFUSED	16/01/2015

6. Application 14/01094/F was a finely balanced proposal, but officers felt the many benefits were able to outweigh their concerns about the impacts on neighbouring amenity, and the application was therefore recommended for approval by officers ahead of the committee meeting on 8 January 2015. However, Members felt the impact on neighbouring amenity at no. 1 and 3 Essex Street would be too significant from the rear block of the two proposed, and consequently considered the application necessary to be refused. Minutes of the meeting are seen at appendix 3 of this report. The minutes were approved on 29 January without amendment.
7. The reasons for refusal of application 14/01094/F related to the rear block's northernmost arm of the L-shape layout which had a three-storey height opposite 1 Essex Street dropping to a two-storey height adjacent to 3 Essex Street. The reasons for refusal were given as:

“By virtue of the height and scale of the three storey elements, in combination with the mass and proximity of the two storey elements of the development next to the site's boundaries with residential dwellings to the rear of the site, the scheme presents an unacceptable design which creates an overbearing form with a harmful effect on the amenity and outlook of neighbouring properties on Essex Street,

contrary to the objectives of paragraphs 9, 17 and 58 of the National Planning Policy Framework (NPPF), and adopted policies DM2, DM12(b) and DM13 of the Norwich Development Management Policies Local Plan (2014), and to refuse the application is consistent with paragraph 64 of the NPPF.”

## The proposal

8. The revised development proposal has retained 13no. flats providing 24no. bedrooms in total (as with 14/01094/F). This comprises 3no. 1-bed flats, 9no. 2-bed flats, and 1no. 3-bed flat across two blocks as previously proposed. The front (Trinity Street) block of 6 flats remains unchanged.
9. The rear block of 7 flats closest to Essex Street residents retains the same footprint but the form, scale, mass and articulation of the rear block has changed.
10. The changes are:
  - (a) The former north-facing projecting element of the rear wall of Flat 12 at the first floor level (3<sup>rd</sup> storey) has been removed, reducing the (externally-measured) front-to-rear depth of the flat by 1.6m from 10.7m in 14/01094/F, to 9.1m now, therefore increasing the distance between the opposite facing wall at 1 Essex Street (measured to a point from the centre of the previously-projecting wall to a perpendicular point on the rear elevation of the original house) from 8.6m in 14/01094/F to 10.2m now.
  - (b) Changed design of the rear block lift core, changing from a square design with projecting eaves and using solid cladding, to a diagonal design with recessed eaves and using glazing, and which is angled away from 1 Essex St.
  - (c) Reduced extent of the north-west corner of the rear block, to cut away some of the angle and offer more sunlight around the corner.
  - (d) Insertion of new basement-to-ground floor emergency stairs in north west corner, in place of 2no. visitor cycle hoops (i.e. 4 no. visitor cycle spaces would be lost).
  - (e) Consequent reduction in internal space areas at flats 8 and 12.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>13</b>
No. of affordable dwellings	<b>0</b> (not required – there is a net addition of only 2 dwellings so affordable housing requirements are not triggered)
No. of storeys	3-4 at front (south), 3 at side (west), 2-3 at rear (north). All include basement car park.
Density	144 dwellings per hectare

<b>Appearance</b>	
Materials	Brick, render and cladding. Glazing to the rear block lift core.
Construction	A reinforced concrete basement and podium, with typical load bearing construction techniques for the flats above.
Energy and resource efficiency measures	The scheme will use the Minus 7 technology or similar, being a hybrid of a solar thermal heating material for the entire roof covering, and a heat pump to distribute the energy.
<b>Transport matters</b>	
Vehicular access	Access from Trinity Street to basement car park
No of car parking spaces	14 (13 for residents, 1 for visitors / disabled provision)
No of cycle parking spaces	14 no. secure private stores (1.2m x 1.8m) in the basement, with room for 2 bikes each.  2 hoops / 4 no. visitor cycle spaces in the basement.
Servicing arrangements	A communal secure refuse store is on the front elevation accessed from Trinity Street.

## Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 12 letters of representation have been received from 16 addresses, and a combined community responses from 30 signatories, have been received to date, citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 15/00305/F.

<b>Issues raised</b>	<b>Response</b>
Overr-dominant and overbearing design – the rear three-storey block is still too close to 1 and 3 Essex Street and too tall to be an acceptable scale.	See Main Issue 1 of this report and paragraph 13.
Overshadowing - loss of daylight received by 1 and 3 Essex Street.	See Main Issue 2.
Loss of outlook affecting 1 and 3 Essex Street	See Main Issue 3 and paragraph 13.
Overlooking from the glazed stair core	See Main Issue 4.
Proposed flats 1, 8 and 12 are still below the DM2 policy standard.	See below and Main Issue 5 of this report.

Issues raised	Response
Overlooking and overshadowing from the remaining aspects of the development, including towards 116 Trinity Street.	<p>All these elements were considered in detail by planning committee on 08<sup>th</sup> January 2015 and were not considered such significant issues as to require forming a reason for refusal of application 14/01094/F.</p> <p>See Appendix 1, 2 and 3.</p> <p>As such the applicant did not consider it necessary to amend the previous proposals in this regard, and as such these impacts should still be considered acceptable.</p>
The new of flats are replacing existing 'affordable' flats on the open market.	
Traffic impacts will increase and the previous application's predictions on traffic impact were wrong.	
The design will be harmful to the conservation area and adjacent heritage assets and block key views.	
Loss of outlook from rear rooms of 116 Trinity Street	
Landscaping proposals are inadequate for both new residents and screening.	
Inappropriate form of new housing.	
Highways safety on the local road network will be compromised.	
Construction impacts and subsidence will be detrimental to neighbours.	
Crime and anti-social behaviour will potentially increase.	
Members are requested by the public to visit the site in advance.	Noted

12. In one letter of representation it has been pointed out that the reason for refusal of 14/01094/F is ambiguous as it was referring to the storeys of accommodation rather than including the basement parking in the overall scale and mass of development. The reason for refusal is provided at paragraph 7; Members will see the development is made up of three- and four-storey blocks.
13. As seen in the elevations and sections, the overall effect of basement excavation is that the proposed scheme is over 1.5 storeys below the level of the gardens at 1 and 3 Essex Street. As a result the new development is only 2.5 storeys above the garden ground level and only 1.5 storeys above the height of the existing garages (and proposed retained rear garage wall).

## Consultation responses

14. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.



## **Design and conservation**

15. The design is still considered to enhance the conservation area and the revisions to the rear block make the scheme more acceptable than previously. Conditions will resolve some of the design matters such as materials and balconies' appearance.

## **Historic England**

16. Comments are awaited at the time of writing the committee report.

## **Environmental protection**

17. The same comments as for 14/01094/F still apply. Sound attenuation and ventilation is needed for windows in the new development. Standard conditions can deal with any of the low level contamination risks.

## **Anglian Water**

18. Comments are awaited at the time of writing the committee report.

## **Flood & Water Management Team, Norfolk County Council**

19. Comments are awaited at the time of writing the committee report.

## **Highways (local) and Environmental Services (refuse collection)**

20. Refuse collection, capacity, parking and cycle store arrangements are acceptable. Conditions should resolve designs for the new access and relocated traffic island, e.g. footpath reinstatement, the kerb should be dropped and the crossover approved; properties will not be eligible for either permanent nor visitor on-street parking permits; the refuse store should be secure with resident-only access.

## **Housing strategy**

21. There is no need to require affordable housing.

## **Landscape**

22. As with the previous application there remain some concerns: The scheme is overly dominated by buildings and has too little space for landscaping to minimise the proposals' impacts on neighbours. The scheme should replace or enhance the screening offered by trees on the east boundary. Using planters to prevent overlooking indicates that windows and the design are inappropriate. The quality and quantity of the amenity space is questionable, and more thought is needed to mobility in and around the site and desire lines.

## **Norfolk historic environment service**

23. There are no archaeological implications and no reason to require survey works.

## **Norfolk police (architectural liaison)**

24. Unauthorised access to the car park should be prevented by installing access control systems and inward-opening automatic gates. Secured by Design should be encouraged.

## **Tree protection officer**

25. No comments necessary – the loss of the low value trees is still acceptable.

## **Assessment of planning considerations**

### **Relevant development plan policies**

**26. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS7 Supporting communities and protecting quality of life
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 Remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

**27. Norwich Development Management Policies Local Plan adopted Dec. 2014**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM15 Safeguarding the city's housing stock
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

**28. Relevant sections of the National Planning Policy Framework 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding, coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**Heigham Grove Conservation Area Appraisal (March 2011)**

**Ministerial Statement – regarding National Space Standards (March 2015)**

## Case Assessment

29. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### Main issue 1: Overbearing design of rear block

30. Key policies and NPPF paragraphs –.
31. It is important to note that at 2<sup>nd</sup> floor level / 4<sup>th</sup> storey, the closest vertical facing wall (at the rear of Flat 13) is set back an additional 3.0m from the vertical rear elevation of the floor below, making the distance between the rear wall of 1 Essex Street 13.3m. This was the case in the previous application but is not easily understood from the sections and elevation drawings provided so may not have been clear in the committee meeting. This improves the outlook and reduces the overbearing nature of the design somewhat significantly. When added to the newly-revised angled design of the adjacent stair core, the revised proposals have a much better relationship to the neighbouring property, as below.
32. In views from the rear garden and south-facing rooms of 1 Essex Street, with the garage wall being retained as a boundary feature, the closest vertical faces of the proposed rear elevation are Flats 11 and 12, which extend only 1.3m taller than the wall and which are set back 3.1m from the boundary, and create a minimum separation distance of 10.2m at this height. The vertical parts of the stair core are only 0.5m higher than the top of this 1<sup>st</sup> floor / 3<sup>rd</sup> storey and is only 4.6m-wide. The 2<sup>nd</sup> floor / 4<sup>th</sup> storey reaches 2.6m higher than the floor below, but does have that 3.0m set back. As a result the 'angles of incidence' of daylight received to the rear elevation windows and outlook from the garden and house are much improved over those discussed in the previous committee meeting.
33. The previous application proposed a square / vertical lift and stair core with solid rock panel cladding within green aluminium framing. By revising this design to use an angled and glazed stair core at the highest level, the design is much less overbearing, feeling somewhat lighter and not over-dominant.
34. Further, the north-west corner of Flat 13 at 2<sup>nd</sup> floor / 4<sup>th</sup> storey has also been amended, by providing a 2.1m-wide 0.6m-deep set-back to the corner. This is not directly opposite the rear elevation of 1 Essex Street but does increase the equivalent separation distance to 13.9m and does further reduce any sense of overbearing design and allows more sunlight into the garden areas.
35. In summary, the revised designs have improved the appearance in views south from 1 Essex Street and south west from 3 Essex Street and removes the previous concerns that the stair core and closest parts of the scheme were overbearing. All the scale, mass and position of the building's tallest elements are now fairly comfortably outside the recommended angle of incidence for their potential effect on windows and the garden of 1 Essex Street (as set out in the Building Research

Establishment's 1991 report 'Site Layout Planning for Daylight and Sunlight', which recommends that suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25 degrees can be drawn from a point taken 2m above floor level of the fenestrated elevation).

36. Another benefit of the revised design is that the building appears more unified and improves its appearance from Unthank Road.

### **Main issue 2: Loss of daylight received by 1 and 3 Essex Street**

37. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
38. The changes have improved the overall receipt of daylight to the gardens and homes of 1 and 3 Essex Street which had given Members their greatest concerns. The previous sun path analysis has been revised to account for the changed designs. It still forecasts the extent of shade at every month of the year at six times in the day, comparing existing and proposed developments. The scheme has improved receipt of sunlight by (i) cutting back some of the blockage from south and south-west light to 1 and 3 Essex Street garden and homes by reducing the mass of the lift/stair tower, (ii) removing some of the 3<sup>rd</sup> storey blockage from south-west light to 3 Essex Street's house and part of its garden by reducing the extent of Flat 12; and, (iii) lessened the loss of light to 1 Essex Street's rear elevation by cutting back some of the upper storey's north-west corner.
39. The sun path analysis shows new overshading would be experienced as below:
- a) January 14:00 & 16:00 – 1 Essex St: extended shading over the conservatory and 1 first floor window. (This shows no change from the previous proposal).
  - b) February and March 12:00 & 14:00 - 1 Essex St: extended shading of garden and conservatory; 16:00 shading of first floor. However, this is slightly less extensive than was predicted in the previous proposal, particularly in March where shadow will generally extend to only half the depth of the garden at 12:00 and 14:00.
  - c) April: 1 Essex St: marginal extended shading of garden, but less so at 14:00 and 16:00. 3 Essex St: Small increases in garden shading but results in full shade by 18:00 (no change).
  - d) May 16:00 1 Essex St minor shading of garden (changed area but generally similar). 18:00 3 Essex St: Small increases in garden shading but almost full shade (no change). 20:00 3 Essex St: full shade before and after construction.
  - e) June 16:00 & 18:00 1 Essex St: slightly more shading due to the retained tall brick boundary wall. 20:00 3 Essex St: full shade before & after construction.
  - f) July 16:00 & 18:00 1 Essex St: slightly more shading due to the retained tall brick boundary wall. 20:00 3 Essex St: full shade before & after construction.
  - g) August 14:00, 16:00 and 18:00 1 Essex St: more shading due to the retained tall brick boundary wall. 18:00 3 Essex St: full shade before and after construction.

- h) September 12:00, 14:00 & 16:00: 1 Essex St: similar level of extended shading of garden and conservatory, but less depth of shadow overall.
  - i) November & December 14:00 1 Essex St: extended shading of garden and conservatory (no change from previous application).
40. It is interesting to note that in some respects the situation has improved as there is less depth to the shade extent. However, the retention of the garage wall as a retained boundary wall will actually allow less light through to the garden than the previously-proposed lower timber fence; the benefit of retaining the garden wall are nevertheless considered much more favourable than not doing so.
41. Neither the front block nor the western arm of the rear block have changed so the effects on neighbours at 116 Trinity Street and beyond will not change and should still be considered acceptable as was the case with the previous application.

### **Main issue 3: Loss of outlook affecting 1 and 3 Essex Street**

42. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
43. Outlook and visual amenity has been much considered at the previous planning committee, and was considered likely to be too badly affected for 1 and 3 Essex Street. By comparing the scheme's new designs against those guidelines assessed at the last committee, it can be seen how the within the situation has improved.
44. As before, outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. Outlook from 1 Essex Street is considered against windows in the conservatory and the rear elevation.
45. The separation between the conservatory and the tallest element is actually 10.2m, and the height of the 3-storey element above the basement is 6.6m at the boundary. Although the height difference between garage wall and roof top remains at 3.9m, the newly-increased separation between the 1 Essex Street rear elevation's windows and the 2-storey element is now 10.2m. Therefore, the proposals still do not compromise the guideline values for outlook affected at 1 Essex Street, and in fact improve the situation.
46. Outlook from 3 Essex Street has also been improved by the reduced extent of Flat 12. The same guidelines cannot be easily transferred to this angle of view but there would now be noticeably less mass of the building rising above the height of the boundary wall when looking west. This means that what was only small proportion of visible sky that would be lost from the ground floor windows at 3 Essex Street would now receive more light. The upper floor windows still appear to be either bathroom windows or are beyond the 45 degree line of the 3-storey element, and in any case would be higher than the lower two-storey residential height.
47. In summary, the outlook is improved by this revised design. The proposals are only a 1.5-storey / 3.9m total increase in height above the existing garages, and even then that tallest solid part is 6.1m from the boundary and some 10.3m from the closest part of the neighbouring conservatory or 13.3m from the house wall. Although the building's siting will position its closest ground floor rear wall only 1.5m

from the boundary, this is not visible below the now-retained boundary wall. Further, the revisions have now increased the gap between boundary and the closest visible part of the development to 3.1m, the height of which is only 1.2m taller than the existing garages. Outlook has therefore improved and is acceptable.

#### **Main issue 4: Overlooking from the glazed stair core**

48. Key policies and NPPF paragraphs – JCS7, DM2, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
49. The revision to using glazing materials at the upper level does not cause any additional overlooking towards neighbours because at this point the stairs serve only one flat and is not a place for residents of that flat to linger. An additional benefit of the glazing is to bring more natural light and better security to the stairs.

#### **Main issue 5: Internal space standards**

50. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17 and 58.
51. Within application 14/01094/F four flats were below the minimum indicative space standard within policy DM2 as a result of improving the front block's relationship with the conservation area (although unfortunately only three were recorded ahead of the last committee meeting, as one of the floorplans assessed was mistakenly a superseded proposal). The flats which were not to the standard of policy DM2 were flats 1, 5, 9 and 12. Of these, Flat 12 has been further reduced in internal area in this revised proposal. A full description is available in the table below.

	Flat type (x bedrooms, x persons)	DM2 standard (sq.m GIA)	Proposed size in refused plans of 14/01094/F (sq.m GIA)	<b>Proposed size in revised plans of 15/00305/F (sq.m GIA)</b>	Compliance with policy DM2?
<b>Flat 1</b>	<b>2b 4p</b>	<b>70</b>	<b>64</b>	<b>64</b>	<b>No.</b>
Flat 2	2b 4p	70	71	<b>71</b>	Yes.
Flat 3	2b 4p	70	74	<b>74</b>	Yes.
Flat 4	2b 4p	70	71	<b>71</b>	Yes.
<b>Flat 5</b>	<b>2b 4p</b>	<b>70</b>	<b>63</b>	<b>63</b>	<b>No.</b>
Flat 6	1b 2p	50	51	<b>51</b>	Yes.
Flat 7	2b 4p	70	75	<b>75</b>	Yes.
<b>Flat 8</b>	<b>1b 2p</b>	<b>50</b>	<b>51</b>	<b>49</b>	<b>No.</b>
<b>Flat 9</b>	<b>2b 4p</b>	<b>70</b>	<b>63</b>	<b>63</b>	<b>No.</b>

Flat 10	2b 4p	70	75	<b>75</b>	Yes.
Flat 11	1b 2p	50	51	<b>52</b>	Yes.
<b>Flat 12</b>	<b>2b 4p</b>	<b>70</b>	<b>67</b>	<b>59</b>	<b>No.</b>
Flat 13	3b 5p	86	101	<b>101</b>	Yes.

52. Those flats which fall short of DM2 are:

- Flats 5 and 9 were previously rather small, being 7 sq.m below the DM indicative standard, but was considered acceptable on balance, and these sizes have not changed in this scheme;
- Flat 8 has reduced in area by 2 sq.m. as a necessity of providing the new escape stairs for building regulations purposes, so is now not compliant by just 1 sqm; and,
- Flat 12 was previously 3 sq.m. below the DM2 indicative standard, and is now as a result 11 sq.m. below the indicative standard.

53. As the previous committee meeting minutes recall, the smaller spaces offered were considered acceptable because they were providing an increased number and better range of sizes and type, and a better quality of accommodation, than the 11no. existing flats, and were acceptable as a consequence of making design alterations to enhance the conservation area. It should be noted that the proposals still make much more efficient use of the site and will provide most units with outdoor amenity space and better daylight and outlook, and provide some on-site communal amenity space and landscaping where currently there is none.

54. Flat 12 has since been reduced in space as a direct result of the revised designs having been amended to account for Members' previous concerns over the scale and proximity of the rear block. The consequent loss of 8 sq.m. is regrettable but the overall quality of the flat is adequate in layout and features, and will provide sufficient external space also. This is considered an acceptable compromise for the reasons already discussed above and in the previous committee meeting.

55. Members should note the Government has recently introduced some national space standards which the associated Ministerial Statement has said will replace the adopted Local Plan space standards from October 2015. The Government's technical standards practice note is a material consideration but is not considered to outweigh adopted planning policy.

56. Overall, the reduced space provision is considered an acceptable compromise for the improved design, mitigated in large part by the considerate and innovative use of balconies and screened windows to provide carefully-designed external space.

### **Compliance with other relevant development plan policies**

57. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3, DM3	<b>Yes subject to condition</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>
Biodiversity	JCS1, DM3, DM6	<b>Yes subject to condition</b>
Noise protection	JCS2, JCS7, DM2	<b>Yes subject to condition</b>

### **Other matters**

58. The principle of development remains unchanged from that discussed during previous application 14/01094/F and is still considered acceptable in terms of density of development, mix of dwelling types, sizes and tenures, and the space standards of dwellings within the front block of the development. The following additional matters have been assessed and are considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: Impact on heritage assets; materials and appearance of the designed development; outlook and visual amenity, overshadowing and loss of privacy for neighbours and future residents in respect of the massing of the front block and the side and front of the rear block and position of windows and screening thereof; energy generation and water efficiency; existing trees and replacement / enhancement; biodiversity and landscaping; contamination; noise for new residents; noise for neighbours; provision of sustainable surface water drainage systems and their maintenance; refuse storage; car and cycle parking; traffic impacts; access designs and relocation of the traffic speed control island; subsidence; archaeology; and, security.

### **Equalities and diversity issues**

59. There are no significant equality or diversity issues.

### **Local finance considerations**

60. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

61. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning



terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

62. In this case local finance considerations are not considered to be material to the case.

## Conclusion

63. For the reasons discussed above, the scheme will provide an improved standard and greater quantity of housing stock sufficient to outweigh the loss of existing homes. The design has achieved a successful balance between innovation around the site constraints and enhancing the setting of the conservation area, and has been carefully managed to reduce its impacts on the amenity of neighbours such that any detrimental impact is minimal and outweighed by the benefits of the scheme. Subject to the conditions imposed the development will be in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## Recommendation

To approve application no. 15/00305/F - 117 - 127 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Ground conditions survey and thereafter SUDS to be designed into the scheme;
4. Top soils to be certified as appropriate to residential purposes;
5. Contamination precautionary condition;
6. Development to follow paras 3.20 – 3.22 of the Arboricultural Impact Assessment;
7. Landscaping – details of a comprehensive scheme to include hard and soft landscaping materials, planter construction, management strategy, the irrigation and drainage system info and maintenance;
8. Refuse store details to be agreed, and provide;
9. Energy efficiency and renewable energy measures – agree details to ensure it provides at least 10% using the Minus7 or similar technology, or other systems as necessary, and provide thereafter;
10. Water efficiency measures – agree and provide;
11. Car parking – layout and provide;
12. Cycle parking – agree designs of residents and visitor storage, and provide;
13. Bird and bat boxes to be agreed and provided;
14. Car parking management plan;
15. Materials –
  - (a) refuse store screening;
  - (b) all doors and windows;
  - (c) bricks;
  - (d) cladding panels;
  - (e) render areas;
  - (f) eaves and soffits;
  - (g) stone banding;
  - (h) rainwater goods;
  - (i) roofing materials.

16. Balcony screens and window screens and box planters to be installed prior to occupation;
17. Boundary treatments to be confirmed – and the garage wall to 1 Essex Street to be retained as boundary wall and infilled in the north-east corner.
18. Noise assessment to be agreed, and specifications for acoustic attenuation and ventilation windows, to be installed prior to occupation.
19. No additional plant or machinery to be used without prior consent.
20. Notwithstanding the Norwich Local Development Order for flats, there shall be changes to the windows and doors without prior consent.

**Informative advisory notes:**

1. Chalk workings and subsidence – advice for getting specific studies.
2. Good practice in construction;
3. Waste material certification;
4. Car parking permit advice.

