



PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 25 July 2013**
Time: **9.30am**
Venue: **Mancroft room, City Hall**

COMMITTEE MEMBERS:

Councillors:

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

FOR FURTHER INFORMATION PLEASE CONTACT -

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Democratic services
City Hall
Norwich
NR2 1NH

AGENDA

Page No.

- 1. Apologies**
- 2. Public questions**

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

- 3. Declarations of interest**

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

4. Minutes 5

To agree the accuracy of the minutes of the meeting held on 4 July 2013.

5. Planning applications and requests for enforcement action 15
(Report of the head of planning services)

Purpose - To determine the current planning applications and requests for enforcement action as summarised on pages **11** of this agenda.

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 5 above are required to notify the committee officer by 10am on the day before the meeting.

Further information on planning applications can be obtained from the council's website:- <http://planning.norwich.gov.uk/online-applications/>

6. Performance of the Development Management Service, Apr-Jun 2013 (Quarter 1, 2013-14) 49
(Report of the head of planning services)

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

7. Performance of the Development Management Service: Appeals: 1 April to 30 June 2013 (Quarter 1 2013 - 14) 55
(Report of the head of planning services)

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

Please note:

- The formal business of the committee will commence at 9.30am
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available.
- The committee will adjourn for lunch at a convenient point between 1pm and 2pm if there is any remaining business.

17 July 2013



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

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PLANNING APPLICATIONS COMMITTEE

9.30am to 11am

4 July 2013

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

Apologies: Councillors Button, Sands (S) and Neale

1. DECLARATION OF INTERESTS

Councillor Storie declared a pecuniary interest in item 3, below, application no 13/00274/F Norwich City Council Football Club, Carrow Road, Norwich, NR1 1JE, in that she was a member of the Norwich City Football Club supporters' trust, which held shares in the club.

Councillor Grahame referred to item 3, below, item 3, below, application no 13/00274/F Norwich City Council Football Club, Carrow Road, Norwich, NR1 1JE, and said that although she had commented at an early stage on the application she did not have a predetermined view.

2. MINUTES

RESOLVED to approve the minutes of the meeting held on 13 June 2013 subject to the following amendment due to the report author not amending the recommended conditions to reflect the text in paragraph 139 of the report:

Item 4, Application nos 13/00113/F and 13/00115/L, Fire Station, Bethel Street, Norwich, NR2 1NW, deleting condition 21 and renumbering subsequent conditions.

3. APPLICATION NOS 13/00274/F NORWICH CITY COUNCIL FOOTBALL CLUB, CARROW ROAD, NORWICH, NR1 1JE

(Councillor Storie having declared a pecuniary interest left the meeting at this point.)

The senior planner (development) presented the report with the aid of plans and slides, including a sun study of the site. He also referred to the supplementary report of updates to reports for consideration which was circulated at the meeting, which contained a further representation from the applicant in response to noise concerns and detailing some amendments to the report and recommendations, including

removal of condition 4 and re-imposing the condition as in the original planning permission for a noise management plan for the facility.

During discussion the senior planner said that the tree protection officer considered that the trees which had been removed did not have sufficient bio-diversity merit to be protected by a tree protection order and were not protected by being in a conservation area. .

RESOLVED, unanimously, to approve application no 13/00274/F at Carrow Park, Norwich City Football Club, Carrow Road, Norwich NR1 1JE, subject to the following conditions:

1. Standard time limit (development to commence within 3 years);
2. Development to be as per the existing plans and supporting information;
3. Materials to match the existing;
4. No use of amplified music until the council has determined the permitted maximum sound levels expressed in dB LAeq (5mins) measured at a point 2 meters from any loudspeaker forming part of the amplification system and thereafter the levels shall not be exceeded;
5. The new facilities created/extended shall not be used outside the hours of 0800 -2100 hours on any day;
6. Notwithstanding the removal of the existing training/conference space, the development shall continue to provide community and local resident access to the expanded classroom / multi-use hall and associated changing facilities for community and teaching purposes, in accordance with the provisions of the terms of planning permission 05/00835/F and associated Section 106 legal agreement.
7. Before the use commences a Noise Management Plan for the facility shall be submitted to and approved by the Local Planning Authority.

Informative notes:

1. The applicant is to be reminded of the need to continue to comply with the obligations in the existing Section 106 Agreement, including provisions relating to maintaining free usage, free use of the Teaching and Community Room for local residents at all times in perpetuity, wherein 'Local Residents' includes residents of 35-37 Carrow Road, Clarence Harbour Court, Kerrison Road, Cozens Road, Hardy Road and the Railway Cottages.
2. Standard good practice in construction 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 the application has been approved subject to appropriate conditions and conclusions in this report.

(Councillor Storie was readmitted at this point.)

4. APPLICATION NO 13/00763/F POINTERS FIELD VICARAGE ROAD NORWICH

The planning team leader (development) presented the report with the aid of plans and slides.

During discussion members noted that the principle of housing on the site had been put forward in the site allocation plan and that the development would address the problem of antisocial behaviour on the site. Members also noted that the size of the site in relation to the rest of Pointers Field meant that there would be adequate amenity facility and that there was one car parking space per dwelling which was the maximum permitted in policy terms and that the scheme would provide a cycle/pedestrian link through Pointers Field.

RESOLVED with 9 members voting in favour (Councillors Bradford, Gayton, Ackroyd, Blunt, Brociek-Coulton, Gihawi, Jackson, Little and Storie) and 1 member abstaining (Councillor Grahame), to approve application no 13/00763/F Pointers Field Vicarage Road Norwich and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Facing and roofing materials and external joinery to match adjacent mews development
4. Details of external lighting; solar panels and fixings;
5. Details of access road surface, car parking, cycle storage, bin stores provision;
6. Details of landscaping, planting, tree pits, biodiversity enhancements, footpath/cycle link to green space, site treatment works, boundary treatments, gates, walls and fences and landscape maintenance;
7. Details of arboricultural monitoring and additional AMS for specific tree works;
8. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
9. Retention of tree protection;
10. Details of provision and maintenance of LZC technologies and renewable energy sources;
11. Details of water efficiency measures;
12. Details of water drainage strategy and drainage management;
13. Site contamination investigation and assessment;
14. Details contamination verification plan;
15. Cessation of works if unknown contaminants found; and
16. Control on any imported materials.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the pre-application stage the application has been approved subject to suitable land transfer, appropriate conditions and for the reasons outlined within the committee report for the planning applications committee meeting on 4th July 2013.

The following informative notes should be appended to any consent:

1. Considerate construction and timing to prevent nuisance;
2. Materials removed from site should be classified and disposed of at suitable licensed facilities;
3. Site clearance to have due regard to minimising the impact on wildlife.
4. Investigation for Second World War bomb craters.

(The committee was then adjourned whilst waiting for a member of the public to attend for the next item. During the adjournment the team leader planning (development) and the planning development manager gave an informal briefing on the effect of the implementation of the community infrastructure levy on planning applications. The committee reconvened at 10.40 am with all members present.)

**5. APPLICATION NO 13/00699/F LAND BETWEEN 109 AND 113
WATERLOO ROAD, WATERLOO ROAD, NORWICH**

The planning development manager and the senior planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and advised members that there had been a total of three objections received (not two as stated in the report) but that all the issues had been included in the report. Also that a further email had been received from one of the objectors which clarified the parking situation on Waterloo Road and neighbours' concerns, that as only part of the road was within a controlled parking zone, an additional dwelling would put pressure on the part of the road outside it.

The neighbour of the adjacent house addressed the committee and outlined her objections to the proposal, which had been summarised in the report and included concerns about a perceived decrease in valuation as her home would no longer be an end terrace; loss of light and concerns about overlooking. She also sought reassurance that if the scheme was approved her rights of access over the flying freehold would be maintained; and that the building works would not damage her property and cause too much stress and inconvenience.

The applicant then explained that the flying freehold would be "reinstated" and gave reassurances that the neighbour would be able to access her rear garden through the garden of no 109 Waterloo Road; that in relation to property values the scheme would be aesthetically improve the street scene by removing the pre-fabricated garage; completing the terrace and would provide landscaping. The new building would also improve the insulation and thermal properties of the two terrace houses either side of the new building.

During discussion the planning development manager answered questions. In relation to the planning history and the refusal to erect a dwelling on the site in 1972 as the site was too small would be difficult to uphold now. Members were also advised that the new building would need to comply with current building regulations and that if the external appearance of the building was altered it would require a further planning application. The applicants would need to enter into a party wall agreement.

RESOLVED unanimously to approve application no 13/00699/F land between 109 and 113 Waterloo Road, Waterloo Road, Norwich and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. Details of external materials, boundary treatments and hard landscaping (which should be permeable) to be submitted.
4. Cycle and refuse storage to be provided.
5. Water conservation.
6. South facing first floor window to be obscure glazed and fixed shut.
7. Removal of existing garage building from plot.

Informative note:

Construction working hours.

CHAIR

Applications for submission to planning applications committee
Requests for enforcement action
25 July 2013

Items
5

Applications

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
5(1)	13/00540/F	15	214 Newmarket Road Norwich NR4 7LA	Jo Hobbs	Subdivision of curtilage of 214 Newmarket Road and erection of 1 No. bungalow.	Objections	Approve
5(2)	13/00860/F	27	181 College Road Norwich NR2 3JD	John Dougan	Erection of two storey extension to rear of dwelling.	Objections	Approve

Enforcement

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
5(3)	12/00146/UCU/ENF	37	6 Nelson Street Norwich NR2 4DN	Ali Pridmore	Change of use from Shop (Class A1) use to Hot Food Takeaway (Class A5) use.	Enforcement action recommended	Authorise enforcement action up to and including prosecution
5(4)	13/00080/CON SRV/ENF	43	33 Grosvenor Road	Ali Pridmore	Windows.	Enforcement action recommended	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
Date 25 July 2013
Report of Head of planning services
Subject 13/00540/F 214 Newmarket Road Norwich NR4 7LA

Item
5(1)

SUMMARY

Description:	Subdivision of curtilage of 214 Newmarket Road and erection of 1 No. bungalow.	
Reason for consideration at Committee:	Objections	
Recommendation:	Approve	
Ward:	Eaton	
Contact Officer:	Jo Hobbs	Planner 01603 212526
Valid Date:	15th June 2013	
Applicant:	G and C Homes	
Agent:	Mr Graham Craske	

INTRODUCTION

The Site

Location and Context

1. The site is located on the south side of Newmarket Road, adjacent to the slipway from the A11 into Eaton and Cringleford. The site is in a predominantly residential area, adjacent to the residential development of Chestnut Hill, which is accessed off Church Lane in Eaton.
2. The existing site forms part of the rear garden of 214 Newmarket Road. The main dwelling within the plot is a two storey detached dwelling set near the Newmarket Road end of the site.
3. The site has several mature trees and shrubs on the boundary of the site. The land slopes down to the south east towards Eaton and the Yare river valley.
4. The site is not within the Newmarket Road Conservation Area, which ends at 210 Newmarket Road to the north east of the site.

Planning History

5. There is no relevant planning history. The recent planning history to 216 Newmarket Road is shown below, for the redevelopment with four dwellings (and has now been implemented):
 - 12/01210/NMA - Amendments to previous planning permission 10/01422/F 'Demolition of existing house, erection of 2 No. houses and 2 No. bungalows with new access road, site works, drainage etc (revised proposals)' - alterations to boundary treatment to Newmarket Road frontage and to windows of plots 3 and 4.

