

## PLANNING APPLICATIONS COMMITTEE

Date: **Thursday 3 July 2014**

Time: **9.30am**

Venue: **Mancroft room, City Hall**

### COMMITTEE MEMBERS:

#### Councillors:

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

### FOR FURTHER INFORMATION PLEASE CONTACT -

Committee officer: Jackie Rodger  
Tel. No: 01603 212033  
E-mail: [jackierodger@norwich.gov.uk](mailto:jackierodger@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

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## AGENDA

Page No.

1. **Appointment of vice chair**
2. **Apologies**
3. **Declarations of interest**

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

4. **Minutes**

**5**

To agree the accuracy of the minutes of the meeting held on 5 June 2014.

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

**Purpose** - To determine the current planning applications as summarised on pages **13 - 14** of this agenda.

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10am on the day before the meeting.

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

Please note:

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

25 June 2014



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

## Access



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A hearing loop system is available.

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## **PLANNING APPLICATIONS COMMITTEE**

**10.15am to 12.30pm**

**5 June 2014**

Present: Councillors Bradford (chair), Gayton (vice chair), Ackroyd, Blunt, Button, Gihawi (substitute for Councillor Sands (S)), Grahame, Jackson, Little, Neale (from item 7 only)

Apologies: Councillors Sands (S) and Brociek-Coulton

### **1. DECLARATION OF INTERESTS**

There were no declarations of interest.

### **2. MINUTES**

**RESOLVED** to approve the minutes of the meeting held on 8 May 2014.

### **3. APPLICATION NOS 14/00324/F LAND TO THE REAR OF 39 UNTHANK ROAD, NORWICH**

The senior planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which summarised two further representations objecting to the proposal and one letter of representation in support.

Three local residents addressed the committee and outlined their objections to the proposed development which included the following concerns: harm to the conservation area and the loss of privacy and residential amenity; access through a single driveway and related increase in noise from vehicles, pedestrians and light pollution from the beam from vehicle headlights; and potential damage to the mature beech trees. The committee was requested to undertake a site visit.

A resident then spoke in support of the application and explained that as a former councillor she had visited the applicant and considered that the proposal did not encroach into other gardens, was efficient use of the site and would not be visible from the road. She also considered that the beech trees would be protected and that the sedum roof and appropriate landscaping would improve the appearance of the coach house.

The applicant explained that 39 Unthank Road had been his residence since the early 1970s and that the site to the rear had been purchased in 1998. The coach house was listed but was not of significant architectural value. There was no loss of

green space or amenity and the trees would be protected. His immediate neighbour at no 37 had not objected to the proposals.

Discussion ensued in which the senior planner referred to the report and answered members' questions. The committee sought reassurance about the roof-light and was advised that it could be opened for ventilation and was located above a landing area. The glass could be conditioned to be obscure glazed.  
The glass could be conditioned to be obscure glazed.

**RESOLVED**, unanimously, to approve:-

(1) Application No 14/00324/F at land to the rear of 39 Unthank Road and grant planning permission, subject to the following conditions:-

1. Standard time
2. In accordance with the submitted plans and details
3. Prior to commencement - detailed plans/specification to be submitted and approved; external lighting (including restrictions on lighting to the access), all external joinery (including roof lights), sedum roof construction/management, soffit cross-section, rain water goods.
4. Roof light to be obscure glazed.
5. Material samples/details of lime render mix.
6. Details of all tree protection measures/mitigation
7. Detailed landscaping scheme/hard surfaces/bio-diversity enhancements
8. Implementation of access and parking arrangements prior to first occupation
9. PD rights removed – fences/out buildings/extensions/roof alterations/insertion of windows

(2) Application No 14/00332/L at land to the rear of 39 Unthank Road and grant listed building consent, subject to the following conditions:

1. Standard time
2. Details of mortar/brick type where repairs to coach house /boundary wall are necessary
3. Details of any replacement slates.

#### **4. APPLICATION NO 14/00388/F 137 UNTHANK ROAD NORWICH NR2 2PE**

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports and apologised that there was an incorrect statement in the report under Housing supply relating to sui-generis HMOs was not relevant to the assessment of the planning application.

During discussion the senior planner referred to the report and answered members' questions.

**RESOLVED** unanimously to approve Application No 14/00388/F at 137 Unthank Road) and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with the approved plans;
3. The layout of the retail and café elements shall be in strict accordance with drawing 1180.52 rev B;
4. The rear external sales area to be conditioned to the hours of 0800 and 1900 seven days a week with the remainder of the unit to hours of 06:30 and 23:00 seven days per week;
5. Details of landscaping to the forecourt area, including cycle storage and parking as well as surface water drainage measures;
6. Details of boundary treatment to the south boundary including noise suppression qualities;
7. Details and samples of external materials including render colour, colour of the shop, window colour, roof material, rainwater goods, solar panels and the balcony material and colour;
8. Details of mechanical extraction and air handling units;
9. No demolition during March to September (inclusive);
10. Works to cease if contamination found during construction, until a remediation strategy is agreed;
11. Water efficiency measures to meet code level 4.