**Article 35(2) statement**

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

**Appendices:**

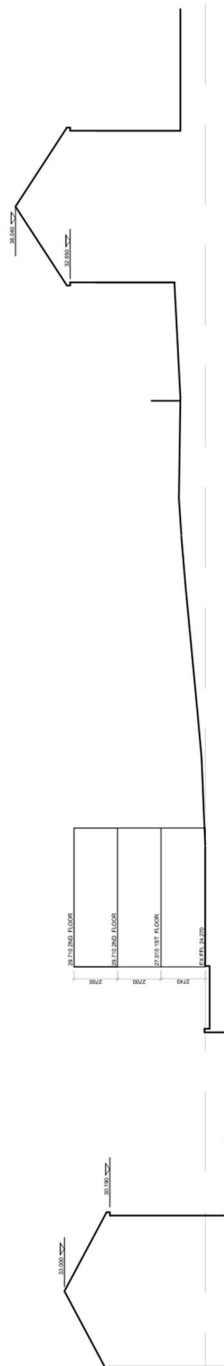
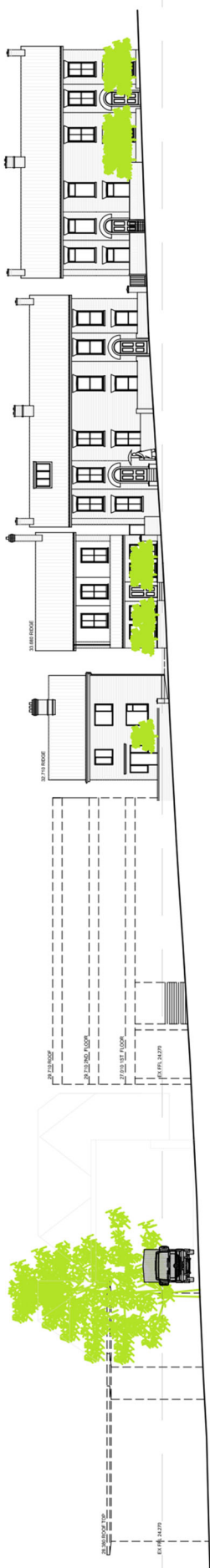
Appendix 1 - Previous planning committee report 8 January 2015

Appendix 2 – Update to committee report of 8 January 2015

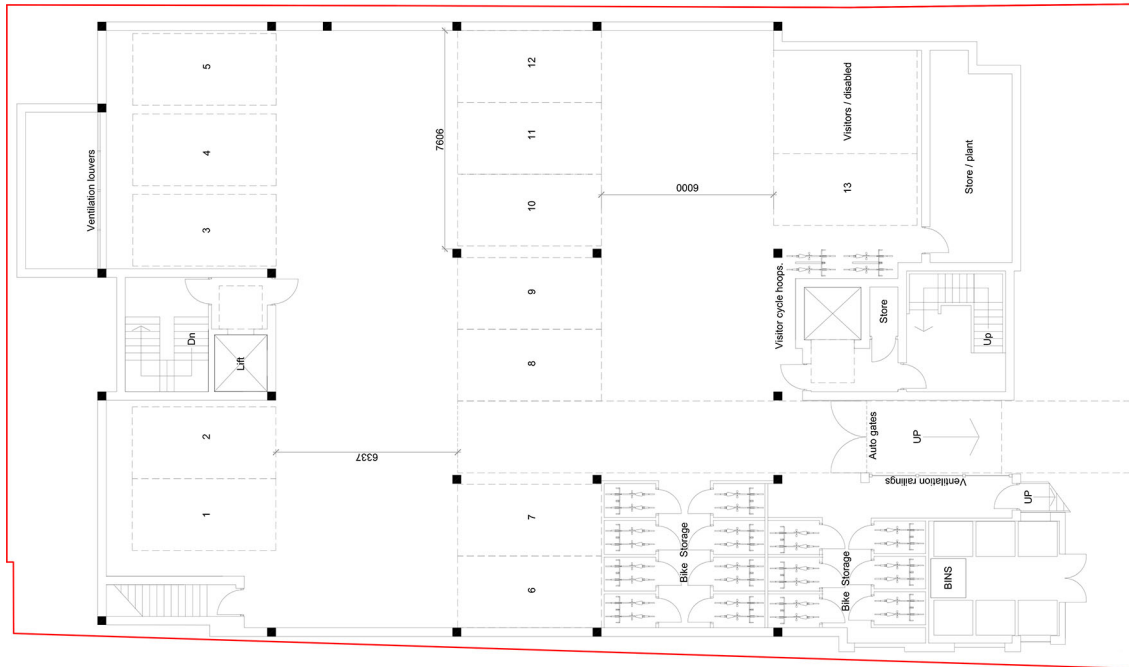
Appendix 3 – Extract from the minutes of the planning applications committee held on 8 January 2015

Documents for the planning applications committee held on 8 January are also available on the council's website:

<https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/74/Committee/3/SelectedTab/Documents/Default.aspx>









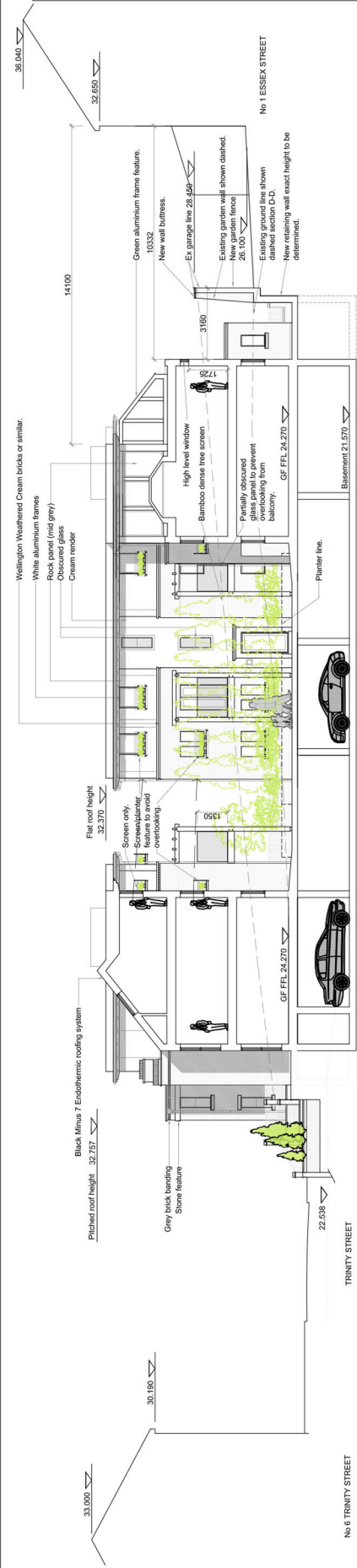
Proposed Roof Plan 1:100

Proposed Second Floor Plan 1:100

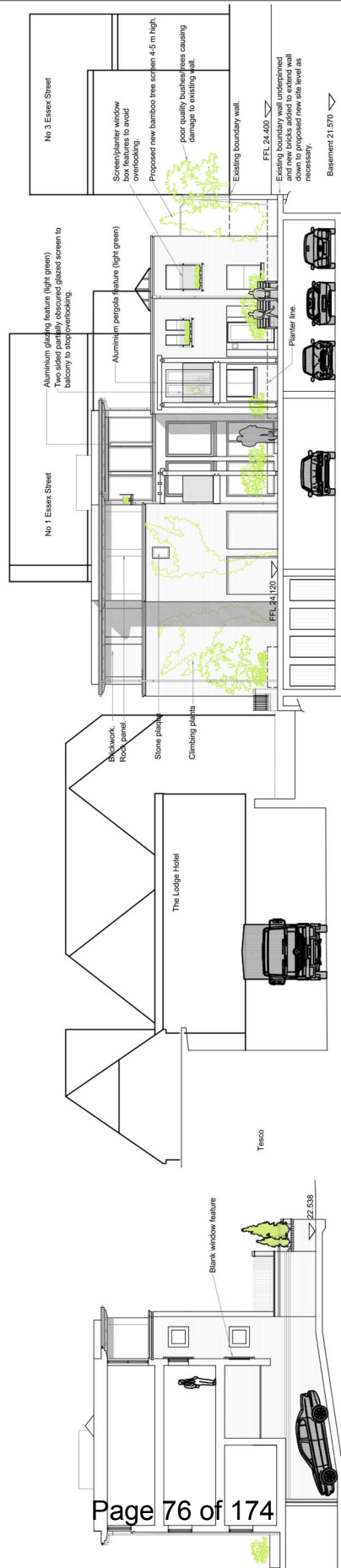
Proposed First Floor Plan 1:100





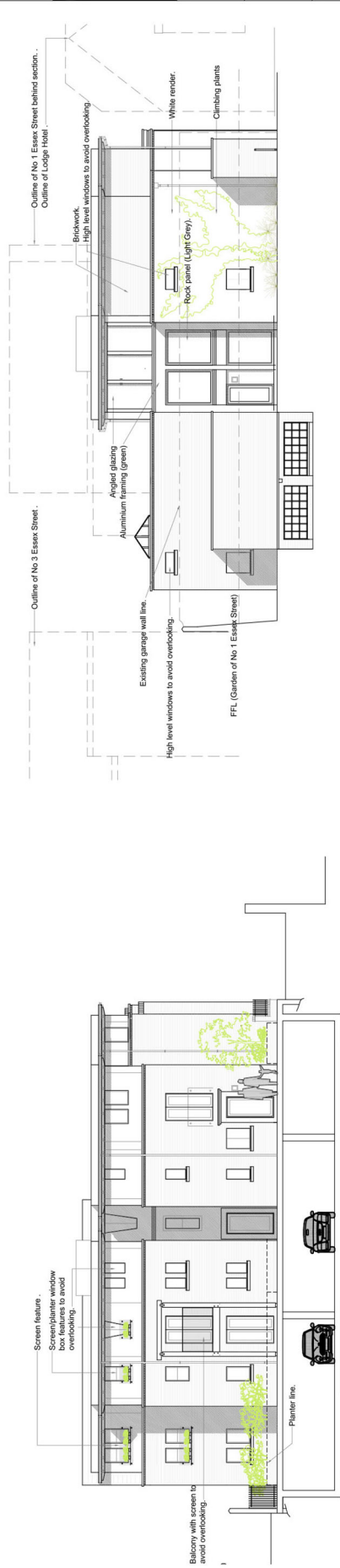


Proposed Section B-B 1:100



Proposed Section C-C 1:100

Proposed Section A-A 1:100



Proposed Rear Elevation Of Front Block (North) 1:100

Proposed Rear Elevation Of Rear Block (North) 1:100





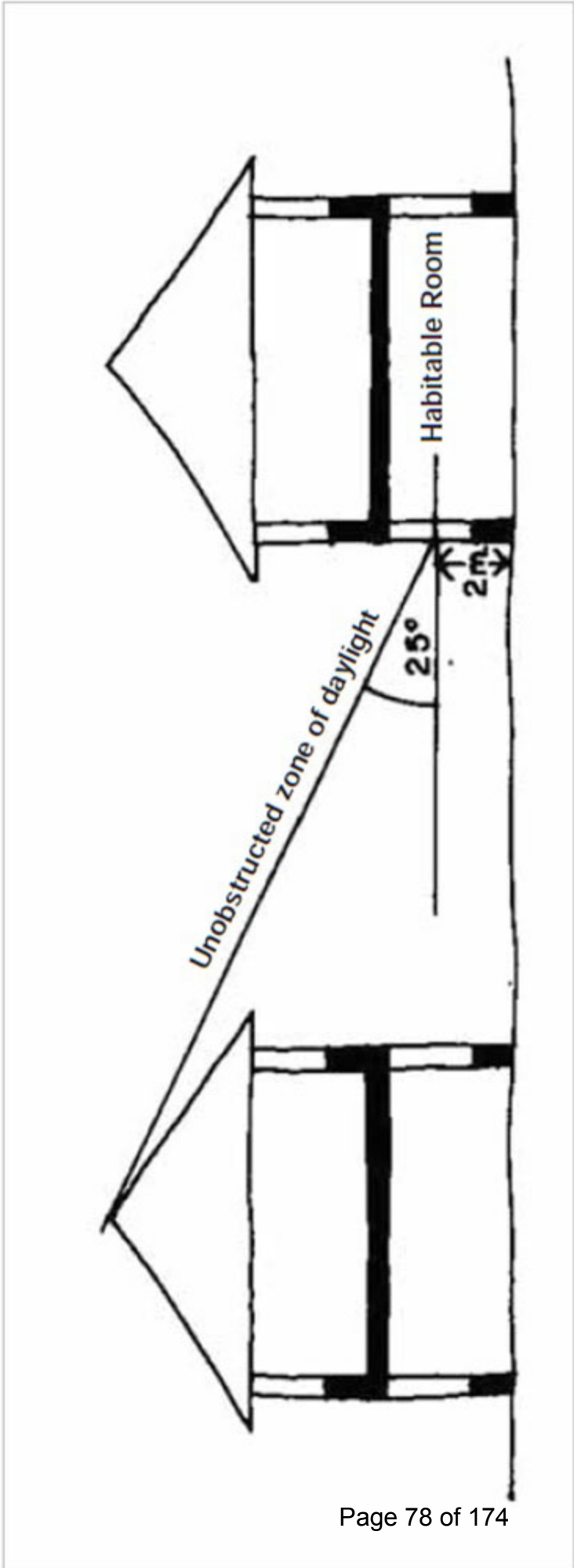
View from 3 Essex Street

View from West



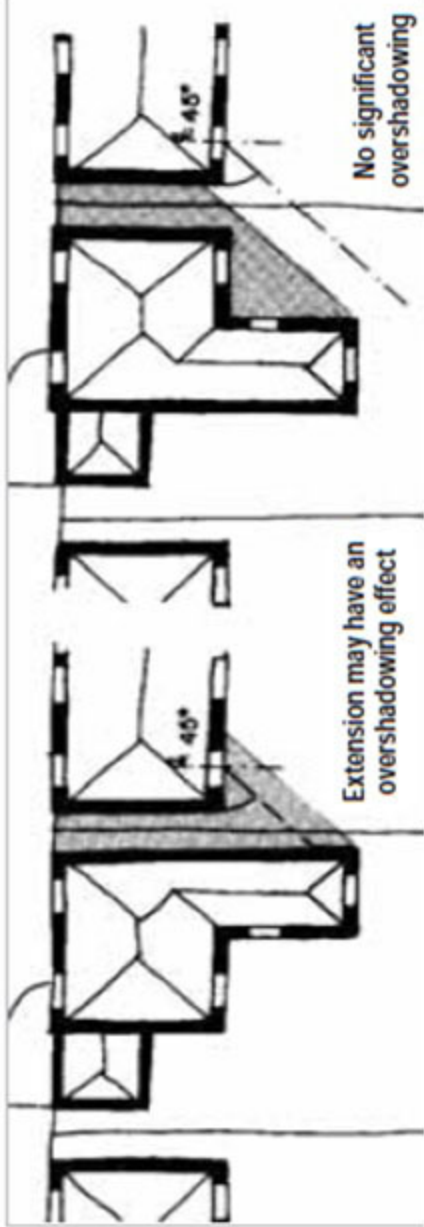
Concept Image from North-West

**6.2** The Building Research Establishment report 'Site Layout Planning for Daylight and Sunlight 1991' recommends that suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25° can be drawn from a point taken 2 metres above floor level of the fenestrated elevation.



*Fig.22 Building Research Establishment – Recommended Daylight Criteria*

**6.7** A similar test to that of achieving daylight for new dwellings can be applied to existing dwellings as in paragraph 6.2 above, except that the 25° measurement must be taken from the middle of each of the existing window openings. Alternatively the same test as described in paragraph





36.040

32.650

Wellington Weathered Cream or similar.

White aluminium frames

Rock panel / aluminium cladding (mid grey).

Cream render

14100

Lift roof line .

Previous application  
stair tower building line shown dashed .

Previous application  
Flat 12 bay shown dashed .

New wall buttress.

Existing garage wall.

10332

26.000

25°

No 1 ESSEX STREET



## Report to

Planning applications committee

Item

08 January 2015

## Report of

Head of planning services

## Subject

Application no 14/01094/F - 117-127 Trinity  
Street Norwich NR2 2BJ

4B

## Reason for referral

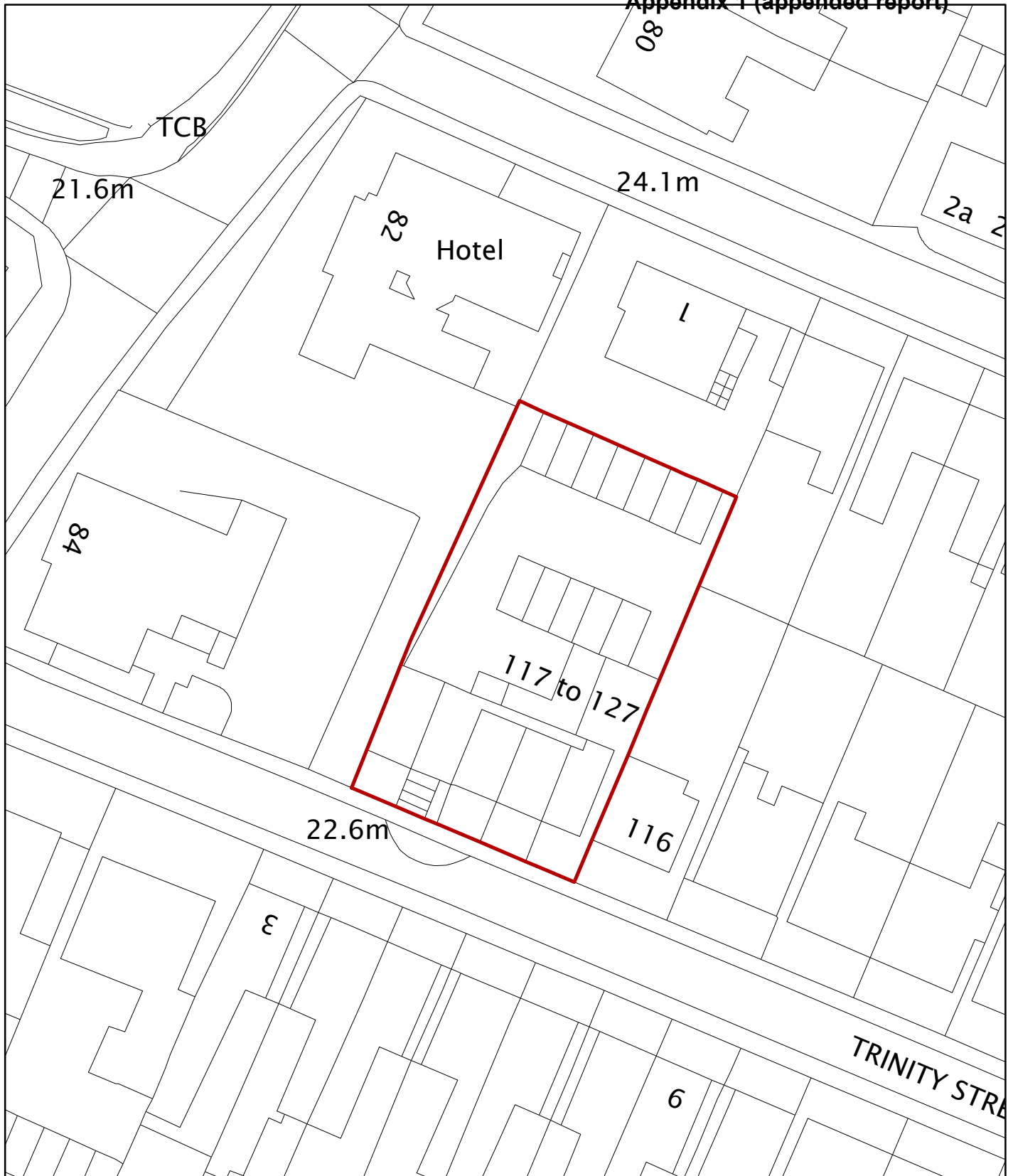
Objections

<b>Ward:</b>	Town Close
<b>Case officer</b>	Rob Parkinson - robparkinson@norwich.gov.uk

Development proposal		
Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.		
Representations		
Object	Comment	Support
29	0	1 (& various support for design)

Main issues	Key considerations
1 Principle of development	Loss of existing housing stock Providing adequate variety / mix of new homes Whether density is in keeping with the area Affordable housing provision
2 Design – impacts on amenity	Loss of daylight / overshadowing Loss of privacy / overlooking Loss of outlook Overbearing / over-dominant form of design Inaccurate shadow analysis Quality of amenity for new residents
3 Design – impacts on conservation area	Relationship between adjoining Tesco and the conservation area Impact on character of the area Density as part of character of the area Scale and massing Impact on views of the Holy Trinity church Design precedents for similar infill sites
4 Traffic, parking and servicing	Displacement of parking; increased traffic.
5 Surface water drainage	No sustainable systems included in the design.
6 Subsidence and excavations	Possible instability from construction of basement.

<b>Expiry date</b>	16 January 2015 (agreed extension of time)
<b>Recommendation</b>	Approve with conditions



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Planning Application No 14/01094/F

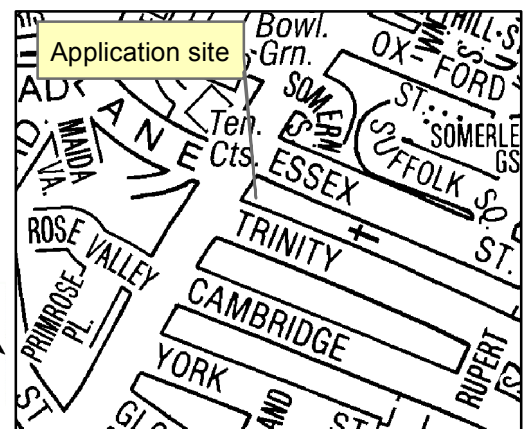
Site Address 117-127 Trinity Street

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## **The site and surroundings**

1. The application site is a three-storey reinforced concrete block of 11no. 1-bed flats fronting onto the north side of Trinity Street; it has a late-1960's buff brick and white render horizontal emphasis to the design, with drive-through archway through to 12 garages in two rows behind the flats. The flats are at the south (front) of the site occupying the full width of the plot, and the garages are in parallel rows in the middle and on the rear boundary of the site. The flats are at the lower end of the terraced street of houses on Trinity Street, and the change in levels is such that the 3-storey blocks' flat roof is still 0.3m lower than the height of the immediate neighbour, a 2-storey detached dwelling to the east (116 Trinity St).
2. Terrace houses continue eastwards, with roof heights gradually rising up the hill on both sides of Trinity Street. The terraces on both sides of Trinity Street are 2-storeys. The existing flats are built along the same building line as the Trinity Street terraced houses to the east and has the same building plot depth. From the back of pavement to the rear of the plot the site is c. 39m long, rising from front to back. The neighbours to the east have curtilages 30m long, abutting back-to-back gardens of houses on Essex Street.
3. The site access is in the south-west corner, next to the private access drive to the rear of the Lodge hotel to the west, and the service yard to the Tesco mini-supermarket beyond that, with Tesco and the Unthank Road local centre beyond. The rear of the Essex Street Lodge Hotel and its parking / servicing area adjoins to the north-east corner of the application site. Residential neighbours also adjoin the site on the north and east side; 1 Essex Street has a slightly smaller garden abutting the rear wall of the garages to the north, whilst 3 Essex Street has a longer plot length as the garden overlaps the application site by 9m.

## **Constraints**

4. The site is affected by the following designations within the local development plan:
  - a) It adjoins the Heigham Grove Conservation Area; the boundary runs along the east side of the site, including 116 Trinity Street, and extends the full length of the Essex Street and the south side of Trinity Street.
  - b) Other than Tesco, 116 Trinity Street and 115 Trinity Street, all neighbouring properties are locally-listed heritage buildings.
  - c) The Holy Trinity Church, halfway up the hill, is a statutory listed building (Grade II).
  - d) An Article 4 Direction covers all the south side and 114-111 Trinity Street, to prevent permitted development extensions, improvements or alterations to houses where they face the highway, prevent fences, gates, walls and other enclosures, prevent painting unpainted houses, prevent demolition of chimneys, and prevent changes to windows and doors on front and side elevations without consent.
  - e) The Beech tree next to the Tesco service yard is a TPO.
  - f) The strategic cycle pedalway network runs along Unthank Road and (as with cars) circulates up Essex Street and down Trinity Street.

- g) The site is within the newly-designated Critical Drainage Area.
  - h) The Tesco store is within the revised boundary of the Unthank Road local centre.
5. Other constraints include the steep topography of the site, and the very marked change in levels. The site is at the foot of the Trinity Street hill, which rises steeply to the east. The site is raised above neighbouring land however, so cars drive up a ramp into the site, and steps up to the ground floor level rise 1.77m from the footway. The site rises c.3.2m up from front-to-back to meet the level of Essex Street to the north. The existing roof of the 3-storey block is just slightly lower than the eaves of the two-storey house at 1 Essex Street. The western neighbours are both lower than the access to the garages: At the greatest difference in levels (which is halfway along the length of the application site) the access to the Lodge is 1.85m below the application site, and the Tesco service yard is a further 0.95m below that; this means the Tesco is set considerably lower than the application site level, by a drop in levels of some 3.8m in total.

## **Relevant planning history**

6. No relevant planning history prior to submission of this application.

## **The proposal**

7. The proposal is to demolish the existing flats and garages, excavate the entire site and level-off to create a basement level car park for 14 no. parking spaces and build 13 no. apartments in two blocks on the podium level. The development will provide three no. 3-bedroom flats, nine no. 2-bed and three no. 1-bed flats in all.
8. The accommodation is arranged in two blocks: a three-storey frontage block facing Trinity Street with street-front landscaping; and an L-shaped rear block with 3-storeys facing west to Unthank Road and 2-3 storeys at the north/rear facing south into the site. All blocks enclose a central shared landscaped courtyard open to the east boundary, which is proposed to be screened using a live bamboo hedge within planters.
9. There is no on-street parking; vehicle access to the basement car park and cycle store is via Trinity Street, 6.5m further east / uphill than the existing ramp access, but behind the existing traffic island (which will be redesigned to be more streamlined slightly to the north). Separate pedestrian steps up from the basement and from the street to the communal front block entrance are positioned either side of the vehicle ramp. The communal refuse store is accessed from level ground at the west of the site frontage. Level access is available either via the basement vehicle access and the lifts up from the basement, or via a ramped path on the eastern boundary.

## **Summary information**

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total no. of dwellings	13 (reduced from the 14 applied for originally)

## Appendix 1 (appended report)

No. of affordable dwellings	0 (not required – there is a net addition of only 2 dwellings so affordable housing requirements are not triggered)
No. of storeys	3-4 at front, 3 at side (west), 2-3 at rear. All include basement car park.
Density	144 dwellings per hectare
<b>Appearance</b>	
Materials	Brick, render and cladding.
Construction	A reinforced concrete basement and podium, with typical load bearing construction techniques for the flats above.
Energy and resource efficiency measures	The scheme will use a hybrid of a solar thermal heating material for the entire roof covering, and a heat pump to distribute the energy
<b>Transport matters</b>	
Vehicular access	Access from Trinity Street to basement car park
No of car parking spaces	14 (13 for residents, 1 for visitors / disabled provision)
No of cycle parking spaces	14 no. secure private stores (1.2m x 1.8m) in the basement, with room for 2 bikes each.  8 no. visitor cycle spaces in the basement.
Servicing arrangements	A communal secure refuse store is on the front elevation accessed from Trinity Street.

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 27 letters of representation from 16 addresses, and 2 combined community responses from 30 signatories, have been received to date citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 14/01094/F.
11. **Pre-application consultation:** A statement of community involvement has been provided, describing how a leaflet was distributed and comments responded to in July 2014 prior to the July 2014 submission. A number of detailed comments and the applicant's responses are provided, airing a mixture of support, concern and questions. The applicant did engage in pre-application discussions with the local planning authority but the application was submitted before detailed assessment of the rear block could be made, although general principles and broad advice was proffered.