Approved 7 August 2012.

- 10/01422/F - Demolition of existing house, erection of 2 No. houses and 2 No. bungalows with new access road, site works, drainage etc (revised proposals). Approved 06 December 2010.
- 08/01063/F - Demolition of existing flats, erection of 18 No. flats in two blocks of 9 with associated access, parking and site works. Withdrawn.

Equality and Diversity Issues

6. There are no significant equality or diversity issues. The site is in a fairly accessible location without needing to use private cars, ensuring younger people would be able to access public transport from the site.

The Proposal

7. The application entails the subdivision of the existing plot of 214 Newmarket Road and the erection of a bungalow and detached garage. The proposed access to the site is through the existing development at 216 Newmarket Road, which has recently been redeveloped with four dwellings.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four neighbours have made representations through nine separate letters, citing the issues as summarised in the table below.

9.

Issues Raised	Response
Overdevelopment, out of character to existing area through density and scale	See paragraphs 23-25.
Removal of and impact on trees and hedges	See paragraphs 38-41.
Chain link fences should be used along boundaries with hedges	See paragraph 41.
Soakaways and surface water drainage lead to flooding of neighbouring properties	See paragraphs 35-37.
Materials out of keeping, particularly roof tiles	See paragraphs 23-25.
Highway safety of entrance/exit	See paragraphs 26-28.
Impact on protected species	See paragraphs 38-41.
Loss of green space and garden development	See paragraphs 12-14.
Site boundaries to south-east of site incorrect	The site boundaries have been confirmed as correct and what the applicant wants to apply for. Council must proceed on this basis.
Loss of privacy	See paragraphs 17-21.
Boundary disputes over multiple property	This is a civil matter outside of planning.

ownership of boundaries	
Footprint should be moved to north west to address amenity and tree issues	Can only assess the merits of the current proposal and its suitability.
Sunlight reflecting in large expanse of glazing	See paragraph 21.
Increased noise	See paragraphs 17-22.
Further back garden development	Can only assess the merits of the current proposal and its suitability.
Site within Conservation Area and trees subject to Tree Protection Orders	The site is not within a conservation area nor are there any tree protection orders on the site.

Consultation Responses

10. Local Highway Authority - No objections.

11. Natural Areas Officer – No objections, subject to conditions.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

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

Statement 11 – Conserving and enhancing the natural environment

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Policy 20 - Implementation

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

NE8 – Management of features of wildlife interest

NE9 – Comprehensive landscaping scheme and tree planting

HBE4 – Other locations of archaeological interest

HBE12 – High quality of design

EP16 – Water conservation and sustainable drainage systems

EP18 – High standard of energy efficiency

EP22 – High standard of amenity for residential occupiers

HOU13 – Proposals for new housing

TRA3 – Modal shift measures in support of NATS

TRA5 – Approach to design for vehicle movement

TRA6 – Parking standards

TRA7 – Cycle parking standard
TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

Energy Efficiency and Renewable Energy (Adopted December 2006)

Trees and Development (Adopted September 2007)

Flood Risk and Development (Adopted June 2006)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Considerations

Procedural Matters Relating to the Development Plan and the NPPF

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

Emerging DM Policies

(Please note that these policies will be submitted to the Planning Inspectorate on 17th April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.)

- DM1** Achieving and delivering sustainable development
- DM2** Ensuring satisfactory living and working conditions
- DM3** Delivering high quality design
- 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
- DM12** Ensuring well-planned housing development
- DM28** Encouraging sustainable travel
- DM30** Access and highway safety
- DM31** Car parking and servicing

Principle of Development

Policy Considerations

12. The site is located within garden land to the existing property of 214 Newmarket Road. New housing development should be located within accessible locations on previously developed land where possible. The site is in an existing residential area with good connections to a district centre within Eaton, and public transport links into the city centre. The proposed development would be on non-previously developed land.

13. In such instances the National Planning Policy Framework recommends that local

planning authorities set policies within development plans to protect gardens from development where it is considered necessary. Under the emerging Development Management Policies this issue has been considered but no policy is proposed. Instead it is recommended that development is considered in terms of visual impact, impact on biodiversity, surface water drainage and residential amenity, along with any other relevant planning considerations.

14. As there are no specific policies within the development plan relating to garden development the following key considerations would therefore need to be taken into account - residential amenity, highway safety, design, trees and biodiversity, archaeology, surface water, energy and water efficiency, car and cycle parking, refuse storage, local finance considerations and Community Infrastructure Levy.
15. The proposal is too small to trigger the need for affordable housing. Even in conjunction with the neighbouring redeveloped property at 216 Newmarket Road, the net additional dwelling would only be two. This is because there was only a net gain of one dwelling on the neighbouring site. Therefore it would not be reasonable to require affordable housing to be provided with this additional dwelling being proposed.

Impact on Living Conditions

Noise and Disturbance

16. The amenity of existing neighbouring residents and future occupants of the proposed dwelling must be considered.

Existing neighbouring residents

17. The existing neighbours could be affected through overlooking, loss of outlook, overshadowing and loss of direct sunlight. The addition of a dwelling would also introduce noise to the rear of dwellings that were previously just rear garden.
18. The height and mass of the bungalow and garage would lead to only a small loss of outlook and direct sunlight to the existing dwelling at 212 Newmarket Road. This would not be sufficient to merit refusal of the application. The single storey nature of the dwelling would also not lead to potential for overlooking as all ground floor windows would be adequately screened through the recommended landscaping condition. The space between the proposed dwelling and existing dwellings would lead to no loss of daylight to main habitable rooms.
19. The addition of a dwelling the rear garden has been considered in relation to the additional noise that this would introduce to the rear garden of 212 Newmarket Road, 77 and 79 Chestnut Hill. Whilst the addition of a dwelling would lead to a more intense use of the land, this is not considered to lead to a sufficient amount of noise and disturbance, given the proposed use is one residential dwelling, to be sufficient enough to merit refusal of the application.
20. The proposed dwelling 4 would be quite close to the proposed dwelling under this application, however as the unit is a bungalow this would prevent overlooking. As the boundary for plot 4 is so close to the north east boundary the bungalow would have limited outlook from this side of the property in any case. Given that the proposed development under this application would be to the west of bungalow 4 the amount of direct sunlight, daylight and outlook would not be significantly

compromised. There is sufficient outlook to the south to not compromise the amenity of bungalow 4.

21. The issue of glazing reflecting to the neighbouring properties has been raised. The majority of glazing would be behind the boundary fences and hedges as the unit is only single storey. The glazing on the south east elevation does extend the full height of the building in once part of the elevation, leading for the potential for some reflection. The duration of the day when this would be possible would be quite small due to the small extent of glazing on the building as a whole. Therefore this is not considered a sufficient enough reason to merit refusal of the application.

Future residents

22. The future occupants of the site would benefit from outdoor amenity space with adequate room for cycle and refuse storage. The space around the dwelling would be relatively private with minimal overlooking to the rear garden by neighbouring dwellings. The majority of windows of main habitable rooms would face to either the front or rear garden. However bedroom three would only have one window facing a boundary fence at close proximity. Whilst this would not provide a great amount of outlook this would only be a smaller bedroom and other main habitable rooms have a good level of outlook. The amenity for future residents is therefore considered to be acceptable.

Design

Layout

23. The design of the proposed bungalow is of a similar scale and form to the development recently permitted at 216 Newmarket Road. The scale and footprint of the built form is similar to the development at this adjacent plot, and whilst it is denser than the existing development along Newmarket Road it is not considered to be out of keeping to development in the surrounding area. Chestnut Hill is also more densely developed and so it would be difficult, and unreasonable, to recommend refusal of the development based on the grounds of being out of scale and character.
24. The scale of the proposed dwelling would be much smaller than existing development in the surrounding area, with most surrounding development being two storey. However, the smaller scale is considered to be more sympathetic to the character of the surrounding area, being subservient in scale to the existing built form.
25. The proposed development would be well screened from the public highway of Newmarket Road by existing development and mature trees. The final appearance of the development would be dependent on the quality of materials used. A condition is therefore recommended for external materials to be agreed.

Transport and Access

Vehicular Access and Highway Safety

26. The dwelling would use the access onto Newmarket Road that has been formed for the new dwellings at 216 Newmarket Road. The previous application for the four replacement dwellings at 216 Newmarket Road carefully considered the highways impact. The previous building on the site was in use as three flats. The proposed development therefore led to a small increase in number of dwellings on the site. The access point to the existing site was also rearranged, with the central reservation being extended to ensure all traffic leaving the site would use the slip

road down to Eaton rather than directly onto the A11. Considering these circumstances the application was recommended for approval.

27. The addition of one extra dwelling using this access has been considered. The access point would now be used by five dwellings instead of three. The access point is located in the least objectionable location on the site, and given the previous highway improvements to prevent direct egress onto the A11 impact would not be sufficient enough to merit refusal of the application.
28. A concern has also been raised that the entrance point has not been constructed in accordance with the previously approved scheme. The as-built access will be checked and be considered in the additional report available at the meeting. However, the access details shown on the submitted plans are satisfactory for the additional dwelling.

Car Parking

29. The dwelling has adequate space for car parking, and storage space for cycles in the garage. The parking area to the dwelling would provide space for more than the maximum two parking spaces as set out in the local plan for this size and location of dwelling in the city. This has been considered but it is difficult to resist space being used in a front garden such as this for parking and is commonplace. If there was limited amenity space more landscaping details could be conditioned to ensure that amenity space is being provided, but in this instance there is a good size rear garden. The harm of additional cars being parked on the site is not sufficient to merit refusal of this application, when the use of parts of gardens for car parking is commonplace in the area.

Refuse storage and collection

30. The land around the dwelling would also have adequate space for refuse bins which would be taken to the joint refuse collection point with 216 Newmarket Road. A condition is recommended to agree details and to ensure that the joint refuse area is implemented.

Environmental Issues

Protected species

31. The site has been considered for protected species. The accompanying survey with the application did not find evidence of protected species relying on the site for habitat or feeding. The species listed by neighbouring residents as being present on the site have been considered, but the appropriate mitigation measures identified would reduce the impact of the development to an acceptable level on these non-protected species.
32. To mitigate against the loss of natural environment, conditions are recommended to ensure appropriate landscaping and that no vegetation clearance should take place in summer months to protect nesting bird species.

Archaeology

33. The ground has not been previously been disturbed being garden land to the existing dwelling. Therefore archaeology is a consideration. Neolithic flint mines and post medieval lime kilns have been found in the surrounding area, However an investigation at the adjacent site of 216 Newmarket Road did not find any artefacts and therefore only an archaeological watching brief condition is required..

Water Conservation

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

Surface Water

35. The issue of surface water draining from this site to neighbouring sites and soakaways from neighbouring sites draining into the plot have been raised. Any hardstanding would be required to permeable under policy EP18 of the local plan to ensure water can percolate into the ground where possible rather than being discharged into sewers.
36. The small scale of development of only one dwelling means that it would be unreasonable to request a full sustainable urban drainage system with attenuation tanks. Provided that the site is not covered in non-permeable paving the surface run-off of water is not sufficient to merit further conditions relating to surface water.
37. The location of soakaways from neighbouring land onto the application site would be a civil matter to resolve.

