

Planning applications committee

Date: Thursday, 10 June 2021

Time: 10:00

Venue: Council Chamber, City Hall

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on Wednesday, 9 June 2021, please. Numbers are restricted due to social distancing arrangements. The meeting will be live streamed on the council's YouTube channel.

Committee members:

Councillors:

Driver (chair)
Bogelein
Button
Everett
Giles
Grahame
Lubbock
Maxwell
Peek
Sands (M)
Stutely
Thomas (Va)
Youssef

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Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Appointment of vice chair

To appoint a vice chair for the ensuing civic year

3 Declarations 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)

4 Minutes

5 - 10

To approve the accuracy of the minutes of the meeting held on 13 May 2021.

5 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 5 above are required to notify the committee officer by 10:00 on the day before the meeting. The committee's procedure rules are set out on page 109 of the council's [constitution](#).

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

10:00;

- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided.
- 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 **11 - 12**

Standing duties **13 - 14**

5(a) Application no 21/00277/F 1 Fairmile Close **15 - 32**

5(b) Application no 20/01238/F at 6 Music House Lane **33 - 42**

5(c) Application no 21/00247/F, New Ferry Yard, King Street, Norwich **43 - 56**

Date of publication: **Wednesday, 02 June 2021**



Planning applications committee

10:00 to 12:15

13 May 2021

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Peek, Sands (M), and Stutely

Apologies: Councillor Huntley

1. Introduction

The chair introduced Sarah Ashurst, head of planning and regulatory services, to the committee.

The head of planning and regulatory services said that from 7 May 2021, councils were required to hold meetings in person or use delegated powers and explained the arrangements in place to ensure the health and well-being of all those in attendance. This had taken some time to arrange due to the elections and the loss of a high court appeal to continue hold virtual meetings, which had delayed the notification of the change in committee procedures to members of the public who had made representations on the applications under consideration at this committee. Lessons had been learned, but she was satisfied that the views of members of the public would be adequately represented at this committee.

2. Declarations of interests

Councillor Bogelein declared a pre-determined view in item 3 (below), Application no 21/00373/U – St Marys Works, as a ward councillor for Mancroft ward, as she had been prepared to act as a proxy for residents opposing the application.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 April 2021.

4. Application no 21/00373/U – St Marys Works

(Councillor Bogelein had declared a pre-determined view in this item. She therefore stepped down from the committee and did not participate in the determination of this application.)

The area development manager presented the report with the aid of plans and slides. This was a retrospective planning application for a change of use. He also referred to the supplementary report of updates to reports, which was circulated at the meeting, and available on the council's website. This report explained that Councillor Osborn had called in the application which as an "other" did not have the number of objections for referral to committee and could have been determined under delegated powers. The report also proposed that condition 4 be amended to require cycle storage be installed within 3 months of the date of the permission. The report also summarised a further three letters of objection and two letters of support, and included appendices comprising a statement from the agents, which had been sent to members of the committee, and the licensing subcommittee's notice of determination, dated 25 November 2020, which had been referred to in the main report.

The planning team leader presented the two statements on behalf of residents of Duke Street (attached to the supplementary report of updates to reports) objecting to the application because of their concerns about noise and antisocial behaviour, including urination, from people attending the venue. A further statement was read out on behalf of a resident of Muspole Street, objecting to the Junkyard Market's location as being unsuitable and too large; and, that the venue's marshals did not address the "noise, disruption and public urination" from people leaving the Junkyard Market and that the area would require a police presence equal to that on Prince of Wales Road.

At the chair's discretion, a resident of Indigo Yard, who had not given notice but had made representations during the planning consultation, addressed the committee. She likened the Junkyard Market to a neighbour having a backyard barbecue for three days, every weekend for six weeks. The traffic to the Junkyard Market led to congestion making it difficult for residents to access the Yards.

Councillor Osborn, Mancroft ward councillor, explained the reasons for calling in the application in that he considered the application was contrary to the council's development management policies DM2, DM23 and DM16. He expressed concern about the noise from the venue and the impact that it had on residents; that it was in the wrong location; and would be better placed nearer other hospitality venues in the Lanes and Norwich Market which he considered would be beneficial to other businesses.

Councillor Schmierer, Mancroft ward councillor, also considered that the application was contrary to DM2, because of the level of artificial light and cooking odours from the Junkyard Market affected residential amenity. He considered that the application was contrary to DM11; the steps to mitigate noise were insufficient and the application should be refused. This hospitality venue was in the wrong location and did not follow the council's priority order for such developments and was detrimental to other hospitality businesses in the city centre and contrary to DM23. The application changed the nature of the local area and had a negative impact on residential amenity.

The agent and licensing consultant addressed the committee on behalf of the applicant. The hospitality industry had been severely affected by government closures due to Covid. The Junkyard Market strengthened the city as a business and cultural hub and provided a safe venue for families and friends to enjoy

hospitality; brought into use an underused piece of land; provided employment for 50 staff and traders and supported the local supply chain. The licensing consultant referred to the operation and management of the venue and said that tables were pre-booked with a table service only. Toilets were available for use and people had ample opportunity to use them before leaving the venue. There had been no incidents reported to the police that were attributable to the operation of this venue.

(Councillor Bogelein left the meeting at this point.)

The area development manager responded to the issues raised by the speakers. The site was in the city centre and there were no policies to protect Norwich Market from this use of the site or any other businesses. DM16 sought to protect the supply of land for businesses and this application was for temporary change of use for a 12 month period only.

During discussion, the area development manager referred to the report and answered members' questions. In reply to a question from Councillor Stutely, chair of licensing committee, the area development manager explained that whilst hours of operation could be covered by licensing regulations, in this case the limitation of the hours of operation of the venue reduced the impact on the wider area. The committee could exercise its powers to reduce the hours of operation further. Members noted that fighting and public urination were criminal acts and there had been no reports of incidents to the police or environmental protection officers attributable to this venue. The committee noted that the authority of the marshals was limited to the site and that a dispersal strategy would be very difficult to enforce. The committee sought details of when the venue had been open to the public and following consultation with the applicant, the planning team leader confirmed that venue had been open for three days a week from the grant of the licence in November 2020 to the Christmas lockdown. The head of planning and regulatory services confirmed that the applicants had made enquiries about a temporary events notice and the rival markets policy in August 2020, and in October 2020 had made an application for a premises licence and registration as a food business. In December 2020 the applicant worked with the Covid team and the police to address complaints about Covid security at the Junkyard Market and these were monitored until the lockdown. The Junkyard Market reopened on 16 April on Fridays, Saturdays and Sundays. There have been no further complaints regarding Covid security or food hygiene. There was one complaint on 27 April 2021 which was considered to be noise from surrounding streets rather than the premises itself.

The chair moved and the vice chair seconded the recommendations as set out in the report with the additional recommendation to amend condition 4 to require cycle storage to be installed within 3 months of the date of the grant of permission.

Discussion ensued in which a member said that he supported pop up markets on Gentleman's Walk but considered that St Marys Works was not a suitable venue and the Junkyard Market should be closer to the city centre. Another member said that it would be unfair to refuse this application as a precedent had been set by allowing restaurants and public houses to serve customers in the street elsewhere in the city. Residents in nearby St Benedicts Street had experienced antisocial behaviour. It would need to be monitored carefully.

Councillor Stutely moved and Councillor Peek seconded that the site should close at 10 pm (22:00). During discussion members noted that this would mean that customers would need to complete eating at 21:30 and leave the site by 22:00. Councillor Sands suggested that the hours should be reduced further to 20:00 on a Friday and Saturday and 19:00 on a Sunday, given that stores shut at 16:00 on Sundays. This was not supported by other members. On being moved to the vote, with 5 members voting in favour (Councillors Stutely, Peek, Lubbock, Button and Maxwell) and two members abstaining (Councillors Driver and Sands) the amendment to close the site at 22:00 was agreed and became part of the substantive motion.

During discussion, the committee also considered whether it was feasible to reduce the temporary consent to six months but concluded that under licensing regulations a request could be made to review of the premises licence by the licensing committee, which could effectively shut down the venue if necessary. Members also advised members of the public and ward councillors to report criminal antisocial behaviour to the police. A member welcomed the applicant's assurance that the scheme to manage litter would be implemented sooner than the required three months and suggested that two weeks would be preferable.

Members minded to vote against the application commented that they had taken into consideration the comments from the objectors and ward councillors, and considered that the wider impacts of the change of use, noise, antisocial behaviour and parking and transport, were unfair on residents in the area. One member considered that the hours of operation were too liberal to mitigate the change of use on this site.

RESOLVED, on the chair's casting vote, with 3 members voting in favour (Councillors Driver, Maxwell and Button), and 3 members voting against (Councillors Sands, Lubbock and Peek) and 1 member abstaining (Councillor Stutely) to approve application 21/00373/U and grant planning permission subject to the following conditions:

1. Temporary consent for 12 months;
2. In accordance with plans;
3. Customers allowed on site only at the following times – 16:00-22:00 Friday, 12:00-22:00 Saturday, 12:00-22:00 Sunday;
4. Cycle storage to be agreed and installed within 3 months of the date of the grant of permission and retained for the life of the permission;
5. Scheme to manage litter to be agreed and implemented within 3 months and operated for the life of the permission. Such a scheme to include details of refuse bins on site, management of litter leaving the site and the frequency and route of a litter pick;
6. Travel information plan to be implemented within 1 month.

(The committee adjourned for a short break at this point. Councillor Bogelein was readmitted to the meeting and the committee reconvened with all members present, as listed above.)

5. Application no 21/00381/U - Eaton Vale Activity Centre, Church Lane, Norwich, NR4 6NN

The area development manager presented the report with the aid of plans and slides. The application was for a retrospective change of use to a nursery. The area development manager referred to the supplementary report of updates to reports, which was circulated at the meeting and available on the council's website and comprised a summary of further comments from the Yare Valley Society. The proposal was for a broad class use E and it was proposed that this would be limited to use by the applicant as a nursery only.

Councillor Lubbock explained that she did not have a pre-determined interest. A resident had referred to her in their written objection but for clarification the committee should note that her advice comprised information about the planning application and how to comment on it provided in her capacity as a ward councillor.

During discussion, the area development manager referred to the report and answered questions on the access to the site and confirmed that there had been no reports of traffic incidents from the Highways Authority on the access road. The nursery had been in operation since 2018 and the retrospective application had been made by the school. The nursery use was only on a small part of the application site. The area development manager sought confirmation from the applicant that there would be no more than 35 children on site at any one time and that the staffing ratio of up to 10 staff depended on the age and needs of the children there. There were no proposals to expand the nursery school. The philosophy of the nursery appealed to a wide catchment area. In reply to a member's question, the committee was advised that it would be unreasonable to require the applicant to upgrade the path from the car park to the nursery to the standard required by the Highways Authority. The fencing around the nursery did not require planning permission and was predominantly timber in a wooded area.

The chair moved and the vice chair seconded the recommendations as set out in the report.

A member commented on the lack of information on the travel plan. The nursery had a wider appeal and potentially the parents of 35 children would be accessing the site at the same times each day. This would have an adverse impact on highway safety. There was no space for two vehicles to pass on the access lane and many walkers used the route to access Eaton Common and the circular walk from Keswick Mill to Cringleford and back.

At the discretion of the chair, the applicant addressed the committee. She explained that the coaches reported parking in the area were visitors to the activity centre and not to the nursery, where arrivals and departures were staggered between 9:00 and 17:30. The travel plan would encourage the use of sustainable transport. There was a bus stop 10 minutes away and car sharing, which had not been possible during the pandemic, would be encouraged. There had been an increase in applications to the nursery but spaces were limited and a waiting list in operation, with 35 children leaving the school and the September 2021 intake would only be 29. She explained the philosophy of the education offered; that the nursery had good Ofsted reports; and, that 50 per cent of the staff were qualified primary school teachers. The fencing could be improved by planting and the use of feather board.

Discussion ensued in which members welcomed the philosophy of this nursery and the concept of a forest school, with some reservations expressed about the lack of a transport plan and road safety. A member pointed out that large events, such as fireworks, had been held at the activity centre without any issues. Members commented that the fencing could be improved aesthetically and the pathway from the car park improved.