12. **Greater Norwich Design Review Panel:** No presentation was made to the Panel; Officers felt the scheme was not of sufficient scale to necessitate its input and there was sufficient in-house or policy guidance available to guide pre-application design. The Panel has since been

Issues Raised	Response
<p><b>Unacceptable Design – Amenity impacts</b></p> <p>The <b>3-storey rear block, since partly reduced to 2-storeys</b> will:</p> <ul style="list-style-type: none"> <li>• Dwarf back gardens of properties on Essex Street;</li> <li>• Block sunlight / daylight to gardens and houses – the overshadowing will be more intensely felt given the gardens of neighbouring houses are rather small but they are still predominantly family houses. This would be throughout the summer affecting 1, 3, 5 Essex Street.</li> <li>• Overshadowing of rear extensions to 1 &amp; 3 Essex Street will occur.</li> <li>• Cause overlooking of gardens and houses (1, 3, 5, 7 Essex Street looking north and north-east, and 116, 115, 114 Trinity Street looking south and south-east).</li> <li>• Be over-bearing and over-dominant and is too close to gardens. The revised plans may show some reduced height but the separation distance is still only 5m – 8m from rear elevations at 1 &amp; 3 Essex St.</li> <li>• Cause loss of outlook from 1-3 Essex Street and 116 Trinity Street.</li> <li>• Cause loss of privacy and remove seclusion for private gardens, reducing quality of life for residents.</li> <li>• The revised east and south-facing courtyard balconies and pergolas prevent overlooking when seated but still allow overlooking and loss of privacy when standing.</li> <li>• Overshadowing experienced at 1 Essex Street from the new block is said to be less than currently experienced from the existing single-storey garage, which cannot be right and must show the study to be inaccurate.</li> <li>• The shadow analysis even when revised still appears to be incorrect.</li> <li>• If development was necessary at the rear, the rear block should only be a single-storey height up to the height of the rear garages.</li> <li>• Such a scale of infill backland development will set a precedent for other sites where residents will be affected detrimentally and the conservation area and historic plot evolution will be harmed.</li> </ul> <p>The <b>3-storey side block</b> facing Unthank Road will:</p> <ul style="list-style-type: none"> <li>• Overlook the gardens of 116, 115 and 114 Trinity Street. This loss of privacy is unacceptable given that most of the adjoining housing stock has been in situ since 1860s.</li> <li>• Cause a loss of outlook from the gardens of Trinity Street and Essex Street.</li> </ul> <p>Currently the existing garages and existing front block do not affect amenity and respect original building lines, but the new development is</p>	<p>See main issue 3</p>

<p>much higher.</p> <p>115 and 116 Trinity Street will be overlooked by 6 apartments.</p> <p>3 and 5 Essex Street will be overlooked by 5 apartments.</p>	
<p><b>Unacceptable Design – Appearance</b></p> <ul style="list-style-type: none"> <li>• The 3-storey height is too large and too high and will adversely affect the character of the area, being too overbearing for its context.</li> <li>• Out of keeping with the character of the area and neighbouring properties, looking too commercial and not residential.</li> <li>• Architectural reference from Unthank Road Tesco is inappropriate and shows no innovation in its design.</li> <li>• No design relationship to the conservation area (Victorian homes) and fails to rectify the design mistakes of the 1960s.</li> <li>• Serious over-development and density is out of character.</li> <li>• Development ‘maximises’ the site potential rather than ‘optimise’ the potential as required by the NPPF.</li> <li>• The rear block is too tall, has poor design and the design reference is out of character with the historic area.</li> <li>• Development on the rear of the site, on what was originally gardens and is now garages, is not in keeping with the historic grain of the area and harms the setting of neighbouring locally-listed buildings.</li> <li>• The massing and rear garden infill is out of keeping with the conservation area and out of character to Trinity and Essex Streets.</li> <li>• Historical building plots position rear walls over 33m apart, but new development will be within 4-8m of existing properties.</li> <li>• Views of the Holy Trinity Church listed building from Park Lane and Unthank Road will be lost.</li> <li>• The design will dominate the local landscape and doesn’t integrate.</li> <li>• Local distinctiveness does not include, nor is there room for, such intensive rear garden development.</li> <li>• The Design and Access Statement shows how too much emphasis has been given to responding to its ‘eclectic neighbours’ on Unthank Road, in what is a secondary area outside the conservation area.</li> <li>• Inadequate green space on site.</li> <li>• A precedent could be set for similar 3-storey backland developments in or adjoining conservation areas, affecting the rhythm and setting of the area and the amenity of its residents.</li> <li>• Some residents draw comparison to a recent refusal of a scheme at 20 Cambridge Street which they feel was considered too incongruous with the conservation area and of an unacceptable scale.</li> </ul>	<p>See main issue 2</p>
<p><b>Landscaping and trees concerns</b></p> <ul style="list-style-type: none"> <li>• The proposed bamboo screen planting along the east boundary will block views and light from adjoining homes and gardens, and can rise to 9m height in just 4 years.</li> <li>• Bamboo will invade other properties.</li> <li>• The neighbour of 116 Trinity St says their plum tree can be removed if needed.</li> </ul>	<p>See main issue 3 and other considerations</p>

<p><b>Amenity for residents of the proposed new development</b></p> <ul style="list-style-type: none"> <li>• Inadequate space and quality of external amenity space for future residents.</li> <li>• Too intense for the family housing proposed, rather than 1-bed flats on site at present.</li> <li>• Courtyard is overshadowed for most of the year by being surrounded on three sides, suggesting it is too intense. Confirmed by need to use synthetic grass.</li> <li>• The design will lead to new residents not being integrated into the community areas.</li> <li>• The attempts to minimise overlooking of existing neighbours come at the expense of living conditions for new residents.</li> <li>• Insufficient light is available to at least 7 properties, and poor outlook affects at least 8 properties.</li> <li>• The building does not clearly orientate itself to gain from energy efficiency and maximise solar gain, especially the rear block.</li> </ul>	<p>See main issue 3</p>
<p><b>Loss of housing types and affordability</b></p> <ul style="list-style-type: none"> <li>• The proposal will remove all 11 existing fairly low-rent 1-bedroom flats and replace them with just 4no. 1-bed flats (of larger size and presumably increased rent) which will make it harder to find affordable 1-bedroom accommodation in the city.</li> <li>• The net addition of just 3 flats overall seems a small increase given the potential of the site compared to the existing accommodation.</li> <li>• The cost of rental accommodation will be much increased by providing 'on-site' parking, whereas parking is not needed at all, meaning instead the rent and scale of the development could be reduced if the development were 'car-free'.</li> </ul>	<p>See main issue 1</p>
<p><b>Inappropriate form of new housing</b></p> <ul style="list-style-type: none"> <li>• The applicant believes apartments are required to meet local housing needs, but local estate agents believe the majority of demand is actually for housing.</li> <li>• There are already too many unsold new-build apartments in the city centre area and the market appears oversaturated.</li> </ul>	<p>See main issue 1</p>
<p><b>Transport and parking</b></p> <ul style="list-style-type: none"> <li>• There are few movements in/out of the site currently as few of the 1-bed flat residents have cars. Congestion will worsen if residents all have cars and/or are entitled to parking permits or visitor permits.</li> <li>• Loss of garages will lead to congestion as some local residents rely on renting the garages as parking is at such a premium.</li> <li>• Minimum parking provision is too low for the number of 2-bed family apartments and will likely increase pressure on parking on Trinity Street (by about 6 cars), which could be removed if the basement car park is extended which seems plausible on the plans.</li> </ul>	<p>See main issue 4</p>
<p><b>Highways safety</b></p> <ul style="list-style-type: none"> <li>• Additional traffic will combine with Tesco customers turning into Trinity Street (and parking illegally as there is no on-site shoppers'</li> </ul>	<p>See main issue 4</p>

<p>parking spaces) and combine with confusion over the 1-way road system to cause dangerous highway hazards.</p> <ul style="list-style-type: none"> <li>• There will be an increase in cars heading the wrong way up the road.</li> <li>• Visibility from the access drive appears compromised requiring cars exiting from the basement car park to drive onto the pavement to see clearly.</li> </ul>	
<p><b>Construction impacts</b></p> <ul style="list-style-type: none"> <li>• Noise, dust and traffic will impact on neighbours during the works.</li> <li>• Possible subsidence / ground disturbance from excavations and construction of the basement car park.</li> </ul>	See main issue 3
<p><b>Crime and anti-social behaviour</b></p> <ul style="list-style-type: none"> <li>• Existing anti-social behaviour on the site (some linked to the Lodge hotel, and some spilling-over from the adjacent car park) will increase from lack of overlooking and more rental occupancy.</li> <li>• The flats will be rented out which gives rise to antisocial behaviour if people don't have commitment to an area, adding to existing problems.</li> <li>• The design would fail against 'Secured by Design 2014' advice: There are too many narrow accesses and alcoves which are not overlooked, so have no natural surveillance, especially at the rear of the rear block which has a door and will attract crime.</li> </ul>	See main issue 3
<p><b>Supporting information</b></p> <ul style="list-style-type: none"> <li>• The submitted shadow analysis appears incorrect and underestimates the impacts.</li> <li>• The site plans are outdated and have not shown ground floor extensions which would be affected by overshadowing and over-dominant design, so the distances between neighbours are not realistic.</li> <li>• Not all existing residents in the flats received the applicant's pre-application consultation leaflets so couldn't comment.</li> <li>• The community consultation was very limited in scope and had a minimal response to local concerns and there was no opportunity for it to be discussed between architect and local community.</li> <li>• The application form states that all existing flats are social-rented properties, which is not accurate as some are market-housing.</li> <li>• There is no evidence of liaison with Design Review Panel.</li> <li>• There is no appraisal against the Building for Life criteria.</li> <li>• The applicant believes the development will protect neighbours from noise from Tesco's, but there are no noise concerns experienced at the moment and the increased activity on site will only create more.</li> </ul>	<p>This appears adequate.</p> <p>These have been revised.</p> <p>This is a guide only – see pre-app public consultation at para 11.</p> <p>Noted.</p> <p>See para 12 and main issue 2. See 'other matters'</p>

## Consultation responses

13. Consultation responses are summarised below; the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number 14/01094/F.
14. **Norwich Society:** No comments received.

**Design and conservation**

15. The proposals are acceptable following the recent revisions. Landscaping on the frontage integrates the site with the street; balconies are acceptable detailing; the western frontage is not detrimental to Unthank Rd; the Trinity St block has a better roof integration and eaves, and 'lifts' the scheme; the reduced projecting bay is welcome and provides a better relationship with the conservation area, and overall the block merges both ends of the street; any impact on views of the Holy Trinity Church are minimal, materials should be a buff brick to match the local character.

**Environmental protection**

16. There is no assessment of noise impacts on future residents but there are local noise sources which can lead to complaints being received, so a condition will be required to ensure construction details will include appropriate sound attenuation against external noise and ensure internal noise limits do not exceed certain limits, whilst still providing appropriate ventilation. Use construction good practice advice.
17. There is no evidence or reason to expect existing land contamination. Residential amenity will need conditions to confirm the source and safety of topsoils used in landscaping and a condition requiring precautionary measures during construction.

**Environmental Services (refuse collection)**

18. The positioning and capacity of the refuse store is acceptable in terms of access to- and collection of- communal bins.

**Highways (local)**

19. No objection subject to conditions: The design is functionally successful and the new access is acceptable; the increased traffic would be c.12 vehicle movements a day, which is not a material increase in traffic impact; the level access is safely designed for waiting and visibility; the footpath must continue across the site; the kerb should be dropped and the crossover approved; the existing speed restriction island should be redesigned and relocated; properties will not be eligible for either permanent nor visitor on-street parking permits; the refuse store should be secure with resident-only access; the originally-proposed visitor cycle area could have been problematic.

**Landscape**

20. The scheme is overly dominated by buildings and has too little space for landscaping to minimise the proposals' impacts on neighbours. The scheme should replace or enhance the screening offered by trees on the east boundary. Using planters to prevent overlooking indicates that windows and the design are inappropriate. The quality and quantity of the amenity space is questionable, and more thought is needed to mobility in and around the site and desire lines.

**Norfolk historic environment service**

21. No comments; there are no archaeological implications and no reason for requiring work at this site (the site was undeveloped and wooded right up until the 1960s).

**Norfolk police (architectural liaison)**

22. General advice offered for including security within the detailed designs, including doors and windows, access control to communal areas, glazing, post boxes, underground car parking, residents' cycle parking, and lighting. Objection to the cycle stands for visitors shown within the car park as they attract security risks and should be relocated close to the primary entrance within view of habitable rooms.

**Tree protection officer**

23. No comments necessary – the loss of the low value trees would be acceptable.

**Assessment of planning considerations**

**Relevant development plan policies**

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS7 Supporting communities and protecting quality of life
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation
25. **Norwich Development Management Policies Local Plan adopted Dec. 2014**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation
  - DM15 Safeguarding the city's housing stock
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

**Other material considerations**

26. **Relevant sections of the National Planning Policy Framework 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF4 Promoting sustainable transport
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design

- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**Heigham Grove Conservation Area Appraisal (March 2011)**

**Case Assessment**

27. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

**Main issue 1: Principle of development**

28. Key policies and NPPF paragraphs - JCS1, JCS4, JCS6, JCS9, JCS12, DM12, DM13, DM15, NPPF paragraphs 49 & 14.
29. Norwich now has a 5-year residential land supply, so local plan policies on the provision of housing are considered up-to-date. The loss of existing flats is acceptable against policy DM15, because the wider scheme will enhance the conservation area's setting (see main issue 2) and provide a net improvement in the standard of housing. The scheme provides two more dwellings, replaces 11 bedrooms with 24 bedrooms, creates a wider range of housing sizes, and will provide a better quality of housing standard and an improved density of development on site.
30. Some representations have raised concern that removing 11 no. 1-bed flats will cause a loss of some of the city's cheaper housing stock in an area of higher rental values. In this case there are no requirements for affordable housing and the existing housing stock is poor quality. The application provides for an increase of higher quality housing and in this regard is fully consistent with planning policy.
31. In redeveloping the site, policy DM12 supports the principle subject to: (a) achieving sustainable development as per policy DM1; (b) protecting the character and amenity of the surrounding area and its heritage assets; and, (c) providing a mix of uses where relevant (which in this case is not).
32. Policies JCS4 and DM12(d), requires development in general to provide a mix of dwelling sizes, types and tenures, including a proportion of family housing and flats, if the size and configuration of the site makes this practicable and feasible. The proposals have not explored the possibility of providing family houses, such as on the street frontage, but as new flats would replace existing flats there it is unnecessary to do so. Further, the effect of doing so could be that in trying to gain a reasonable return on the development, the design would need to either provide fewer dwellings overall, which would not comply with policy, or create a far greater scale, or smaller range of flat sizes at the rear of the site, with consequential impacts on neighbours' amenity. As proposed, the scheme provides an improved

range of accommodation, most of which will be acceptable for family occupancy, and offers opportunities for various forms of private-sector tenures.

33. Policies JCS6, JCS12, DM3(e) and DM12(e) require that densities should be increased where possible, although DM3(e) and DM12(e) require that density should be in keeping with the character of an area, accounting for protecting the significance of heritage assets as appropriate. DM12(e) requires at least 40 dwellings/hectare (d/ha) unless a harmful effect on the character and local distinctiveness of the area or other exceptional circumstances can justify a lower density, such as protecting assets or accommodating ground conditions. On sites adjoining local centres and in areas of high accessibility, higher densities are allowed if it can protect character of the area, local distinctiveness and heritage significance. Density requirements are only restricted in areas where local distinctiveness is characterised by neighbourhoods of low density housing and an open landscaped character.
34. Density per se is therefore not restricted in the policy on grounds of impacts on neighbouring amenity. Instead, it is important that proposals maximise efficient use of a site by promoting higher densities within high quality designs, ensuring that the design avoids overdevelopment for new residents, or detriment to existing neighbouring amenity. Being a site of 0.09ha, this application proposes the equivalent of 144 dwellings per hectare. Although the local density of Trinity Street homes and gardens is 38d/ha (using the area of no. 1-15 Essex St and 111-116 Trinity St [14 houses, 3,705.7sqm / 0.37ha]), it is misleading to make a direct comparison as this is already a flatted site and one which is arguably already underused. As the existing scheme represents 122d/ha, this proposal of 144d/ha is an appropriately increased density given the site's accessibility and the scheme's ability to preserve and enhance the setting of the adjoining conservation area.
35. Policy JCS2 / 4 require that schemes of 10 or more homes achieve a high rating against the Building for Life (BfL) design assessment, but in this instance many of the BfL criteria cannot be applied, so such assessment would be skewed. Policy DM12(f) also requires that schemes of 10 or more homes achieve Lifetime Homes standards in 10% of the dwellings; the architects consider that two flats will meet those standards, which is 15%.
36. Overall, this is a highly accessible location where the loss of housing stock is acceptable given the proposed replacements, and which can accommodate the higher density residential development proposed because it provides a design which protects and enhances the surrounding local heritage assets (Main Issue 2).

**Main issue 2: Design approach and impacts on heritage assets**

37. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56 and 60-66, 128-141.
38. Policies DM13 and DM12(a) and (b) require development to follow sustainability principles of DM1, including protecting heritage as articulated in policy DM9, and avoid detrimental impacts on the character and amenity of the local area and identified heritage assets.
39. The site is adjacent to the conservation area which is characterised by the mid-19<sup>th</sup> Century 2-storey terraced housing and back-to-back gardens along Essex Street,



Trinity Street and Cambridge Street. The current site is identified in the Heigham Grove Conservation Area Appraisal as being detrimental to the setting and character of the conservation area, and appropriate for development. The surrounding area was considered more of a higher-status area within the conservation area, due to its consistency of scale, materials, building line and decorative features. The surrounding terraced houses date from the 1880s and are all locally listed, although the Lodge Hotel was a 1900s former rectory. The Grade II listed Holy Trinity Church is something of a focal point in the street scene; built in 1861 it is the largest Victorian church in Norwich and is a key local landmark within the conservation area, though predominantly in views from the northeast and the top of the Trinity Street hill from St Giles roundabout.

40. The style and importance of the Conservation Area is its value as a uniform and consistent street scene, which in fact mirrors the very way the terraces were constructed, using expensive white/buff bricks on the public facades (to replicate the expensive materials used at stately homes) and cheaper Norfolk Red bricks on the rear and side elevations. The construction of the street by one builder and landowner also resulted in the uniform and interesting styling and decorations used, such as using reconstituted stone surrounds to emphasise the windows. The overall effect has warranted the houses either side of the street being attributed a local listing designation, and the group value of the street-scene is protected by the Article 4 Direction.
41. The many locally listed buildings along Trinity Street were designated as such in the Appraisal of March 2011 because of the importance they have in their many common original features and shared group value. This demonstrates the value they add to the street scene through their architecture and contribution to the local character, but individually they do not merit full statutory protection. As with conservation areas, the value of locally listed buildings is in their public façade not the rear elevations or gardens.
42. In terms of natural character, there are references in the conservation area Appraisal to the value of semi-public gardens (such as the grounds of Holy Trinity Church and Plantation Gardens) and publically accessible open space (such as the Dell), tree-lined streets and certain attractive larger front gardens, hedgerows and low walls of certain streets (such as Mill Hill Road).
43. It is considered that the value of the conservation area is those views of its assets which are seen from the public realm, rather than the views across or out of the conservation area from private domains. This is reiterated in the Planning (Listed Buildings and Conservation Areas) Act (1990), sections 69: and 72: “Every local planning authority [in designating conservation areas] shall determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance... with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. This suggests that the effect these proposals have on the setting of the conservation area should be concerned only with the impact that this proposal has on the appearance of the area, rather than try to make any assertions about the way this scheme may or may not relate to the character or historic grain of the interior of the actual conservation area itself.

44. The proposals will reinstate the street frontage with a new 3-storey block arranged in three parts. The design approach has been to create a bridge between the isolated design style of the Tesco store and its angular architecture, transitioning into a more traditional style to pick up references within the terraced houses. The scale has been carefully arranged; the eastern end is two storeys with a short flat front eaves and pitched roof in the same proportions as 116-115 Trinity Street, and the height is only 0.1m taller than its neighbour; with a roof level separation distance of 1.70m the difference will barely be noticeable. Most of the building is positioned in line with the building line to the east, except for the western-most third which steps forward by 1m with a 'book end' 2.5-storey bay.
45. The transition occurs in the middle third as the levels change and the overall height of the block steps down slightly into a square dormer / flat roof and parapet, becoming three clear storeys of accommodation. The western third appears taller because the level has changed, but is still 3-storeys above the refuse store and vehicle access. The style here is much more contemporary with the pitched roofs giving way to flat roofs, glazing and cladding panels above the continued buff brickwork. Revised plans have reduced the projection of the eaves which avoids the scale being considered top-heavy.
46. The architectural rhythm created by providing strong lines and classically arranged windows, using the similarly-sized windows at similar heights and of the same proportions, using complementary light colour bricks, providing eaves detailing, and creating a defined front curtilage, are all successful in helping the scheme relate with Trinity Street. Using black railings and low brick walls and a landscaped garden to the front all help make the scheme feel residential in character.
47. The character of the Trinity Street area has been broken up slightly in this area as the terrace of traditional locally listed buildings is only 4 houses long and finishes before 115 Trinity Street, so there is already less consistency in this west end of the north side of the street. Despite this, the scheme is said to have drawn too much influence from the Tesco style and is considered too modern or out of place. However, it would be unreasonable to expect a design to conform to any pre-determined expectation for architectural style, as the NPPF para 60 states: "decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness."
48. Further, in the opinion of the conservation officer, the development achieves a close match to the profile of the neighbouring houses, and fits in with the pattern of development stepping uphill, and is unobtrusive in views downhill. The projecting bay helps contain the street and reduces its sense of mass, and the blend of contemporary styling and classical references is largely successful and the sites relationship with the conservation area is much improved.
49. At the western edge the building turns the corner to Unthank Road, being visible coming uphill from Tesco; the projecting bay works well here to reduce the overall sense of mass and build-up to the western elevation facing towards Unthank Road. This western elevation has mass in terms of its length and 3-4 storeys, but has less sense of scale because of the rising land and being screened behind the Tesco store, and because the northern end steps back as well as being scaled down to two storeys. The overall effect is to fill the gap between the Lodge and Tescos

which currently exists in views from Unthank Road, and provide a sense of definition to the edge of the conservation area. In its detailing, the proposed white grille ventilation screens to the refuse store could show too much of the bins within the store in close views although will be mostly screened by the neighbouring access drive's fence. Nevertheless a condition will determine the most appropriate screening material, along with precise details of all materials.

50. Policy DM3(b) requires identified long views to be preserved. The Conservation Area Appraisal identifies there being important "glimpsed views" of the church from distant locations along Union Street and Jenny Lind Park to the east, and from Park Lane to the west, looking across the gap in the street scene between the Lodge Hotel and across the gardens of Essex Street properties. These glimpsed views should be retained where possible, to preserve the setting of the listed building and value of the conservation area. In closer views the church is most obvious and has a greater influence from Essex Street and in the upper street views of Trinity Street.
51. The existing view of the Holy Trinity Church tower from Unthank Road across the Tesco service yard is not a defined important view, although some local residents feel it should be protected. This view only exists across the service yard, so is very temporary / transitory, but it would be lost by the western elevation when it infills the space; it is instead considered equally beneficial to have a design which provides overlooking down through this space over the service yard. Importantly, the longer glimpsed view from Park Lane defined in the Appraisal is preserved; the new development is actually out of the field of vision which is reduced and obscured by the Lodge when moving closer to Unthank Rd. A view of the spire through the development from the adjoining access drive will be possible. In even longer views from Portersfield Road across the valley, the spire and main body of the church remains unaffected. None of the defined views from Union Street are affected.
52. In considering the impacts of development on the heritage value of the area, many objections have been received to the effect that the 2-3 storey rear block would be detrimental to the character of the conservation area and out of keeping with its historic grain. This is something which is alluded to in new policy DM3(c) which requires proposals to "have regard to the character of the surrounding neighbourhood and the elements contributing to its sense of place, giving significant weight to the uses and activities around it, the historic context of the site, historic street patterns, plot boundaries, block sizes, height and materials."
53. However, as noted above the conservation area is valued for its appearance from the public realm, and the historic grain of back-to-back development was evident within the conservation area boundary only; until the 1960s this site had not been developed.
54. The scale of the development has been influenced by the density of the scheme, and the scale is considered to be consistent with the character of the area by wrapping around the edge of the terraces at the same building height as its neighbours north, east and south, and conforms with policies DM3(f) and DM12(e).
55. The site adjoins the conservation area and for the reasons above will enhance its setting and the sense of entering and leaving the conservation area along Trinity Street. The successful continuity of details in the new design will be preserved by conditions removing the opportunity to change windows and doors through permitted development under the Norwich Local Development Order. It is not

adjacent to any locally listed buildings and its current separation ensures the new development is read apart from the wider group value; yet the contemporary elements still manage to avoid detracting from the group asset. The overall design approach is therefore considered to enhance the setting of the conservation area and local character, and is considered to have 'less than significant' impacts on the setting of the designated heritage assets; the level of harm that may be involved (namely the loss of one limited view of the church and the perceived sense of loss of openness of the conservation area's setting), is outweighed by the public benefits of providing more housing and the optimum viable use of the site, and complies with NPPF paragraphs 131, 132, 134 and 137.

56. Overall, the proposals provide an innovative design approach which mixes contemporary design with sensitive referencing of the historic context and makes a positive contribution to local distinctiveness, and complies with policies JCS2, DM1, DM3(b)(c)(e)(h)(i), DM9, DM12, and NPPF paragraphs 58, 60 – 65 and 131-141.

**Main issue 3: Impacts on amenity of both neighbours and future residents**

57. Key policies and NPPF paragraphs – JCS7, DM2, DM3, DM13, NPPF paragraphs 9 and 17, 58, 64 and 69.
58. Policy DM13 sets out design criteria for flatted developments on a case-by-case basis concerning amenity, servicing and facilities. As with DM2 it requires schemes to provide high standards of amenity and living conditions for existing and future residents and avoid an unacceptable impact on the living conditions of neighbours. DM3 reiterates the need for careful layout and siting, density, height scale and massing and landscaping.
59. The existing rear garages are built at the very rear of the plot on the boundary and have a roof height of 28.45m AOD which is 2.73m above the adjoining garden level at 1 Essex Street (25.72m AOD by the boundary, rising 0.3m to 26.1m AOD). The new proposals show a stepped rear façade, the overall storey height of which is offset by the change in levels and the newly-excavated finished floor level and construction above the basement podium; the podium level is 24.27m AOD, some 1.70m below the ground level of the 1 Essex Street garden.
60. The development provides two storeys above the podium at the closest / most northerly element, and rises to 3 storeys at a point halfway across the width of the plot, opposite the conservatory of 1 Essex Street at which point the garden is at its narrowest. However, these are not true two- and three-storey heights because the ground level storey is almost an entire storey below the existing ground level, so the 29.67m AOD height of that closest element is only 3.57m above the 26.10m AOD spot height at the centre of the adjoining garden. The overall finished height of the flat roof third storey element is 32.37m AOD, some 6.27m above the garden level, which is the usual height of a two storey flat roof dwelling. Above a proposed new 1.8m boundary fence this is a 4.7m increase, but in comparison to the existing situation, this is 3.9m taller than the existing garages. The applicant has since confirmed the rear wall of the garages could in fact be retained as the new boundary wall with 1 Essex Street, so being taller and more secure than the 1.8m timber fence initially proposed. This will be required by condition.