Trees and Landscaping

Impact on Trees

38. The site is surrounded by mature shrubs and some mature trees. The proposed development entails removing some of the smaller trees to enable access into the site.
39. The trees to be removed have been assessed and the majority considered lower value. Of the ten trees to be removed, all are either category U or C with the exception of two (a cherry and a Cypress) that are category B and considered to have more landscape value. These have been considered by the council's arboricultural officer, but provided replacement planting is provided where possible this loss is considered to be acceptable. Some trees have already been removed from site, but as they were not subject to Tree Preservation Orders or within a conservation area, consent to do so was not required. It would therefore also be unreasonable to prevent the loss of some of the lower grade trees given this fact.
40. The amenity value of the trees is localised and there are only small glimpses of these from the public highway. Provided that replacement trees are provided and the current planting improved to mitigate against the loss of biomass and habitat the proposals would be acceptable. The submitted arboricultural method statement should also be followed to ensure the trees to be retained are protected during the construction phase. Conditions are recommended as such.
41. The potential for the loss of the hedge along the north east boundary has been raised, as this hedge is within the ownership of the neighbouring property at 212 Newmarket Road. The Arboricultural Implications Assessment has considered the construction methodology for the house and garage. This includes careful excavation to prevent irreparable damage to roots and the use of a plastic membrane to prevent concrete leachate affecting the roots of trees. The neighbour at 212 Newmarket Road has also suggested a chain link fence be used along this boundary, which would better respect the existing trees and hedges along the north

east boundary. These details would need to be agreed through condition with the council's landscape architects, ensuring appropriate boundary treatments are selected for the existing landscaping to be retained.

Local Finance Considerations

42. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application.

Financial liability	Liable	Amount
New Homes Bonus	Yes	Based on council tax band, for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£15,262.50 (indexed)
Business Rates	No	-

Conclusions

43. The dwelling would be located on garden land in an accessible location, close to existing services and contributes to the overall need for new dwellings in Norwich. There would be no adverse impact on protected species, or the overall appearance of the area by virtue of the mature landscaping around the site and limited views from Newmarket Road. The addition of one dwelling using the access created onto the A11 slip-road is not considered to lead to a significant loss of highway safety. The development would not have an adverse impact on the amenity of surrounding residents through the single storey scale of development and appropriate landscaping to be agreed through condition. Subject to conditions to protect trees, biodiversity mitigation measures, landscaping, archaeological protection, refuse collection details and water conservation measures, the development is considered to be acceptable.
44. As such the proposal accords with the criteria set out within saved policies NE8, NE9, HBE4, HBE12, EP16, EP22, HOU13, TRA3, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (2004), and policies 1, 2, 3, 4, 6, 9, 12 and 20 of the adopted Joint Core Strategy (2011) and statements 4, 6, 7, 10 and 11 of the National Planning Policy Framework (2012).

RECOMMENDATIONS

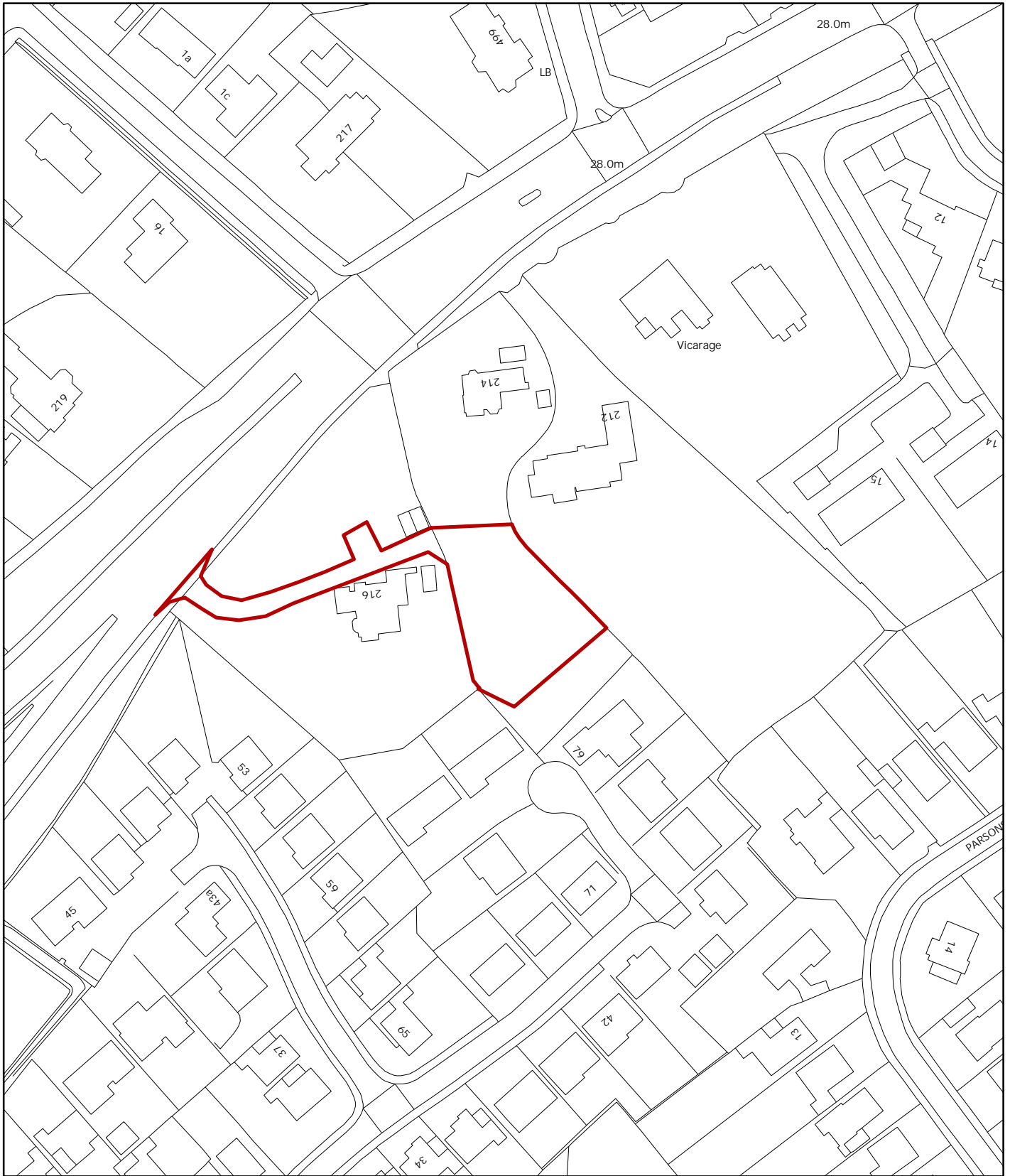
To approve Application No (13/00540/F at land to rear of 214 Newmarket Road) and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plan
3. Approval of external facing materials
4. Landscaping condition – including permeable paving, replacement tree planting and boundary treatments

5. Refuse collection arrangements to be agreed
6. Compliance with AIA
7. Mitigation and enhancement measures for biodiversity
8. No removal of vegetation during bird nesting season
9. Water conservation
10. Stop work if unidentified archaeological features revealed

Article 31(1)(cc) Statement

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

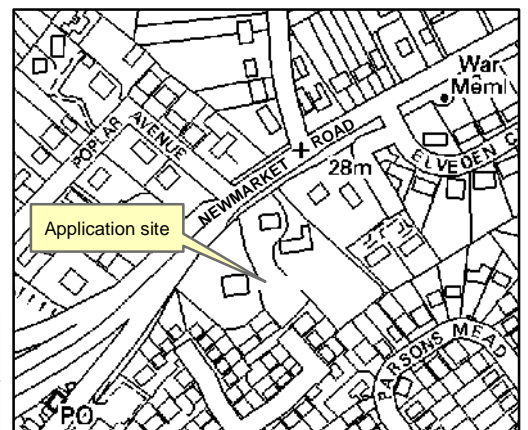


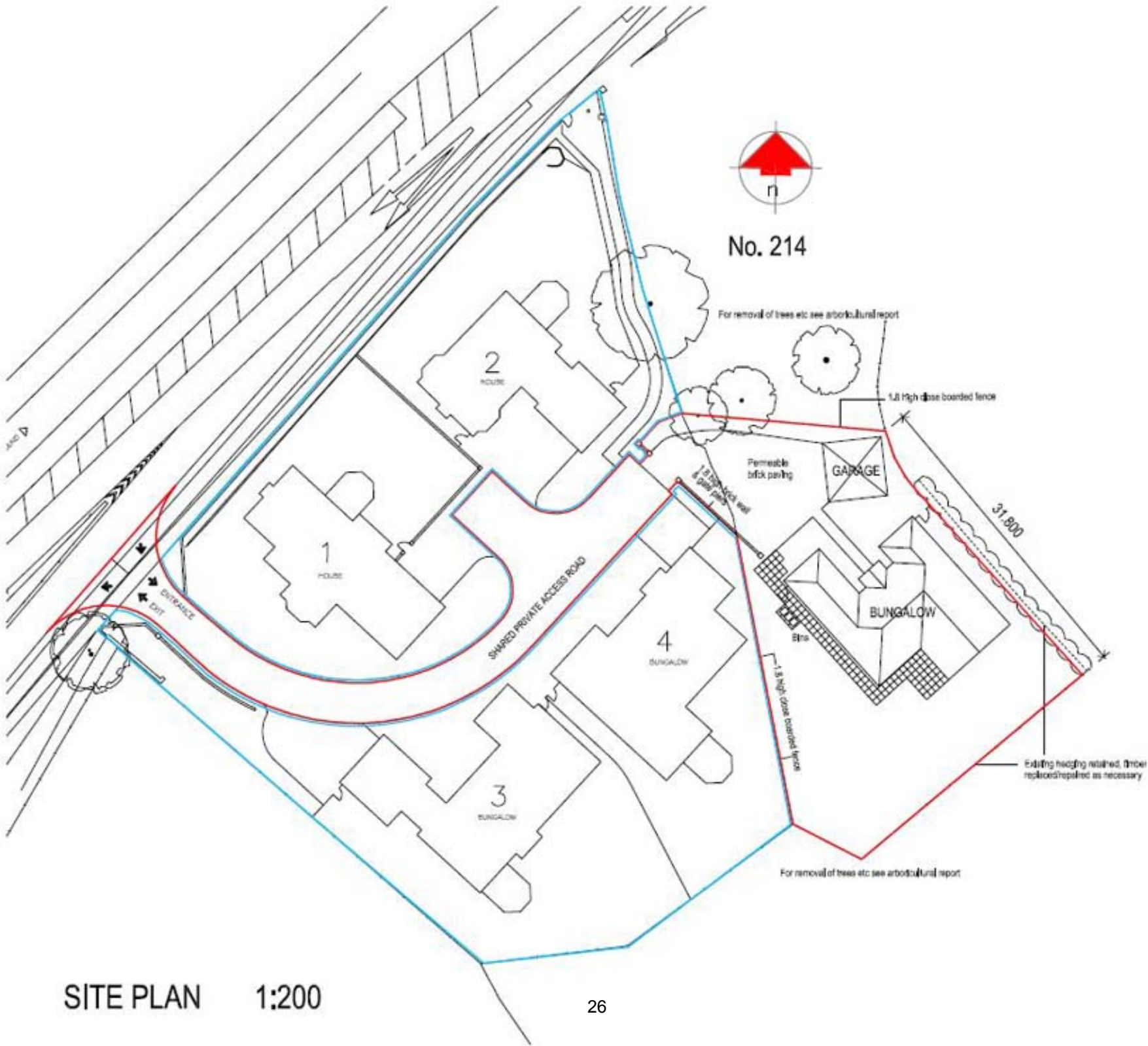
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Planning Application No 13/00540/F
 Site Address 214 Newmarket Road
 Scale 1:1,250



NORWICH
 City Council
 PLANNING SERVICES





Report to Planning applications committee
Date 25 July 2013
Report of Head of planning services
Subject 13/00860/F – 181 College Road, Norwich NR2 3JD

Item
5(2)

SUMMARY

Description:	Erection of two-storey extension to rear
Reason for consideration at Committee:	Objection
Recommendation:	Approval
Ward:	Nelson
Contact Officer:	Mr John Dougan Planner 01603 212504
Valid Date:	29 th May 2013
Applicant:	Mr Neil Cropper
Agent:	Mr Jonathan Mawer

INTRODUCTION

The Site

Location and Context

1. This is a residential street being predominantly two-storey detached and semi detached Victorian terrace properties with bay window frontages with small gardens to the front and long gardens to the rear. The buildings are generally of red brick and grey or red pan-tile roofing.
2. The application site is a detached property with a driveway running along the south of the site having a red brick frontage and white render walls and red pantile roofing to the rear. It also has a single storey conservatory and stand alone home office to the south boundary.
3. There are numerous trees and hedging in the rear gardens of both the application site and neighbouring properties which are within falling distance of the development area. Although, these have not been identified on the site plan.