RESOLVED with 7 members voting in favour (Councillors Driver, Maxwell, Peek, Bogelein, Stutely, Sands and Button) and 1 member abstaining (Councillor Lubbock) to approve application no. 21/00381/U - Eaton Vale Activity Centre Church Lane Norwich NR4 6NN and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Use restricted to Class E(f) or sports and recreation directly associated with the activity centre only;
3. Should the use cease, removal of perimeter fencing and structures.
4. Provision of a Travel Information Plan within 3 months of permission being granted.
5. Implementation of a Travel Information Plan in accordance with timescales to be agreed.

CHAIR

Summary of planning applications for consideration

ITEM 5

10 June 2021

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	21/00277/F	1 Fairmile Close	Katherine Brumpton	Two storey rear extension, single storey side extension and attached garage to front.	At the request of a member (Cllr Stutely)	Approval
4(b)	20/01238/F	6 Music House Lane	Katherine Brumpton	Installation of Mobile Shepherds Hut.	Objections	Approval
4(c)	21/00247/F	New Ferry Yard, King Street	Jacob Revell	Redesign of parking layout.	Objections	Approval

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

10 June 2021

Report of Head of planning and regulatory services

Subject Application no 21/00277/F 1 Fairmile Close

Reason

for referral Called in by an elected member (Councillor Stutely)

5(a)

Ward	Town Close
Case officer	Katherine Brumpton – KatherineBrumpton@norwich.gov.uk
Applicant	Mr Chris O'Connor

Development proposal		
Two storey rear extension, single storey side extension and attached garage to front.		
Representations		
Object	Comment	Support
9 individuals (10 letters)	0	0

Main issues	Key considerations
1	Design
2	Heritage
3	Amenity
4	Flood risk
5	Trees
Expiry date	15 June 2021
Recommendation	Approve



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Planning Application No 21/00277/F
Site Address 1 Fairmile Close

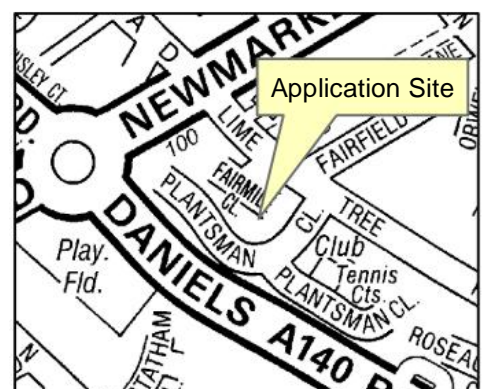
Scale 1:1,000



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The site and surroundings

1. Fairmile Close is a relatively small road serving 4 dwellings and is sited to the south-west off Lime Tree Road. The dwellings are all 2 storey detached dwellings and appear to have been built together in the 1960s. Although they are similar in character and scale, they are all designed differently.
2. Number 1 is located at the end of the close, and borders 13 Lime Tree Road to the south east and 66 and 67 Plantsman Close to the south west. Number 2 Fairmile Close is sited to the north-west, and is sat staggered forward, with the rear wall of 1 Fairmile Close nearly in line with the front elevation of 2 Farimile Close.
3. Number 1 is sat fairly central in the plot. An arboricultural report details several trees within the plot, a total of 13. Most notable is a large Cedar tree within the front garden, sited in front of the driveway.
4. The current property is 4 bedroomed, has a dual pitch roof to the main two storey section and to the side (south-west) is a flat roof study and a flat roof car port.

Constraints

5. Critical Drainage Catchment Area.
6. Adjacent to a Grade II* listed dwelling (Inverleith, 13, Lime Tree Road):

a) 1188/0/10123 LIME TREE ROAD 11-FEB-04 13 Inverleith

II* House. 1908-9. By the architect Percy Morley Horder and his partner A.G.

Details of the house are provided within the listing. A glass house is sited within the grounds of the house which is not included in the listing. However, as it seems to date from before 1948 is also considered to be listed, by association. It is located along the boundary with the 1 Fairmile Close.

Relevant planning history

7. No relevant planning history

The proposal

8. Proposal is for two extensions.
9. The existing car port would be removed and replaced with a dual pitched double garage and multipurpose room. The study would be re-roofed to tie in with the new side extension.
10. To the rear a two-storey extension is proposed to provide a larger kitchen on the ground floor and a larger master bedroom on the first floor. Following discussions with the agent the roof of this section has been altered to a hipped roof rather than ending in a gable end. As the revision reduces the scale of the proposal and is not considered to significantly change the proposed development this was not formally advertised.

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 10 letters of representation have been received from 9 individuals 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
Proposal conflicts with DM3; extensions are too big and out of keeping of the area. Negatively impact the character of the area and increase the density.	See main issue 1
Block views of wider “green” outlook towards the south	See main issue 1
View from adjacent listed building would be of a long 20m extension interrupted only by rooflights.	See main issue 1
The 4 dwellings in the Close were built at the same time, together with 2 dwellings either side of the close. The proposed development would not respect the existing balance of these properties due to its size and design.	See main issue 1
Overlooking and overshadowing neighbour's, especially their gardens, to include both Fairmile Close and Plantsman Close.	See main issue 3
Concern about loss of light, views and outlook to 2 Fairmile Close	See main issue 3
Concern about development within root protection area of tree.	See main issue 5
Town Close contains lots of greenery and trees; the proposal would compromise this.	No vegetation is proposed to be removed as part of this proposal. The impact upon the trees is discussed under main issue 5.
Concerns that the development would increase flooding and pressure on the current drains.	See main issue 4
Vehicular congestion during the building work	For a development of this scale in this location highway safety during the build is not considered to be a significant issue. A construction management plan is not considered to be required.

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. The site borders the property known as Inverleith (13 Lime Tree Road), which is Grade II*. A glasshouse is located within the garden of the property and is sited alongside the boundary with 1 Fairmile Close.
14. The proposed development significantly increases the footprint of 1 Fairmile Close, mainly due to the side/front extension. The impact is mitigated by the side/front section being single storey, the dwelling's position in the corner of the close, positioning of the extensions, and the distance from main roads. It is considered unlikely that the development would compete for attention with the adjacent listed dwelling.
15. The adjacent glasshouse is listed by association with the property known as Inverleith (13 Lime Tree Road). In this instance the glasshouse is considered to contribute to the special character of the host building and benefit from its own special character.
16. The area was previously used for large scale seed and plant production, which the glasshouse doesn't appear to be directly linked to, but is a reflection of nonetheless.
17. There is not anticipated to be any physical impact upon the glasshouse, and so the consideration is focussed upon the impact on its use. Given the use of the glasshouse, consideration should be given to any reduction in light that may occur as a result of the proposed development, and whether it can continue to function as intended.
18. It is worth noting that the glasshouse has historically been set on the edge of the boundary, and it is quite common for similar structures to be built up against a brick wall. Indeed, this may have been the case here.
19. A submitted daylight/shadow assessment has been submitted which demonstrates that the proposed development is unlikely to cause a significant reduction in daylight towards the glasshouse or 13 Lime Tree Road.
20. The proposed development at 1 Fairmile close will not directly impact upon the significance of the grade II* listed building when considered relative to the principal elevations. Also, any impact upon the significance of the grade II* listed building through impact upon the curtilage listed structure is negligible.

Tree protection officer

21. T1 (Cedar of Lebanon) is a visually important tree with high amenity value. Applying the following conditions will ensure its successful protection during construction (and successful retention, beyond construction):
 - a) TR3 - Provision of site monitoring.
 - b) TR4 - Arb supervision during excavations within RPA.
 - c) TR6 - Arb works to facilitate development.
 - d) TR7 - Works in accordance with AIA, AMS, TPP.

22. Exploratory excavations carried out by air-spade would be beneficial in order to determine the presence/extent/size of roots in the vicinity of the proposed new garage. The outcome of these excavations would inform decisions relating to the type of foundations required for the garage. The submission of a brief report (with photographs), detailing the findings of this excavation would be useful.

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
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
24. **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
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM31 Car parking and servicing

Other material considerations

25. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF3 Plan-making
 - NPPF4 Decision-making
 - NPPF11 Making effective use of land
 - NPPF12 Achieving well-designed places
 - NPPF14 Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 Conserving and enhancing the natural environment
 - NPPF16 Conserving and enhancing the historic environment
26. **Advice Notes and Guidance**
- Extensions to houses advice note September 2012

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: Design

28. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.

DM3 requires developments to respect, enhance and respond to the character and local distinctiveness of the area, and give appropriate attention to the materials, design detailing, height, mass, scale and form. Furthermore the “Extensions to Houses” advice note provides more detail on appropriate ways to extend a dwelling.

29. The rear extension is two stories, set down from the main ridge height and set in slightly from the side wall of the existing dwelling. Following discussions with the agent the roof has been altered to a hipped roof design. At 6m deep it is relatively large, but remains subordinate due to the above design details, by being no deeper than the original house, and extending across only part of the rear elevation.
30. The rear extension will be visible in the wider area, primarily due to the siting and sloped catslide roof style of the adjacent property, number 2. It would be visible from the road, above the roof of number 2, and seen alongside the existing gable end. The impact of this is considered to be acceptable; the extension extends no further to the southwest (rear) than the neighbouring dwelling and as such the increase to the area of built form here is not considered to be incongruous to the character of the area. A representation raises concerns that this extension will be perceived to tower above number 2, however given that the extension is no higher than the main dwelling, and would clearly be viewed in association with it, this is not considered to be the case. There will be a noticeable reduction in the gap between the two properties from the view at the entrance to the Close, but there will be a gap retained. The impact from the rear extension is therefore not considered to be significant to the character of the close.
31. The design of the side/front extension wraps around the eastern corner of the dwelling, replaces the existing car port and re-roofs the snug. The extension, which includes a double garage, is considered to be relatively large in its entirety, but again is designed to be subordinate. The ridge height sits below the eaves of the main house, and a step in at the side of the garage reduces its bulk and provides a visual step.
32. The south-eastern elevation of the side extension will not be readily visible from any public vantage point (discussion regarding the impact upon the neighbouring property is in the below section of the report). The front section of the extension comprises part of a multi-purpose room and a double garage. For a property of this scale on a plot this size a double garage is not considered to be out of scale in principle. As a result of attaching it to a side extension, the length of the overall extension is relatively long. However, the garage section would be seen within the context of the relatively large driveway, be framed by the large cedar tree, partially screened by the neighbour’s tree in their front garden and, perhaps most significantly, be sat at the edge of the close running alongside the boundary. This extension will therefore not be dominant within the wider character of the area.

33. All materials would match the existing dwelling except for the fenestration which are proposed to be grey powder coated aluminium.
34. Building for Life 12 is a publication by the Design Council and is the industry standard for the design of new housing developments. Although normally used for larger scale developments, it has been mentioned in a representation. The language and content is similar to DM2 and DM3 in some areas. The sections quoted refer to being a considerate neighbour and identifying and considering important viewpoints. Recommendations include; having regard to the height, layout, building line and form of existing development, consider which areas will be in light and those in shade, and avoid blocking views to landmarks and avoid locating garages on prominent locations such as the 'end point' of a view up a street.
35. Some of these areas are discussed below under main issue 2 and 3. It is acknowledged that the proposed garage would be located near the 'end point' of the view along this part of Fairmile Close, but the view would remain dominated by the Cedar Tree, which is significantly taller and bigger in mass. The garage section would serve to further screen the glasshouse from view, but this viewpoint is not considered to be a key feature of the character or amenity of the area, or to add to the special nature of the heritage asset in terms of its setting. The impact of the development upon the glasshouse is discussed further below.
36. Although the concerns from neighbours regarding the scale and design are noted, the proposed extensions are considered to be acceptable for a property of this size and are considered to comply with DM3 and paragraphs 124-132 of the NPPF.

Main issue 2: Heritage

37. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
38. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
39. The site is not within a Conservation Area but does lie adjacent to a Grade II* listed property. The listed dwelling is sited approximately 27m away from the proposed side/front extension, but a glass house runs along the boundary.
40. The existing snug and car port run most of the length of the south-eastern elevation of the house, and the car port is sited less than 0.25m from the boundary, with the snug stepped in to 1.25m away. The proposed side/front extension would all be sited 1.25m away. The eaves of the proposed extension are the same height as the existing car port.
41. As detailed above, the glasshouse itself is listed by association, and weight is given to the impact upon it, primarily in terms of any overshadowing which may reduce its

functionality as a glasshouse. A submitted daylight/shadow assessment satisfactorily demonstrates that the impact upon the glasshouse from the proposed development is not considered to be significantly different from that of the existing dwelling.