61. However, the development would not be sited hard against the boundary as the existing garages are. The rear-most 'two storeys' are 1.56m from the boundary, and the stepped-back 'three storeys' are 3.16m from the boundary.
62. **Overshadowing** – the rear block is south and south-west of 1 and 3 Essex Street, but the new proposals will not have such a dramatic increase in overall height such that significant overshadowing is caused. The sunpath analysis submitted within the application has forecast the extent of shade at every month of the year at six times in the day, comparing existing and proposed developments. It shows new overshadowing would be experienced as below, but some of the results for 116 Trinity St have to be tempered because the study has shown tall Cyprus-type trees along the boundary rather than the newly-proposed and shorter bamboo hedge:
- a) January 14:00 & 16:00 – 1 Essex St: extended shading over the conservatory and 1 first floor window.
  - b) February and March 12:00 & 14:00 - 1 Essex St: extended shading of garden and conservatory; 16:00 shading of first floor. 116 Trinity St: marginal shading over eastern boundary.
  - c) April: 1 Essex St: marginal extended shading of garden. 3 Essex St & 116 Trinity St: Small increases in garden shading but results in full shade by 18:00.
  - d) May 16:00 1 Essex St minor shading of garden. 18:00 3 Essex St & 116 Trinity St: Small increases in garden shading but almost full shade. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
  - e) June 18:00 116 Trinity St and 3 Essex St: minor additional shading, no impact. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
  - f) July 16:00 & 18:00 1 Essex St & 116 Trinity St: minor additional shading, no impact. 20:00 3 Essex St: contrary to the study results, full shade should be expected.
  - g) August 16:00 1 Essex St: extended shading over the garden. 18:00 116 Trinity St and 3 Essex St: increased garden shading but results in almost full shade.
  - h) September 14:00 & 16:00: 1 Essex St: extended shading of garden and conservatory.
  - i) November & December 14:00 1 Essex St: extended shading of garden and conservatory.
63. The bulk of the southern block is proposed to the same depth as the building line at 116 Trinity Street, except for a 1.2m deep projection set 4.5m inside from the boundary, and one of the pagoda balconies extending 1.2m north from that. As the height is principally the same, there is no additional overshadowing caused from this part of the development.
64. Overshadowing does not affect those dwellings further east. For residents on Trinity Street south of the development, the existing block of flats' flat roof is 32.41m Above Ordnance Datum (AOD) on Trinity Street. Proposed heights are 32.75m AOD at the front range. There are no additional significant impacts on amenity from

the front block on Trinity Street; the building is only very marginally taller than the existing height, is sited north of its neighbours, it keeps to the same plot depth building line, so avoids south-west shadows or blocking outlook, and increases natural surveillance of the site frontage.

65. **Overlooking / loss of privacy** - The rear block has been carefully designed such to avoid views over neighbouring gardens. Of the windows at first floor level which could be higher than the boundary, only a bedroom and kitchen window face north, and they are high-level only so prevent casual views out. Other windows face west to Unthank Road so improve surveillance of the car parks. The front block has no windows facing east to the neighbours, and those facing north / north-east are high level, whilst the balcony has a 1.35m privacy screen.
66. Across the rear L-shaped block, south or east-facing French doors on upper floors are contained inside a 'pagoda balcony' structure which uses 1.35m high screens positioned to prevent views across the terrace gardens when sat on a chair, but still allow improved connection with the outdoors on non-facing elevations. Other windows towards the courtyard are partially obscured by window planters on non-accessible balconies, to be maintained by the management company. The western arm of the block is separated from the eastern boundary by the 13.5m-wide landscaped amenity space which further restricts views at ground floor level.
67. The eastern boundary wall is proposed to be retained at its current upper level, being extended downwards to the podium level. At the southern end, closest to 116 Trinity Street the existing ground level is 24.4m AOD. As the finished floor level of the podium would be 24.12m AOD the retained wall at this end would effectively be 2.1m high, also preventing screening. Moving northwards along the eastern boundary the wall height would only increase.
68. **Overbearing design** - The rear elevation is broken up with its staggered building line and variation to the materials, using light brickwork, white render, grey cladding panels and climbing plants on the blank elevations to soften the elevation. The scale of the building seems tall in plan form but at its highest point it remains beneath the vertical plane 45 degree angle of incidence affecting the middle of the narrowest part of the garden to the north (1 Essex Street). Added to the varied palette, staggered building line and set back from the boundary, this is considered to prevent the scheme being over-dominant or overbearing from the garden.
69. The lower part of the building, even at its closer proximity, retains the same angle of incidence as the garages do at the same position in the garden of 1 Essex Street, and has less impact if stood in closer proximity to the boundary. It does however increase the angle of incidence at the rear wall of the house, but this line stays within the vertical plane 45 degree allowance, as does the third storey (although that will not become a true experience). As such the scheme will not create a detrimental impact on amenity through being directly overbearing or over-dominant to other parts of the garden.
70. At 3 Essex Street the closest part of the building would have a 5.3m separation to the corner of the house's recent ground floor extension, and would be 1.6m as a lateral distance from the garden wall. The angle of view and the limited increased height and the stepped form of the development prevent an over-bearing design.

71. At 116 Trinity Street the separation to the rear block is sufficient to avoid being overbearing and the restricted building line of the front block avoids a sense of overbearing scale. In fact the current two-storey flank of 115 Trinity Street to the east has a much more oppressive feeling towards the garden than this design.
72. **Outlook** - Residents have also questioned the loss of outlook affected by the northern block. Outlook is the visual amenity afforded to accommodation by a dwelling's immediate surroundings, which can be adversely affected by the close siting of another structure or the incompatible treatment of adjoining land. This consideration does not extend to the protection of a person's particular view from a property as this is not a material planning consideration. The Norwich Local Plan does not have any distance limit or standards for outlook provision, but as a guide outlook from a principal window will generally become adversely affected when the height of any vertical facing structure exceeds the separation distance from the window. Therefore if a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact. Outlook from a principal window may also become adversely affected where a dwelling is sited in close proximity to an incongruous feature, or use of land which impairs visual amenity.
73. Outlook from 1 Essex Street is considered against windows in the conservatory and the rear elevation. The separation between the conservatory and the taller element is 7.2m, and the height of the 3-storey element here is 6.6m at the boundary. The separation between the rear elevation windows and the two storey element is 8.7m and the height difference on the boundary is 3.9m. Therefore, the guideline values for outlook affected at 1 Essex Street are not compromised by these proposals.
74. Outlook from 3 Essex Street cannot be assessed in the same way because its ground floor windows are at the closest point already mostly screened by the boundary wall and a small proportion of visible sky will be lost, whereas the windows further east are not infringed by any of the building spanning across the horizontal plane 45 degree angle of incidence. The upper floor windows appear to be either bathroom windows or are beyond the 45 degree line of the 3-storey element, and in any case would be higher than the lower two-storey height.
75. Outlook from 116 Trinity Street is also affected at an angled perspective, but the change in levels makes this more significant. Nevertheless even with the rise in levels and the increased building height at the boundary, the 15.4m separation and the 8.1m maximum height do not combine to cause a loss of outlook from rear elevation ground floor windows. Outlook is not affected for dwellings further east.
76. **Visual amenity** - existing views from upper floor rooms at 1 and 3 Essex Street are of the garages and dated rear façade of the front block; notwithstanding any perceptions of oppressive siting or overbearing scale, there are not considered to be any detrimental impacts to visual amenity at upper levels. Further, the different architectural style proposed, should not be considered incongruous because it is not inside the conservation area and the setting of the conservation area is not affected by the view experienced from private areas within the conservation area.
77. The impact on visual amenity at 116 Trinity Street is harder to mitigate, being afforded fairly open sky at the moment, but the increase in height does not cause a loss of outlook and the landscaping / screening (bamboo or otherwise) will provide an softened edge to the scheme. Given that overshadowing will not occur in this

garden, and given that loss of privacy is controlled by the balcony details in the new development, it is considered that the rear block has an acceptable degree of impact on 116 Trinity Street.

78. **Amenity for future residents** – Being open to the east boundary only, the communal amenity area gains sunlight in the morning to early afternoon in April – August, but is likely to be mostly shaded in late afternoons and evenings in April – October, and is in full shade between October – March inclusive.
79. All five ground floor flats have direct access to semi-private space, and at upper floors three have use of the ‘pagoda balconies’, three have French doors behind Juliet balcony screens, and one has a balcony on Trinity St. The one without specific openings (the one-bedroom flat 6) is unfortunately least well served with natural light; being an attic flat in the south-east corner it has three south-facing velux windows and three windows on the north elevation partially obscured by the glazed screen & planter arrangements. This is regrettable but is acceptable compromise given the small sized accommodation and the need to achieve acceptable design to the front range with minimal overlooking at the rear elevation.
80. Policy DM2 requires ‘adequate internal space’ and has introduced new guidelines for minimum internal space standards for flatted accommodation. A 1-bed 2-person flat would be at least 50sqm Gross Internal Area (GIA); 2-bedroom 4 persons would be 70 sqm; 3-bedroom 5 persons would be 86 sqm. The proposed flats 1, 8 and 12 are below the standards but this results from recent revisions to improve the design by either reducing the size of the Trinity Street projecting bay or minimising the footprint and bulk of the rear block’s north-east corner.
81. **Landscaping and trees** - The AIA shows a noticeable part of the garden at 3 Essex Street is already overshadowed by the 5m tall cherry plum tree at 116 Trinity Street. The scheme uses planters which will have a bespoke irrigation, drainage and maintenance system. Given the restricted space available, contrasting types of bamboo are proposed along some of the eastern boundary to enclose the amenity space. The recommended bamboo species provide year-round screening and should grow up to 5m in height; combined with the change in levels and the set back of the rear block, this should afford adequate protection to the privacy of neighbouring homes and gardens. Overshading of 116 Trinity Street should be minimal because a bamboo height of 5m in planters 0.4m high from the podium would see the hedge grow to 3.3m above the height of the boundary wall. By comparison the plum tree at the northern end of the garden is already 5m tall.
82. **Security** – opportunities for crime and anti-social behaviour will be removed by the redevelopment of this site. There is a sense of enhanced natural surveillance from windows positioned towards the north-west and the rear of the Lodge hotel, and more visible activity and overlooking of the adjoining access drive from the western arm of the development. The basement will be secure to residents and their guests only, so the current unrestricted access and the various hiding points will be removed. The scheme will comply with paragraph 69 of the NPPF which aims for development to provide “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion”.
83. The overall effects of the design are such that the impacts on neighbouring amenity have been minimised and are considered acceptable on balance when weighed



against the benefits of providing an enhancement to the setting of the conservation area and the benefits of providing an improved quantity, quality and variety of housing stock in this highly accessible location. Therefore the scheme complies with policies JCS2, JCS7, DM1, DM2, DM3 and DM13, and NPPF paragraphs 9, 17, 58, 61, 63, 64 and 69.

**Main issue 4: Traffic, parking and servicing**

84. There are concerns raised about increased congestion, loss of parking and displacement of existing off-street parking. As there are 12 garages on site at the moment, the new proposal with 14 spaces could provide a maximum use of only two additional cars, with all parking provided on site as per local plan policy. In fact, the proposed scheme has less than the allowable maximum number of spaces set out in new policy. The Transport Planner is satisfied that with only c. 24 movements per day, and possibly only 4 movements over the existing, the impact is negligible. A condition will be used to ensure a car park management plan assigns and retains parking spaces for each dwelling such as by appointment of a private parking company and use of bollards with numbered spaces and commitment to ensuring property deeds have the spaces included in the leasehold agreement.
85. Even though the new proposals will comply with policy, current garage use does not follow the intention of policy; the applicant has said that of the 12 garages on site, 11 are currently rented by people not resident in the flats and 1 is retained by the landlord. This means the scheme will inevitably displace parking off-site, some of which may turn out to be owned by neighbours so could increase the pressure of on-street parking, if indeed those people are eligible for residential parking permits, but even so there are many other garages in the area available for rent. With changes to the visitor parking permits system due to come into place, some neighbours may need to change their car storage arrangements, but this is not a reason to penalise the applicant nor to require this design to fix unrelated existing problems.
86. Cycle storage is high quality and secure, and encourages use. The visitor cycle parking is much improved over the original design by being within the secure access-controlled area. The refuse store is less convenient than would be ideal, having external access from the street front only, but is constrained by the site topography. However, in practice it will work most of the time as residents are likely to leave the development towards Unthank Rd passing the store or need to walk at the most 30m from the rear block lift.
87. The application is improving the safety of access in and adjoining the site, by relocating the access ramp and using a safe gradient and visibility splays. The existing island will be relocated and redesigned by condition, part of which will make it more obvious to those drivers who occasionally mistake the one-way system. The transport planner has confirmed that such redesign can avoid any loss of on-street parking space, and still enhance visibility and provide an attractive design.
88. The applicant will be advised that the scheme will not be eligible for on-street parking permits for either residents or visitors, and additional visitors will be able to park in designated local visitor bays in the area or visit outside of the CPZ hours of operation (a permit is required Mon to Sat 8am to 6.30pm). The scheme provides the necessary parking on site and complies with policy so should be approved in

this respect, being compliant with policies JCS1, JCS6, DM28, DM30, DM31 and NPPF paragraphs 17, 32, 34, 35 and 39

**Main issue 5: Surface water drainage**

89. The site is within the newly-designated Critical Drainage Area defined and controlled by policy DM5, which seeks to ensure developments avoid contributing to flooding elsewhere by minimising its own impacts and promoting natural drainage. This scheme is not large enough to need a flood risk assessment for surface water flooding, but does need to ensure water drains effectively and sustainably from the site. The proposals include landscaping but this is artificial, yet the increased roof space and landscaping will at least reduce the run-off rate over that of the existing hard surfacing. Ultimately, as the applicant acknowledges, by using the basement car park design the scheme does remain impermeable.
90. The proposals have said that surface water from roofs and landscaped areas will all be disposed of through feeding into the existing mains disposal system. Ideally, an infiltration scheme would be used to store and naturally percolate water into the aquifer. At the current time it is unclear if this can be achieved in the designs, as the applicant would need to first understand if the ground conditions are even suitable, but the new policy modifications have been introduced too recently to make this a practical requirement pre-determination.
91. It is therefore proposed to use a condition on any permission to require the developer to investigate ground permeability and thereafter design-in a sustainable drainage scheme as appropriate. The design of the scheme would not be affected by this, given the basement affords ample space for including attenuation tanks and maintenance easements, for example. As the contamination assessment predicts only a 'very unlikely or negligible' risk to groundwaters from the site, this approach will ensure a sustainable drainage system is installed within the proposals if geology conditions allow; only by using this condition can the proposals comply with policy DM5 which requires that new development should reduce or at least minimise risk of surface water flooding. The scheme will comply with policies JCS1, JCS3, JCS20, DM1, DM5 and NPPF paragraphs 94, 99 and 103.
92. If the results of ground conditions surveys and a sustainable drainage study show that some form of attenuation or infiltration is not feasible, then the scheme will at least have had no worse an effect than the current site, given it is all hard surfaced at present anyway, and run off rates should reduce. Foul water will connect to mains as expected. Comments from Anglian Water are awaited to confirm if this is feasible.

**Main issue 6: Subsidence and excavations**

93. Adjoining residents are concerned about land stability and the possible impacts from the basement car park excavation. Although numerous examples of subsidence have been recorded historically in Norwich due to ground instability, this site is not known to include chalk lines or sink hole areas, boreholes or bomb damage; it is therefore believed the current difference in levels at the Tesco store is due to historic excavation associated with the former filling station. If there is any vulnerability of the underlying geology the developers will generally need to take relevant technical advice on the most effective means of overcoming any potential problems. Advances in building construction techniques may be capable of being

addressed satisfactorily by suitable foundation technologies which can be required in the great majority of cases through the building control process. Only where there are exceptionally high risks of subsidence and objective technical evidence shows it cannot be mitigated should development not go ahead.

94. As to whether more detailed evidence should be provided at this stage, it remains the responsibility of the developer to determine whether land is suitable for a particular purpose, and to factor in costs associated with subsidence or land instability as part of the overall assessment of scheme viability. Developers will not normally need to submit detailed technical information with a planning application on the degree of subsidence risk or land instability associated with a site or the engineering works necessary to address it, to enable an informed assessment to be made on the planning merits of the scheme.
95. Nevertheless, the applicant has provided information to demonstrate how construction would take place and this is considered acceptable. Essentially the excavation is preceded by screw pilings spaced around the perimeter of the basement car park, filled with concrete; this method is not percussive so minimises noise and avoids ground disturbance either side. Being between 450-600mm in diameter and placed fairly closely together, the pilings will provide enough lateral resistance to avoid dislodging the surrounding land whilst the interior of the basement car park is excavated moving from the middle to the edges. The edges are then formed in sectional concrete, all to Building Regulations approval. An advisory Informative Note will draw developers attention to the need to explore possible subsidence and discuss that further when considering Building Regulations approval.

#### **Compliance with other relevant development plan policies**

96. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition to agree designs and fittings and provide before occupation</b>
Car parking provision	DM31	<b>Yes subject to condition to provide</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition to provide</b>
Energy efficiency	JCS 1 & 3, DM3	<b>Yes subject to condition to provide</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition to provide assessment and fittings as necessary</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition to design and provide if feasible</b>
Biodiversity	JCS1, DM3, DM6	<b>Yes, subject to condition to provide new</b>

		<b>and varied planting and bird and bat boxes</b>
Noise protection	JCS2, JCS7, DM2	<b>Yes, subject to condition to provide noise attenuation in the glazing to Unthank Road</b>

## Other matters

97. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: Energy and water; existing trees; biodiversity and landscaping; contamination; noise for new residents; and, noise for neighbours.
98. The Building for Life standard for design (as required in policy JCS2) is not considered appropriate in this case. A scheme of flats in blocks like this, in an established urban environment, is difficult to assess against the criteria, which are much more suited to larger urban or more suburban forms of development; for example assessing how schemes are masterplanned to provide connections to the surrounding area, where accesses are, how public space is provided and how new streets are integrated with public transport, facilities and services. As this small scheme does not create- and would not be expected to create - any new public realm, it is not suited to assessment, and to do so would be misleading.
99. **Equalities and diversity issues:** There are no significant equality or diversity issues; level access is provided throughout, as required by Lifetime Homes criteria.
100. **Local finance considerations**
101. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
102. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
103. In this case local finance considerations are not considered to be material to the case.

## Conclusion

104. For the reasons discussed above, the scheme will provide an improved standard and greater quantity of housing stock sufficient to outweigh the loss of existing homes. The design has achieved a successful balance between innovation around the site constraints and enhancing the setting of the conservation area, and has been carefully managed to reduce its impacts on the amenity of neighbours such that any detrimental impact is minimal and outweighed by the benefits of the scheme. Subject to the conditions imposed the development will be in accordance with the requirements of the National Planning Policy Framework and the

Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 14/01094/F - 117 - 127 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Ground conditions survey and thereafter SUDS to be designed into the scheme;
4. Top soils to be certified as appropriate to residential purposes;
5. Contamination precautionary condition;
6. Development to follow paras 3.20 – 3.22 of the Arboricultural Impact Assessment;
7. Landscaping – details of a comprehensive scheme to include hard and soft landscaping materials, planter construction, management strategy, the irrigation and drainage system info and maintenance;
8. Refuse store details to be agreed, and provide;
9. Energy efficiency and renewable energy measures – agree details to ensure it provides at least 10% using the Minus7 or similar technology, or other systems as necessary, and provide thereafter;
10. Water efficiency measures – agree and provide;
11. Car parking – layout and provide;
12. Cycle parking – agree designs of residents and visitor storage, and provide;
13. Bird and bat boxes to be agreed and provided;
14. Car parking management plan;
15. Materials –
  - a. refuse store screening;
  - b. all doors and windows;
  - c. bricks;
  - d. cladding panels;
  - e. render areas;
  - f. eaves and soffits;
  - g. stone banding;
  - h. rainwater goods;
  - i. roofing materials.
16. Balcony screens and window screens and box planters to be installed prior to occupation;
17. Boundary treatments to be confirmed – and the garage wall to 1 Essex Street to be retained as boundary wall and infilled in the north-east corner.
18. Noise assessment to be agreed, and specifications for acoustic attenuation and ventilation windows, to be installed prior to occupation.
19. No additional plant or machinery to be used without prior consent.
20. Notwithstanding the Norwich Local Development Order for flats, there shall be changes to the windows and doors without prior consent.

### **Informative advisory notes:**

1. Chalk workings and subsidence – advice for getting specific studies.
2. Good practice in construction;
3. Waste material certification;
4. Car parking permit advice.

**Article 31(1)(cc) statement**

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

**Planning Applications Committee: 8 January 2015**

**Updates to reports**

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**Application no: 14/01094/F – 117-127 Trinity Street  
Item 4B, pages 51-86**

- 1) Anglian Water (see Main Issue 5 (para 89-92)) confirm there is adequate capacity for waste and foul waters, but confirm a preference for a sustainable drainage system to be used on site and therefore object to the current proposals unless a condition is used to include SUDs where possible.

Response: condition 3 would secure this.

- With the exception of demolition, there shall be no commencement of development until a surface water drainage scheme has been agreed, to be informed by a ground conditions survey and to include proposals for management and maintenance. No occupation until the drainage is provided.

- 2) Demolition of the apartments should not be allowed until a contract for the site's redevelopment has first been agreed, to ensure minimal detrimental impact on the setting of the conservation area and to minimise disruption to neighbours and to minimise the period when a loss of housing stock occurs.

Response: An additional condition (No.21) is recommended.

- There shall be no demolition of the existing apartments until such time as a contract for the site's redevelopment and construction of the flats has first been made and evidence of this contract provided to and approved in writing by the LPA prior to demolition of the existing flats.

- 3) It is considered prudent to include a new condition to prevent future creation of new windows anywhere in the scheme without permission, to prevent loss of amenity, privacy or overlooking albeit that permitted development rights for flats would not allow this at present.

Response: An additional condition (no. 22) is recommended. - There shall be no creation of new windows without first gaining the consent of the LPA.

- 4) Re Condition 16 balcony screens and window planters: The condition should be revised to ensure precise design details are agreed, and the applicant has proposed that these are also inspected on site in situ prior to approval, prior to occupation, to ensure their effectiveness of screening.

Response: The condition 16 will be revised as such. – No occupation until details agreed and site visit of installation confirms adequate functionality.

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- 5) Minor errors in report: Para 61 – 1.56m should read 1.55m. Para 70 – 1.6m should read 1.7m.
- 6) The applicant has amended the proposed elevations on plan PL03 from version C to version D (revised 07.01.15). The only change has been the position of the boundary wall between 1 Essex Street and the rear block of the new development, due to an original drafting error. The distance of the closest part of the development from the boundary wall remains 1.55m as shown on the layout plan, and the overall separation distance between the two rear walls of house and flats remains 8.7m at this point.
-



## **Appendix 3:**

### **Minutes of planning applications committee 8 January 2015**

#### **4. Application no 14/01094/F - 117-127 Trinity Street, Norwich, NR2 2BJ**

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting and pointed out that Anglian Water would support the application provided that there was a sustainable drainage system on site. This would be addressed by conditions. Additional conditions were recommended to ensure that demolition of the existing apartments would not take place until a contract for the redevelopment of the site and construction of the proposed new flats had been agreed; and to address concerns from the residents of neighbouring properties to prevent any further windows being installed in the proposed scheme in the future and to screen the balconies. The supplementary report also advised members of typographical errors in paragraphs 61 of the main report (to replace 1.56m with 1.55m) and 70 (replace 1.6m with 1.7m). The applicant had also submitted a revised plan applicant on 7 January 2015 which amended the proposed elevations on plan PL03 from version C to version D and were advised that the only change was the position of the boundary wall between 1 Essex Street and the rear block of the new development, due to an original drafting error. The distance of the closest part of the development from the boundary wall remained at 1.55m as shown on the layout plan, and the overall separation distance between the two rear walls of house and flats remained at 8.7m.

A resident representing the Trinity Street residents' association, a local resident and Councillor Haynes, local member for Town Close Ward, addressed the committee and outlined their objections to the scheme. This included concern that the development contravened policy DM2 and did not protect the character and amenity of the area; that the rear block would be too tall and too close and be overbearing to neighbouring properties and overshadow the rear gardens of properties in Essex Street; that English Heritage should have been asked for comments as the proposed development was in, would adjoin or would affect a conservation area and would obscure views of Holy Trinity Church; some of the flats were below the minimum size set out in the policy; concern about an increase in traffic movements; and, that building works could lead to subsidence.

The agent replied on behalf of the applicant and spoke in support of application explaining that the effect of overshadowing would be minimal and that the balconies would be screened and not overlook neighbouring properties; there would be landscaping to screen the development, and that three of the flats were slightly smaller than the policy standard with 15% as lifetime homes. The design of the buildings was in keeping with the façade of houses in Trinity Street. The senior planner referred to the report and responded to the issues raised by the speakers. The sun modelling report was displayed to the committee and members were advised that discrepancies identified within the report were likely to be evident because the modelling took into account the intensity of the light.

The senior planner and the planning development manager then answered members' questions.

During discussion a member welcomed the redevelopment of the site but it was suggested that the replacement building should be an improvement on the demolished building. Some members considered that the rear block was too overbearing for the site and it was important that residents of the neighbouring properties could enjoy their gardens particularly in the summer months. The committee considered that there were good elements to the scheme such as the under-croft parking and provision of amenity space for the residents. The senior planner demonstrated the impact on the conservation area and design of the area and explained that although one particular view of the church would be lost from Unthank Road, the defined views within the conservation area appraisal, and other long views, would not be harmed. The planning development manager also explained that concern for the internal space standards provided might not be an appropriate reason for refusal as the properties which were below the minimum size for two-bedroom properties could be marketed as properties with one bedroom and a study.

The committee then considered that the application should be refused.

Councillor Neale moved and Councillor Sands seconded that the application be refused because the scale and mass of the rear building would have an overbearing effect on the neighbouring properties in Essex Street. One member said that he did not consider that there were sufficient grounds to refuse the application on the basis of overshadowing and loss of sunlight having taken into account the angle of the sun as shown on the sun modelling plan.

RESOLVED, with 7 members voting in favour of refusal (Councillors Neale, Sands, Boswell, Ackroyd, Woollard, Grahame and Herries) and 5 members voting against refusal (Councillors Gayton, Blunt, Button, Jackson and Bradford) to refuse application no 14/01094/F - 117-127 Trinity Street, Norwich, NR2 and to ask the head of planning to provide the reasons in planning policy terms.