Constraints

4. None.

The Proposal

5. Removal of existing single storey lean to extension to the rear and replacing it with a two-storey flat roof extension using materials similar to the existing dwelling.
6. The proposal also includes the relocation of the existing external office to accommodate the main extension.

Representations Received

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.

8.

Issues Raised	Response
Loss of view	Paras 13 -15
Loss of light and access to sunlight	Para 12
The building line of the block of houses would be breached	Paras 16 - 19
The extension would result in an overbearing blank white wall when viewed from my window (no.179)	Paras 13 -15

Consultation Responses

9. None

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 7 – Requiring good design

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

- Policy 2 – Promoting good design

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

- HBE12 – High quality of design with special attention to height, scale, massing and form of development
- EP22 – Residential amenity
- NE3 – Tree protection

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

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

- **DM2** Ensuring satisfactory living and working conditions
- **DM3** Delivering high quality design
- **DM7** Trees and development

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011

JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Principle of Development

Policy Considerations

10. The principle of extending an existing dwelling is acceptable subject to it being of a scale and design which is sympathetic to the character of the area, respects the appearance of the existing dwelling, is sympathetic to the amenities of neighbouring properties and health of nearby trees.

Impact on Living Conditions

Overlooking and loss of Privacy

11. There will be a large first floor window on the rear elevation. No significant additional overlooking of the rear gardens of adjoining properties is expected as the line of sight to those areas is not direct.

Overshadowing

12. In terms of loss of sunlight and overshadowing, the key receptor is the property to the north due to its orientation and close proximity to the boundary. Currently, ground and first floors would already be partially overshadowed by existing trees and hedges in the rear garden. The new extension may result in some minor additional overshadowing or loss of daylight at certain times of the day but not to level which could be considered significant in the context of the existing environment and the scale of the extension.

Overbearing Nature of Development

13. The concerns raised by adjoining properties about loss of view are noted. However, this cannot be considered as a material planning consideration.
14. Whilst the extension will be right against the north boundary with no. 183, its scale has been reduced by being of a relatively modest projection and only having a flat roof. It is therefore not considered to be significantly overbearing.
15. The same conclusion applies to the neighbouring property to the south (no.179). In fact the impact is considered less as the extension is some 3 metres from the boundary.

Scale and design

16. Concern has been raised that the extension would disrupt the rear building line evident along this line of dwellings. There is no planning policy that places such a

building line restriction on these properties.

17. It is acknowledged that the two-storey components to the rear of the properties on this street follow a relatively consistent line and that the proposal would project forward of this line. That being said, the key issue is the level of significance of this deviation and whether or not the extension respects the appearance of the dwelling and its surroundings.
18. The proposal is a modern design which is considered to respect the rear appearance of the existing dwelling and the wider character of the area. This is achieved by having a relatively modest projection of 3.5 metres, using a low profile flat roof which is subordinate to the primary roofscape of the dwelling and replicating the existing white render.
19. Regarding the apparent unauthorised working office, it is recommended that an informative be added to any approval inviting them to apply for planning permission to regularise its relocated position.

Trees and Landscaping

20. There are trees and hedges in relatively close proximity to the development area but not identified on the site plan. However, in light of the fact that the trees and hedges are not particularly mature and there is already a foundation in place for the existing conservatory, no significant additional impacts are expected.

Local Finance Considerations

21. None. The development is below the CIL threshold.

Equality and Diversity Issues

22. There are no significant equality issues.

Conclusions

23. The scale and design of the extension is considered to be sympathetic to the appearance of the dwelling and the character of the area. Similarly, its scale, design and position in the context of the existing environment, will ensure that no significant loss of amenity of the adjoining properties or health of nearby trees will result.

It is therefore compliant with statement 7 of the National Planning Policy Framework 2012, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and policies HBE12, EP22 and NE3 of the City of Norwich Replacement Local Plan 2004.

RECOMMENDATIONS

To approve application (13/00860/F at 181 College Road) and grant planning permission, subject to the following conditions:

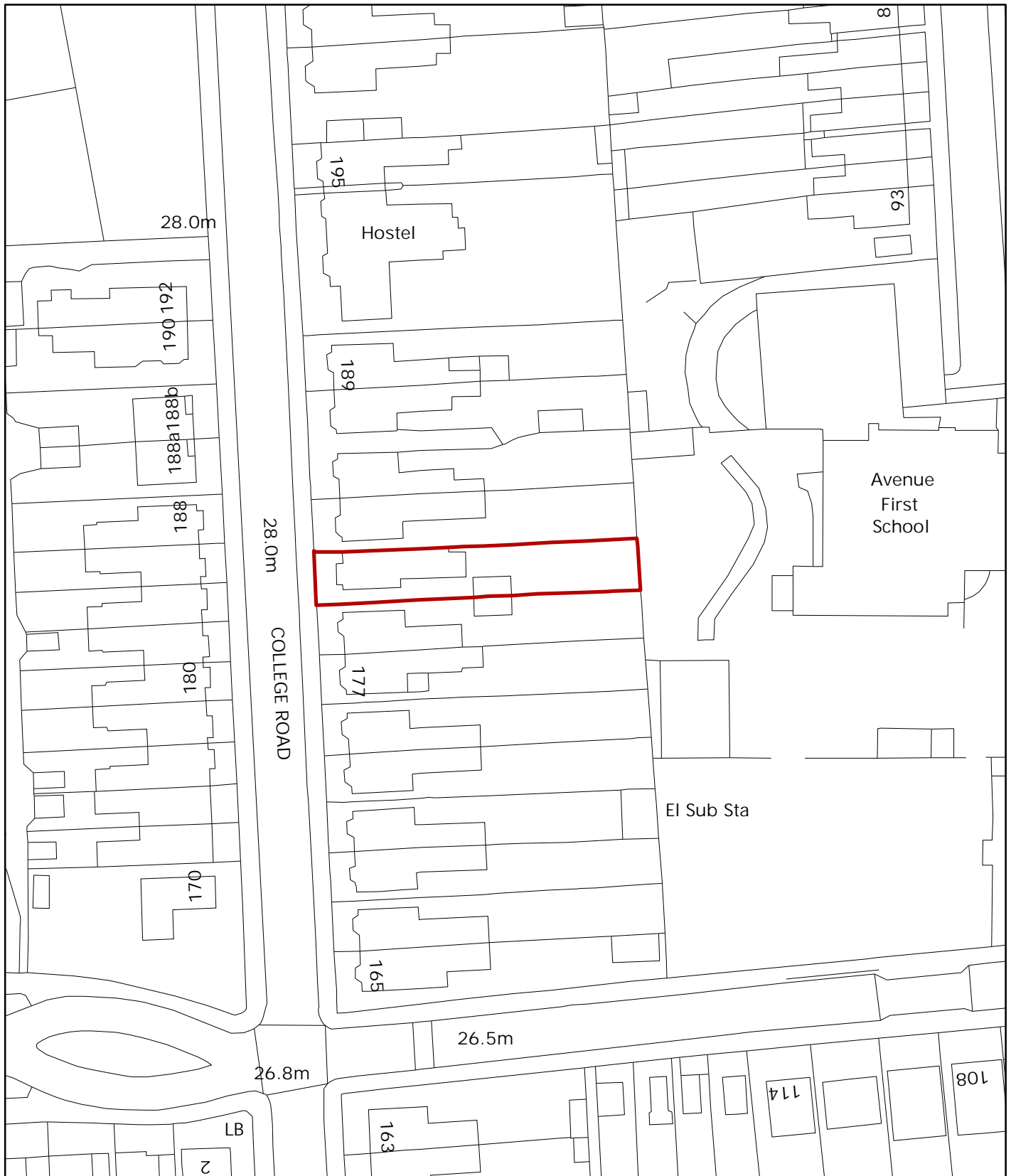
1. Standard time limit
2. In accordance with plans

Informative:

It would appear that the proposed relocated office/shed would require planning permission. You can regularise the structure by applying for planning permission or alternatively if you consider the office to be permitted development you could apply for a certificate of lawful proposed development.

Article 31(1)(cc) Statement

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

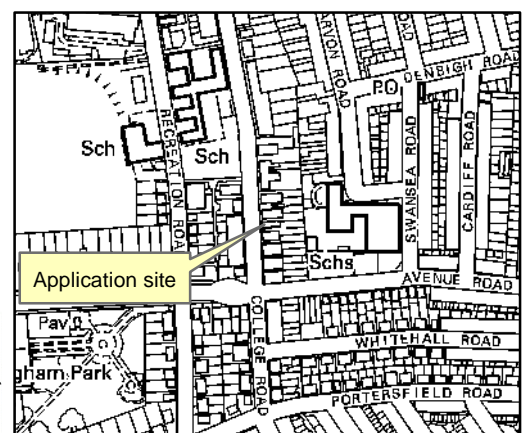


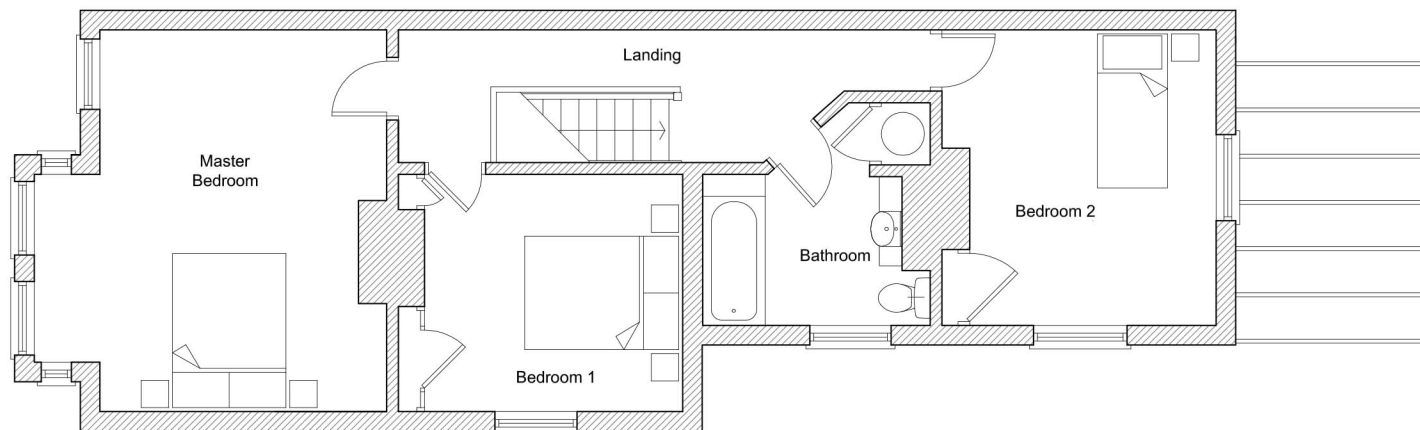
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Planning Application No 13/00860/F
 Site Address 181 College Road
 Scale 1:750