42. Given the distance between the development and the listed dwelling, the siting of the property away from main roads and the level of screening between the proposal is not considered to directly impact upon the significance of the dwelling itself. Any impact upon the glasshouse, as a curtilage listed structure, is considered to be negligible.
43. Therefore the impact upon the heritage assets is considered to be acceptable, and policy DM9 is considered to be complied with, along with section 16 of the NPPF.

Main issue 3: Amenity

44. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
45. DM2 advises on the amenity for both the future occupiers and the existing occupiers. In this case the amenity of the future occupiers is considered to be good, with the proposed extensions providing satisfactorily living conditions.
46. DM2 states that developments shouldn't have an unacceptable impact on the amenity of the area or the living or working conditions or the operations of neighbouring occupants. Particular regard should be given to prevention of overlooking, prevention of overshadowing and loss of light/outlook and the prevention of disturbance.

Side/front extension

47. The single storey section is not anticipated to impact any neighbour significantly. The neighbour to the south east (13 Lime Road) would be able to see this section, but it would be viewed in the context of the taller two storey main dwelling and cedar tree, and sited largely behind their own large glasshouse. Due to the orientation the impact upon them in terms of overshadowing is not considered to be significant. With no windows along this elevation there would be no overlooking.
48. Any impact upon other neighbours from this part of the development is not considered to be significant.

Rear extension

2 Fairmile Close

49. The rear extension would be sited 5.7m away from the side elevation of the neighbouring dwelling to the north-west, 2 Fairmile Close. At present this boundary is largely open, but there is a close boarded timber fence sited part of the way down the side elevation of 2 Fairmile Close. There are 7 windows in this neighbour's elevation.
50. On the first floor two windows serve a bathroom and are obscure glazed, and the other window is a secondary window to a bedroom, which benefits from significant glazing to the rear. These windows will all be impacted to some extent, but given

the nature of them, the distance between the extension and windows, the impact of the extension upon the amenity of these rooms is considered acceptable.

51. On the ground floor 2 windows serve the lounge and 2 serve a study. The lounge is served by a total of 4 windows, 3 of which are large and not immediately impacted by this development. The only window serving the lounge which would be impacted is a small high level window. Given the amount of light reaching the room from elsewhere the amenity impact is considered acceptable.
52. The study is only served with windows on this elevation, and with the boundary currently open the impact would be noticeable. However, it is noted that a 2m fence/wall could be built in this location without planning permission, which would sit 2.8m from the windows. Furthermore, the applicant could choose to erect a rear extension under permitted development. A 3m deep two storey rear extension could be erected here if it was sited at least 7m away. Or a single storey extension could be erected along the boundary with eaves of 3m and overall height a maximum of 4m. Each of these would cause a loss of outlook and degree of overshadowing, and this is a material consideration.
53. Whilst the impact upon the study is noted and the neighbours will experience a some additional overshadowing for this room, the room could be similarly impacted by developments under permitted development which do not require planning permission. Although it is noted that the use of studies have generally increased over the last year as a result of the covid pandemic, a study is not a primary room within a dwelling (compared to say, a living room), and so is not granted as much weight in terms of impact upon amenity. The rest of the house would continue to enjoy good levels of both light and outlook, ensuring that the neighbouring dwelling provides an overall good level of amenity.
54. The proposal includes two additional windows in the first floor elevation facing towards this neighbour. Both are proposed to be obscure glazed to minimise the risk of overlooking.

Other matters

55. Concerns have been expressed that the proposed rear window serving the master bedroom would result in unacceptable overlooking. The extension would be sited a minimum of 16m away from the rear boundary, and approx. 30m from neighbouring properties on Plantsman Close. The dwelling currently has first floor windows looking towards these dwellings, the reduction in distance of 6m is not considered to alter the level of overlooking significantly.
56. There would be some overlooking towards the neighbour's garden 2 Fairmile Close. However due to the siting of the two dwellings, and that this neighbour already experiences some overlooking from their other immediate neighbour, the impact is not considered to be significant.

Conclusion on amenity issues

57. It is acknowledged that the proposal will have an impact upon the neighbour's residential amenity, with the most significant impact being upon the study windows in 2 Fairmile Close. Given that a study is located at the side of the house and is not a primary room in the sense of the expected level of amenity for a residential

dwelling, and the good level of amenity afforded to the rest of this property, this impact is not considered to be sufficiently harmful to justify a refusal. As such the requirements of DM 2 are considered to be complied with.

Main issue 4: Flood risk

- 58. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 155-165.
- 59. The proposal does not include any details as to how the development can meet the requirements under the above policies. DM5 advises that where developments in Critical Drainage Areas include extensions consideration has to be given to mitigating surface water flood risk. Developers are required to demonstrate that developments would not increase the vulnerability of the site and where practicable have a positive impact upon the risk of surface water flooding in the wider area. The site is large enough to accommodate SUDs, which will be likely sited in the rear garden given the RPA of the Cedar tree to the front. The details can be obtained via condition.

Main issue 5: Trees

- 60. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
- 61. The application includes an Arboricultural report, which itself includes a Arboricultural Impact Assessment (AIA), a Arboricultural Method Statement (AMS) and a Tree Constraints Plan (TCP).
- 62. No trees will be removed as part of the development. The report identifies T1 as the most important tree, the aforementioned cedar tree to the front of the house. This is due to its size, presence and significance within the landscape. It is estimated to be over 150 years old. T1 is considered to be fully grown. There are several other trees within the site, mainly to the rear. They have been assessed to have varying conditions and level of importance.
- 63. The canopy to T1 will need to be lifted to enable the garage to be constructed. This will involve the removal of a small number of minor secondary boughs. At the same time work is recommended to thin the outer south and west canopy to reduce the weighting on the lateral limbs. The garage would extend 6m in the (Root Protection Area) RPA of T1. An extension of the brick weave paving is also proposed within the RPA to facilitate vehicular access to the garage and pedestrian access to the rear. Measures are proposed to mitigate any harm which include modified standard strip foundations and a suspended floor. With the works carried out in accordance with the report, the development may lead to some signs of stress within the short to medium term.
- 64. The report advises that installation of any new pipes for sewerage connection should also be carried out in accordance with the report, and some impact may occur to the roots under 20mm in diameter of T1. The impact of the completed works for the water connection is not known (it is understood that the works were undertaken to address a leak). If further works are required for services within the RPA of trees the report advises that this must be agreed in writing with Norwich City Council prior to commencement. The Tree Officer has advised that exploration of the tree roots with an air spade would be useful to establish the exact location of roots for T1 prior to any works in this area.

65. The construction of the garage within the canopy of T1 may lead to some additional requirements to alter the canopy to lift it above the garage, but these potential works are assessed as having a negligible impact. Given the use of the building under the canopy there is not anticipated to be any significant conflict.
66. Other trees of note include T4 and T5 which are sited in the south-east corner of the rear garden. Other trees are largely ornamental in nature, and also sited to the rear. The rear extension is not anticipated to directly impact any of these trees.
67. Requested conditions by the Tree Officer would include the requirement for submission of a report following the air spade excavations, site monitoring, arboricultural supervision during any works within the RPAs, restriction of any arboricultural works to a suitably trained arborist, and development to be constructed in accordance with the submitted report.
68. Whilst some impact upon T1 is recognised as a direct result of the garage extension, increase to paved area and connection to services, the proposed mitigation measures would reduce this to an acceptable level. The long-term relationship with the garage and T1 is considered acceptable as due to its use there won't be any significant concerns regarding loss of light etc.
69. With the proposed conditions added, the development is considered to comply with DM7 and NPPF paragraphs

Equalities and diversity issues

70. There are no equality or diversity issues.

Local finance considerations

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

Conclusion

72. The proposed development is considered to comply with relevant planning policies. There will be some impact upon the residential amenity of the adjacent neighbour 2 Fairmile Close in relation to loss of light and overshadowing to a study. However a sufficient gap would remain between the properties to ensure the overshadowing would not be unacceptable, and given that the room is at the side of the house and not a primary room the level of overshadowing is not considered to be a sufficient reason to justify refusal.
73. The front/side extension will have an impact upon the large Cedar tree to the front of the property. An extensive Arboricultural report has been submitted, and with appropriate mitigation, tied in with conditions, the impact is not considered to be

significant and the development is considered to be compatible with this existing tree.

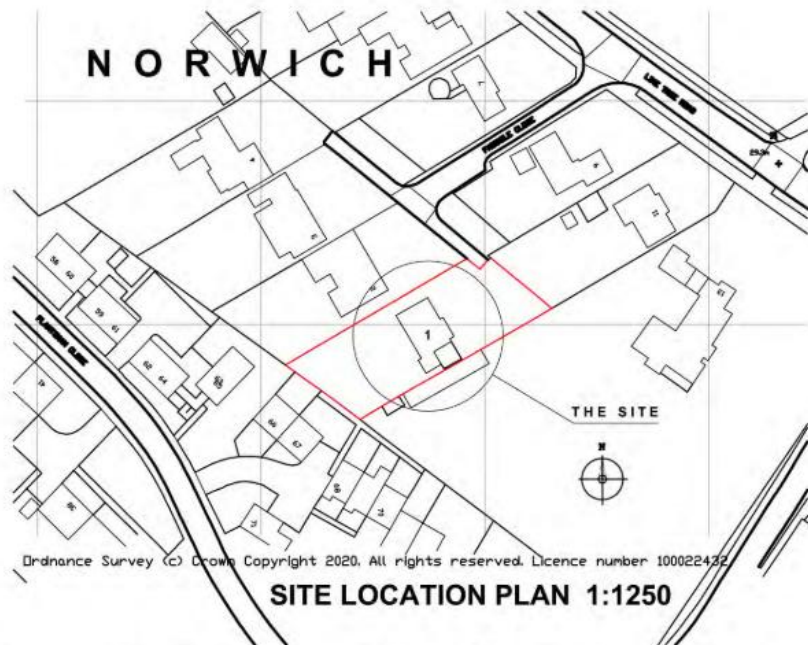
74. The impact upon the character of the area and glasshouse in the adjacent property is also considered to be acceptable.
75. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 21/00277/F for 1 Fairmile Close and grant planning permission subject to the following conditions:

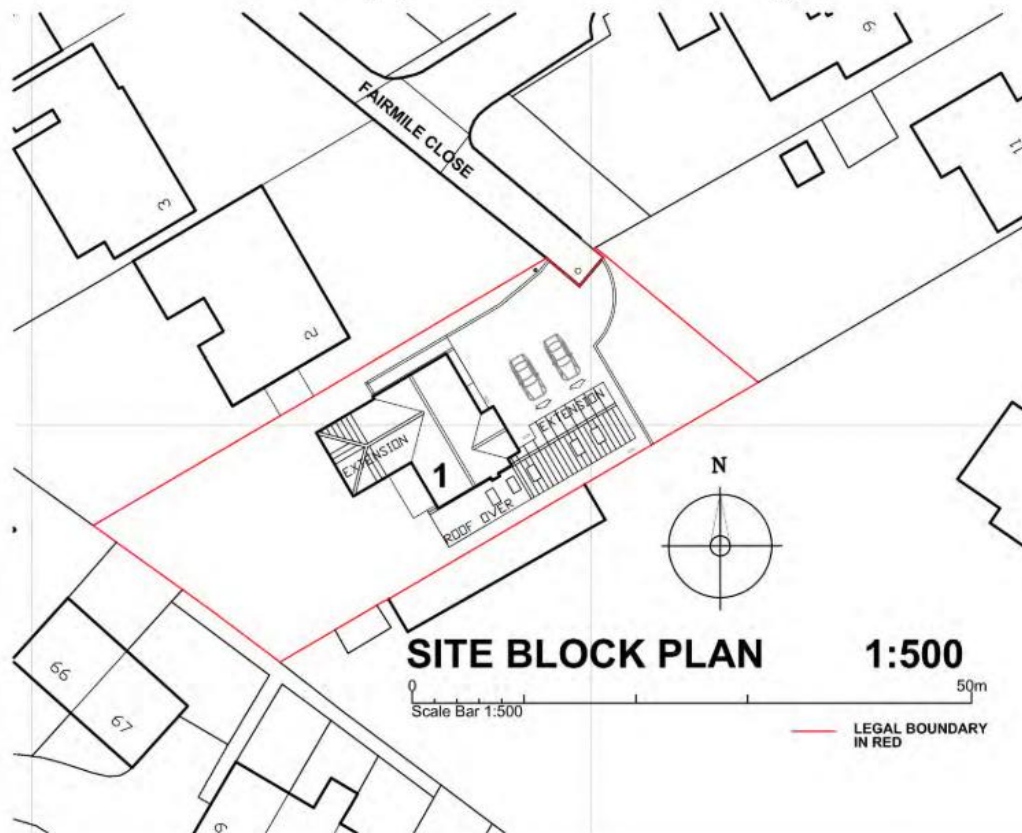
1. Standard time limit;
2. In accordance with plans;
3. TR3 - Provision of site monitoring.
4. TR4 - Arb supervision during excavations within RPA.
5. TR6 - Arb works to facilitate development.
6. TR7 - Works in accordance with AIA, AMS, TPP.
7. Exploratory excavations to be carried out by air-spade, submission of a brief report (with photographs), detailing the findings of this excavation
8. SUDS Details submission and implementation