(Reasons for refusal, as provided subsequently by the head of planning services:

By virtue of the height and scale of the three storey elements, in combination with the mass and proximity of the two storey elements of the development next to the site's boundaries with residential dwellings to the rear of the site, the scheme presents an unacceptable design which creates an overbearing form with a harmful effect on the amenity and outlook of neighbouring properties on Essex Street, contrary to the objectives of paragraphs 9, 17 and 58 of the National Planning Policy Framework (NPPF), and adopted policies DM2, DM12(b) and DM13 of the Norwich Development Management Policies Local Plan (2014), and to refuse the application is consistent with paragraph 64 of the NPPF.)

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. Although a scheme had been proposed and revised during pre-application discussions with the local planning authority, and a formal submission had also been further modified following the initial formal public consultation, and had been given a recommendation for approval by officers, the elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable.

The applicant is advised that no further planning fee would be payable for any resubmission for development of the same character or description on the same site and by the same applicant within 12 months of the date of this refusal. The applicant is also advised of the Council's pre-application service, further details of which can be found at the following web link:

<http://www.norwich.gov.uk/Planning/pages/Planning-Pre-ApplicationAdviceService.aspx>

**END of extract from Minutes of 8 January 2015.**



**Report to** Planning applications committee

**Item**

16 April 2015

**Report of** Head of planning services

**Subject** Application no 14/01496/RM – Former Lakenham  
Sports and Leisure Centre, Carshalton Road, Norwich  
NR1 3BD

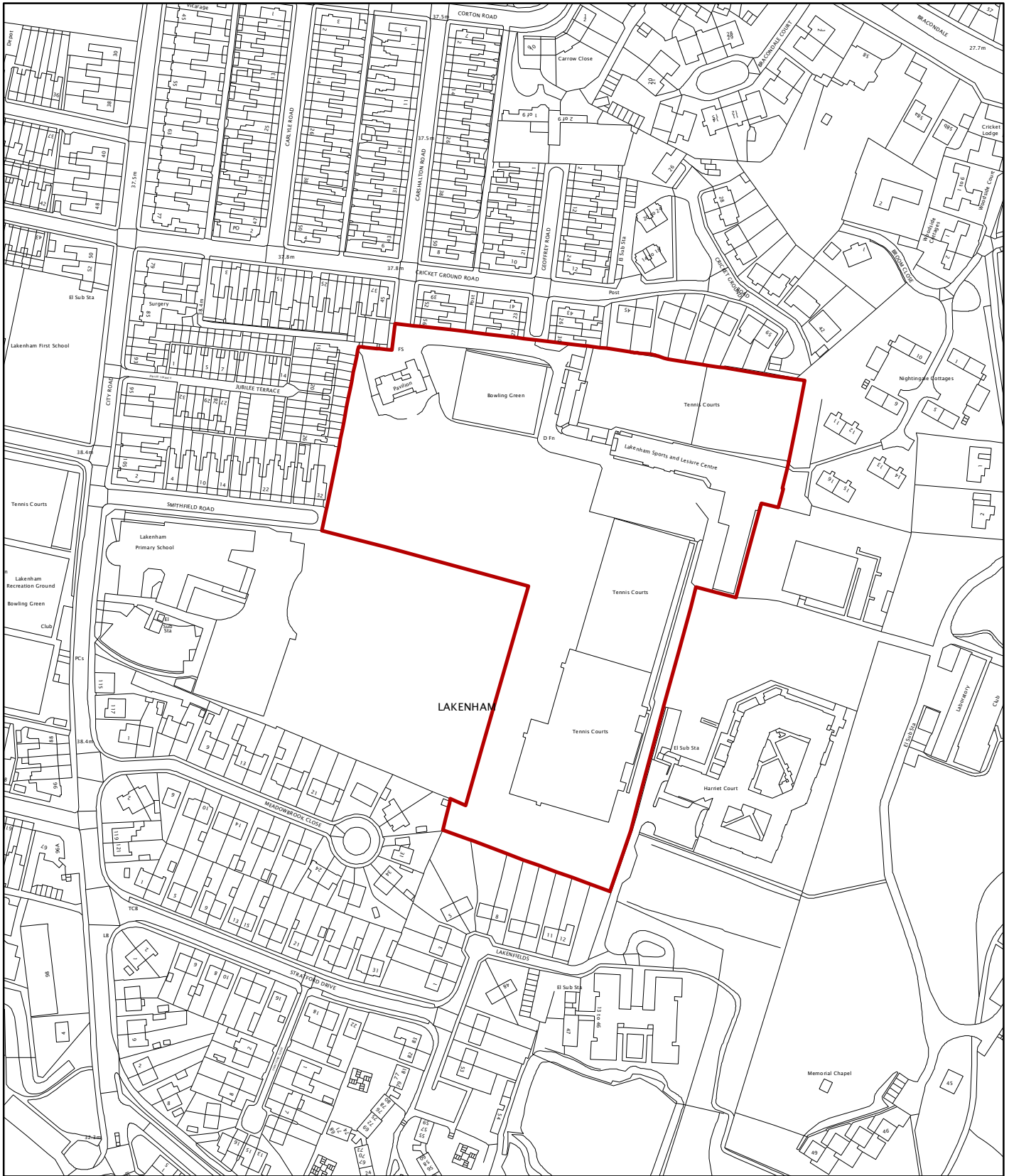
**Reason for  
referral** Objection

**4(D)**

<b>Ward:</b>	Lakenham
<b>Case officer</b>	Mr Lee Cook - <a href="mailto:leecook@norwich.gov.uk">leecook@norwich.gov.uk</a>

<b>Development proposal</b>		
Reserved matters of appearance, landscaping, layout and scale of planning permission 12/01885/O 'Outline application to redevelop site to provide 75 No. dwellings (50 No. market, 25 No. Housing Association including mobility accessible dwellings) along with new public allotments, children's playground and five-a-side football pitch' (allowed at appeal ref: APP/G2625/A/13/2195084). (Revised proposal).		
<b>Representations</b>		
<b>Initial proposal</b>		
Object	Comment	Support
18	2	1
<b>Revised proposal</b>		
Object	Comment	Support
3	2	1

<b>Main issues</b>	<b>Key considerations</b>
1 Principle of development	Planning history; policy
2 access	Previous appeal decision; road design and road adoption; parking; servicing.
3 appearance	Design of new dwellings; area setting; heritage.
4 scale	Massing; design; amenity impacts.
5 layout	Internal development layout; site linkages; parking; open space and play space.
6 landscaping	Design and planting specification; tree protection; biodiversity; open space and play space; maintenance.
<b>Expiry date</b>	24 <sup>th</sup> April 2015
<b>Recommendation</b>	Approve subject to Deed of Variation on S106 agreement



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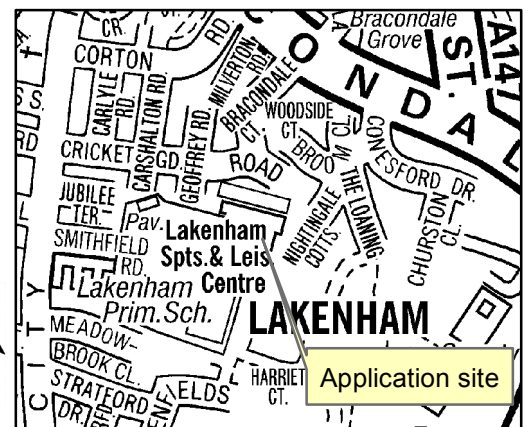
Planning Application No 14/01496/RM  
 Site Address Former Lakenham Sports and Leisure Centre

Scale 1:2,500



**NORWICH**  
 City Council

PLANNING SERVICES



## The site and surroundings

1. The site of the former Lakenham Sports and Leisure Centre is situated to the south east of the city and is a flat site. It sits to the north west of a wooded ridge and connects indirectly to the Yare River Valley (a County Wildlife Site) via the woods and grounds of County Hall to the south east. To the north, west and south are residential areas with a mixture of terraced and semi-detached housing and semi-detached bungalows. School playing fields adjoin to the south-west. Previous buildings on the site have been or are in the process of being demolished.

## Constraints

2. Parts of the site are shown as designated open space on the adopted local plan policies map, policy DM8. The south-eastern end of the site connects to designated woodland, wildlife site and further open space to the east.

## Relevant planning history

- 3.

Ref	Proposal	Decision	Date
04/01210/O	Extensions to existing sports and leisure centre.	Withdrawn	27/01/2005
05/00204/CF3	Proposed school playing field.	Withdrawn	18/04/2005
05/00785/O	Outline Application for Retention of pavilion building and redevelopment of site for centre for sporting excellence (including associated offices, creche, restaurant, bar & conference area) totalling 18,337 square metres, external sports areas, parking and amenity space.	Withdrawn	21/06/2007
12/01885/O	Outline application to redevelop site to provide 75 No. dwellings (50 No. market, 25 No. Housing Association including mobility accessible dwellings) along with new public allotments, children's playground and five-a-side football pitch.	Refused  Appeal allowed	01/03/2013  21/10/2013
14/01163/DEM	Demolition of all buildings associated with the former Lakenham Sports and Leisure Club.	Approved	10/10/2014
14/01698/D	Details of condition 6 (Victorian boundary wall) and condition 12 (pavilion survey) of planning permission 12/01885/O.	Approved	04/02/2015

## The proposal

4. The application is for the agreement of reserved matters of appearance, landscaping, layout and scale of outline planning permission 12/01885/O.
5. During the application process discussions with the applicant prompted the revision of the scheme.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	75 dwellings of which 3 are bungalows, 59 are houses and 13 are flats
No. of affordable dwellings	25 dwellings of which at present 12 are houses and 13 are flats
Total floorspace	Approximately 7,000 m <sup>2</sup>
No. of storeys	1 and 2 storey dwellings are positioned along the north boundary. Leading into the site are 2 and 2½ storey dwellings. More centrally there are two blocks of 3 storey dwellings. Remaining dwellings looking onto areas of open space and central roadways are 2 storeys in height.
Max. height	Approximately – 6.34m single storey, 9.4m two storey, 9.8m two ½ storey, 12.35m three storey
Density	The outline permission reported the development density at 37 dwellings per hectare. Site area 3.18 Ha - open space 1.177Ha - development density at 37.5 dwellings per hectare
<b>Appearance</b>	
Materials	Walls – Mostly red/multi brick (limited buff brick or render) Roofs - pantile or eternit slate
Construction	Cavity wall and pitched roof
Energy and resource efficiency measures	The scheme is being built to building regulations standards.
<b>Operation</b>	
Ancillary plant and equipment	Within the site are positioned a new electric sub-station and a drainage pumping station.
<b>Transport matters</b>	
Vehicular access	Vehicular access is via Carshalton Road and Geoffrey Roads as agreed under the outline permission. Other pedestrian and



	cycle links are provided into Smithfield Road and into the rear of County Hall.
Car parking spaces	Approximately 36 road side plus 14 open space short stay bays and 32 other parking bays adjacent to roadway (82). 22 courtyard spaces. 76 spaces/garage space within curtilages. Total approximately 180.
Cycle parking spaces	Minimum 1 per dwelling plus stands adjacent to main open space
Servicing arrangements	via Carshalton Road and Geoffrey Roads

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
7. 19 letters of representation and 2 comments of groups or societies have been received in response to the initial scheme. 4 letters of representation and 2 comments of groups or societies have been received in response to the revised proposals citing the issues as summarised in the table and paragraphs below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
75 dwellings are too many for the site leading to impacts on the wider area. Development will add pressure on existing community facilities.	Paragraph 34
Loss of green space. Redevelopment was not a part of Colman family intention when donating land. Other brown-field land should be developed. More open space should be preserved.	Paragraph 34 to 36, 54
Alternative uses should be sought for pavilion and building kept.	Paragraph 37, 38
Supportive of development to provide employment, meet housing shortages, to tidy up site.	Noted.
Alternative road access should be sought.	Paragraph 35, 40, 41

Issues raised	Response
Pedestrian links to Smithfield Road are required to reduce young pedestrians using City Road/Cricket Ground Road. Cycle link to County Hall to improve access to the Lakenham Way is required.	Paragraph 41
New scheme will add congestion and impact on junctions, roads in and out and City Road/Bracondale/Corton Road which are already under pressure.	Paragraph 40, 42
New scheme will add to rat running problems. Increase in traffic will cause safety issues. Requests for a 20mph zone and speed bumps in wider area.	Paragraph 40, 42 to 44
Impacts on existing parking within the area and CPZ. Requests for CPZ not to be linked with development site. Parking demands in new scheme will increase over time. Most will have 2+ vehicles. Replacement parking on Cricket Ground Road required.	Paragraph 43, 44, 71
Requests to extend existing CPZ to 24/7 due to football parking.	Paragraph 44, 45
Access road widths are too narrow. Not designed for large vehicles.	Paragraph 42
Increased traffic from cars will impact on quiet amenities of the area.	Paragraph 34, 42, 43
Concerns on construction activity timings, use of roads and wheel cleaning.	Paragraph 14, 79
Existing area is lovely example of Victorian housing – scheme brings nothing to improve this. Question Tesco like architecture on open space.	Paragraph 47, 48
Design, materials etc. should reflect the character of the area. Should not be 2½ and 3 storeys in height - not agreed this is in keeping. Will impact on sky-line.	Paragraph 48, 50, 51
Cricket ground Victorian wall is part of local heritage. This should be retained. Geoffrey Road was never intended as an access.	Paragraph 35, 49
Questioned whether there are opportunities to incorporate heritage interpretation into	Paragraph 49

Issues raised	Response
area.	
Planting to screen sub-station.	Paragraph 56
Requirement for 5 a side facility questioned/supported. Additional facilities needed but not shown. Alternative layout/use of open space should be sought.	Paragraph 36, 58
Play area is small and this and allotments are a token gesture.	Paragraph 34, 55, 58, 65, 66
Concern about future development on remaining open spaces.	Paragraph 64, 70
Queried management of allotments and amenity spaces.	Paragraph 61
Impacts on bats. Assessment of ecology impacts. Request for bee-keeping facilities.	Paragraph 62
Landscaping should be wildlife friendly – nectar rich/native species.	Paragraph 61, 62
More trees should be planted. Some mature specimens should be planted.	Paragraph 56, 60, 61
Housing should be fitted with solar panels.	Paragraph 67
Pavements in the area are in poor condition forcing people to walk in the road and safety concerns arise from any increase in traffic.	Highways maintenance issue - team alerted and inspections being made to assess any highways repairs which might be required.
Open consultation should take place. Consultation timeframe is insufficient to allow meetings and responses.	Consultation followed agreed standards. A number of individuals and groups have commented on initial and revised proposals which indicate time allowed to comment was not prejudicial.
Photographic recording of the pavilion should be undertaken and submitted for public record.	See 14/01698/D – information agreed to discharge condition 12 (pavilion survey) on permission 12/01885/O
Demolition of wall could impact/damage existing properties.	This is a party wall issue. However; the proposed extent of wall demolition has been limited to within the footpath area rather than to adjoin buildings or being within front gardens.
Lack of clear statements/information which	Application included supporting planning statement explaining context and detail

Issues raised	Response
support/explain application.	of application together with sufficient drawings to show proposal and to allow for formal consideration.
Disappointment that the appeal was allowed and questioning of Government attitudes. Local objections and previous committee resolution to refuse have been overruled.	The appeal and public inquiry followed set protocols. The Inspector allowed the appeal on the balance of evidence and information before him.
Scheme is greed on developers' part.	No comment.
Adverse impact on property value.	Not a planning issue in this instance. Redevelopment of site is likely to provide some benefits over the current vacant site.

8. **HEART:** a member of the public has emailed HEART to ask if a blue plaque or other heritage interpretation could be put into the new development – with costs of this made as a requirement on the developers. The contact thought it important to remember the original cricket ground and the social history linked to the site.
9. **Lakenham Ward Labour Association - Cllr Patrick Manning:** Comments on problems with shared ownership as part of the affordable housing scheme; nature of works to the Victorian wall and possible consultation with local residents; and CPZ provision and other works that might be possible within the area.
10. **Norwich Society:** The Society has already commented on this application and wishes to reiterate its comments on these revised proposals.
11. We remain disappointed by the poor and inappropriate elevation treatment particularly to the terraces and apartment blocks – plots 56 to 87 and plots 28 to 34. Windows are too small and the three storey apartment units are particularly uninteresting and plain. The revisions indicate additions such as brick patterns on the gable elevations. These are cosmetic changes which do not alter our view that the designs are out of character with the Victorian context of the surrounding Lakenham terraces which still retains a strong visual unity. The elevations try to generate a “country house” appearance which is wholly out of keeping with the site’s surroundings.

## Consultation responses

12. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### Anglian Water

13. Have no comment

## **Environmental protection**

14. Have no additional comment. Subsequently have been made aware of mud and rubble being left on highway and suggested wheel washing condition and considerate constructors informative.

## **Environment Agency**

15. Have no objection to the application. Matters within our remit will be addressed when the applicant submits an application to discharge Condition 14.

## **Highways (local)**

16. No objection in principle. Have provided detailed comments in relation to road and path design/widths; pedestrian zone; waiting restrictions; extent of adoption; car parking layout; cycle parking; County Hall link.
17. In addition have reviewed parking layout to look at issues of visibility of car parking in some parts of the site where this was a security concern. Have also reviewed requests from local residents in terms of extending controls within the existing controlled parking zone (CPZ), requests for traffic management/speed reduction measures and extent of any separate CPZ for the new development.

## **Highways (strategic)**

18. Request that the footway link to County Hall is a footway/cycleway link at 3m wide. There is a footway/cycleway link near the primary school and one to County Hall would enhance pedestrian/cycle links in this area and help with our developing Travel Plan. Emergency access. Ideally the footway cycleway could serve as an emergency access to County Hall if it were built to 3.7m wide and of an adoptable standard (to be adopted as a shared use footway/cycleway)

## **Housing strategy**

19. No objection in principle. Affordable housing provision is policy compliant and meets housing need for one-bedroom accommodation but not larger family homes. Have provided detailed comments in relation to 'affordable rent' and shared ownership; HCA space standards; one bed houses; materials and colour pallet; housing transfer; boundary treatments; and maintenance of landscaping.

## **Landscape**

20. No objection in principle. Has provided detailed comments in relation to road widths and footpath lay outs; parking bays; typical tree planting detail; detailed soft landscape proposals; LAP & LEAP play area; maintenance; and suggested an advisory for play areas.

## **Norfolk county planning**

21. Have no additional comment.

## **Norfolk historic environment service**

22. The site has been evaluated. There are no archaeological implications associated with the proposal.

## **Norfolk police (architectural liaison)**

23. No objection in principle. Have provided detailed comments in relation to secured by design criteria in particular - construction design points e.g. doorsets, locks, window types, in planning/layout terms issues of parking surveillance, cycle store between plot 56-67 and plot 55 and lighting. .

## **Natural areas officer**

24. No objection in principle. The recommendations of the ecological assessment, and the biodiversity survey and report (the latter covering the possibility of bats roosting in a building scheduled for demolition) should be followed to ensure that the impact on wildlife is minimised and that suitable biodiversity enhancements are put in place. Has provided detailed comments in relation to lighting, fence gaps (permeability) and nesting boxes.

## **Sport England**

25. The proposal relates to a reserved matters submission for residential development and public open space on this former sports ground. The outline application was allowed on appeal following a refusal of consent by Norwich City Council (Ref: 12/01885/O). Sport England objected to this application as it was not considered to satisfy our playing fields policy. However, we accept that the principle of development was established at appeal, therefore we do not wish to make any comments on the reserved matters application.

## **Tree protection officer**

26. No objection in principle. Has provided detailed comments in relation to requirement for and detail of arboricultural method statement.

# **Assessment of planning considerations**

## **Relevant development plan policies**

27. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation

**28. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

**29. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

- Not included in site allocations brought forward

**Other material considerations**

**30. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**31. Supplementary Planning Documents (SPD)**

- Affordable housing SPD adopted March 2015

**Case Assessment**

32. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

## **Main issue 1: Principle of development**

33. Key policies and NPPF paragraphs – JCS4, JCS9, JCS20, DM1, DM8, DM12, DM13, DM33, NPPF paragraphs 9, 14, 17, 49, 73-75 129 and 141.
34. Application 12/01885/O for outline planning permission was initially refused by Members at planning committee in February 2013. However; the decision was subsequently overturned and allowed at appeal ref: APP/G2625/A/13/2195084. The outline permission included matters related to access and establishes the principle to redevelop the site to provide 75 No. dwellings (50 No. market, 25 No. Housing Association including mobility accessible dwellings). Planning policies establish principles of and targets for housing development also having regard to infrastructure, services and local growth. The permission is linked to requirements for community infrastructure levy (CIL) payments to assist in meeting local improvements and in itself serves to meet local housing need.
35. Condition 4 on the appeal decision required reserved matters to follow the principles of the parameters plan 7586/01 revision F submitted with the outline application. The parameters plan shows the arrangement of vehicular routes, approximate location of building areas and location of open spaces. The reserved matters layout largely follows the layout as set out with the main exception of the removal of loop roads within the site. These enclosed the area now proposed for affordable housing and housing close to the proposed link to County Hall. The reserved matter proposal is considered to be in line with the principles of development established previously with the outline permission.
36. The S106 linked to the outline permission also establishes the requirement for affordable housing, open space (which includes new allotments, children's playground and five-a-side football pitch); payment for the establishment of a traffic regulation order for car parking; and payment for replacement sports facilities.
37. The thatched roof pavilion building on the site was included on the Norwich Society's list of locally listed buildings and was recognised as a local landmark. At appeal the Inspector however agreed to its removal subject to a condition requiring photographic and written recording of the building and submission of this report to the Historic Environment Service as a public record. The report and recording have been agreed and acknowledged under application 14/01698/D and the building is free to be removed from the site.
38. In addition under application 14/01163/DEM, for the demolition of all buildings associated with the former Lakenham Sports and Leisure Club, a survey of protected bat species was undertaken to ensure that none of the buildings offered nesting or roosting spaces. No evidence of bats was found within the fabric of the buildings. Demolition methods were agreed as part of that application.

## **Main issue 2: access**

39. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, DM7, DM30, DM31, DM33, NPPF paragraphs 9, 17, 39, 40, 56 and 61.
40. With the outline application 12/01885/O the vehicular access proposal was for the existing access from Carshalton Road being retained and a new access from Geoffrey Road being created involving the opening up of the existing site boundary



wall at the end of the road. The impacts of such access for the 75 dwellings and other facilities proposed have therefore been assessed with the earlier permission and agreed as being acceptable.

41. The submitted reserved matters follow the agreed access points and principles of vehicular movement previously established with the outline permission. Other pedestrian and cycle links are provided into Smithfield Road and into the rear of County Hall again as previously indicated and agreed. The proposed roadways and turning spaces are designed to adoptable standards. In the circumstances it would not be reasonable to request the application to establish alternative points of vehicular access to the site or to revisit this matter of site access.
42. A number of residents have expressed specific wider concerns related to traffic within the area and how this might be exacerbated by the new development. In considering the justification for off-site traffic mitigation measures we must act reasonably i.e. comparing the previous traffic generation of the leisure use and its proposed use. With the earlier outline application in establishing the principle of development and access arrangements the traffic impacts of residential use were assessed. These were considered to be one of the lowest forms of traffic generation of any kind of development. As this was already a predominantly residential area with a permeable grid of streets, traffic from other new residents was considered to be relatively low and could be absorbed into the local road network. There was considered to be ample capacity and that no strategic roads or junctions would be directly affected. Traffic flows were also considered likely to be more spread over the day compared to surges in traffic from a sporting event with the previous use.
43. The parking for the scheme involves a mix of private car and bicycle parking within plot curtilages (or as a store for the flats) and car parking within areas of the roadways to be adopted. In discussion about the proposal the applicant has agreed to a separate new CPZ for the development area which is in line with local residents requests. Parking is shown to be retained on the sides of Carshalton Road and Geoffrey Road. The design of such parking should also help slow vehicles travelling in the area whilst still retaining a width of carriageway capable of accommodating a range of vehicles likely to visit the site. The costs of preparing regulation orders for the CPZ are included within the S106 agreement for the site. The levels of car parking proposed should cope with expected levels of car ownership with most properties having more than one parking space on site and opportunity to seek a permit for the new zone. Cycle parking and short stay car parking is also shown to be available for use associated with the open spaces and allotments.
44. The issues raised concerning 24/7 permit parking or traffic calming relate to extant issues in the neighbourhood, the new development is not at fault for those matters and so it is not reasonable to require the development to now pay for such measures across the local neighbourhood. It is considered that there is adequate on-site parking proposed with the scheme for the needs of new residents and visitors to the site, and is within a walking and cycling catchment of most people who would use the allotments or new open spaces. It would not be reasonable for the highway authority to require off site mitigation that is not necessary for the development to operate or is not linked to the impact of the development.
45. S106 settlements for the development have been fixed and in legislation it is not possible to revisit those associated with financial contributions. Additionally

developments are now levied CIL for city wide improvements. In meeting relevant tests it is not reasonable to levy other S106 charges in addition to those already agreed, which are directly linked to the development, for resident wishes, no matter how worthy those might be. The transport planner has advised that plans to change the permit scheme operational hours of the wider Cricket Ground Road area would require a budget of approximately £30k for consultation and signage changes, and to traffic calm the neighbourhood would cost approximately £25k+. In the interim it has been suggested that the local community needs to demonstrate that there is consensus for these measures as past experience has demonstrated that often views are divided on CPZ hours and traffic calming. Any subsequent request would then need to be considered against any criteria and programme for city wide improvements as a possible way forward.

### **Main issue 3: appearance**

46. Key policies and NPPF paragraphs – JCS1, DM3, DM9, NPPF paragraphs 9, 56, 60, 61, 64, 131 and 141.
47. The scheme provides a range of detached, semi-detached and terrace dwellings. Entering into the site is terraced housing repeating the line of housing along Carshalton Road and Geoffrey Road. The style of buildings had been questioned in various responses and discussions have taken place to remove some of the design elements which were lending the scheme a rural feel.
48. The scheme now involves a core red brick terrace area as you enter into the site and follows through into the three storey elements on the approach to the main open space on the south side of the site. Roof pitches have been lowered and some of the detailing, such as chimneys, dormers and storm porches, simplified to create a coherence of building expression through the main areas of the site and a stronger urban feel to the development. Existing architectural/building details used in the area has been examined by the developer and elements of these brought into the scheme. This again helps reinforce links to local character and built form.
49. Details of the works to the Victorian wall to enable access through to Geoffrey Road have been agreed under details application 14/01698/D. This recreates the pier entrance approach through Carshalton Road to define a uniform style of entrance to the site. These works propose reuse of bricks removed from the wall to create the opening and also use a repeat of other capping and moulding detail to piers and wall ends. This also helps give a heritage interest to the entrance points to better reflect earlier use of the site. There are other opportunities for heritage interpretation including for example road naming. Also given the comment from HEART a condition is suggested to encourage the developer to investigate other interpretation options such a site sculpture as they have done successfully with other sites developed in the Norwich area. An additional condition is suggested to require agreement of details on this point.