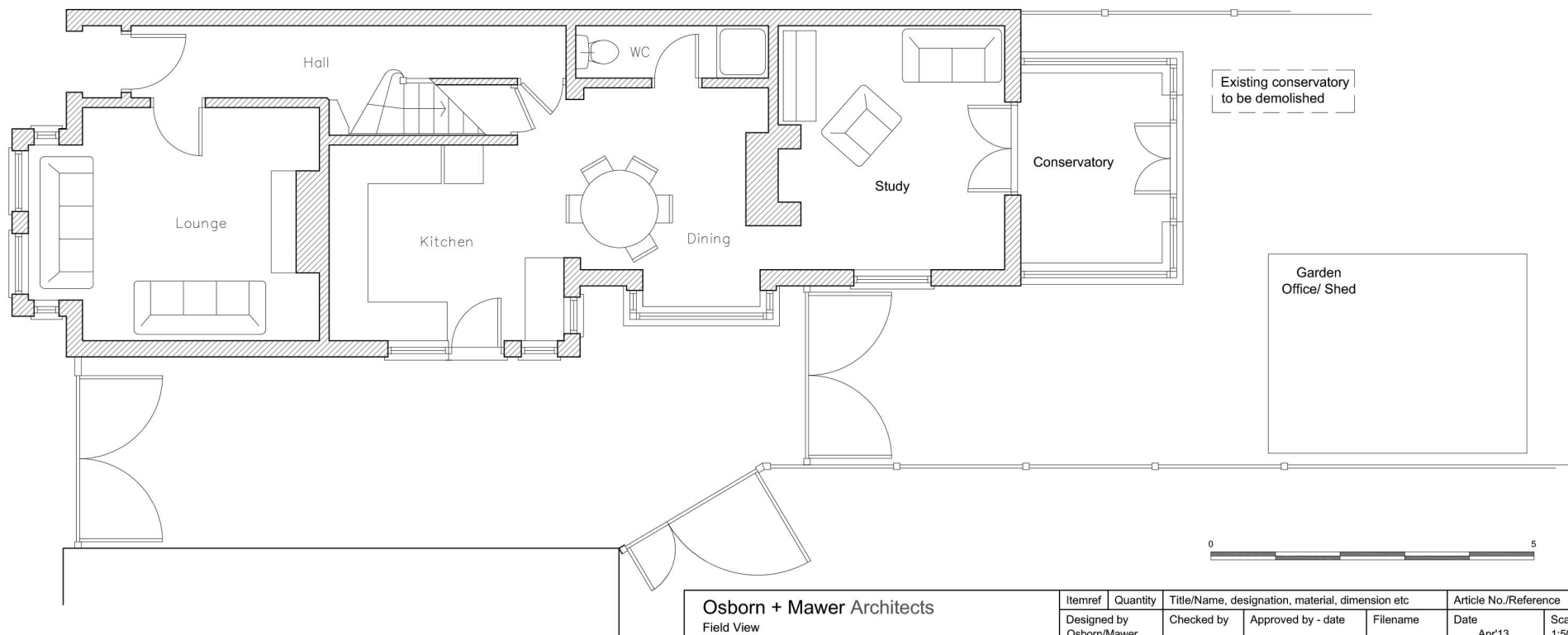


NORWICH
City Council
PLANNING SERVICES





Existing First Floor Plan
Scale 1:50



Existing Ground Floor Plan
Scale 1:50

Osborn + Mawer Architects

Field View
Babraham Road
Sawston
CB2 3LH

Telephone: (01223) 833212

Mobile: 07912 209234

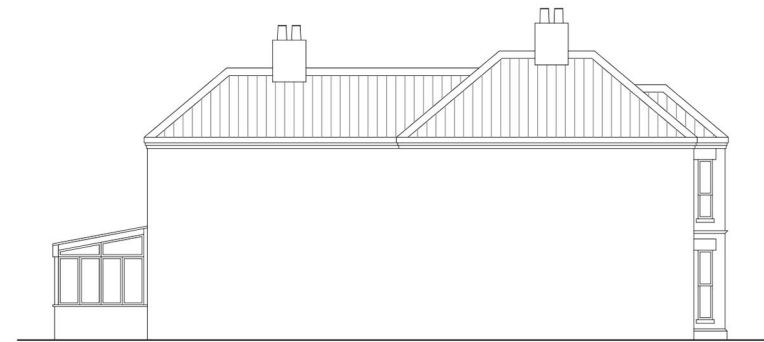
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Designed by Osborn/Mawer	Checked by	Approved by - date	Filename	Date	Apr'13	Scale	1:50@A2
181 College Road Norwich				Existing Floor Plans			
				OMA/13/777/02		Edition	Sheet 001



Existing Side Elevation (South)
Scale 1:100



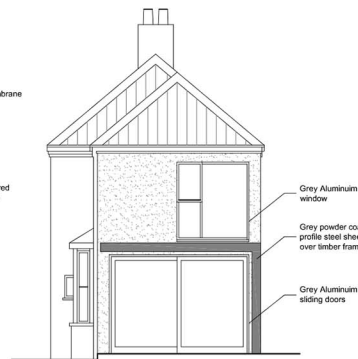
Existing Rear Elevation (East)
Scale 1:100



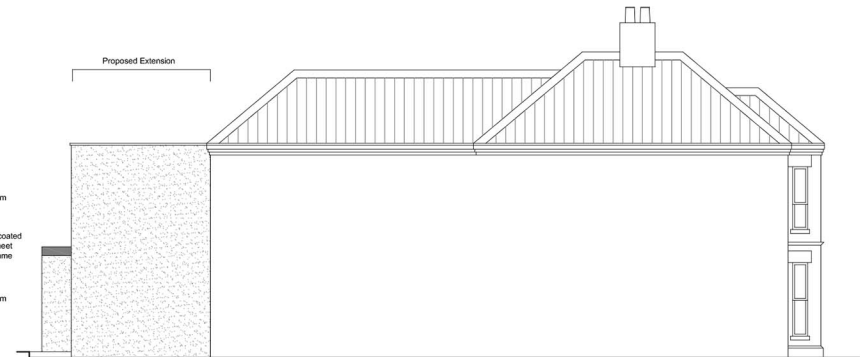
Existing Side Elevation (North)
Scale 1:100



Proposed Side Elevation (South)
Scale 1:100



Proposed Rear Elevation (East)
Scale 1:100



Proposed Side Elevation (North)
Scale 1:100



Visualisation of proposed rear view



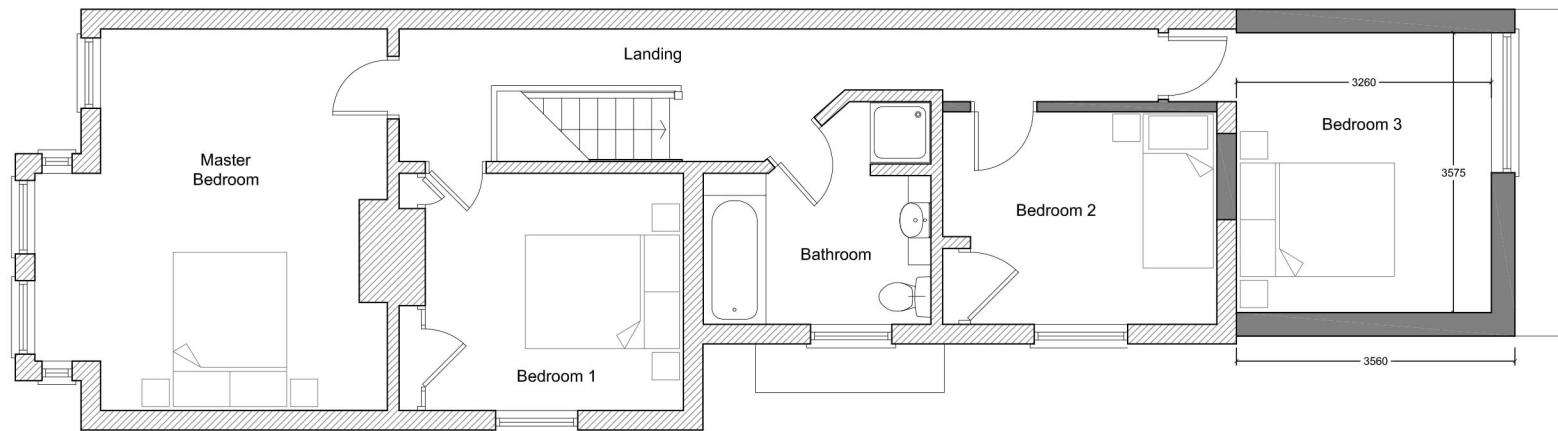
Osborn + Mawer Architects

Field View
Babraham Road
Sawston
CB22 3LH

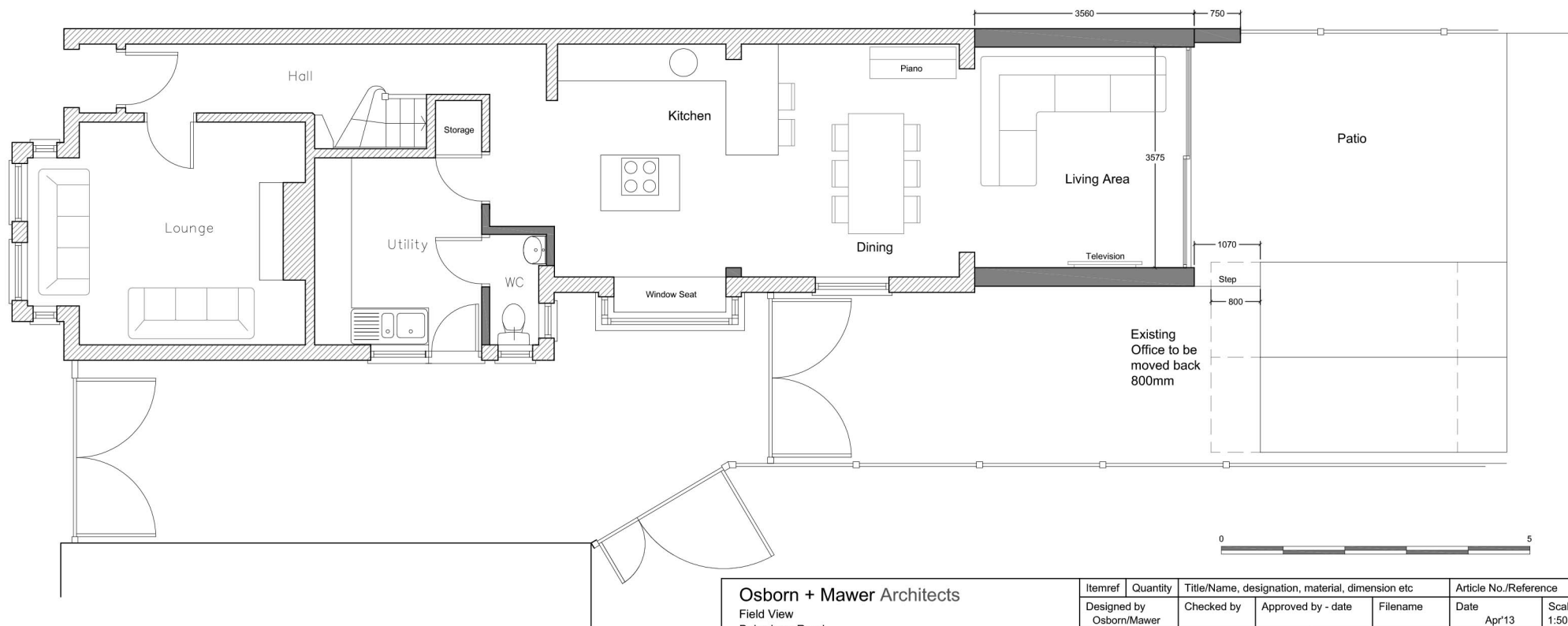
Telephone: (01223) 833212

Mobile: 07912 209234

Itemref	Quantity	Title/Name, designation, material, dimension etc			Article No./Reference		
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181 College Road Norwich				Proposed Floor Plans			
				OMA/13/777/04		Edition	Sheet 001