NORWICH



SITE LOCATION PLAN 1:1250

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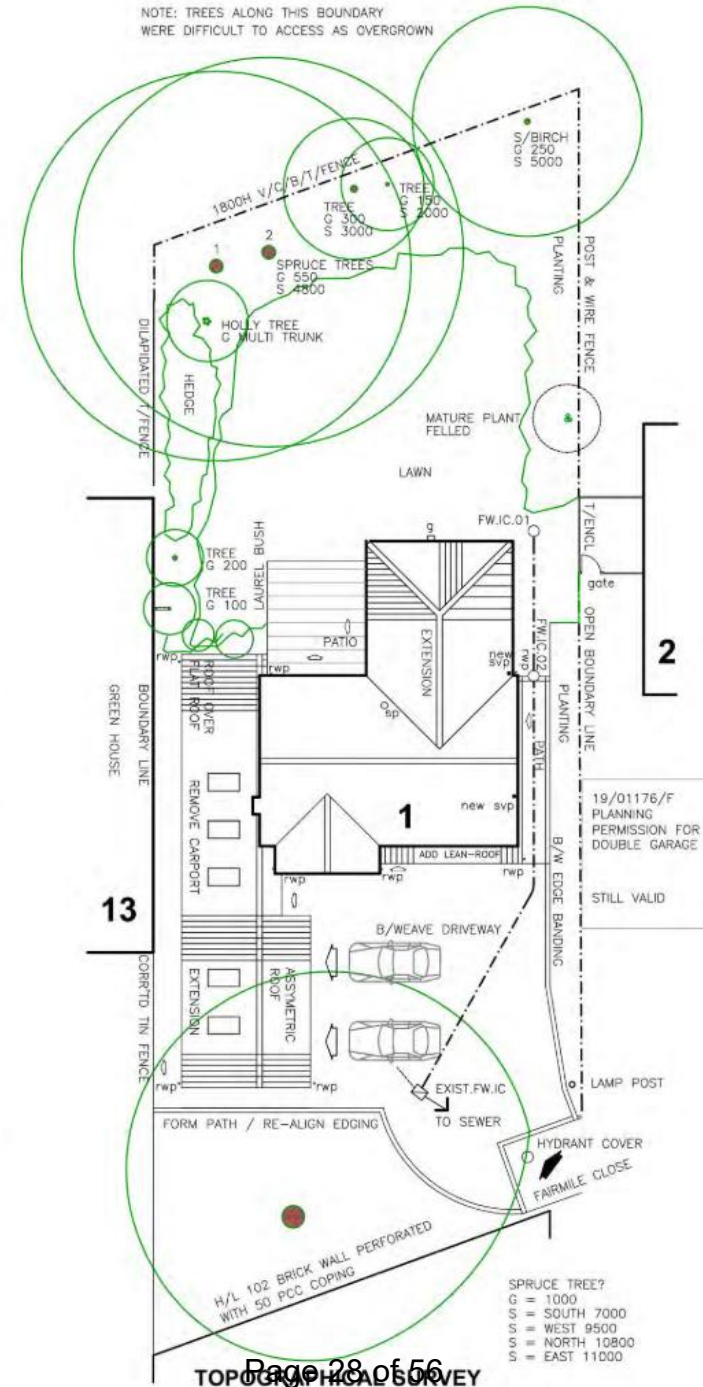


SITE BLOCK PLAN 1:500

Scale Bar 1:500

LEGAL BOUNDARY IN RED

NOTE: TREES ALONG THIS BOUNDARY WERE DIFFICULT TO ACCESS AS OVERGROWN



SITE LAYOUT & Roof Plan 1:250

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DRAWING STATUS

T - Tender C - Construction
P - Preliminary R - Record

Proposals subject to the following:-

Contract Local Authority approval
Survey Statutory Authority approval
Detailed Design Public Utility requirements

Rev | Date | Description | Draw | Ctd
A 04/2021 Rear Extension Roof Hipped

www : radcad.co.uk

Richard C. Anderson-Dunbar MCIAT / ACOB
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Project Title:
1 Fairmile Close, Off Line Tree Road, Norwich,
NR2 2NG for Mr & Mrs C. O'Connor

Drawing Title:
DESIGN PROPOSALS:
Site Location / Block Plan / Site Layout Plan

Scale: As shown Drawn: RA-D

Date: January 2021 Checked:

Drawing Number:
P/2353/10 A

Page 28 of 56
TOPOGRAPHICAL SURVEY

PRIMARY ELEVATIONS 01

MATERIALS :

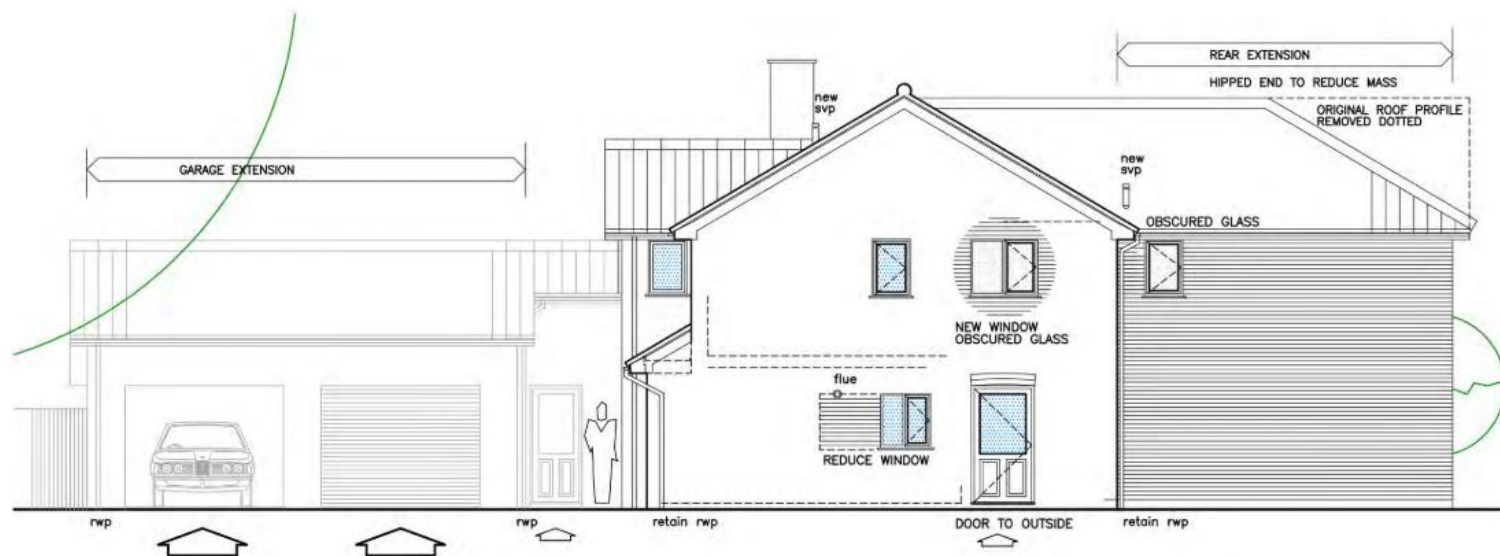
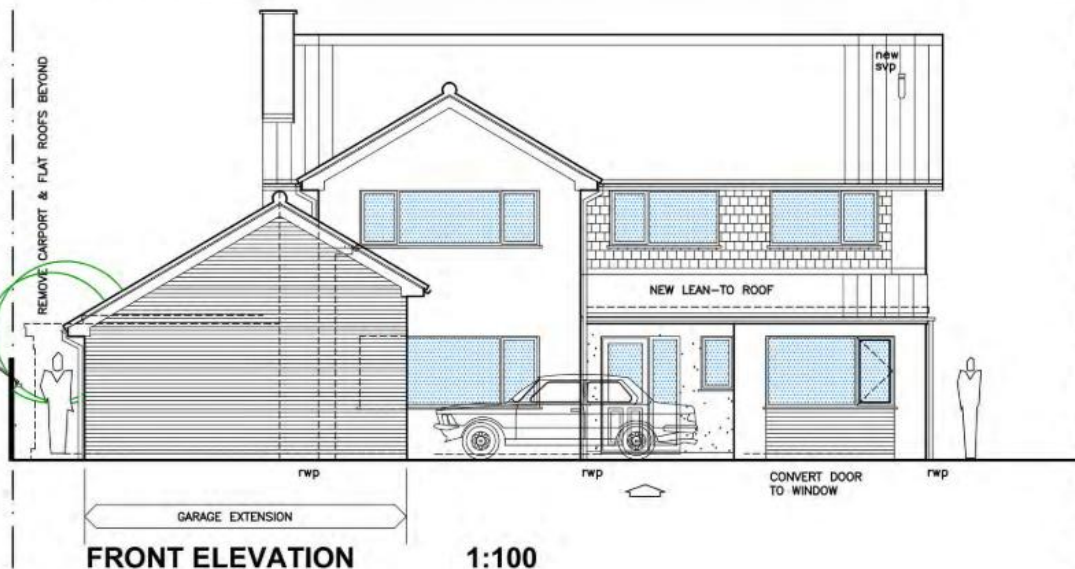
ROOF: PANTILES, EAVES & VERGE DETAILING TO MATCH EXISTING IN GREY

WALLS: MIX OF FACING BRICK / 'SMOOTH' RENDER WITH W/DRIPS & TILE HANGING

NEW WORK IN FACING BRICKWORK TO MATCH EXISTING

JOINERY: NEW & REPLACEMENT WINDOWS / NEW 'SLIDING' DOOR ASSEMBLY TO MATCH IN 'GREY' POWDER COATED ALUMINIUM

RW GOODS: UPVC GREY



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P - Preliminary R - Record

Proposals subject to the following:-

Contract Local Authority approval
Survey Statutory Authority approval
Detailed Design Public Utility requirements

Rev | Date | Description | Draw | Ctd
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Project Title:
1 Fairmile Close, Off Line Tree Road, Norwich,
NR2 2NG for Mr & Mrs C. O'Connor

Drawing Title:
DESIGN PROPOSALS:
Primary External Elevations 01

Scale: 1:100 Drawn: RA-D

Date: February 2021 Checked:

Drawing Number:
P/2353/12A

PRIMARY ELEVATIONS 02

MATERIALS :