### **Main issue 4: scale**

50. Key policies and NPPF paragraphs – DM2, DM3, NPPF paragraphs 9, 56, 60, 61 and 64.
51. The density of development was established through the outline permission. The indicative plan provided with the outline permission gives an indication of site layout

and appropriate position of taller buildings. Where the road layout and shape of the site ease the proposed buildings closer to existing rear gardens along the north side of the site the buildings have been designed as single storey, or as a continuation of the terrace form or by assessing orientation to help limit amenity impacts.

52. Heights of buildings have been carefully considered to limit any amenity impacts from overlooking or shadowing. Given the size and shape of the site those taller buildings are focused within the central area as the site dog-legs down to the larger open space. The 2½ storey dwellings within the first terrace sections have been redesigned to have their roof/ridge height lowered to help improve the visual amenity impacts that the initial scheme created. Overall the position and variance of height of buildings creates a pleasant mix of built form within the area.
53. The housing officer has confirmed that the dwellings meet with HCA space standards requirements. In addition in terms of a review of minimum internal floor areas as promoted by the RIBA “case for space” and included in the commentary to policy DM2 almost all of the house types exceed the indicative minimum floor area and most exceed these by a large degree. There is an ability to convert dwellings for lifetime homes purposes and the company would normally build in such circulation and facilities standards to meet design criteria for a percentage of such dwellings within the development. The applicant has confirmed that 36% of the dwellings would be built to this lifetime homes standard which is significantly in excess of policy requirements of 10% of homes.

#### **Main issue 5: layout**

54. Key policies and NPPF paragraphs – JCS1, JCS2, JCS8, JCS12, DM2, DM3, DM6, DM7, DM8, DM30, DM31, DM33, NPPF paragraphs 9, 17, 56, 58, 70 and 73-75.
55. The reserved matters layout largely follows the layout as set out previously with the outline permission and in principle is considered to be acceptable. Where there have been changes these have been to remove loop roads within the site which result in more effective use of the area to be developed without further impinging on the amount of retained open space previously indicated and agreed.
56. Some changes to the initial layout have been requested to reduce further the potential dominance of roadways into the site and adjoining the main area of open space. The two entrance roads have been narrowed slightly to help reduce potential vehicle speeds and to allow the addition of landscape opportunities through provision of new street trees and also the ability to move parking and the substation away from existing trees on the west side of the site. Edge areas have also been softened by additional planting.
57. Speed tables have been introduced on the road corner where the new footpath links into Smithfield Road and the road layout around the top end of the open space redesigned to remove the turning head from the edge of the open space, to provide an improved shared surface entrance to the area and to rationalise parking spaces for visitors to the field and allotments. These latter changes have been linked with a review of the layout for allotments and 5-a-side pitch to remove the allotments from the root protection areas of trees along the east boundary and to create a less shaded growing environment. Other changes have also enhanced the level of tree planting and other landscaping on the site and open spaces.

58. The 5-a-side pitch is something which has been pulled through from the original application. The intention is that this is not something large and with changing facilities to run as a sporting venue. The idea is to create a space large enough to hold a pitch and that this is line marked to give an option to use this space as an informal pitch. To establish something more formal would create a possible situation whereby the recently formed goals site could start to be impacted on in terms of operation. It is intended as a space for public use as established through the S106 agreement and could become used for a mixed variety of community use/activity for both residents of the development and wider area. The realignment of the area has also presented opportunities to add tree planting along the top edge of the area and to help ease concerns about the relationship of the football use of the open space and nearby housing.

### **Main issue 6: landscaping**

59. Key policies and NPPF paragraphs – JCS1, JCS2, JCS8, JCS12, DM3, DM6, DM7, DM8, DM9, DM33, NPPF paragraphs 17, 56, 58, 70, 74, 75, 109, 118 131 and 141.
60. Initially the two main road widths connecting into the site were quite wide and lacked any significant areas of planting. The other road edge spaces were also lacking to a degree in rationale for layout and planting. This led to a domination of roadway and parking when entering the site and potential conflict in use of open space and parking areas. Some parking spaces on the highway were allocated parking rather than forming part of the possible CPZ area. Some footpath layouts also created conflict with root protection areas of retained trees on site or possibly were not best designed to direct connections to other areas. These concerns have been addressed by revisions to the layout of spaces and roadways to create improved circulation, planting potential and use of spaces.
61. Hard surface areas and highway designs have also been reviewed to allow safe use of the area and promotion of a pedestrian zone with some shared surface spaces and measures to reduce vehicle speeds. Detailed soft landscape proposals have been updated and information provided in terms of landscape maintenance which are now considered to be acceptable and should help create planted links through the site to the established areas of woodland and planting and also to create an attractive environment for the development and pedestrians and cyclists who will pass through the site using the improved connections. The communal open space areas will not be adopted by the Council but will be cared for by a private management company to be set up and contributed towards by the developer/residents of the scheme.
62. The appeal decision under condition 7 requires the scheme to be carried out in full accordance with the protected species report submitted with the outline application and the mitigation and enhancement measures mentioned within it. The agent has confirmed that the development will accord with the content of the ecology report. They have also undertaken surveys of buildings to ensure that no bats were nesting or roosting within the buildings which could have been disturbed during demolition. Additional discussion has taken place in relation to specified tree and shrub species and necessity to provide nesting opportunities for birds. In addition opportunities for permeability for wildlife at low level through fencing; by providing gaps to gates and boundary fences, have been incorporated into the scheme. The scheme overall is considered to be acceptable. However; at present no information has been provided for site lighting and a condition is suggested requiring submission of

further details to ensure minimum disturbance to residents and to protected bat species using the site.

63. The appeal decision under condition 8 requires additional information for tree protection and tree works measures and any works on site to take place in accordance with information forming part of the reserved matters for landscaping. This information has now been submitted for agreement. The majority of trees are to be retained on site and will give a frame to new development on the site. Discussion concerning the layout of the site has had regard to minimising any impacts on existing trees and to agreeing methods for site works. Specific detail of new tree planting pits and road design will additionally be picked up through the section 38 discussions for adoption of the roadways under the highways act.
64. The S106 agreement for the site requires that the agreed open space be available to the public at all times, except for certain occurrences such as maintenance or emergencies. The appeal decision under condition 5 additionally requires submission of details for a timetable for the provision of the open space and play space. This detail has yet to be agreed; however, the extent of open space to be provided has been subject to discussions about landscaping and layout. The total area is now slightly larger than that previously agreed. Changes required to the S106 agreement to reflect the revised plan are discussed below.
65. The scheme includes two play areas and again the location of which was largely established by the parameters plan. These are defined as a local area for play (LAP), a small area of open space specifically designated and primarily laid out for very young children to play close to where they live; and a local equipped area for play (LEAP) an area designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live. These play areas have been moved closer to the pedestrian/cycle link through to Smithfield Road which is considered acceptable in principle.
66. This slight change also allows some additional rationalization of parking. The road bend adjacent to the play areas and pathway has also be revised to include a speed table and extra tree planting to improve the amenity value of the area and reduce traffic speeds passing nearby. Management of the areas together with maintenance and equipment review has been discussed with the applicant and a management document produced. Given cost implications these areas would not be adopted by the Council. An informative is suggested in relation to landscape advice related to play areas.

### **Compliance with other relevant development plan policies**

67. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes, the agent has provided updated information regarding cycle stores for dwellings within gardens and group stores for flats which provide sufficient on site storage and a response to previous comments on

Requirement	Relevant policy	Compliance
		storage security.
Car parking provision	DM31	Yes the agent has provided updated information regarding car parking and confirmed that they would be happy with the creation of a separate CPZ for the site. TRO costs for this are covered within the S106 agreement.
Refuse Storage/servicing	DM31	Yes, roadways and location of bin stores are designed to allow collection to take place with minimum hindrance and safe manoeuvring of collection vehicles. Communal bin stores are adequate in size. Details of bin purchase are suggested as an informative.
Renewable energy/efficiency	JCS 1 & 3 DM3	Yes, subject to approval of details, the scheme being subject to condition 9 on the appeal decision in relation to this matter.
Water efficiency	JCS 1 & 3	Yes, subject to construction details, the scheme being subject to condition 10 on the appeal decision in relation to this matter.
Sustainable urban drainage	DM3/5	Yes, subject to approval of details, the scheme being subject to condition 14 on the appeal decision in relation to this matter.

### Other matters

68. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
69. S106 Obligations
70. The S106 agreement requires the open spaces to be provided in accordance with the earlier agreed parameters plan 7586/01 revision F submitted with the outline application. This has now changed slightly in terms of the open space arrangement as related to the reserved matters scheme layout and in order to protect provision of these spaces for public use a deed of variation is required on the S106 agreement to reflect details of the new open spaces plan. The agent has agreed to this requirement and prepared a draft deed for final signing and sealing.
71. The agreement also requires payment of a sum towards a traffic regulation order involved with the provision of controlled parking within the site. The agreement also requires a sports commuted sum of £55,000 for use to offset the agreed loss of tennis facilities on the site.
72. Affordable Housing.

73. Whilst the overall layout is acceptable in principle the S106 agreement requires submission of an affordable housing scheme which requires agreement for the units to be provided as affordable housing, tenure type, transfer to a registered provider and thresholds for open market housing occupation before the affordable housing is provided. This has yet to be formally agreed and is subject to further discussion. It is noted that the developer is in contact with interested social housing providers to ensure an appropriate type and tenure are agreed.
74. Surface Water Drainage.
75. The initial decision to allow the development was taken before the newly adopted legislation on dealing with surface water drainage issues. However; the appeal decision under condition 14 requires details of surface water drainage works to be agreed prior to first occupation of the development. Discussions about the design and management of any sustainable drainage system are yet to take place and will likely follow on from any approval of reserved matters set out above.
76. Contamination.
77. The appeal decision under condition 15 sets a precautionary condition in relation to land contamination which is acceptable where sites have been analysed or are considered to be at low risk of contamination. The condition requires that development should stop should contamination not previously identified be found and details of remediation be first agreed with the planning authority. No further controls related to this issue are required.
78. Construction activities.
79. The Council has recently received complaints about dust and mud from vehicles leaving the site during demolition activities. This matter has been raised with the applicant and discussed with highways and pollution control officers. These issues might be more directly related to the demolition contractor rather than those construction contracts to be put in place for main building phase. As a precaution and to encourage good practice a condition related to the requirement for wheel washing of vehicles leaving the site is suggested and an informative for considerate constructors added to the decision.

### **Equalities and diversity issues**

80. There are no significant equality or diversity issues. Safe and level access is being provided as part of the scheme. Local amenity and play facilities are also being provided.

### **Local finance considerations**

81. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
82. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

83. The scheme would attract a CIL payment for the development subject to possible exemption for the affordable housing element. The earlier S106 agreement covers points related to the loss of sporting facilities and the need to provide for controlled parking on the areas of highway to be adopted. In this case local finance considerations are not considered to be material to the reserved matters application.

## **Conclusion**

84. The principle of development and access has been established on the site by the appeal decision to allow outline planning permission. The proposed development provides an acceptable scheme in relation to those reserved matters under the earlier permission. Revisions to the scheme as negotiated have improved the scheme and adequately responded to local concerns which had been raised with the applicant. Other matters such as extension of CPZ controls or traffic management beyond the site would not be reasonably addressed through this current application and local residents have been advised to consider alternative routes to achieving resolution of these issues. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 14/01496/RM – former Lakenham Sports and Leisure Centre Carshalton Road Norwich NR1 3BD and grant reserved matters subject to the completion of a satisfactory deed of variation to the legal agreement and subject to the following conditions:

1. In accordance with plans;
2. Details of heritage interpretation;
3. Details of allotment fencing, cycle stands, parking bays, shared road surface;
4. Details of lighting scheme;
5. Details wheel washing for construction vehicles

### **Informatives**

- Considerate constructors
- Advisory for play areas
- Impact on wildlife
- Highways contacts, permits, design note etc.

### **Article 35(2) statement**


The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application stage the application has been approved subject to suitable land management, adoption, measures to seek compliance with the S106 agreement, appropriate conditions and for the reasons outlined within the committee report for the application.



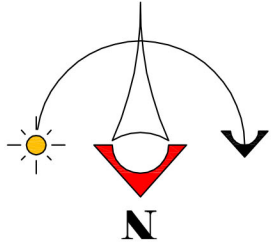
Notes:  
Do not scale from this drawing to ascertain dimensions.  
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Rev	Date	Details
A	04/02/15	Layout revised to incorporate Planners, highways, and other comments received 17/02/15
B	18/03/15	Layout revised to incorporate landscape comments received 17/02/15

PLANNING	
Project:	LAK1
Draw No:	200 B
Scale:	1:1000 @ A
Drawing:	Open Space Plan
Drawn By:	DA
Checked By:	DA
Plot Number:	DW



**HOPKINS  
HOMES**  
MELTON PARK HOMES  
MELTON, VICTORIA  
SHEPHERD & CO PTY LTD



Total Open Space.  
11,775 sq m



# Open Space Plan 1:1000





Do not scale from this drawing to ascertain dimensions.

Rev.	Date	Details
1	04/02/15	Layout revised to incorporate Planners, Highways, Landscape & police comments received 08/01/15
3	18/03/15	Layout revised to incorporate Landscape comments received 17/03/15

[illegible]

<h1>PLANNING</h1>	Project: Lakenham	Project No: LAK1	Rev: B
		Drawn By: AA	Date: 09/05/05
Drawing: External Works Layout	Plot Numbers:	Scale: 1:500 @ A1	North:
		Checked By: DW	Date: 09/05/05

 **HOPKINS  
HOMES**

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TEL: 01394 446800 FAX: 01394 380605



Proposed levels subject to final engineering designs

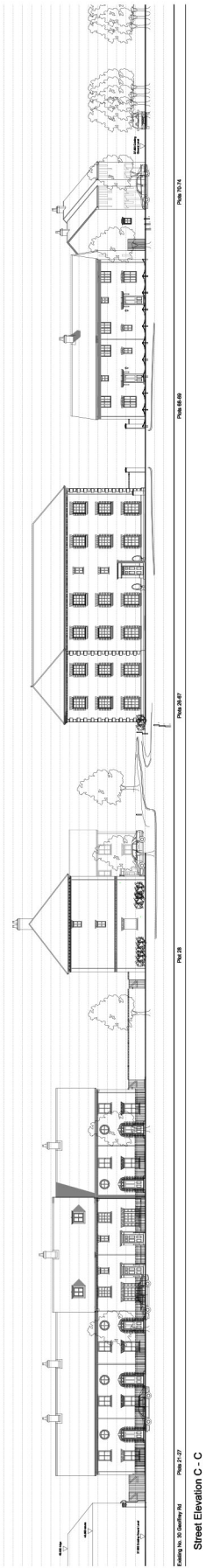
Notes:

Do not scale from this drawing to ascertain dimensions.  
Copyright for all designs and drawings shall remain with Hopkins  
Homes in accordance with the Copyright Act.

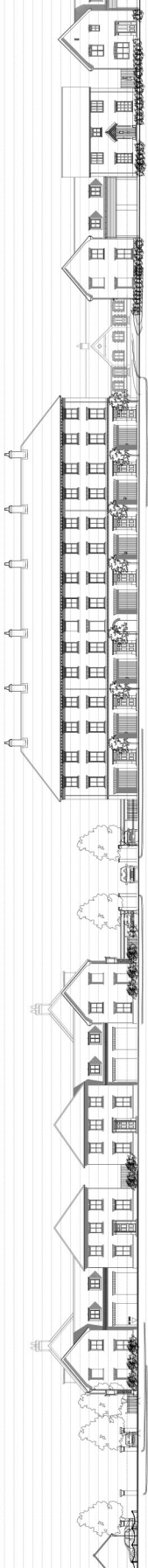
Rev

Date

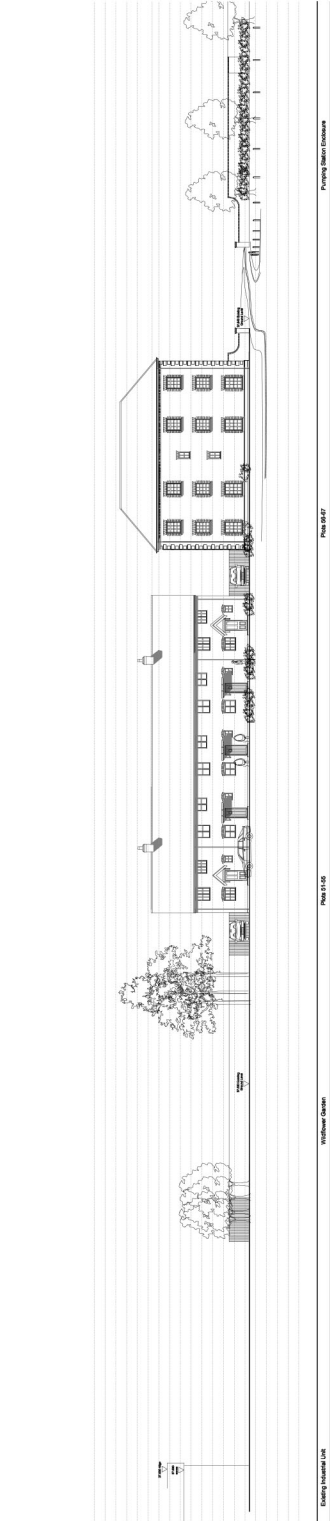
Details



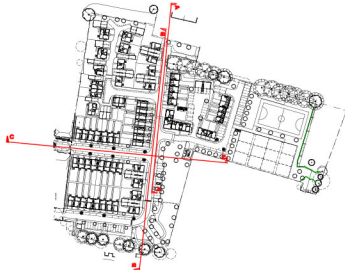
Street Elevation C - C



Street Elevation B - B



Street Elevation A - A



Location Plan  
Scale 1:2500

## PLANNING

Project <b>Lakenham</b>	Project No. <b>LAK1</b>	Rev. <b>-</b>
	Draw No. <b>201</b>	
Drawing <b>Site Cross Sections</b>	Scale <b>1:250 @ A1</b>	North <b>North</b>
Plot Numbers: <b>-</b>	Drawn By: <b>AA</b>	Date: <b>08/02/2015</b>
	Checked By: <b>DW</b>	Date: <b>08/02/2015</b>



**HOPKINS  
HOMES**

NEWTON PARK OFFICE  
MELTON WOODBRIDGE  
SUSSEX, ENGLAND  
TEL: 01394 448800 FAX: 01394 348605





**Report to** Planning applications committee

**Item**

16 April 2015

**Report of** Head of planning services

**Subject** Application no 15/00325/F - 67 The Avenues,  
Norwich, NR2 3QR

**Reason for  
referral** Objection

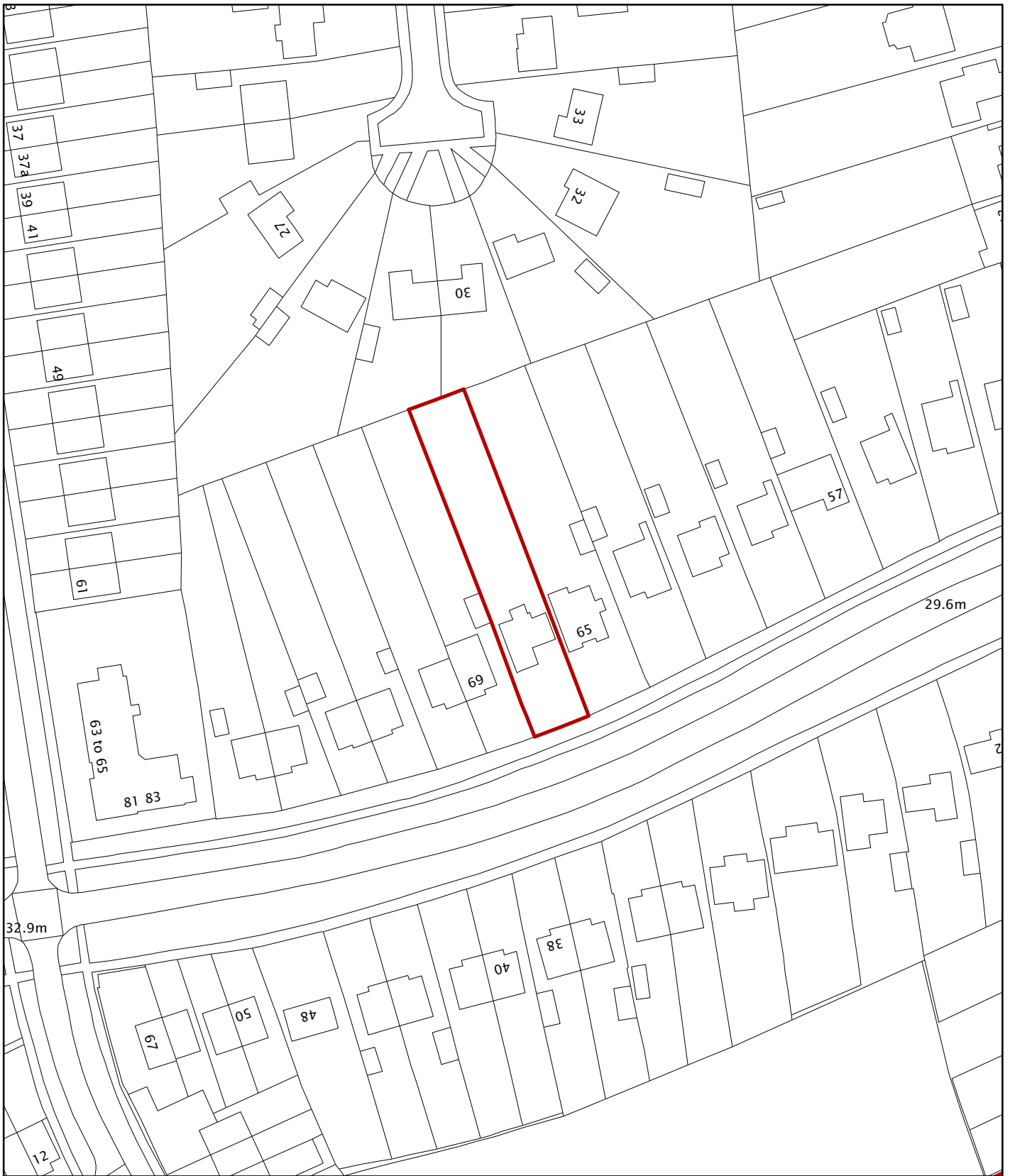
4(E)

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<b>Ward:</b>	University
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

Development proposal		
Demolition of garage and erection of two storey side and rear extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Residential amenity	The impact of the development on adjoining properties to the east (no.65) and west (no.69) – overlooking / privacy, and daylight.
2 Scale and Design	The impact of the development within the context of the street scene.
<b>Expiry date</b>	28 April 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/00325/F

Site Address 67 The Avenues

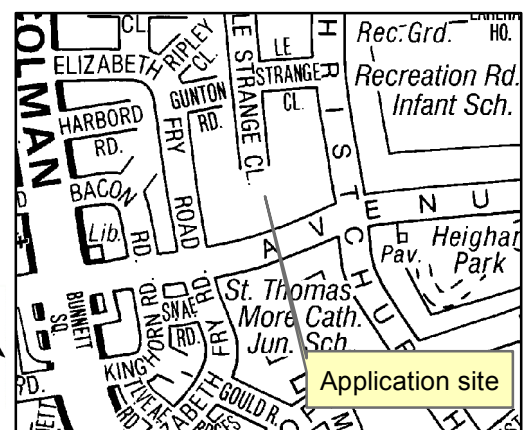
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The site is located on the northern side of The Avenues to the west of the city. The predominant character of the area is residential, comprising large 2-storey detached and semi-detached dwellings built in a variety of styles during the first half of the twentieth century. Properties in the area have been built on large plots featuring driveways to the front and large mature gardens to the rear.
2. The subject property is a 2-storey detached red brick dwelling built circa 1930, originally with an 'L' shaped footprint. An original attached single garage is located to the east of the main house and a single storey flat roof extension has been added to the rear of the property.
3. It is noted that the subject property differs in style from the neighbouring properties to the east and west. No. 69 to the west is a 2-storey semi-detached dwelling with a detached single garage located to the rear and no. 65 to the east is a bungalow with a steeply pitching roof slope featuring rooms in the roof space.

## Constraints

4. There are no particular constraints.

## Relevant planning history

5. None.

## The proposal

6. The proposal is for the demolition of the original garage located to the side of the main house and the erection of a 2 storey side and rear extension. It should be noted that this application follows pre-application guidance resulting in the scale and design of the scheme being altered. A dormer window was originally proposed to be installed on the front elevation and the side element of the extension has been reduced in scale by way of a reduction in width of 0.6m. The changes were made in order to respect the character of the street scene and to reduce the impact on the amenities of no. 65. During the course of the application the proposed plans have been revised in response to the objections raised by removing the windows located on the east and west elevations at first floor level and replacement with rooflights.

## Summary information

Proposal	Key facts
<b>Scale</b>	
No. of storeys	2 storey
Max. dimensions	See attached composite plans
<b>Appearance</b>	
Materials	Red brick

	Red clay pan-tiles White UPVC windows Painted hardwood doors
--	--------------------------------------------------------------------

## Representations

7. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
<p>Loss of light and overshadowing to our ground floor kitchen and outside area to rear of property (no.69).</p> <p>The extension will reduce the light in the ground floor windows on my west wall (no.65).</p> <p>The proposals would be contrary to the Right to Light Prescription Act 1832.</p>	<p>Rights to light are a non-material planning consideration. However impacts of the proposals on the neighbour's amenities have been assessed in main issue 1.</p>
<p>Loss of privacy / increase in overlooking of area to rear of property caused by proposed window on east elevation of first floor (no.65).</p> <p>Loss of privacy and overlooking of kitchen and area to rear of property caused by window on west elevation of first floor (no.69).</p>	<p>See main issue 1.</p>
<p>The projection and height of the proposal is overbearing and would impact upon the character of the street scape.</p>	<p>See main issue 2.</p>

## Consultation responses

8. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.