Proposed First Floor Plan
Scale 1:50



Proposed Ground Floor Plan
Scale 1:50

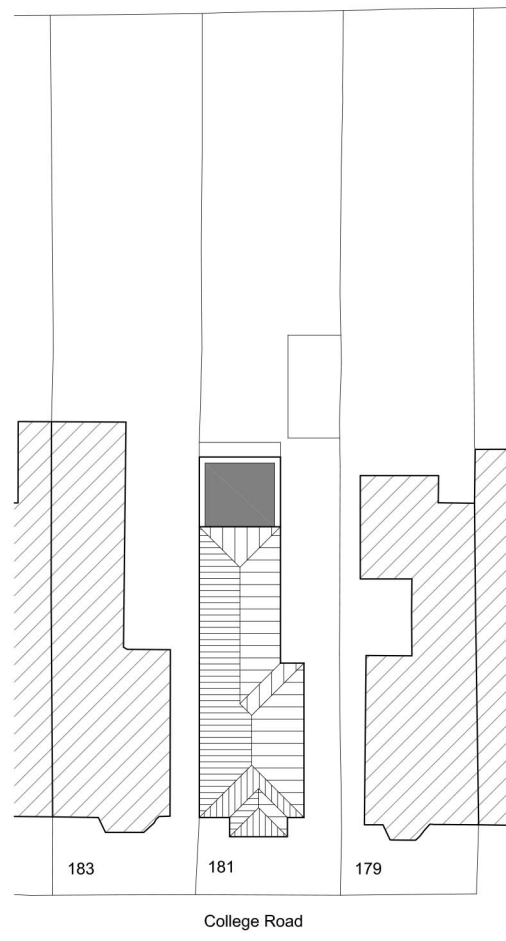
Osborn + Mawer Architects

Field View
Babraham Road
Sawston
CB23 3LH

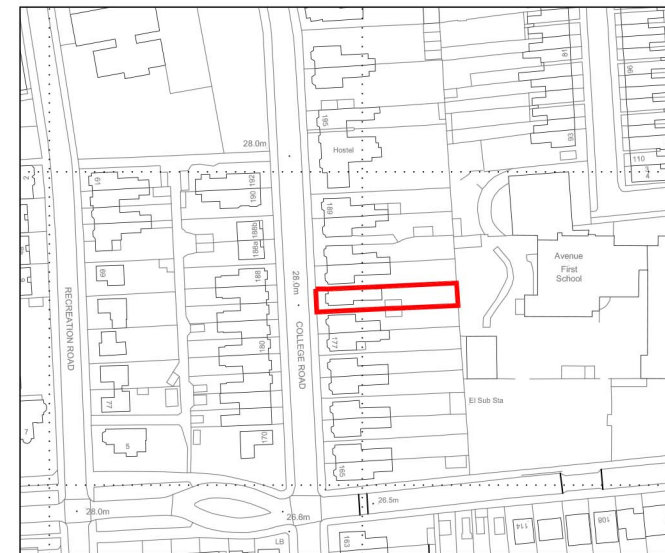
Telephone: (01223) 833212

Mobile: 07912 209234

Itemref	Quantity	Title/Name, designation, material, dimension etc				Article No./Reference	
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181 College Road Norwich					Apr'13	1:50@A2	
Proposed Floor Plans					OMA/13/777/03	Edition	Sheet 001



Proposed Site Plan
Scale 1:200



Location Plan
Scale 1:1250



Ariel view of existing property

Item#	Quantity	Title/Name, designation, material, dimension etc			Article No./Reference	
Designed by Osborn/Mawer		Checked by	Approved by - date	Filename	Date Apr'13	Scale 1:200@A2
181 College Road Norwich			Location and Site Plans			
			OMA/13/777/01		Edition	Sheet 001

Field View
Babraham Road
Sawston
GU22 3LH
Telephone: (01223) 833212 Mobile: 07912 209234

Report to : Planning Applications Committee
Date: 25 July 2013
Report of: Head of planning services
Subject: Enforcement Case 12/00146/UCU/ENF – 6 Nelson Street, NR2 4DN

SUMMARY

Description: Unauthorised change of use from Shop (Class A1) use to Hot Food Takeaway (Class A5) use.

Reason for consideration at Committee: Enforcement Action recommended.

Recommendation: Authorise enforcement action up to and including prosecution in order to secure the cessation of the unlawful Hot Food Takeaway (Class A5) use.

Ward: Mancroft

Contact Officer: Ali A N J Pridmore

INTRODUCTION

The Site

1. The site is a detached painted brick built property formerly used as a Gun Shop located on the east side of Nelson Street. The premises have a small forecourt at the front facing onto Nelson Street and a small paved garden area at the rear elevation.
2. The premises are located very close to a number of nearby residential properties.

Planning History

3. There is no relevant planning history.

Purpose

4. This report relates to the unauthorised change of use of 6 Nelson Street from Shop (Class A1) use to Hot Food Takeaway (Class A5) use.

5. As the current change of use from Shop (Class A1) use to Hot Food Takeaway (Class A5) use does not have planning permission and the change of use has occurred within the last four years it is therefore not immune from enforcement action. The change of use is a breach of planning control and is therefore unlawful.
6. The owner of 6 Nelson Street has been informed that the current Hot Food Takeaway (Class A5) use is unlawful and has been asked to cease the unauthorised use or to apply for retrospective planning permission. He has been advised that the change of use would be unlikely to be supported. Unfortunately, the unauthorised use has continued and a retrospective planning application has not yet been submitted by the owner of the business.
7. Authority is sought from the planning applications committee for enforcement action to secure the removal of the unauthorised Hot Food Takeaway (Class A5) use. Enforcement action to include direct action and prosecution if necessary.

Breach

8. The change of use from Shop (Class A1) use to Hot Food Takeaway (Class A5) 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).
9. The change of use from Shop (Class A1) use to Hot Food Takeaway (Class A5) 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).
10. 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. The Council do not consider that planning permission should be given because planning conditions might not overcome these objections.

Policies and Planning Assessment

Relevant Planning Policies

National Planning Policy Framework

11 – Conserving and enhancing the Natural Environment

Relevant policies in the City of Norwich Replacement Local Plan – saved policies (Adopted November 2004)

EP22 – High standard of amenity for existing residential premises in the vicinity

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

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

DM2 – Ensuring satisfactory living and working conditions

Procedural Matters Relating to the Development Plan and the NPPF

The Replacement Local Plan (RLP) has been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), policies have been subjected to a test of compliance with the NPPF. The 2004 RLP policies are considered to be only partially compliant with the NPPF, the policies referred to in this case are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Justification for Enforcement

11. The principal reasons why the current unauthorised change of use would not be supported is that residents living in the vicinity will be exposed to elevated noise levels as a result of the operation of this business. Furthermore, the residents living in the vicinity may also be subject to odour from the cooking of food and there are currently no restrictions on operating hours at the present time.
12. Several attempts have been made to negotiate with the owner of the business with a view to ceasing the unauthorised use of 6 Nelson Street or applying for retrospective planning permission but to no avail. No retrospective planning applications has yet been received by Norwich City Council seeking planning permission.

Equality and Diversity Issues

13. 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 ones 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

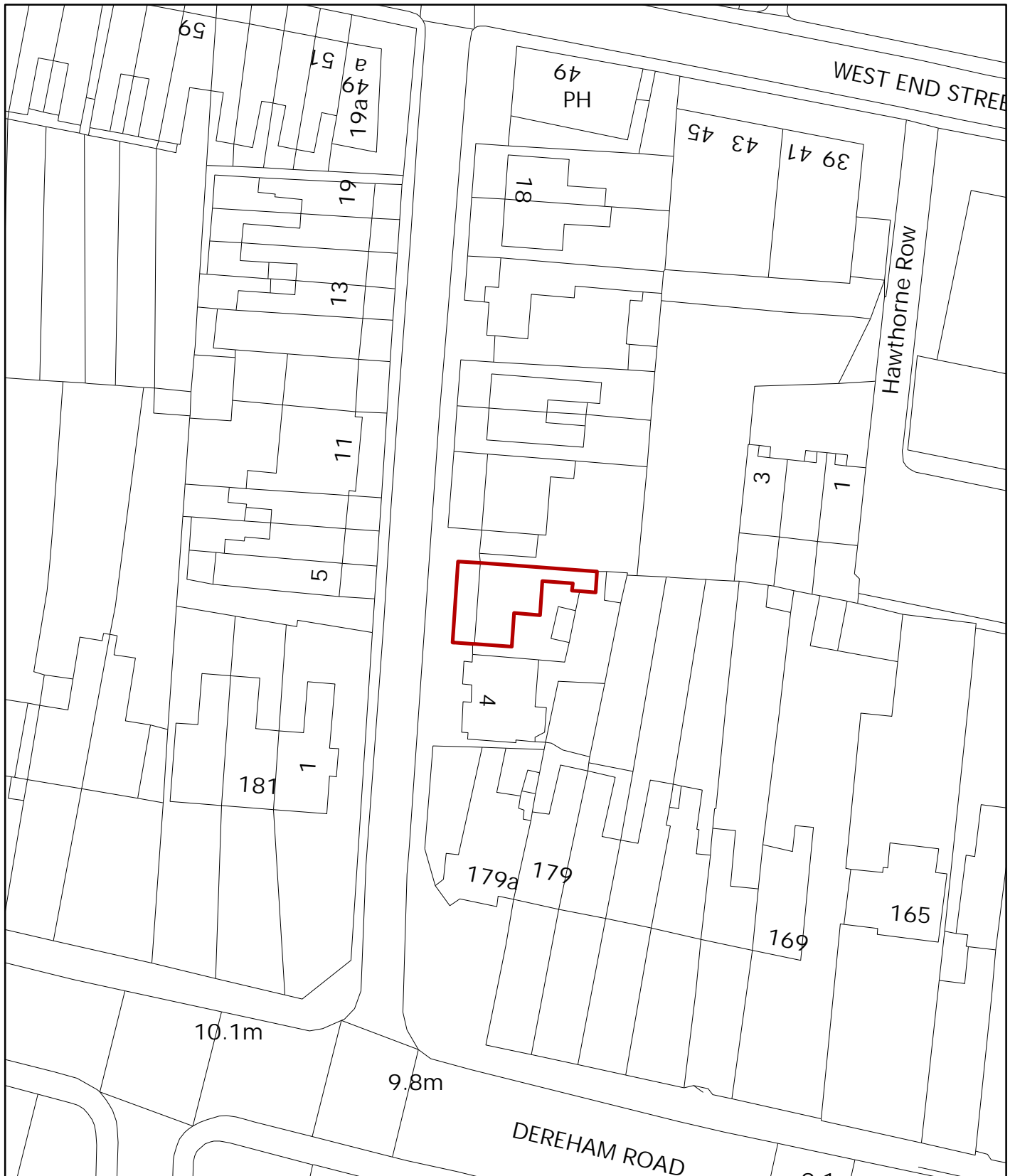
- 14. It is considered that the current unauthorised Hot Food Takeaway (Class A5) use is not acceptable. Problems of noise and odour disturbance from the business to existing residents in the vicinity might be mitigated by the use of appropriate conditions on any planning permission for the change of use. However, despite asking the owners to apply for retrospective planning permission no application has yet been received.
- 15. It is therefore considered appropriate to ask for authorisation from the Planning Applications Committee to ensure the cessation of the unauthorised Hot Food Takeaway (Class A5) use and therefore remedy the breach of planning control.