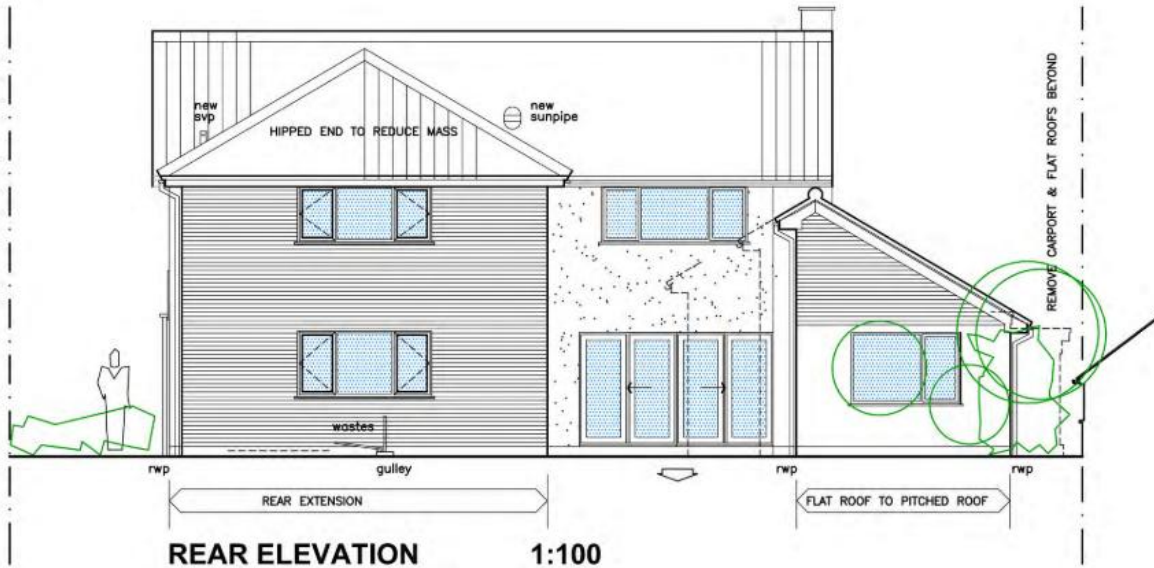
ROOF: PANTILES, EAVES & VERGE DETAILING TO MATCH EXISTING IN GREY

WALLS: MIX OF FACING BRICK / 'SMOOTH' RENDER WITH W/DRIPS & TILE HANGING

NEW WORK IN FACING BRICKWORK TO MATCH EXISTING

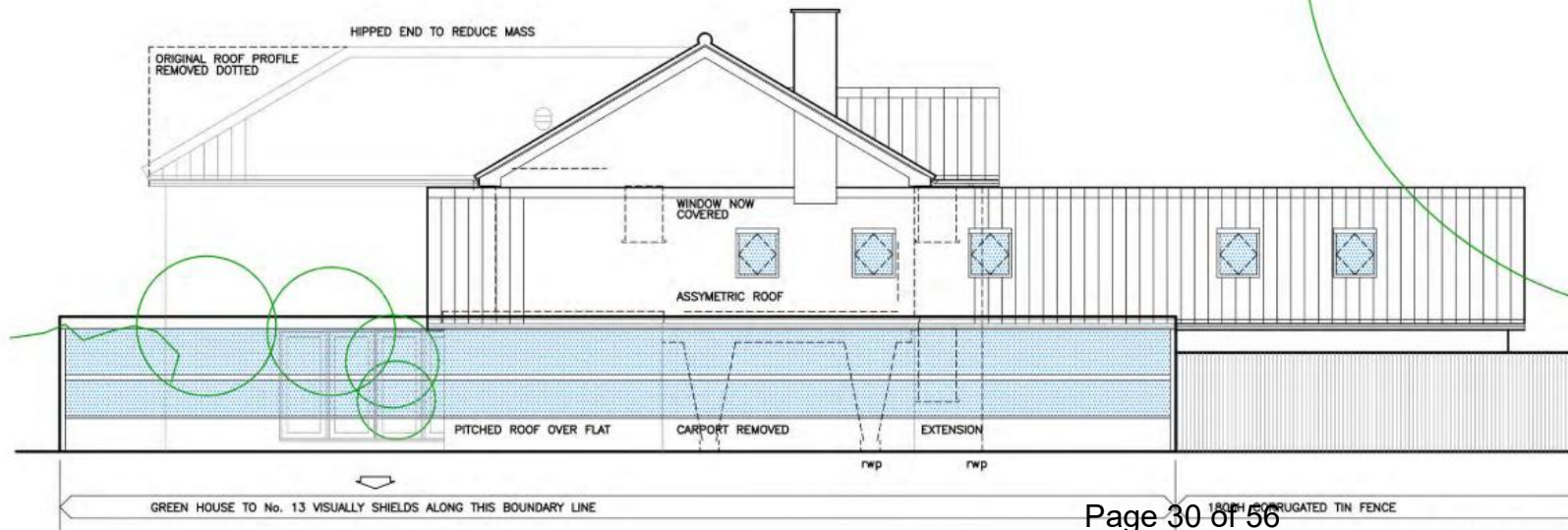
JOINERY: NEW & REPLACEMENT WINDOWS / NEW 'SLIDING' DOOR ASSEMBLY TO MATCH IN 'GREY' POWDER COATED ALUMINIUM

RW GOODS: UPVC GREY



REAR ELEVATION

1:100



SIDE ELEVATION

1:100

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DRAWING STATUS

T - Tender C - Construction
P - Preliminary R - Record

Proposals subject to the following:-

Contract Local Authority approval
Survey Statutory Authority approval
Detailed Design Public Utility requirements

Rev | Date | Description | Draw | Ctd.
A 042021 Rear Extension Roof Hipped

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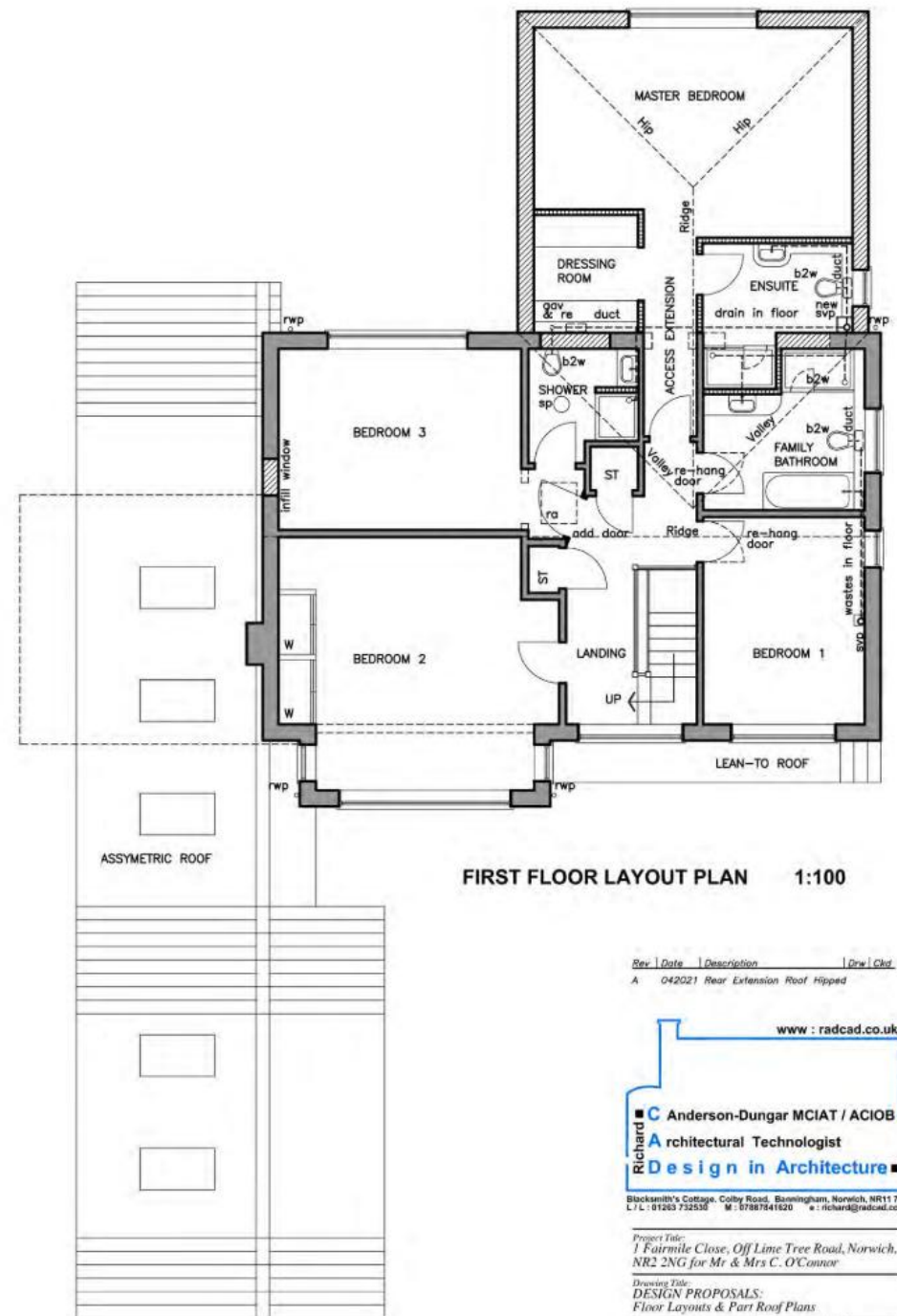
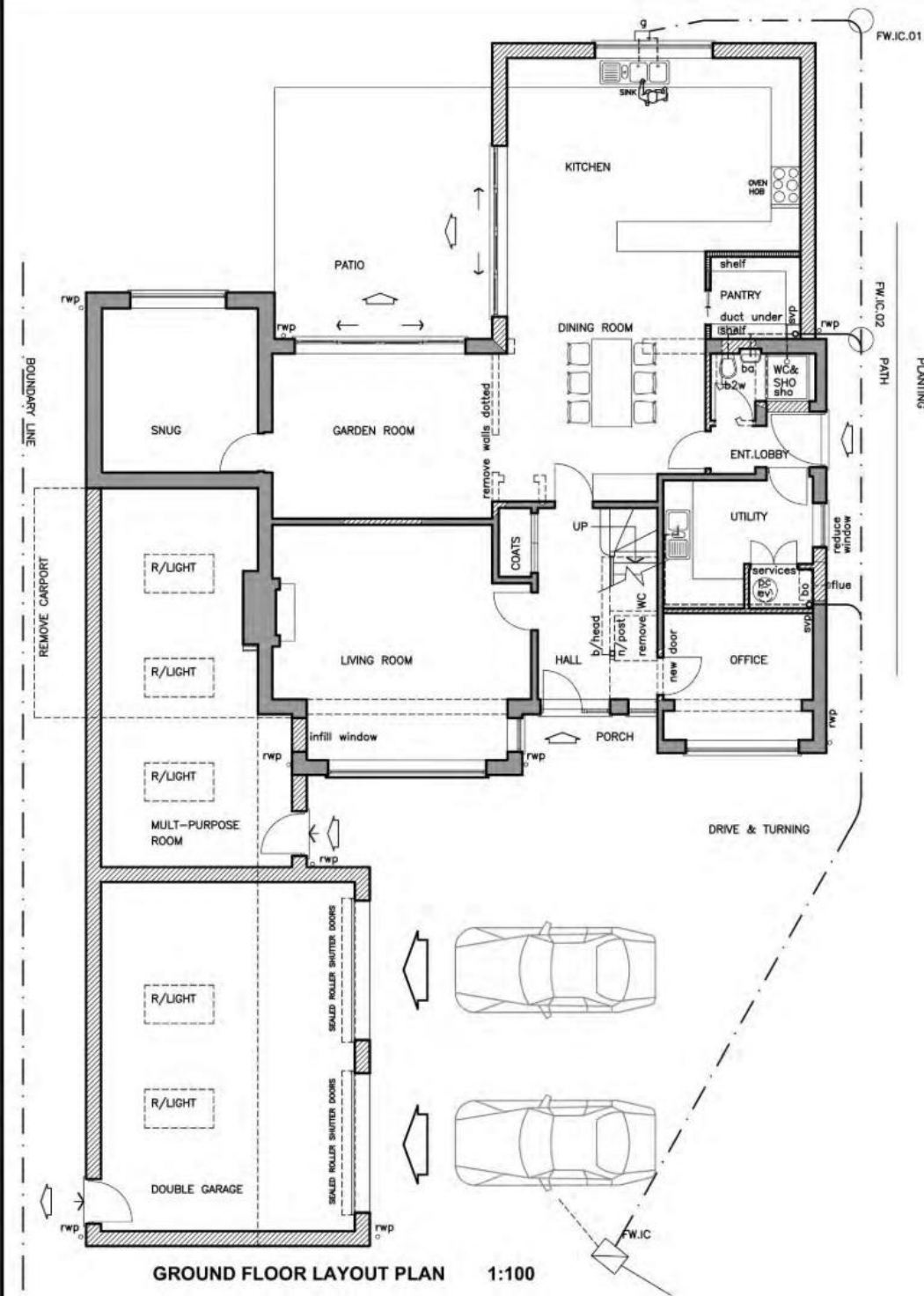
Project Title:
1 Fairmile Close, Off Line Tree Road, Norwich,
NR2 2NG for Mr & Mrs C. O'Connor