# Assessment of planning considerations

## Relevant development plan policies

9. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
10. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM7 Trees and development

## Other material considerations

11. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF0 Achieving sustainable development
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design
  - NPPF10 Meeting the challenge of climate change, flooding and coastal change
  - NPPF11 Conserving and enhancing the natural environment
  - NPPF12 Conserving and enhancing the historic environment

## Case Assessment

12. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### Main issue 1: Amenity

13. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
14. The key areas for consideration in this application are the potential impacts in terms of overlooking and loss of privacy, overshadowing of gardens and loss of daylight, to windows of adjoining properties. The nearest potentially affected properties in relation to these issues are no.65 to the east and no.69 to the west.

Overlooking and Privacy:

15. The proposed extension includes the creation of 2 bedrooms located above the existing single storey rear extension. Both bedrooms feature a window located on the north elevation facing directly into the rear garden, and a roof light located on the roof slopes of the side elevations. Originally the proposal featured 2 high level horizontal slot windows located on the east and west elevations. Concern was raised that these windows would allow for views across the rear gardens of the immediate neighbours and into the kitchen of no. 69. The amendment to the design of the proposal by replacing the slot windows with roof lights will help to reduce the potential for overlooking as they will be installed within the roof, well above the floor level of the bedrooms.

Loss of Daylight / Sunlight / Overshadowing:

16. Particular concern was raised regarding the impact that the proposal would have on the ground floor windows located on the west elevation of no. 65. Both windows are obscure glazed and serve a family bathroom. This type of room is considered to be a secondary room within the property as it is not a primary living space and does therefore not require a plentiful source of daylight. The objection letter also notes that the proposal would be contrary to the '45 degree line' standards derived from BRE guidance. The guidance states that extensions which interject a 45degree line taken in both plan and elevation from the affected windows could result in loss daylight. It is accepted that the proposals would not meet this BRE guideline. However the BRE guidance also states that windows serving a secondary room cannot be afforded the same level of protection as windows serving primary living spaces.
17. The new east elevation of the 2-storey side extension will be located 2.1m from the windows serving the bathroom of no. 65. The width of the side part of the extension has been reduced following a pre application submission by a distance of 1.3m. By increasing the proposed distance between the 2 properties, the impact of the proposal on the amount of daylight reaching the bathroom has been reduced.
18. Particular concern was raised that the proposed extension would reduce the amount of sunlight and natural light reaching the kitchen and rear garden of no. 69, and would not comply with BRE guidelines.
19. The proposed extension will have an eaves height of 5m, and a ridge height of 7.7m matching the original dwelling. The east wall of no. 69 is 5m from the proposed extension, with a detached single garage and mature planting marking the boundary. The kitchen of no. 69 is located on the north-east corner of the ground floor and is currently served by 2 windows located on the east elevation and a door comprising 2 large glass panes. It is therefore considered that the kitchen is dual-aspect, benefiting from 2 sources of daylight.
20. BRE guidelines consider extensions which interject a 45degree line taken in both plan and elevation from the affected windows could result in loss daylight. In this instance it is considered that the proposals would comply with BRE guidelines as the fully glazed door located on the north elevation providing light to the kitchen is beyond a 45 degree angle from the proposed extension.
21. In terms of sunlight, the rear windows and rear gardens of nos. 65 and 69 are both north facing and receive little sunlight in the existing situation. As such BRE guidelines state that where windows face within 90degrees of north, potential loss

of sunlight to windows need not be assessed. The proposed extensions would not therefore result in any significant reduction in sunlight to habitable rooms, or overshadowing of neighbouring gardens.

## **Main issue 2: Design**

22. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
23. Concern was raised that the proposal would result in an overbearing development, causing harm to the spatial setting or the existing townscape, contrary to policy HBE17. Policy HBE17 has now been replaced by Norwich Development Management Policies Local Plan Policy DM3, against which the proposal has been assessed.
24. The proposed extension will only slightly increase the footprint of the existing dwelling by building on the north east corner of the rear patio area. The bulk of the enlargement of the property will occur at first floor level. The extension is to match exactly the form of the original dwelling by having an eaves and ridge height matching the original, at heights of 5m and 7.7m respectively. When viewed from the front, the property will appear to have an enlarged sloping roof space which is to feature 3 new roof lights. An enlarged distance of 1.1m will be created between the east wall of the extension and the boundary shared with no. 65.
25. As the proposal maintains the form of the original dwelling, without drastically increasing the overall scale, it is considered to be appropriate form of development for the area. Many neighbouring properties along The Avenues were either originally relatively large, or have been extended in recent years to a larger scale. The new footprint of the subject property will only be slightly deeper than the neighbouring properties, helping to ensure that the bulk of the proposal is in line with side walls of the neighbouring properties, without appearing to be too overbearing along shared boundaries.

## **Equalities and diversity issues**

26. There are no significant equality or diversity issues.

## **Local finance considerations**

27. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
28. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
29. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

30. The proposal will result in an extended dwelling which is of an appropriate scale and design, both reflecting the character of the original dwelling and that of the surrounding area.
31. The extension will have some impact upon the amount of daylight and sunlight reaching the side windows of neighbouring properties, however such impact will be minimal as they are secondary rooms or benefit from dual aspects.
32. The potential for an increase in overlooking is minimal as the insertion of roof lights to the east and west elevations will greatly reduce the ability of the occupiers of the subject property to view across neighbouring rooms or gardens.
33. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

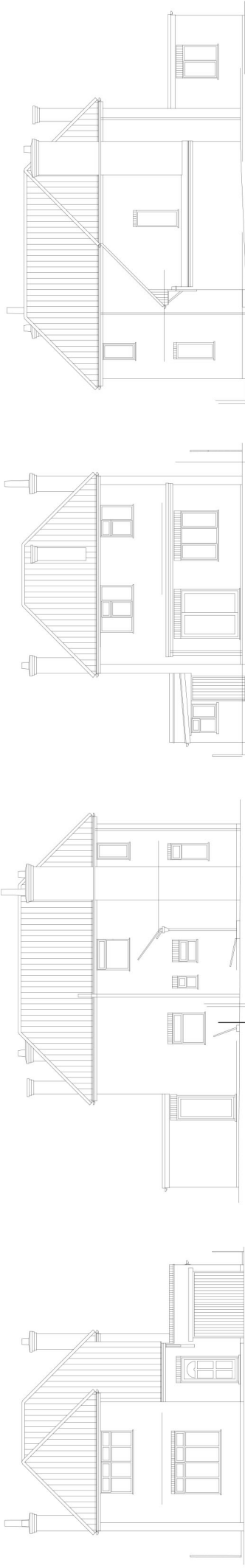
## **Recommendation**

To approve application no. 15/00325/F - 67 The Avenues Norwich NR2 3QR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

## **Article 35(2) 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.

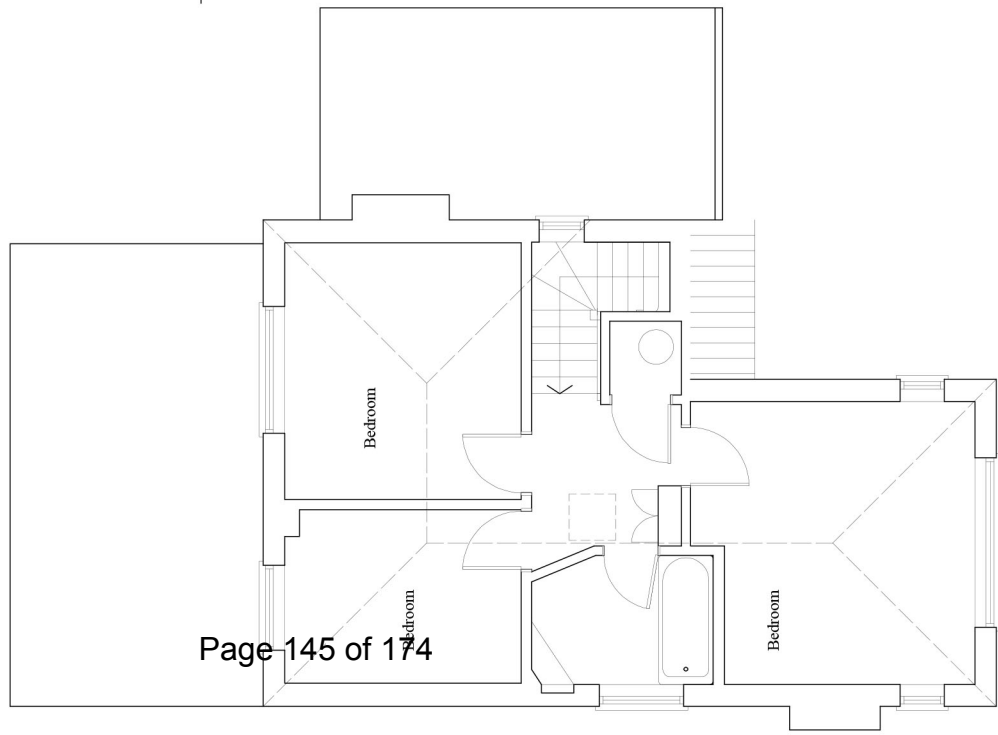


South elevation

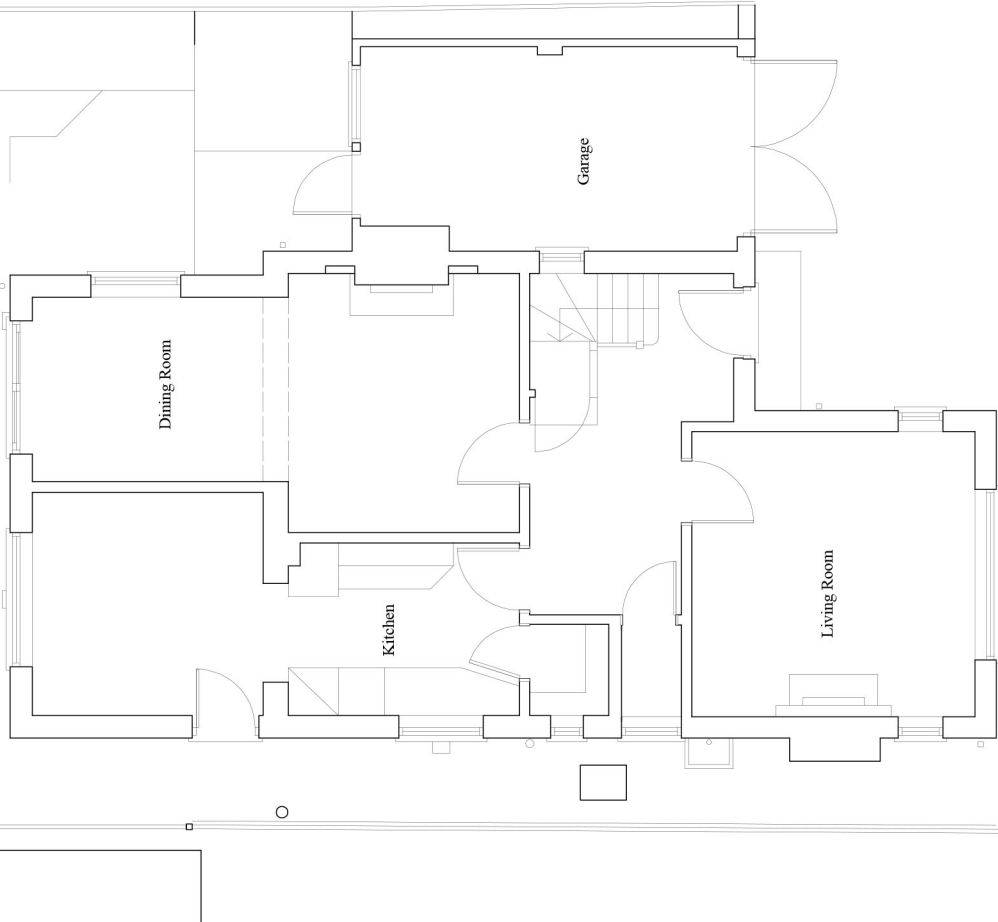
West elevation

North elevation

East elevation



Existing First Floor Plan 1:50



Existing Ground Floor Plan 1:50



Site Location Plan 1:1250

**K J COLE EA (firms) ARCH DIP TP MRTP**  
43 Park Lane  
Norwich  
NR2 3EF  
Tel 01603 494116  
Fax 01603 494116  
kjc@kjc.co.uk

**Client**  
**Mr and Mrs M Marcantonio**

**Drawing Title**  
67 The Avenues  
Norwich

**Survey**

Date	Scale	Ref
21.01.15	1:50 1:100	

Job No.	Drawing No.	Rev
15/394	PL01	



South elevation

West elevation

North elevation

East elevation

Proposed side and rear extension

65

69

### Block Plan 1:500

D 31 03 15 - High level bedroom windows omitted to west and east elevation - roof lights added

C 27 02 15 - minor revisions to windows

B 24 02 15 - extension reduced to move extension further from boundary

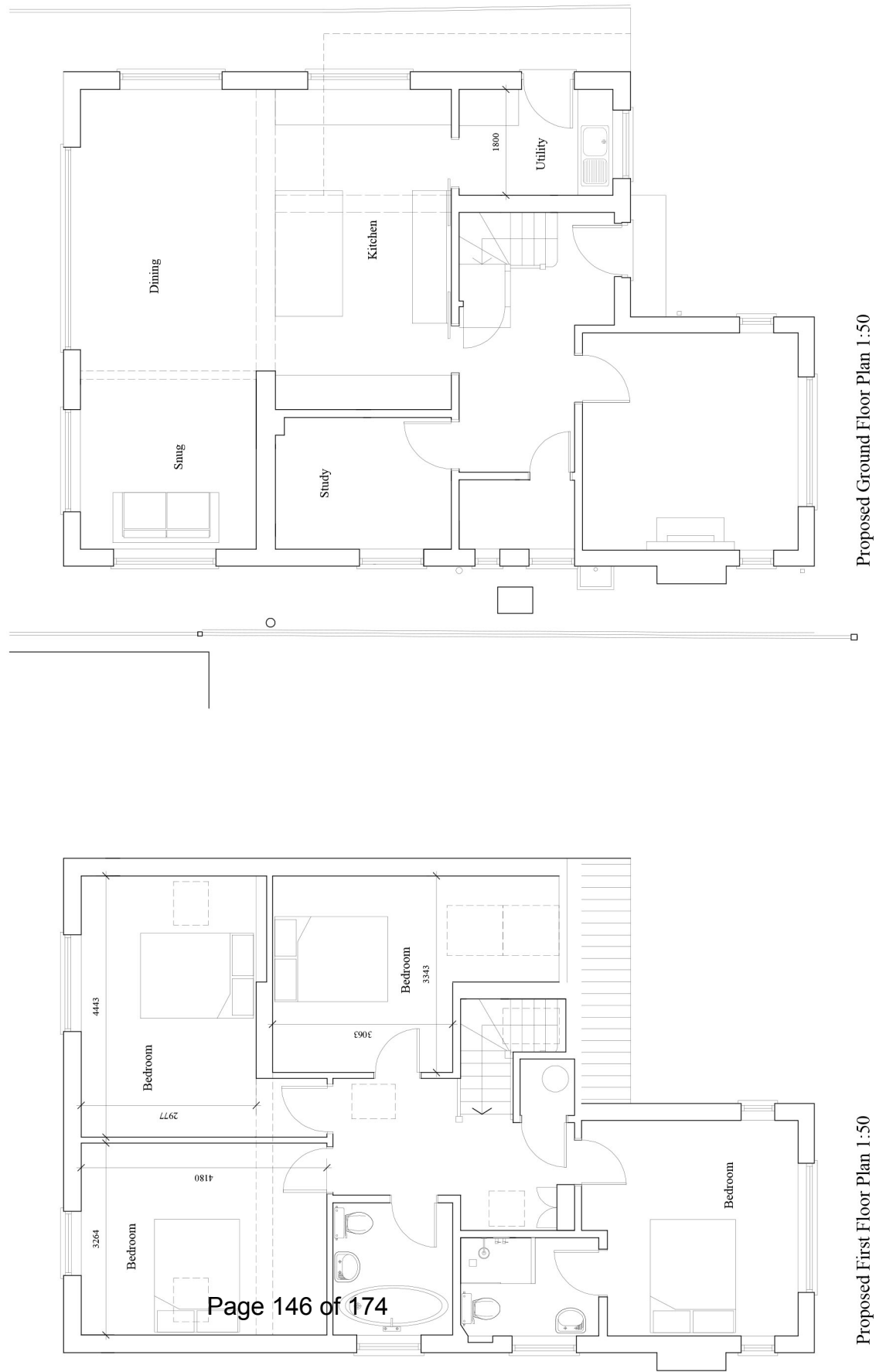
**K J COLE** BA (hons) ARCH DIP TP MRTPI  
43 Park Lane  
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Tel 01603 461416  
k.j.cole@bt.com  
kjc@kcole.co.uk

Client  
**Mr and Mrs M Marcantonio**  
Drawing Title  
67 The Avenues  
Norwich

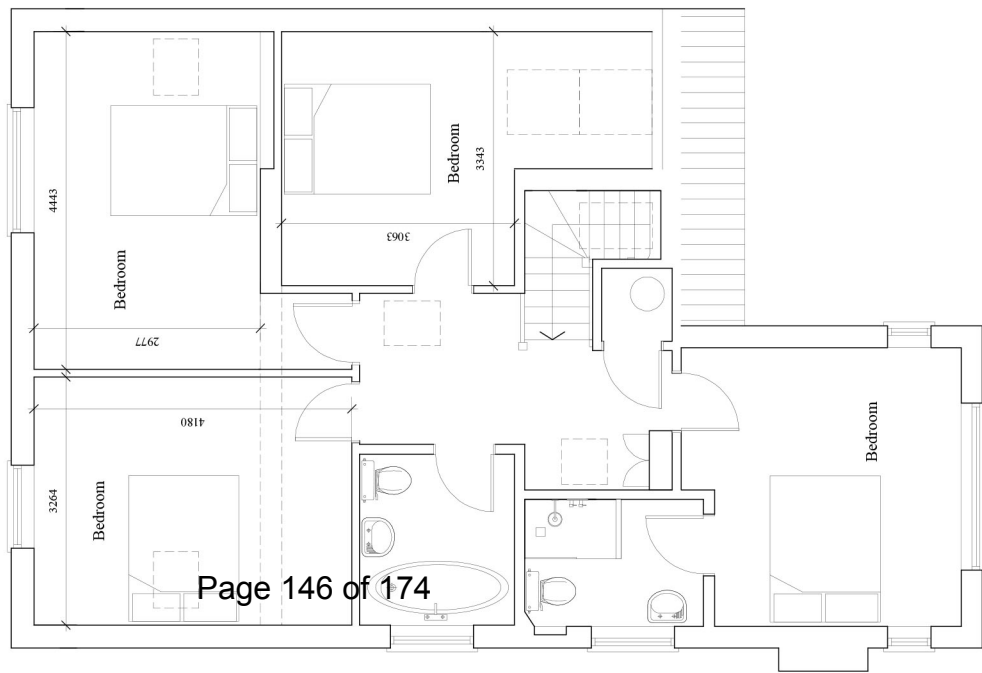
Sketch Proposal

Date	Scale	Ref
21 01 15	1:50 1:100	

Job No.	Drawing No.	Rev
15/394	PI.02	D



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

**Report to:** Planning applications committee

**Item**

16 April 2015

**Report of:** Head of planning services

**4(F)**

**Subject:** Enforcement Case 14/00068/BPC/ENF–  
1 Cathedral Street Norwich, NR1 1LU

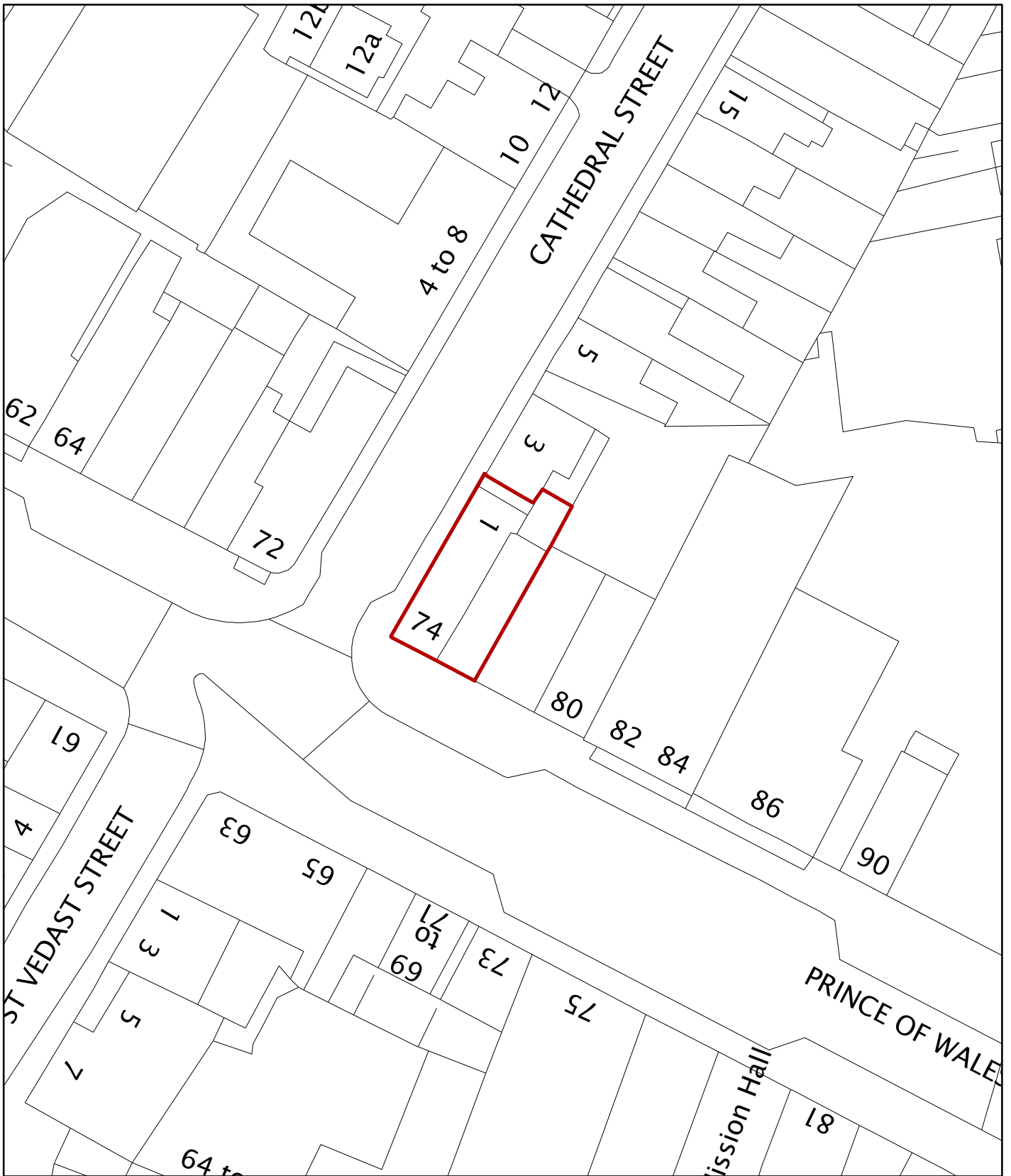
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Summary	
<b>Description:</b>	Change of use from Social Club (sui generis) use to residential (Class C3) use.
<b>Reason for consideration at Committee:</b>	Enforcement action recommended.
<b>Recommendation:</b>	Authorise enforcement action up to and including prosecution in order to secure the cessation of the unlawful residential (Class C3) use.
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Ali Pridmore

## Introduction

### The site

1. The site is located on the corner of Cathedral Street and Prince of Wales Road with the access to the upper floors of the property being from Cathedral Street. The premises are situated above Piccolos restaurant/takeaway, Bootleggers which is a shop and off licence and office accommodation. The property is three stories in height but this application relates only to the first and second floors of the premises. There is access to the rear of the property between 3 and 5 Cathedral Street.
2. The premise is locally listed and is situated within the City Centre Conservation Area. The site is situated within the City Centre Leisure Area but falls just outside of the Late Night Activity Zone.



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Planning Application No 14/00068/BPC/ENF

Site Address 1 Cathedral Street

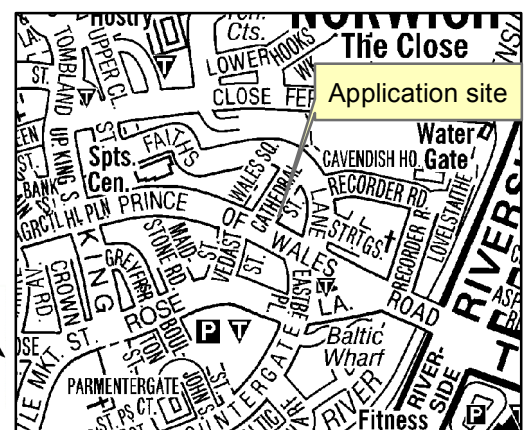
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**NORWICH**  
City Council

PLANNING SERVICES

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## Relevant planning history

3. 12/00281/I - Informal enquiry submitted on the 7<sup>th</sup> February 2012 regarding a proposed change of use from office (class B1) use to social club (sui generis) use.
4. 12/00893/U – Application for permission to change the use of the premises from office (class B1) use to social club (sui generis) use which was granted by the local planning authority on the 3<sup>rd</sup> July 2012.
5. 14/00721/PDD – Application for prior approval to provide one four-bedroom flat at second floor level. The prior approval application would entail the change of use of the second floor from offices to residential use. The existing lawful use of the second floor of 1 Cathedral Street is as a social club (sui generis). As such the proposed development does not satisfy the criteria set out in Part 4, class J.1 (b) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and application for approval was refused on the 14<sup>th</sup> July 2014.
6. 14/01245/F – Application for permission to change the use of the second floor from a social club (Class Sui Generis) to ancillary residential accommodation in connection with the existing social club at first floor level was refused under delegated powers on 3<sup>rd</sup> December 2014 for the following reasons:
  - a) The site is situated within the late night activity zone, where residential is not normally permitted. Although the applicant has requested that the accommodation is ancillary to the social club below, it is not considered that there is sufficient justification to allow an exception in this instance. The proposal is therefore considered to be contrary to policies DM12 and DM23 of the Norwich Development Management Policies Local Plan (adopted 2014).
  - b) The site is situated within the late night activity zone, where there is a significant amount of noise disturbance from road traffic and users of the late night economy. No evidence has been provided that satisfactory mitigation measures can be put in place to adequately reduce noise levels in order to provide satisfactory living conditions for future residents of the flat. The proposal is therefore considered to be contrary to policies DM2, DM11, DM12 and DM13 of the Norwich Development Management Policies Local Plan (adopted 2014).
  - c) The proposed refuse storage arrangements are not satisfactory to meet the needs of future residents of the flat due to the bin storage area not being accessible from the street which would necessitate black sack collections. This in turn could block the public highway and would therefore have transport and highway impacts. The development would therefore not accord to policy DM31 of the Norwich Development Management Policies Local Plan (adopted 2014).