Recommendations

- 16. Authorise enforcement action to secure the cessation of the unauthorised Hot Food Takeaway (Class A5) use including the taking of direct action including prosecution if necessary.

Background Documents

Relevant correspondence – Enforcement File – 11/00046/BPC/ENF and Civica File EH12/20417



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Planning Application No 12/0146/UCU/ENF

Site Address 6 Nelson Street

Scale 1:600



NORWICH
City Council

PLANNING SERVICES



Report to : Planning applications committee

Date: 25 July 2013

Report of: Head of planning services

Subject: Enforcement Case 13/00080/CONSRV/ENF – 33
Grosvenor Road, Norwich, NR2 2PZ.

SUMMARY

Description: Installation of uPVC casement Windows at 33 Grosvenor Road, Norwich, which is located in the Heigham Grove Conservation Area. The premises are subject to an Article 4 direction that requires any replacement windows on the principal elevation to have planning permission which this premises does not have.

Reason for consideration at Committee: Enforcement action recommended.

Recommendation: Authorise enforcement action up to and including prosecution in order to secure the replacement of the uPVC casement windows with windows of a similar character and appearance to the original windows.

Ward: Nelson

Contact Officer: Ali A N J Pridmore

INTRODUCTION

The Site

1. The site at 33 Grosvenor Road is a 19th Century brick built mid-terrace two-storey dwelling house located within the Heigham Grove Conservation Area. The building is on the Council's List of buildings of Local Interest. The Heigham Grove Conservation Area appraisal summarises the character and appearance of the Heigham Grove conservation area as being "predominantly an area of 19th Century residential development, ranging from streets of small Victorian terraced houses to more substantial villas set within leafy surroundings..
2. The house is typical of mid to late 19th Century residential terrace development on Grosvenor Road.

Planning History

3. The property was made subject to an Article 4 direction on 6th June 2011, which was confirmed by Cabinet on 22 July 2011.

Purpose

4. The installed windows require planning permission as the premises does not have the same permitted development rights as a normal dwelling.
5. As the replacement uPVC windows do not have planning permission and the installation has occurred within the last four years, it is therefore not immune from enforcement action. The installation of the uPVC casement windows is classed as operational development for which planning permission would be required under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). Therefore the installation of the windows is a breach of planning control and is therefore considered unlawful.
6. The tenant and management company of 33 Grosvenor Road was informed by a member of the Council's Design and Conservation Team that the replacement uPVC casement windows were unsuitable due to their type, design and fitting. They were also told that any replacement windows to the principal (front) elevation must be of a design similar in character and appearance to the original timber sliding sash windows. The current uPVC casement windows are considered to be detrimental to the appearance of this building and consequently harm the positive contribution that it makes to the character and appearance of the Heigham Grove Conservation Area. The unauthorised uPVC casement windows have not yet been removed and there is no expectation that the owner of 33 Grosvenor Road will voluntarily replace the uPVC casement windows with windows of a suitable design as described above to match the original windows as closely as possible, as advised in the Heigham Grove Article 4 Guidance Note, or to reinstate the original sliding sash windows.
7. Authority is sought from the Planning Applications Committee for enforcement action to secure the replacement of the uPVC casement windows with windows having a similar design and appearance to the sliding sash windows that were replaced in April 2013. Enforcement action is to include direct action and prosecution if necessary.

Breach

8. Replacement of the original sliding sash windows with uPVC casement style windows is operational development for which planning permission would be required under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). The replacement of windows on the principal elevation falls outside of The Town and Country Planning (General Permitted Development) Order 2005 (as amended) because 33 Grosvenor Road is subject to an Article 4 direction as laid out in the above Order.
9. 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 development is poor design and unsympathetically installed and is

therefore considered detrimental to the appearance of the locally listed building and the positive contribution that it made to the character and appearance of the Heigham Grove Conservation Area. The Council does 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

7 – Requiring Good Design

12 – Conserving and Enhancing the Historic Environment

Relevant policies in the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Policy 2 – Promoting good design

Relevant policies in the City of Norwich Replacement Local Plan – saved policies (Adopted November 2004)

HBE8 – Development in Conservation Areas

HBE12 – High quality of design in new developments

Other Material Considerations

Heigham Grove Conservation Area Appraisal Adopted 16 March 2011

Heigham Grove Article 4 Direction Guidance Note

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

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

DM3 – Delivering High Quality Design

DM9 – Safeguarding Norwich's heritage

Procedural Matters Relating to the Development Plan and the NPPF

10. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, the policies referred to in this case are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.
11. As detailed in the sections above the alteration is considered to result in an unacceptable degree of harm to the appearance of the locally listed building and its positive contribution to the character and appearance of the Heigham Grove Conservation Area contrary to

policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk, saved policies HBE8 and HBE12 of the adopted City of Norwich Replacement Local Plan, the objectives of the National Planning Policy Framework and other material considerations.

Justification for Enforcement

12. The current unauthorised development is poorly and unsympathetically installed and is incongruous and out of keeping with other similar properties in the area. The installed windows are therefore considered to result in harm to the character and appearance of the Heigham Grove Conservation Area.
13. Advice was given to the tenant and managing agent of 33 Grosvenor Road, and the window contractor who was installing the windows, by an officer from the Council's Design and Conservation Team regarding what would be considered an acceptable replacement for the original sliding timber sash windows at the time the windows were being replaced but without any success. Neither the owner or the management company of 33 Grosvenor Road has contacted Norwich City Council about this matter, and further works to alter the windows were carried out by the window contractor after the advice that planning permission was a requirement had been given.
14. Norwich City Council has not invited a planning application for the current uPVC casement windows because the Council does not consider the application would be supported and the application would be recommended for refusal.

Equality and Diversity Issues

15. The Human Rights Act 1998 came into effect on 2 October 2000. In so far as its provisions are relevant:
 - (a) Article 1 of the First Protocol (the peaceful enjoyment of ones 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

16. This report concludes that the four installed windows at the front elevation of the property require planning permission and that their design does not take into account the requirement to preserve or enhance the character and appearance of the Heigham Grove Conservation Area (Section 72 Planning (Listed building and Conservation Areas) Act 1990. Guidance has been issued to assist

owners and occupiers in choosing a design of window that would preserve the character and appearance of the conservation area, and this has not been taken into account by the owner. The alteration is considered to result in an unacceptable degree of harm to the appearance of the locally listed building and its positive contribution to the character and appearance of the Heigham Grove Conservation Area.

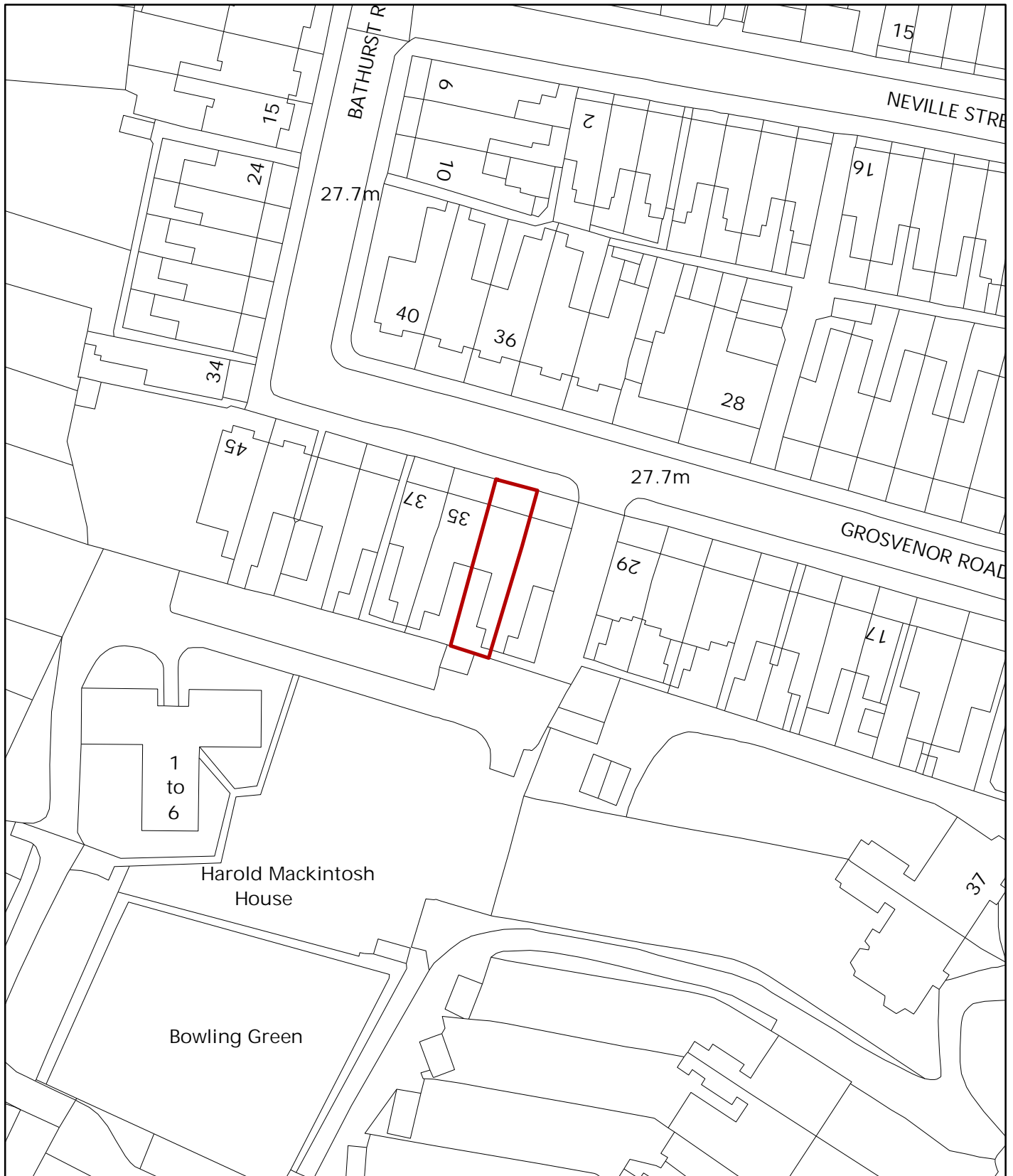
17. In recommending the authorisation of enforcement action it is also necessary to consider the merits of taking enforcement action against the unauthorised installation of the windows. It would be possible to require the recently installed windows to be removed and the old ones reinstated. However, it is unlikely that the sliding sash windows that were removed would be reinstated by the owner as they have probably been disposed of. This option should be offered to the owner of the premises as a way of demonstrating that this option is available. Alternatively double glazed sliding sash windows can be installed which closely match the original windows in design.
18. It is therefore necessary to ask for authorisation from the Planning Applications Committee to ensure the removal of the unauthorised windows and therefore remedy the breach of planning control.