Drawing Title:
DESIGN PROPOSALS:
Primary External Elevations 02

Scale: 1:100 Drawn: RA-D

Date: February 2021 Checked:

Drawing Number:
P/2353/13A



Rev	Date	Description	Drw	Ckd
A	042021	Rear Extension Roof Hipped		

A 042021 Rear Extension Roof Hipped

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Project Title:
1 Fairmile Close, Off Lime Tree Road, Norwich,
NR2 2NG for Mr & Mrs C. O'Connor

Drawing Title:
DESIGN PROPOSALS:
Floor Layouts & Part Roof Plans

Scale: 1:100	Drawn: RA-D
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Date: <i>January 2021</i>	Checked:
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Drawing Number:
P(2353/1) A

Report to Planning Applications Committee

Item

10 June 2021

Report of Head of planning and regulatory services

Subject Application no 20/01238/F at 6 Music House Lane

**Reason
for referral** Objection

5(b)

Ward	Mancroft
Case officer	Katherine Brumpton KatherineBrumpton@norwich.gov.uk
Applicant	Sue Lambert Trust

Development proposal		
Installation of Mobile Shepherds Hut		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1	Principle
2	Design
3	Heritage
4	Amenity
Expiry date	17 June 2021
Recommendation	Approve



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Planning Application No 20/01238/F
Site Address 6 Music House Lane

Scale 1:1,000

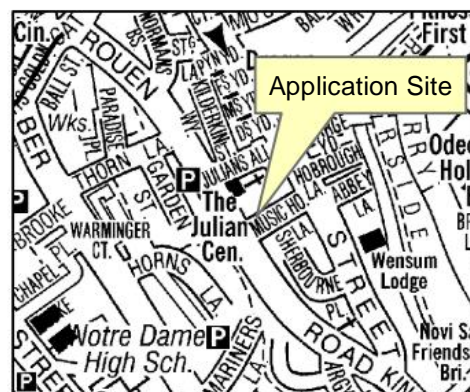


NORWICH
City Council

PLANNING SERVICES



Page 34 of 56



The site and surroundings

1. Site is on the corner of Music House Lane and Rouen Road and is set back from both roads. Between the building and the roads lies a largely grassed area, which also contains shrubs and trees.

The building is detached, finished in red brick with slate roof tiles and white fenestration. The area to the rear of the building is paved, and is part of the site. This borders boundary fences serving the relatively new dwellings to the north-east, which are known as St Cecillas Court.

The site itself is relatively flat, but the land falls to the north-east further down the road. The land to the north-west is substantially higher than the site and is served with a retaining wall.

Constraints

2. Conservation Area; City Centre
3. Area of Main Archaeological Interest
4. City Centre
5. Regeneration Area
6. City Centre Parking Area

Relevant planning history

7. No relevant history

The proposal

8. Siting of a shepherd's hut within the rear grounds of the site to provide additional space for delivering talking therapies, which is part of the Sue Lambert Trust's work at the site.
9. Following discussions with the agent revised plans were submitted and re-advertised/re-consulted on. The revised plans place a shorter hut than previously proposed alongside the boundary wall with the church to the north-west. The original plans showed the hut more centralised within the paved area.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received from 3 properties 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.

Issued raised	Response
Noise disturbance	See main issue 4
Overlooking and overshadowing into the neighbour's gardens. Exacerbated by change in land levels	See main issue 4
Over dominant building	See main issue 2
Increase to light pollution	See main issue 4
Should be re-sited in site to reduce impact (original plans)	See main issue 2

Consultation responses

11. No consultations have been undertaken for this application.

Assessment of planning considerations

Relevant development plan policies

12. 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
- JCS5 The economy
- JCS7 Supporting communities
- JCS11 Norwich city centre

13. 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
- DM22 Planning for and safeguarding community facilities

Other material considerations

14. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF8 Promoting healthy and safe communities
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

15. 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

16. Key policies and NPPF paragraphs – DM1 and DM22, JCS7, NPPF paragraph 91.
17. The current use of the site is by the Sue Lambert Trust. It is a charity which provides support for individuals who have experienced sexual abuse. The use is considered to be similar to health centres and focusses on people's health and wellbeing. As such it is considered to be a community use, which is covered by DM22. DM22 advises that enhanced facilities will be permitted where they contribute positively to the well-being and social cohesion of local communities, with preference given to locations within the city centre. Proposals for increased provision within centres are considered acceptable if the location is appropriate to the scale and function. The site is within the city centre, so is considered appropriate for expansion in principle. The area where the hut would be positioned is large enough to accommodate it. The design and amenity impact is discussed below.
18. DM1 is also considered to be relevant as it states that developments should maximise opportunities for improved health and well-being.
19. Para 91 in the NPPF advises that planning decisions should aim to achieve healthy, inclusive and safe places.
20. The Trust's work is considered to complement that of doctor's surgeries and health centres, and as such its expansion is considered acceptable in principle for the above reasons.

Main issue 2: Design

21. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
22. Shepherds' huts are associated with rural locations by their very nature. However, they have become relatively common in recent years and are found within domestic gardens as well as more rural settings such as fields. As a way to expand the space at the site without extending the building the proposal is considered to represent an acceptable form of design. The proposed hut includes double doors and a small flight of stairs to the front, along with a window in the side (south-west) elevation.
23. The revised plans re-site the hut to sit alongside the boundary wall with the church. The wall is taller than the proposed hut and is finished in smooth concrete. The hut would serve to break up the expanse of this wall and would not conceal anything considered to contribute positively to the character of the area.
24. The proposed design is considered to be a suitable form of development at this site and is considered to comply with the above policies.

Main issue 3: Heritage

25. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
26. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
27. Site is on the edge of two character areas within the City Centre Conservation Area; King Street and Ber Street, falling just inside the King Street area. Although the building is of some age and is considered to contribute positively to the character of the area, it is not local or statutory listed and is not identified specifically within either appraisal. The adjacent church, St Julian's church is Grade I listed and a large boundary, retaining wall sits between the two properties.
28. Given its siting and scale the proposed hut is not anticipated to significantly impact upon the wider character of the area or on the adjacent church. The impact upon heritage assets from this development is considered to be acceptable, and to comply with DM9.

Main issue 4: Amenity

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
30. The proposed hut would measure 3m to the ridge height, with the floor level being sited slightly higher than ground level. As such access is via a small flight of steps to the front. The only window would face the building currently used by the trust.
31. Located south west of the St Cecilias Court, these adjacent properties all have their main, rear gardens running alongside the paved area associated with application site. Their gardens are all served with timber boarded fences, at approx. 1.8m high. The land level within the gardens compared to the site is slightly lower but not significantly.
32. The siting of the hut will have some impact upon these adjacent residents. With approximately 1.2m of the hut visible above the fences, there will be some degree of increased overshadowing, especially for the closest neighbour at number 4. However, this is mitigated by the orientation, as light will still readily reach these gardens from the south as it is relatively open towards the road. In addition, the gardens already experience a degree of overshadowing from the south -west and west as a result of the existing building and boundary wall. As such the impact on overshadowing from the proposed hut is not anticipated to be significant.
33. Concerns have been raised that the proposal would lead to an increase in noise disturbance from the use of the hut by the Trust's clients. It is understood that some neighbours can hear some of the comings and goings and general noise of people talking already.

34. There may be some overlooking when clients and staff enter the hut, into the neighbour's gardens. The rear elevation of number 6 includes quite a lot of glazing, enabling overlooking to occur from these windows already. As above the boundary with the paved area is served with 1.8m fences, enabling some overlooking from wider viewpoints such as the pedestrian pavement serving Music House Road. The additional overlooking from those using the huts will however be noticeable given its proximity to the gardens. The submitted details identify opening hours of between 09:00 and 17:00 Monday to Friday. A condition is considered reasonable to tie the proposed use of the hut to these hours. The control of hours of use would serve to limit this impact to 'normal' working hours enabling the use of the neighbours' gardens to be impacted to a lesser extent during the weekends and evenings when they are likely to be used the most.
35. There is anticipated to be no other significant impact upon anyone's amenity.
36. No additional external lighting is shown on the submitted plans. There will be some additional light from the proposal as a result of use of lights inside the hut but this is not anticipated to have a significant impact on anyone's amenity.
37. The hut is anticipated to have some impact upon the amenity of the adjacent residents, notably from some additional overlooking and noise as people enter and leave the hut. This can be reduced and mitigated against by imposing a condition restricting the times that the trust use the hut. With this condition, policies DM2 and DM11 are considered to be complied with.

Equalities and diversity issues

38. There are no equality or diversity issues.

Local finance considerations

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

Conclusion

40. The proposed development would provide additional space for the Sue Lambert Trust to continue their work to assist individuals who have experienced sexual abuse. This is considered to be a community use and its expansion is supported at this site in principle.
41. There would be some impact upon the residential amenity of the neighbours at St Cecilia's Court. However, this impact has been reduced as a result of the revised plans, and can be mitigated further by limiting the hours of use of the hut.
42. With suitable conditions, the development is considered to be in accordance with the requirements of the National Planning Policy Framework and the Development

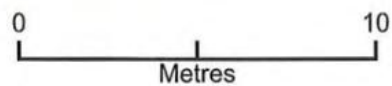
Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 20/01238/F at 6 Music House Lane and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hours of use limited to between 09.00-17.00 Monday to Friday only.