- d) The proposed external cycle storage facilities are not easily accessible and insufficient details are provided of the internal cycle storage facilities. As such the Council is not satisfied that the proposal will provide three covered and secured cycle storage spaces. The proposal would therefore not accord to policy DM31 of the Norwich Development Management Policies Local Plan (adopted 2014).
- e) The proposal does not provide satisfactory external amenity space for future residents of the site. The proposal would therefore not accord to policy DM2 of the Norwich Development Management Policies Local Plan (adopted 2014).

## **Purpose**

- 7. This report relates to the unauthorised change of use of 1 Cathedral Street from Social Club (sui generis) use to Residential (Class C3) use.
- 8. As the current change of use from Social Club (sui generis) use to Residential (Class C3) use does not have planning permission and the change of use has occurred within the last four years and is therefore not immune from enforcement action the change of use is a breach of planning control and is therefore unlawful.
- 9. The leaseholder of 1 Cathedral Street has been informed the current residential (Class C3) use is a breach of planning control and was asked to cease the unauthorised use or to apply for retrospective planning permission which the leaseholder was advised might not be supported. An application for retrospective planning permission has been received, determined and subsequently refused by the local planning authority. Unfortunately the unauthorised use has continued.
- 10. Authority is sought from the Planning Applications Committee for enforcement action to secure the removal of the unauthorised residential (Class C3) use. Enforcement action to include direct action and prosecution if necessary.

## **Breach**

- 11. The change of use from social club (sui generis) use to residential (Class C3) use does not fall within the same use class and the change is not permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 12. The change of use from social club (sui generis) use to residential (Class C3) use is a material change of use for which planning permission would be required under section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). A planning application has been received, determined and refused by the local planning authority and an appeal by the applicant to the Secretary of State has not been received.
- 13. It appears to Norwich City Council that the above breach of planning control has occurred within the last four years and is not therefore

immune from enforcement action. The current unauthorised use is not an appropriate use of the land which is currently causing significant harm to the local amenity, in terms of the depositing of household waste onto the private car park at the rear of 1 Cathedral Street and is not providing satisfactory living conditions for the residents of the flat. The Council do not consider that planning permission should be given because planning conditions could not overcome these objections.

## **Policies and Planning Assessment**

### **Relevant Planning Policies**

#### **National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

#### **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS4 Housing delivery
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS20 Implementation

#### **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM23 Supporting and managing the evening and late night economy
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

### **Justification for enforcement**

14. The principal reasons why the current unauthorised change of use would not be supported is that the site is adjacent to the late night activity zone where future residents of the site would be exposed to an unacceptable level of noise due to road traffic and users of the late night economy. No evidence has been provided that satisfactory mitigation measures can be put in place to adequately reduce noise levels in order to provide satisfactory living conditions for future residents of the flat. Furthermore the proposed refuse storage arrangements are not satisfactory to meet the needs of future residents of the flat due to the bin storage area not being accessible from the street which would necessitate black sack collections. This in turn could

block the public highway and would therefore have transport and highway impacts. In addition the cycle storage facilities are not easily accessible and the proposal does not provide satisfactory external amenity space for future residents of the site. The development would therefore not accord to policies DM2, DM11, DM12, DM13, DM23 and DM31 of the Norwich Development Management Policies Local Plan (adopted 2014).

15. Several attempts have been made in negotiating with the leaseholder 1 Cathedral Street in ceasing the unauthorised use but to no avail. An application for prior approval was received by the local planning authority but the proposed development did not satisfy the criteria set out in Part 4, class J.1 (b) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and application for approval was refused. An application for the change of use was subsequently submitted but this was also refused for the reasons outlined above.
16. The delegated officer report for the refused consent is appended for information.

### **Equality and diversity Issues**

17. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - (a) Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
  - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

### **Conclusions**

18. It is considered that the current unauthorised residential (Class C3) use is not considered acceptable. The likelihood of noise disturbance to residents of the flat from the operation of businesses within the night-time economy and from road traffic is considered unacceptable and waste storage and collection arrangements would be inadequate.
19. It is therefore necessary to ask for authorisation from the Planning Applications Committee to ensure the cessation of the unauthorised residential (Class C3) use and therefore remedy the breach of planning control.

## **Recommendations**

20. Authorise enforcement action to secure the cessation of the unauthorised residential (Class C3) use including the taking of direct action, including prosecution, if necessary.

## Norwich City Council Planning Services

### Officer report – Application ref: 14/01245/F

<b>Site address:</b>	1 Cathedral Street Norwich NR1 1LU
<b>Proposal:</b>	Change of use of second floor from social club (Class Sui Generis) to ancillary residential accommodation in connection with the existing social club at first floor level.
<b>Ward:</b>	Thorpe Hamlet
<b>Case officer:</b>	Mrs Joy Brown - Joybrown@norwich.gov.uk
<b>Expiry date:</b>	10 December 2014
<b>Recommendation:</b>	Refuse

### The site and surroundings

1. The site is located on the corner of Cathedral Street and Prince of Wales Road with the access to the upper floors of the property being from Cathedral Street. The premises is situated above Piccolos pizza, kebab and fried chicken restaurant/takeaway. The property is three storey but this application relates only to the second floor of the premises. There is access to the rear of the property between 3 and 5 Cathedral Street.
2. The site is within the city centre and is situated in close proximity to a number of town centre uses. This includes a number of bars, nightclubs and hot food takeaways on Prince of Wales Road. There are residential dwellinghouses on Cathedral Street.

### Constraints

3. The premises is locally listed and is situated within the City Centre Conservation Area. The site is situated within the City Centre Leisure Area and the Late Night Activity Zone.

### Relevant planning history

4.

Ref	Proposal	Decision	Date
12/00839/U	Change of use of first and second floors from office (Class B1a) to social club	APPR	03/07/2012

	(Class Sui Generis).		
14/00721/PDD	Change of use of second floor from offices (Class B1) to residential to provide 1 No. flat (Class C3).	REGPD	14/07/2014

## The proposal

5. The application seeks full planning permission to provide 1 no flat (1 no four bed unit). This would entail the change of use of the second floor from a social club (sui generis) to residential use (use class C3). The first floor will remain as a social club. Access to the second floor is through the social club. The applicant has submitted a supporting statement with the application which sets out that the residential accommodation will be solely for employees who work in the social club.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	1
No. of affordable dwellings	0
Total floorspace to be changed	87 sq m
<b>Operation</b>	
Opening hours	Under planning application 12/00839/U, the social club cannot be open between the hours of 03:00am and 10:00am on any day.
<b>Transport matters</b>	
No of car parking spaces	0
No of cycle parking spaces	Not known although space is to be provided externally and internally
Servicing arrangements	Bins to be stored within rear external area

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. One letter of representation has been received citing the issues as summarised in the table below.

Issues raised	Response
The proposal will result in substandard residential accommodation located in the heart of the late night activity area.	See main issues 1, 2 and 3.

## Consultation responses

7. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number

### Environmental protection

8. There would be a significant amount of noise from road traffic and human based noise so there would be a need for some protection to be built into the fabric of the building. This would include passive or mechanical ventilation and secondary glazing. Fresh air would need to be drawn in from the rear courtyard due to the building being locally listed. A noise impact assessment would also be necessary and include appropriate mitigation measures to ensure a reasonable level of acoustic protection. There is also concern regarding the proper storage of household waste.

### Highways (local)

9. Comments same as for application 14/00721/PDD. The proposed development is suitable in principle however there are a number of substantive matters that require resolution to make this acceptable. This is the lack of cycle parking on site and the lack of adequate communal refuse storage. Therefore object to the proposal.

## Assessment of planning considerations

### Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS4 Housing delivery
  - JCS9 Strategy for growth in the Norwich policy area



- JCS11 Norwich city centre
- JCS20 Implementation

**11. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM23 Supporting and managing the evening and late night economy
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

**Other material considerations**

**12. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**Case Assessment**

13. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

**Main issue 1: Principle of development**

14. Key policies and NPPF paragraphs – DM12, DM13, DM23, NPPF paragraphs 49 and 14.
15. The proposal will provide one additional flat which would contribute towards Norwich's five year land supply.
16. The proposal is for residential accommodation within the late night activity zone. As such policies DM12, DM13 and DM23 are of particular relevance. Policy DM12 sets out the circumstances whereby residential development will not be permitted. Bullet point three of this policy sets out residential development whether by new build or conversion will be permitted except where it: 'is within or immediately adjacent to the Late Night Activity Zone'.
17. Policy DM23 also states the following: 'Where permission is required, residential and other noise-sensitive uses will not be permitted either within this area, or outside the area in premises where the impact of noise from late night entertainment uses (including direct impact from structural transmission) is shown to have an unacceptable harmful impact on living and/or working conditions for future occupants.'
18. Bearing in mind the above policies the principle of the conversion of the second floor of 1 Cathedral Street to residential accommodation would be contrary to the adopted local plan.
19. The applicant has however set out within their supporting statement that the proposed residential use will be for workers of the social club only and in their opinion as the social club has permission to stay open until 3am, the workers are part of the late night activity zone. They also go on to say that the workers in the social club need accommodation close by, not just for convenience but also for the security of the club when it is closed.
20. Although it would be possible to tie the residential use to the social club below; this is not something which is particularly common with the urban area of Norwich and could also be something that is difficult to enforce. Tying residential to another use is much more common in rural areas. For example within farming communities there is often a lack of suitable accommodation for local farm workers and therefore there is sometimes a justified need to provide residential accommodation in a location where it would not otherwise be permitted but with a condition tying it to the agricultural use. Furthermore within rural areas as well as a lack of suitable accommodation in close proximity to agricultural holdings, it is necessary for workers to work unsociable and long hours to look after livestock or to milk cows for example and this necessitates the need for worker to be in close proximity to the agricultural holding.
21. It is considered that this application is not akin to the above examples and having considered the applicant's statement, it is not considered that there is sufficient justification to allow residential contrary to local plan policies. The site is within a sustainable city centre location and this means that

there is other suitable residential accommodation within walking or cycling distance of the social club which would offer workers more peace, quiet and privacy during the hours and days when they are not contracted to work. Furthermore although there is some justification that having people living on site will provide security, there are other means of doing this and in this particular instance it would appear that the site is already covered by CCTV. Therefore taking into consideration the above it is not considered that the benefits of allow people to live on the site outweighs the harm that would be caused by allowing residential accommodation in the late night activity zone (where there is potential for it to create unacceptable living conditions for future occupants). As such it is considered that the principle of residential (tied or not tied to the social club) is not acceptable.

## **Main issue 2: Amenity**

22. Key policies and NPPF paragraphs – DM2, DM11, DM23, NPPF paragraphs 9 and 17.
23. The application proposes residential (a noise sensitive use) within the late night activity zone and therefore the impact of noise from late night entertainment uses upon future residents of the site needs to be carefully considered. No noise impact assessment has been submitted as part of the application.
24. With the submitted planning supporting statement the applicant has suggested that the residential accommodation will be used solely by employees of the social club and as such they are part of the late night economy. In this case, the social club has consent to open until 3am. Notwithstanding the above, it should however be noted that many of the clubs within the late night activity zone have consent to open until 4am and others which have been in use for many years have no restrictions.
25. The Council therefore has significant concerns for a number of reasons. Firstly although it would be possible to condition that the residential shall only be used by employees of the social club, it would not be possible to control the days in which employees used the residential accommodation. Therefore it is likely that employees could use the site on days in which they are not contracted to work. On these days it would be reasonable to expect workers to get a good night sleep without noise disturbance from the social club below.
26. Of more concern however is noise from Prince of Wales Road itself. Bedrooms 3 and 4 of the proposed flat front onto Prince of Wales Road and these windows are currently single glazed sash windows. Even if these rooms were used by workers who finished their shift at 3am, the likelihood is that there would be noise disturbance from outside until at least 5am. Without a noise impact assessment it is difficult to have a full understanding of existing noise levels and whether there are any suitable mitigation measures. However due to the building being local listed and situated within a conservation area, suitable mitigation measure may be difficult to achieve. For example mechanical ventilation would need to draw fresh air from the

rear courtyard and not the front or side elevation and it would not be acceptable to replace the existing sash windows.

27. The Council therefore has no evidence to suggest that the proposal will provide satisfactory living conditions for future residents of the site and the likelihood is that future residents would suffer from significant noise disturbance until at least 5am from people using Prince of Wales Road.
28. In addition to noise concerns, the Council also has concerns that no details of external amenity space have been provided as part of the proposal. Although there is a small area of outside space, if this was to be used for the provision of bin and cycle storage, this would be of detriment to the provision of a suitable external private space for the enjoyment of future residents. Therefore it is considered that the proposal does not satisfy the requirements of policy DM2 of the local plan.

### **Main issue 3: Transport**

29. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
30. The site is situated within the city centre with future residents having good access to public transport, the cycle network, car club vehicles and city centre car parks. As such a car free development is considered acceptable in this instance. An informative should however be added to any future permission notifying the applicant that the development will not be eligible for on street parking permits.
31. With regards to cycle storage provision, it is not clear from the information submitted exactly where bikes will be stored externally or internally within the building. From the officer's site visit it would appear that the external area does not have level access and unless a structure was proposed it would not be covered or secured. An internal store would also necessitate the need for bikes to be taken upstairs. As such it is not considered that the proposal satisfies the requirements of the local plan as it has not been demonstrated that the site can provide three accessible covered and secured cycle spaces.
32. With regards to bin storage, although an area is indicated on the site plan for refuse storage this is not accessible from the street and it is also uncertain whether it is accessible from the proposed second floor flat. This would therefore necessitate black sack collections which would be highly undesirable and could result in the relatively narrow pavements becoming blocked by black sacks which in turn would impact upon the public highway. For a development of this size provision should be made for 1 x 240 litre bin for non recyclable waste, 1 x 240 litre bin for recyclable waste and 1 x food caddy.

### **Compliance with other relevant development plan policies**

33. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>No – see main issue 3</b>
Car parking provision	DM31	<b>Yes</b>
Refuse Storage/servicing	DM31	<b>No – see main issue 3</b>

### **Equalities and diversity issues**

34. There are no significant equality or diversity issues.

### **Local finance considerations**

35. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
36. This development would generate a New Homes Bonus grant. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

## **Conclusion**

37. The site is situated within the late night activity zone where residential is not normally permitted. Even if the residential use was tied to the social club use below and solely used by employees of the social club, it is considered that the noise disturbance from both the social club itself and from users of the wider late night economy would provide an unsatisfactory living condition for future residents of the flat. Furthermore the proposal does not provide adequate bin and cycle storage or external amenity space. The development is therefore contrary to the requirements of the National Planning Policy Framework and the Development Plan and the recommendation is therefore one of refusal.

## **Recommendation**

The recommendation is to refuse the application for the reasons outline below and expanded upon in the above report:

- 1) The site is situated within the late night activity zone, where residential is not normally permitted. Although the applicant has requested that the

accommodation is ancillary to the social club below, it is not considered that there is sufficient justification to allow an exception in this instance. The proposal is therefore considered to be contrary to policies DM12 and DM23 of the Norwich Development Management Policies Local Plan (adopted 2014).

- 2) The site is situated within the late night activity zone, where there is a significant amount of noise disturbance from road traffic and users of the late night economy. No evidence has been provided that satisfactory mitigation measures can be put in place to adequately reduce noise levels in order to provide satisfactory living conditions for future residents of the flat. The proposal is therefore considered to be contrary to policies DM2, DM11, DM12 and DM13 of the Norwich Development Management Policies Local Plan (adopted 2014).
- 3) The proposed refuse storage arrangements are not satisfactory to meet the needs of future residents of the flat due to the bin storage area not being accessible from the street which would necessitate black sack collections. This in turn could block the public highway and would therefore have transport and highway impacts. The development would therefore not accord to policy DM31 of the Norwich Development Management Policies Local Plan (adopted 2014).
- 4) The proposed external cycle storage facilities are not easily accessible and insufficient details are provided of the internal cycle storage facilities. As such the Council is not satisfied that the proposal will provide three covered and secured cycle storage spaces. The proposal would therefore not accord to policy DM31 of the Norwich Development Management Policies Local Plan (adopted 2014).
- 5) The proposal does not provide satisfactory external amenity space for future residents of the site. The proposal would therefore not accord to policy DM2 of the Norwich Development Management Policies Local Plan (adopted 2014).

**Article 31(1)(cc)**

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. The proposal in question is not considered to be acceptable for the reasons outlined above.

## STANDING DUTIES

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself). Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
  - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
  - Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

### **Crime and Disorder Act, 1998 (S17)**

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

### **Natural Environment & Rural Communities Act 2006 (S40)**

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

### **Planning Act 2008 (S183)**

- (1) Every Planning Authority should have regard to the desirability of achieving good design

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life**

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

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

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- (2) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (3) The Court of Appeal has held that this means considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.



<b>Report to</b>	Planning applications committee	<b>Item</b>
	16 April 2015	
<b>Report of</b>	Head of planning service	<b>5</b>
<b>Subject</b>	Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 4, 2014-15 (1 January to 31 March 2015)	

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### **Purpose**

This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 January to 31 March 2015.

### **Recommendation**

To note the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority a safe and clean city.

### **Financial implications**

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and transport

### **Contact officers**

Graham Nelson, head of planning services 01603 212530

Ian Whittaker, planning development manager 01603 212528

### **Background documents**

None

# **Report**

## **Background**

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.

## **Performance of the development management service**

3. The cabinet considers quarterly reports which measure the council's key performances against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
4. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
5. Of all the decisions that are accounted for by the governments NI157 indicator, some 147 out of 176 were dealt with by officers (a delegation rate of 83.5 per cent) and 29 applications, were dealt with by committee. Over the past seven quarters this is the lowest rate and has previously varied between 84.4 and 92.7 per cent).

## **Appeals**

6. There were 5 planning appeals pending or awaiting decision at the end of the quarter and details are set out in appendix 1.
7. A decision was made on the two dwellings at the rear of 27-29 Quebec Rd. and the appeal allowed. This was recommended for approval by officers but was refused by the committee. The Inspector considered the main issues was effect on the living conditions of neighbouring occupants and concluded that "the proposal would result in some loss of sunlight to nearby properties but I am not persuaded that this would result in an unacceptable loss of sunlight" and "due to the design of the proposal and the characteristics of the site and adjoining land I consider any overlooking would be minimal and not dissimilar to that found in built-up areas. I therefore conclude the proposal would not result in any unreasonable loss of privacy".
8. A decision has also been made on a lawful development certificate at 8 Taylors Buildings Magdalen Road. This sought confirmation that an extension to a dwelling was lawful on the basis that it was permitted development, however the application was refused under delegated powers because it did not comply with the general permitted development order. The Council's decision has been upheld at appeal and the case dismissed.

## **Enforcement action**

9. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 4.

**Planning appeals pending – Quarter 4 (pending on 31 March 2015) 2014-15**

<b>City Council Ref. Nos.</b>	<b>Planning Inspectorate Ref. No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
14/00003/REF Application No. 13/01090/F and 14/00004/REF Application No. 13/01091/L	APP/G2625/A/1 4/2216867 and APP/G2625/A/1 4/2216869	148 Magdalen Street	Refusal of planning permission and listed building consent for demolition of rear outbuildings and extension and construction of 4 No. two bedroom residential flats in two blocks.	23 April 2014	Written Reps.	Pending
14/00006/REF Application No. 13/01540/VC	APP/G2625/A/1 4/2220356	Land And Buildings on the north-east side of King Street	Refusal to vary condition 9 of planning permission (app. No. 04/00274/F) to "Within 3 months of the date of this decision moorings shall be provided in full accordance with drawings ..." Conversion of former flour mills and redevelopment of site to provide 160 residential apartments.	20 June 2014	Written Reps.	Pending
14/00010/REF Application No. 14/00840/F	APP/G2625/W/1 4/3001125	25 Clabon Road	Refusal of planning permission for erection of 1 No. two bed dwelling to rear	28 January 2015	Written Reps.	Pending

<b>City Council Ref. Nos.</b>	<b>Planning Inspectorate Ref. No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
15/00001/REF Application No. 14/00618/F	APP/G2625/W/1 5/3006563	Vikings Venture Scout Hut adjacent to 420 Dereham Road	Refusal of planning permission for the erection of 8 No. two bedroom flats.	N/A	N/A	Lodged but not yet valid

**Planning appeals allowed – Quarter 4 (Oct – Mar 2015) 2014-15**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
14/00009/REF Application No. 13/01964/F	APP/G2625/A/14/2223336	Land Adjacent to 25 - 27 Quebec Road	Refusal of planning permission for erection of 2 No. semi- detached three bedroom dwellings.	12 August 2014	Written Reps.	Allowed 7 January 2015

**Planning appeals dismissed – Quarter 4 (Oct – Mar 2015) 2014-15**

<b>City Council Ref. Nos.</b>	<b>Planning Inspectorate Ref. No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
14/00001/REF Application No. 13/01593/CLP	APP/G2625/X/1 4/2211377	8 Taylors Buildings Magdalen Road	Refusal for a Lawful Development Certificate for a single-storey side extension.	9 January 2014	Written Reps.	Dismissed 19 January 2015

**Enforcement action. Q4 2014-15. Status report on all items previously reported to planning applications committee**

<b>Case no.</b>	<b>Address</b>	<b>Development</b>	<b>Date referred to Committee</b>	<b>Current status</b>	<b>Actions completed Yes/No*</b>
13/00080/CO NSRV/ENF	33 Grosvenor Road	Replacement windows (Art. 4)	25 July, 2013	Enforcement notice appealed and dismissed. The owners of the property are currently liaising with the Design and Conservation Officer on an appropriate window design to replace the existing windows. An appropriate window design has been agreed with the Conservation & Design Officer and a planning application has been received for the revised proposal.	No
12/01444/F	Norwich Family Life Church Heartsease Lane Norwich NR7 9NT	Erection of new church building (Class D1) incorporating preschool, sports and community facilities.	18 April 2013 12 Sept 2013	Indication at the time of the application was that portakabin buildings on site would be removed and temporary use of premises on Mason Road would cease following the part completion of a new church building. Members agreed a 15 month period from the date of the permission to allow this to happen. This expired at the end of 2014, no further contact has been made with the planning service and it appears no action to secure a church building, as previously indicated by the applicant, has happened. Documentation with planning enforcement	No
10/01081/U	4 - 6 Mason Road Norwich NR6 6RF	Change of use from general industrial to place of worship, non-residential education centre	26 August 2010	See above – temporary permission has expired and building is occupied without the benefit of planning permission. Suggested to authorise cessation of that use in line with the agreed timetable of works and occupation of the church on the Heartsease site. Documentation with planning enforcement.	No

Case no.	Address	Development	Date referred to Committee	Current status	Actions completed Yes/No*
13/00068/EXT EN/ENF	268 Heigham Street	Shipping container on land	7 Nov., 2013	Notice served and time period has expired for compliance. Delay in submitting prosecution file and will be submitted in April.	No
EH12/8433	64-66 Westwick Street	Unauthorised development – conservatory fronting the river		Notice served and appealed, appeal was dismissed, the notice was not complied with. On 28 <sup>th</sup> January 2015 at Norwich Magistrates' Court the defendant was fined £4,000 with £2,141.03 costs. The conservatory has now been largely removed. The current state of the building is less than ideal but there is an issue with making further improvement as there is limited information on the previous use of the site. The photos we have and what there is did not show the site as being particularly attractive.	Yes
Planning ref 13/01484/A	Sweet Briar Road	Hoardings	6 March, 2014	First correspondence sent to NPS 29/08/2012 and further contact made to NPS on 13/05/2013, 28/08/2014 requesting removal of the sign given its location on council owned land. One sign remaining which is on Council owned land, it would be advisable that NPS Norwich Ltd remove sign rather than reporting for prosecution. We are unable to prove the other large 96-sheet poster panel does not have immunity and as a consequence we are unable to take enforcement action in this particular case.	No



Case no.	Address	Development	Date referred to Committee	Current status	Actions completed Yes/No*
Planning ref 13/01982/F	463-503 Sprowston Road	Aldi foodstore fire escape steps	6 March, 2014	The steps to the fire escape have now ben replaced with a ramp. However there are other matters unresolved , e.g. delivery of housing, hours of delivery, not closing car park overnight and these matter are ongoing.	Yes
Planning ref 13/02087/VC and 13/02088/VC	Football ground area	River bank, landscaping, street trees, etc	6 March, 2014	Various compliance dates between August 2014 and August 2017. Various works are ongoing in the area and snagging checks will need to be undertaken in summer 2015.	No
13/01540/VC	King Street	Read Mills – moorings on river bank	7 May 2014	Appeal lodged against refusal, the outcome is awaited before further action is taken.	No
14/00920/F	63-67 Prince of Wales Rd and 64-68 Rose Lane	Unauthorised use of external seating / smoking area.	8 January, 2015	Documents passed to enforcement staff and needs site visit to ascertain if the uses is continuing.	No
14/01660/F	114 Cambridge St	First floor rear extension	8 January, 2015	Documents passed to enforcement staff. However as the applicant has indicated that an appeal will be lodged. No action to be taken until the appeal period has passed.	No
14/01588/D and 12/01172/F	Airport	Engine testing	8 January, 2015	Work is ongoing to complete the facility at the new engine testing location but desirable to issue a breach of condition notice to require compliance by June 2015.	No

\*If the actions have been concluded a “yes” indicates that the item will be deleted from the next quarterly report. Items with ongoing actions (listed as “no”) will be re-reported next quarter.