Recommendations

19. That the committee authorises enforcement action to ensure the replacement of the installed uPVC casement windows. The replacement windows must be appropriately designed and installed windows such that they are similar in appearance to the sliding sash windows that were replaced. The committee is also asked to authorise the taking of direct action and / or prosecution to ensure the windows are replaced by ones more appropriate to the setting of the locally listed building and the Heigham Grove Conservation Area.

Background Documents

Relevant correspondence – Uniform Enforcement File –
13/00080/CONSRV/ENF and Civica file EH13/13171



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Planning Application No 13/0080/CONSRV/ENF
 Site Address 33 Grosvenor Road
 Scale 1:700



NORWICH
 City Council

PLANNING SERVICES



Report to	Planning applications committee 25 July 2013	Item 6
Report of	Head of planning services	
Subject	Performance of the Development Management Service, Apr-Jun 2013 (Quarter 1, 2013-14)	

Purpose

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

Recommendations

That the report be noted.

Financial Consequences

The financial consequences of this report are none.

Strategic Priority and Outcome/Service Priorities

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

Contact Officers

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

Background Documents

None.

Report

Background

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

Performance of the development management service

2. Table 1 of the appendix provides a summary of performance indicators for the development management service. The speed of determining applications is National Indicator 157. Table 2 shows the numbers received, pending and on hand at the end of the quarter.
3. The National Performance Indicators (NI157) achieved in the first quarter of 2013-14 were 50% for major schemes, 70% for minors and 85.5% for others. The majors (defined as over 10 dwellings or 1,000 sq.m.of floorspace) figure relates to a few cases (10 in total). All of these figures are higher than the previous quarter. The figures are below the locally set top quartile target of 80%/85%/90% but all are in the second quartile nationally. The national average for the previous quarter being 58%, 68% and 81% respectively i.e. the exceeded by between 2 and 8 percentage points.
4. The government has commenced collecting and publishing data on decisions made in 26 weeks. In the last quarter 60% of major applications, 96% of minors and 100% of others were dealt with in 26 weeks.
5. The 8 and 13 week data for this quarter for all three categories are higher (or the same) than the previous three quarters. This is encouraging and results from changed staffing levels and improvements to processes to speed up the early stages of processing. The next quarter may have a suppressed percentage of major schemes in 13 weeks due to long standing and very complex decisions (Deal Ground and Bowthorpe and others) being issued after extensive negotiations and before the introduction of the Community Infrastructure Levy on 15th July 2013.
6. The government has announced that it will be taking action if councils perform poorly on major applications or have a very poor appeal success rate. it is not anticipated that there will be any issues with the appeal rate of success. Although the details are not completely clear as yet the relevant percentage of decisions will be linked to the currently submitted NI157 data. If a Council determines fewer than 30% of decisions in a two year period ending 30th June then the council would be designated. Applicants would then have the option of submitting applications direct to the Planning Inspectorate. The council would lose the planning fee, but more importantly, designation would have reputational harm, and have negative impacts on trust in the proper working of the planning function.

7. The government will be producing new guidelines so that future schemes are excluded from the data if the applicant has agreed a “post application agreement” where there is mutual agreement that the decision process is best served by extending the 13 week period. This would set a new timetable for the decision process. However this is unlikely to be applicable to past cases so it will be very important that decisions over the coming months are within 13 weeks or any “post application agreement” dates. For the two years ending 30th June 2013 (and which will form the basis for the government’s designation to be announced in the autumn) the figure for determination of major applications in 13 weeks is 39.7%. For the latter half of that period the figure is 30.2% so it will be very important that the figures for the next year are excellent to avoid a risk of designation.
8. The percentage of decisions delegated to officers for the quarter was 92.4% (previous quarter 82.8%). The national average for district council’s is 91%.

APPENDIX

Table 1

Speed of determination of planning applications recorded by National Indicator 157

	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012					2012 - 2013					2013 - 2014				
	Year	Year	Year	Q1	Q2	Q3	Q4	Year	Q1	Q2	Q3	Q4	Year	Q1	Q2	Q3	Q4	Year
Major % 13 wks	37%	72.5%	75.7%	75%	20%	71.4%	30%	52.9%	77.7%	50%	14.2%	7.1%	35%	50%				
% 26 wks	47.4%	73.8%	88.9%					73.5%	88.8%	90%	28.6%	35.7%		58.3%				
Minor % 8 wks	75%	88.4%	78.9%	50%	64.3%	83.1%	74.5%	67.2%	81.5%	69.6%	66.1%	63.3%	73.4%	70%				
% 26 wks			99.6%					95.9%	97.7%	98.5%	100%	96.6%		96.2%				
Others % 8 wks	80%	90.3%	89.6%	70%	78.3%	90.1%	88.5%	81.6%	86.4%	77.2%	78.6%	82.4%	81.1%	85.5%				
% 26 weeks			99.6%					97.9%	100%	98.6%	100%	97.7%		100%				

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

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

Report to Planning applications committee
25 July 2013

Item

7

Report of Head of planning services

Subject Performance of the Development Management Service:
Appeals: 1 April to 30 June 2013 (Quarter 1 2013 - 14)

Purpose

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

Recommendations

That the report be noted.

Financial Consequences

The financial consequences of this report are none.

Strategic Priority and Outcome/Service Priorities

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

Contact Officers

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

01603 212530
01603 212528

Background Documents

None.

Report

Background

1. The purpose of this report is to ensure members are aware of the outcome of planning appeals.
2. Appendix 1A provides details of appeals lodged which are pending. There are three planning appeals pending or awaiting decision. One of these appeals was a delegated officer decision where the application was refused for a car park (No. 12/01494/U for the former EEB Site, Duke Street). One appeal (No.12/01885/O for the Lakenham Sports and Leisure Centre) was a case where members overturned the officer's recommendation and refused the application. This is being dealt with by means of a Public Inquiry on 14th/15th Aug. The remaining appeal (no. 12/00961/F) for two houses on the car park site at rear of 5 to 11 Cathedral Street) was a case where members refused the application in line with the officer's recommendation.
3. Appendix 1B shows there was one appeal Allowed during this quarter. This was application no. 12/01477/F for 96A Vauxhall Street which proposed the conversion of a Class B1 commercial premises into 4 no. residential units (Class C3). This was a delegated officer decision where the application was refused. the Inspector considered that any negative effects on the character and appearance of the area were outweighed by the benefits of new housing in this sustainable location, living conditions would be acceptable and that suitable refuse and recycling facilities could be adequately provided.
4. There were four appeals dismissed during this quarter (Appendix 1C). The cases being application number 12/01120/VC (moorings at Read Mills, King Street). This was a case where members overturned the officer's recommendation and refused the application. This appeal was determined by the Hearing process. The Inspector found "the provision of mooringsconstitutes an important part of the river infrastructure between the two bridges and they fulfil an important planning policy objective, namely promoting the recreational value and navigational use of The Broads". Careful configuration of their location and configuration "should minimise the risk of any loss of privacy, noise or disturbance, or anti-social behaviour".
5. A further three appeals were dismissed. Two were cases where members overturned the officer's recommendation and refused the applications. These were determined by the Written Representation procedure. These were no. 12/01245/F (126 Cambridge St) where the Inspector concluded that the proposed first floor extension would be harmful to the living conditions of 67 Trinity Street. The remaining garden, whilst small but would be sufficient. No. 12/01487/F (66 Wellington Rd) for a first floor extension and other alterations would result in an unacceptable degree of enclosure and further light loss to the dwelling and garden at 15 Denbigh Rd such that living conditions would be harmed. No. 11/00198/F for a UGP recycling unit in front of 119 Prince of Wales Rd was a delegated officer refusal.

Planning Appeals In Progress – Quarter 1 (1st April to 30th June) 2013 / 2014

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00005/REF Application No. 12/00961/F	APP/G2625/A/13/ 2194848	Car Park Rear Of 5 - 11 Cathedral Street Norwich	Refusal of planning permission for erection of 2 No. two bedroom dwellings.	27th March 2013	Written Reps.	In Progress
13/00004/REF Application No. 12/01885/O	APP/G2625/A/13/ 2195084	Lakenham Sports And Leisure Centre Carshalton Road Norwich NR1 3BD	Refusal of planning permission for 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.	3rd April 2013	Public Inquiry.	In progress. Inquiry on 14 th and 15 th August

Appendix 1A

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00006/REF Application No. 12/01494/U	APP/G2625/A/13/2 195970	Former Eastern Electricity Board Site Duke Street Norwich	Refusal of planning permission for continued use of private car park ancillary to the principal use of the site as offices to provide 93 short/medium stay public car park spaces for a period of six months.	23rd April 2013	Written Reps.	In Progress

Planning Appeal Allowed – Quarter 1 (1st April to 30th June) 2013 / 2014

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
13/00002/REF Application No. 12/01477/F	APP/G2625/A/13/2192162/ NWF	96A Vauxhall Street Norwich NR2 2SD	Refusal of planning permission for conversion of commercial premises (Class B1) to provide 4 No. residential units (Class C3).	5th February 2013	Written Reps.	Allowed

Planning Appeals Dismissed – Quarter 1 (1st April to 30th June) 2013 / 2014

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
12/00015/REF Application No. 12/01120/VC	APP/G2625/A/12/ 2184830/NWF	Land And Buildings On The North East Side Of King Street Norwich	Refusal to remove a condition: No. 9 of planning permission (04/00274/F) for the provision of moorings. The amendment of the S106 agreement associated with 04/00274/F to remove the requirement for provision of public access to the River was not considered by the Inspector and would have to be dealt with as separate matter.	16th October 2012	Hearing	Dismissed
12/00016/REF Application No. 11/00198/F	APP/G2625/A/12/ 2187633/NWF	Site Of Proposed UGP Recycling Unit In Front Of 119 Prince Of Wales Road Norwich	Refusal of planning permission for Siting of 1 No. Urban Green Point recycling unit comprising of seven separate containers.	22nd November 2012	Written Reps.	Dismissed

Appendix 1C

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
12/00017/REF Application No. 12/01245/F	APP/G2625/A/12/ 2188709/NWF	126 Cambridge Street Norwich NR2 2BE	Refusal of planning permission for Demolition of existing single storey extension and erection of single and two storey extension to rear of dwelling.	21st December 2012	Written Reps.	Dismissed
12/00018/REF Application No. 12/01487/F	APP/G2625/A/12/ 2189636/NWF	66 Wellington Road Norwich NR2 3HT	Refusal of planning permission for Erection of rear first floor extension and alterations to windows and doors on front and side elevations.	28th December 2012	Written Reps.	Dismissed