6 Music House Lane 20/01238/F

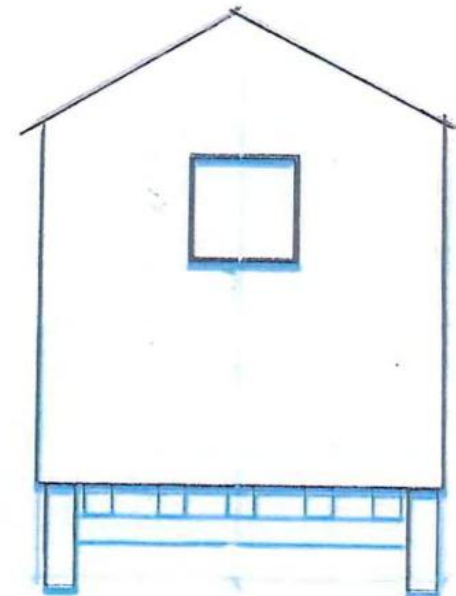
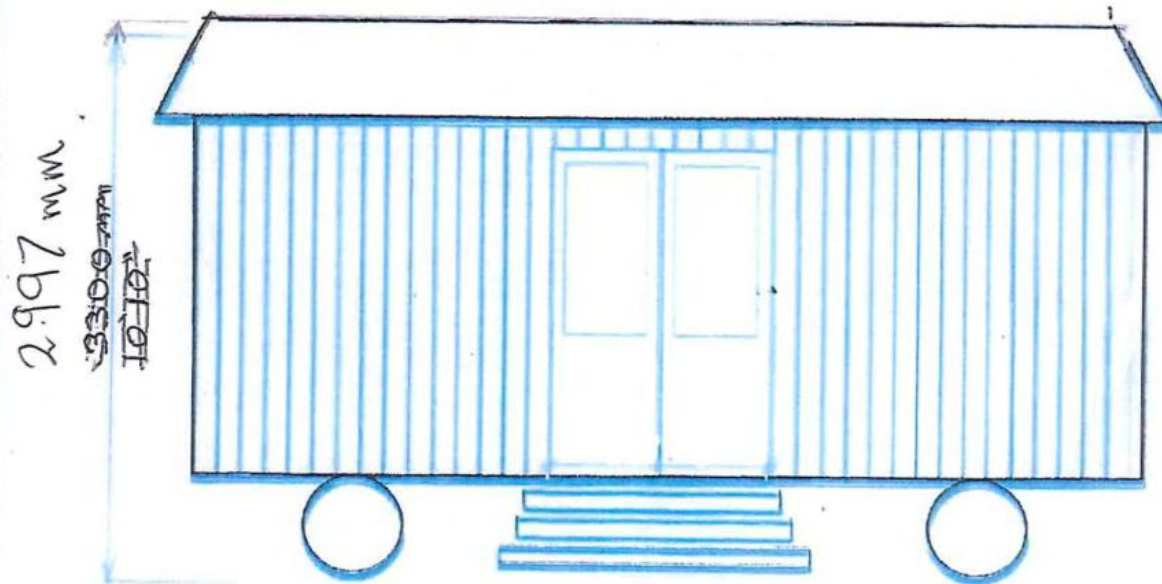
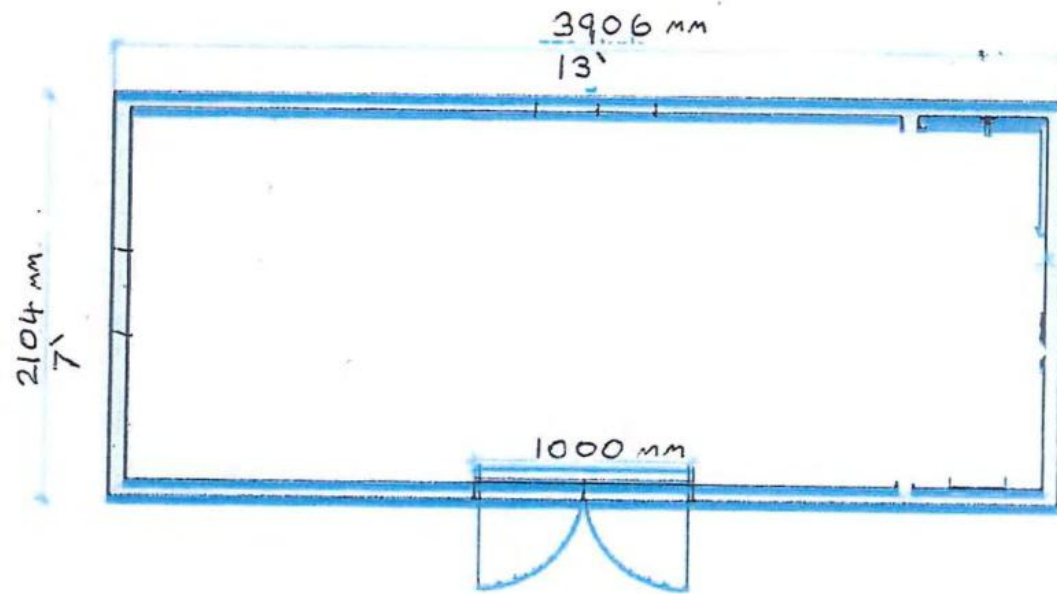


Plan Produced for: Sue Lambert Trust

Date Produced: 10 Mar 2021

Plan Reference Number: TQRQM21069120447400

Scale: 1:200 @ A4



NOT TO SCALE



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Report to Planning Applications Committee

Item

10 June 2021

Report of Head of planning and regulatory services

Subject Application no 21/00247/F, New Ferry Yard, King Street,
Norwich

5(c)

**Reason
for referral** Objections

Ward	Thorpe Hamlet
Case officer	Jacob Revell JacobRevell@norwich.gov.uk
Applicant	Clarke Willmott LLP

Development proposal		
Redesign of parking layout.		
Representations		
Object	Comment	Support
4	1	3

Main issues	Key considerations
1	Principle of Development
2	Design & Heritage
3	Amenity
4	Transport
5	Trees & Landscaping
6	Other matters
Expiry date	27.04.2021
Recommendation	Approval



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Planning Application No 21/00247/F
 Site Address New Ferry Yard
 King Street

Scale 1:1,000

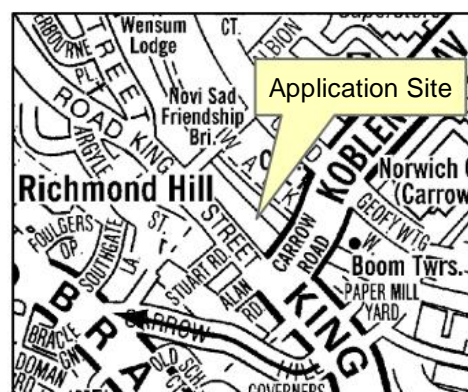


NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. The site in question is a landscaped parking area located immediately to the front of the New Ferry Yard development. New Ferry Yard is a residential development linked to neighbouring developments at Half Moon Yard and Albion Mill. The front elevations of the properties face King Street, the rear of the properties face onto the River Wensum. The developments were constructed in the early 21st century following the approval of application 04/00274/F.
2. Albion Mill, New Ferry Yard and The Malt House all fall under the same ownership, as indicated on the location plan. Spooners Wharf is owned by a different freeholder. All properties were built with underground parking, barring Albion Mill, which is Grade II listed. Residents of Albion Mill have historically been allocated parking at Spooners Wharf.
3. New Ferry Yard is located within the City Centre Conservation Area, within the King Street character area. This area is considered to 'high' significance, according to the conservation area appraisal.
4. The area is characterised by a mixture of architectural styles, but a number of significant historical buildings, set within a relatively open and green setting.
5. Albion Mill is the most immediate of these, as the car park sits along the side elevation of this building.

Constraints

6. City Centre Conservation Area

Relevant planning history

7. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
04/00274/F	Conversion of former flour mills and redevelopment of site to provide 160 residential apartments and restaurant (Class A3) with associated car parking and landscaping.	Approved	30.06.2005
11/00810/D	Confirmation of compliance with conditions 1 to 17 of previous permission 04/00274/F.	Finally Disposed of	22.08.2013
20/00758/F	Redesign of parking layout.	Refused	15.12.2020

The proposal

8. The proposal is to redesign the existing car park at New Ferry Yard. The current site features six 'permanent' parking spaces, provided as part of the original landscaping scheme for the development. In addition, three 'temporary' spaces have been provided across the relevant area. The 'permanent' spaces are angled at approximately 45 degrees away from the front elevation of the building. The 'temporary' parking spaces are in parts of the area which have allowed space for additional parking.

9. The proposal would involve the formal regularisation of the three 'temporary' existing spaces. The proposal would also see the reconfiguration of 'permanent' parking spaces, resulting in the provision of one additional space on the south-eastern end of the existing row of parking spaces. The proposal involves the provision of an electric car charging point servicing the newly created space and the space immediately adjacent.
10. The proposal differs from the previously refused application (20/00758/F). All trees on the site would be retained, and the loss of landscaping is minimal.
11. The new parking layout is sought because residents of Albion Mill have recently lost their parking rights at Spooner Wharf, following the sale of the freehold. It is understood that the newly created spaces will be allocated to Albion Mill residents.

Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.

3 letters of representation have been received in support. One has been received neither objecting or supporting the proposal. Four letters of representation have been received in opposition to the application.

All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Adequate parking is already in situ. Many spaces are left vacant within the scheme.	See main issue 1: Principle of Development.
Concerns regarding noise, pollution and light disturbance.	See main issue 3: Amenity.
Concerns regarding inadequate bicycle storage facilities.	See main issue 4: Transport.
The access and cost of this charging point have not been identified.	See main issue 4: Transport.
The proposal will result in the loss of disabled parking spaces.	See main issue 4: Transport.
'Temporary' spaces were created without consultation or submission for planning permission.	See main issue 4: Transport.
Concerns regarding usability/safety of new spaces.	See main issue 4: Transport.
Proposed new parking space is not sufficiently wide.	See main issue 4: Transport.
There is likely to be congestion around the electric parking space.	See main issue 4: Transport.
Alternative locations for parking on the site may cause less disruption.	See main issue 4: Transport.
Concern about removal of trees.	See main issue 5: Trees & Landscaping.
Anticipated noise from development works.	See other matters.
Concern regarding future alterations to parking layout.	See other matters.

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.

Design and conservation

14. No comments received.

Highways (local)

15. The provision of EV charging is welcome for those two parking spaces.

Therefore no objection on highway grounds subject to condition to ensure charge point is installed in accordance with plan and retained.

Landscape

16. The loss of landscaping is small and would have only minor landscape and visual effects.

Subject to the existing trees being protected as per the Arb. Report (which I suggest is conditioned) I have no objection.

The provision of an electric car charging point would provide a form of environmental mitigation.

Tree protection officer

17. No objections from an arboricultural perspective.

Assessment of planning considerations

Relevant development plan policies

18. **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
 - JCS6 Access and transportation
19. **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
- DM32 Encouraging car free and low car housing

Other material considerations

20. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF12 Achieving well-designed places
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

21. 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

22. Key policies and NPPF paragraphs – DM1, DM31, NPPF section 2.
23. DM31 states that alterations to parking should meet the standards set out within appendix 3 of the Development Plan. The standards state that housing located within the City Centre Parking Area is entitled to a maximum of one space per dwelling.
24. Several of the letters of objection received have questioned the need for development here, given the existing level of parking available on the site. It is understood that the underground parking is currently allocated to a mix of Albion Mill and New Ferry Yard residents.
25. Between Albion Mill, New Ferry Yard and The Malthouse there are 162 flats. The current availability of parking spaces is 156, leaving a shortfall of 6 spaces lost following the sale of Spooners Wharf. The additional 4 spaces proposed would recuperate parking for 4 of the affected flats and overall the level of parking would be within the maximum parking standards set out within the Local Plan.
26. The provision of a modest number of additional spaces in this location is considered acceptable, provided that the requirements of the other relevant development management policies are met.

Main issue 2: Design & Heritage

27. Key policies and NPPF paragraphs – DM3, DM9, NPPF sections 12, 16.
28. Policy DM3 outlines that development is expected to 'respect, enhance and respond to the character and local distinctiveness of the area'. DM9 requires that new development should maximise opportunities to preserve, enhance or better

reveal the significance of designated heritage assets (City Centre Conservation Area). The character of the car park is most strongly defined by the presence of the existing landscaping and trees.

29. The previous scheme on this site was refused partially on design and heritage terms. It was considered the loss of trees and landscaping generated by the previous scheme had an unacceptable impact on the character of the conservation area.
30. All trees are retained as part of this scheme. A small amount of landscaping will be lost to facilitate the new space with the charging space. The applicant will reinstate part of the hedge that has previously been removed to the front of the area.
31. The additional parking spaces will have a marginal impact on the visual appearance of the site, owing to a slightly less coherent layout and a slight increase in the number of parked cars. However, the overall impact on the conservation area is considered negligible due to the small scale of these alterations.
32. As all trees are to be retained and only minimal changes to the landscaping are proposed, it is considered the proposal meets the requirements of policies DM3 and DM9.

Main issue 3: Amenity

33. Key policy – DM2.
34. DM2 requires that all new development should not result in unacceptable impacts from noise, odour, air or artificial light pollution.
35. One letter of objection raises concerns that alterations to the parking layout would result in additional noise, pollution and light disturbance for residents of New Ferry Yard in ground floor flats.
36. The additional parking space in the main row will be angled at 45 degrees towards the corner of the parking area. Any impact will be limited to very short periods of time required for parking. Given the anticipated increase in use generated by one additional space in this location, it is not considered that substantial additional noise, pollution or light disturbance will occur.
37. Some reference has been made in the objections to the potential increased activity around the electronic charging point, including multiple cars vying for use of the charging point at once, leading to congestion. However, the applicant has made it clear that all additional spaces created will be allocated and the spaces will be used only by the resident to which the space is allocated. The electronic charging point spaces will be allocated residents with electronic vehicles. As such, it is not considered that amenity concerns are likely to occur from the use of these spaces.
38. In terms of the other additional spaces, the distance of these spaces from the windows of the residential properties ensures that there is unlikely to be any substantial amenity impact generated by the additional spaces.

Main issue 4: Transport

39. Key policies and NPPF paragraphs – DM28, DM30, DM31, NPPF section 12.

40. DM28 aims to encourage the use of sustainable travel by ensuring that new development does not lead to a net increase in private car use across the city. The number of flats requiring parking is not changing, as the affected flats had previously had parking provided at Spooners Wharf. Therefore, it is not considered that the development will lead to a net increase in car usage.
41. DM30 looks to ensure that all new parking is suitable in terms of access and highway safety. DM31 looks to ensure that all parking meets requirements for car parking and servicing.
42. One issue raised by objectors relates to the provision of bicycle storage on site. Whilst it is agreed that the use of bicycles should be encouraged, it is outside the remit of this application to actively encourage further bicycle storage to service the buildings.
43. Another issue is the proposed use of the charging point. Objectors have expressed concern regarding who will be able to use the charging point and who will pay for it. It is understood that the management of the properties will allocate the spaces with access to the charging points to residents who require charging for electric vehicles. The spaces will be allocated and used only by the residents allocated to the spaces. The provision of an electric charging point is beneficial for the encouragement of sustainable transport, in line with the aims of DM31.
44. One objector has expressed concern about the potential loss of disabled parking on the site. They refer to the large space that will be lost to make way for the electric vehicle parking spaces. The applicant has highlighted that all spaces are currently allocated to occupants of individual flats and there is no current provision for disabled parking within this car parking area. There are no markings on the space in question to indicate that it is available for use by people with disabilities: on the contrary, there is a sign indicating that it is for use only by the occupant of a specific flat. Google street view indicates that the space has been allocated this way since at least 2008.
45. Another objector has raised concern about the width of the proposed new spaces. Although the spaces are on the small side, and slightly below the minimum size recommended in the Local Plan, all spaces fall within the 4.8m x 2.4m minimum for communal residential parking as recommended in the Norfolk Parking Standards 2007. The exception of this is space 2, which sits along the hedge boundary with no surrounding spaces. This space is 2.3m x 4.8m, but the marginally smaller width is considered acceptable as there is reduced need to factor in getting in and out of the car with regard to neighbouring vehicles.
46. With regard to the difficulty presented by the space close to The Malt House, the applicant has provided satisfactory evidence that manoeuvring into and out of the spaces does not provide access or exiting issues. The proposal meets the practical requirements of DM30 as the applicant has provided sufficient evidence that access and egress is possible in a forward gear. Highways have expressed no concern with the layout of the spaces in terms of manoeuvrability.

Main issue 5: Trees & Landscaping

47. Key policies and NPPF paragraph – DM3, DM7, NPPF 12.

48. One letter of objection expresses concern about the removal of trees and landscaping to the site. This appears to be related to the previously refused scheme as this scheme would not result in the removal of trees and only a small amount of landscaping is proposed to be removed. Both the council's tree and landscaping officers have expressed that they have no objections to the scheme.

Other matters

49. One comment relates to anticipated noise from development works. This is not a material planning ground on which to refuse an application. It is recommended that an informative is added to remind the developer to the council's good practice in relation to sensitive construction hours.
50. One comment queries the potential for future rearrangement of this parking space. Each planning application is assessed on its own merits and potential future scenarios have not had any bearing on this recommendation.

Local finance considerations

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

Conclusion

52. 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.
53. The proposal is of an acceptable design and is considered to have a minimal impact on the character of the immediate surroundings.
54. The proposal is not considered to cause adverse impact to the amenity of any neighbouring properties.
55. The proposal is considered to meet the transport requirements outlined in the Local Plan and will not generate any issues from a highways perspective.
56. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2016).

Recommendation

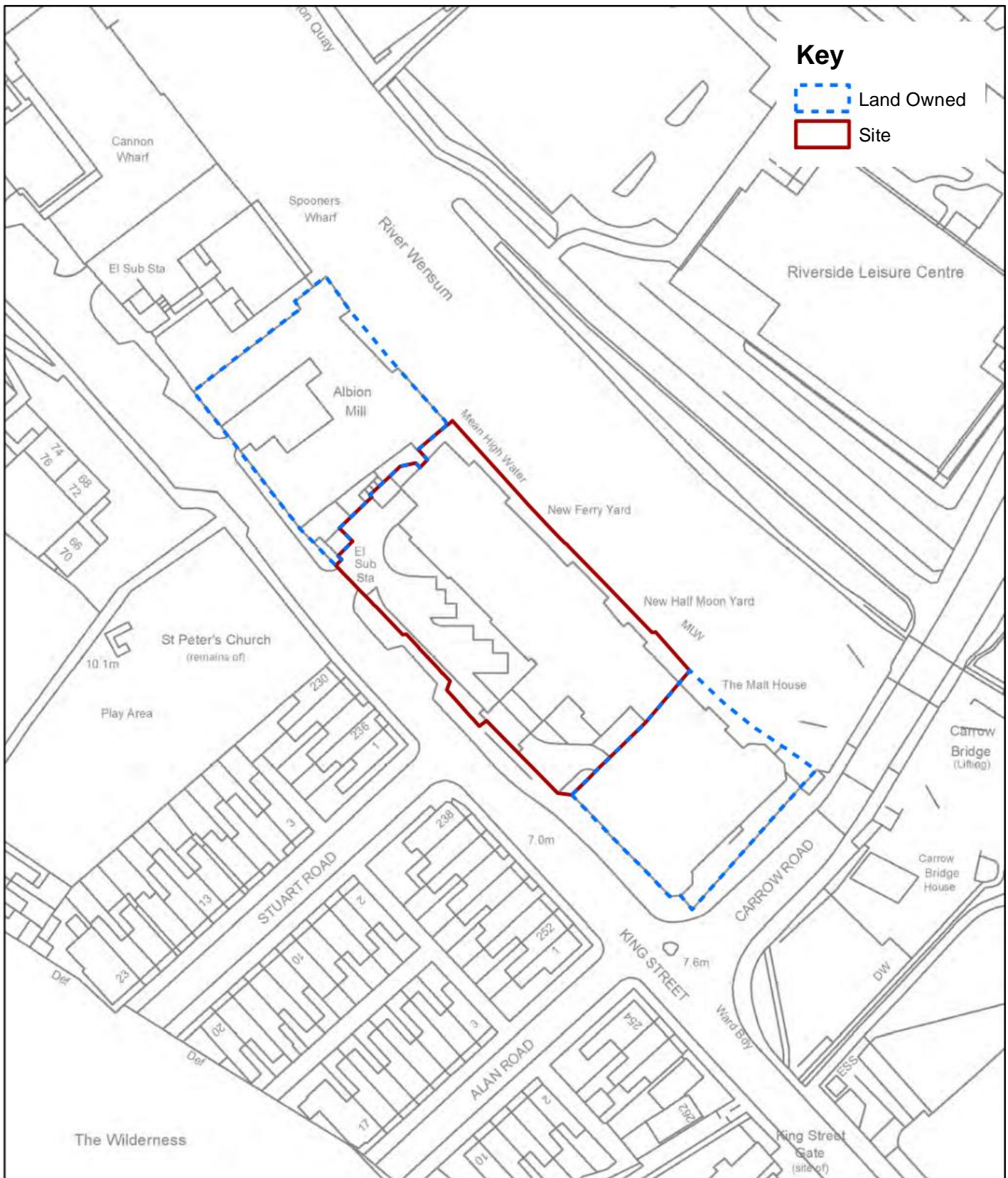
To approve application 21/00247/F at New Ferry Yard, King Street, Norwich and grant planning permission subject to the following conditions:

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

3. Protection of trees in line with arb report;
4. Retention of electric charging point;
5. Detail of appearance of electric charging point (CP14).

Informative:

- Considerate construction hours.



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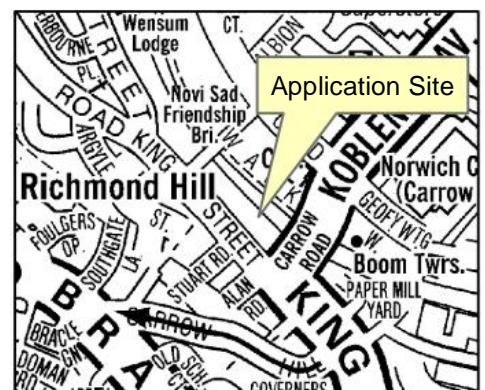
Planning Application No 21/00247/F
 Site Address New Ferry Yard
 King Street

Scale 1:1,000



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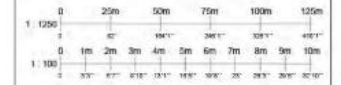




LOCATION PLAN 1:1250

General Notes

- [illegible]



B A	13/05/2021 13/09/2020	Blue line added to Location Plan. Red line amended on Location Plan:	PB PB
Rev	Date	Amendment	Dwn



Client: Clarke Willmot LLP

Project:	Redesign of Parking Layout
----------	----------------------------

Site address: New Ferry Yard
King Street
Norwich
NR1 2TP

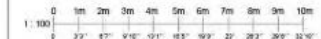
Contents

Existing Topographical Survey
Location Plan

Scale @ A1: 1:100, 1:1250,	Date: May 2020
Signature/checked: P.B./J.N	Revision: B
Project No: 3427.0520N	Sheet No: 1

General Notes

- This drawing must not be copied and it is a draft only.
- All Contractors are to check all dimensions & levels on site prior to commencing any construction or installation.
- This drawing is to be checked and read in conjunction with all Engineering, Architectural, Services Engineers and any specialist drawings, together with any relevant additional Engineering specifications.
- Where site topography or existing building details are contrary to stated details then the Engineer is to be informed immediately.
- For structure members are to be cut, reduced, or joined unless shown on the Engineer details. Unless otherwise noted all extensions of structural members including ties & reinforcement shall be capable of resisting the full structural capacity of the member.
- All work shall be done in accordance with the relevant standards of the relevant authority.
- The foundations to be shown shall be at least 100mm above ground level. If the foundations are to be constructed in situ, the foundations shall be constructed in accordance with the relevant standards of the relevant authority.
- Under the provisions of the Party Wall Act 1999, if any excavations are within 3m of adjacent buildings written agreement for the works from the owner & the owner of adjoining of adjacent buildings must be obtained before building works commence. If the work applies to the party wall two months notice must be given. Note: If Foundations are deeper than existing a written notice may have to be given & agreement reached. Note: If Foundations, walls, paths etc. are shown across the boundary a written agreement from the owner of the adjoining land (buildings) must be obtained & the boundary agreed before building works commence.
- The Construction (Design & Management) Regulations 2015. The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.
 - The construction work can be carried out on for as necessary (provisional) without risk to the health and safety of any person affected by the project.
 - Greater suitable safety facilities are provided.
 - These arrangements must be reviewed and maintained throughout the project.
- The client must ensure that a construction phase plan is in place before the construction phase starts.
- The client must ensure that the principal designer prepares a health and safety file for the project which is available, regularly updated and to be available for inspection.
- The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.
- The client must pass the health and safety file to any new owner (occupants) and ensure that the new owner (occupants) is aware of the nature and position of the file.
- This drawing is Copyright by Building Plans Ltd.



Landscaping Area Loss - 5.3m²
Landscaping Area Gain - 8.1m²
Total Landscaping Gain - 2.8m²

Rev	Date	Amendment	Drawn
C	12/05/2021	Hedge reinstated in front of existing parking space 2.	PB
B	06/02/2021	Parking layout amended.	PB
A	10/08/2020	Electric car charge point added. Parking layout amended to retain existing trees.	PB

Architectural Design,
Building Surveyors and
Planning Services

Building Plans Ltd

11 The Street, Norwich, NR9 5BL
Telephone: 01603 868377

Client:	Clarke Willmot LLP
Project:	Redesign of Parking Layout
Site address:	New Ferry Yard King Street Norwich NR1 2TP
Contents:	Proposed Site Plan
Scale @ A1: 1:100	Date: May 2021
Drawn/Checked: P.B./J.H.	Position: C
Project No: 3427.0520N	Sheet No: 2

PARAMETER

Provide hedge and turf to match existing

Trim back/provide hedge to match existing

Provide turf to match existing

Provide electric car charging point

Provide hedge to match existing

PROPOSED SITE PLAN 1:100