**5. APPLICATION NO 14/00396/F LITTLE TIMBERS, 2 SOUTH PARK AVENUE, NORWICH, NR4 7AU**

The planner (development) presented the report with the aid of plans and slides. He referred to a further representation and the officer response which was summarised in the supplementary report of updates to reports, circulated at the meeting.

The chair said that he could not permit the showing of a video submitted by one of the objectors; however, he was prepared to admit a couple of slides submitted by one of the speakers.

Three local residents addressed the committee and outlined their objections to the proposal, which included concern about increased traffic and lack of parking; the proximity to three schools and concerns about child safety; and that a HMO would be detrimental to the amenity of the area. The committee was asked to consider that the current planning permission for a family home was more appropriate use of this site and undertaking a site visit.

The applicant said she had rented out the property to up to seven people and had not received any complaints. She intended to rent out the new property to groups of students and that very few of them owned cars, so parking would not be a problem.

The planner referred to the report and responded to the issues raised by the speakers. The proposal was for a small house in a mixed use area, with a public house and the schools. Members were advised that there was congestion when children were dropped off or collected from school by parents and mini-buses. The highways officers considered that this proposal was acceptable and would not generate more traffic.

During discussion the planner together with the planning development manager answered members' questions. Members were advised that there was a large back garden to the property but three parking spaces were considered reasonable for as modest dwelling for eight occupants. It was noted that the committee knew the area and did not require a site visit.

**RESOLVED** with 6 members voting in favour (Councillors Bradford, Gayton, Blunt, Graham, Jackson and Little), 2 members voting against (Councillors Ackroyd and Gihawi) and 1 member abstaining (Councillor Button) to approve Application No 14/00396/F Little Timbers 2 South Park Avenue and grant planning permission, subject to the following conditions:-

1. Time limit.
2. In accordance with the approved plans.
3. Submission of samples.
4. Details of proposed finished floor levels and existing ground levels.
5. Details of hard and soft landscaping (including the retention of the existing hedges.
6. No occupation until the car parking area has been laid out and made available for use.
7. Submission of details of water conservation measures.
8. In accordance with the tree protection plan.
9. No site clearance during the bird nesting season.
10. Removal of permitted development rights for outbuildings/extensions.

#### Article 31(1)(cc) Statement

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

### **6. APPLICATION NO 14/00269/F 240 HALL ROAD, NORWICH, NR1 2PW**

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

During discussion and at the chair's discretion, the applicant explained that there was a 0.9m gap down the side between the fence and the side of the proposed building. The planning development manager referred to paragraph 18 of the report and said there was access from the front to the rear of the building for bin storage. There was no access to the site from the rear of properties in Cecil Road.

**RESOLVED**, unanimously, to approve application No 14/00269/F (240 Hall Road) and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. In accordance with plans
3. Details of external facing materials

4. Details of:
  - a) Car parking
  - b) Bin store
  - c) Cycle store
  - d) External amenity areas

*Provision prior to occupation*

5. Water conservation

#### Informatives

1. CIL
2. Refuse and recycling bins
3. Vehicle crossover
4. Permeable hardstanding to parking forecourt
5. Street naming and numbering

#### Article 31(1)(cc) Statement

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

#### **7. APPLICATION NO 14/00574/F 510 EARLHAM ROAD, NORWICH, NR4 7HR**

The planner (development) presented the report with the aid of plans and slides. She pointed out that there would be obscure glazing on any windows facing the adjacent property.

A local resident addressed the committee and expressed his concern that the development could potentially become a house in multiple occupation, impacting on the character of the area, and that there was inadequate parking in the vicinity.

The planner referred to paragraph 14 of the report and said that the proposal was for a four bedroom house. Members were advised that planning permission was not required in order to change a C3 dwelling into a C4 house in multiple- occupation with 6 or fewer unrelated occupants.

**RESOLVED** unanimously to approve application number 14/00574/F for 510 Earlham Road and grant planning permission, subject to the following conditions:

1. Standard 3 year time limit.
2. In accordance with plans.
3. Materials to match.
4. Side-facing upper-floor windows to be obscure glazed and non-opening except 1.7m+ above floor level.

(Councillor Neale was admitted to the meeting during the above item but did not take part in its deliberation.)

**8. APPLICATION NO 14/00509/F 2A KINGSTON SQUARE, NORWICH, NR4 7PF**

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

**RESOLVED** unanimously to approve application number 14/00509/F for 2A Kingston Square and grant planning permission, subject to the following conditions:

1. Standard 3 year time limit.
2. In accordance with plans.
3. Materials to match.

Informative:

The applicant is encouraged to carry out works between October – March to avoid disrupting roosting bats. In any case, if bats are discovered, the applicant should cease work and contact a qualified ecologist or Natural England for advice.

**9. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE, JAN-MAR 2014 (QUARTER 4, 2013-14)**

The planning development manager presented the report. He explained that there had been intermittent problems with the planning public access module. In response to a member's question he confirmed that an automated response was generated to acknowledge comments on planning applications.

Members also discussed ways in which the committee could be informed of the outcome of planning applications which were determined under delegated powers by the head of planning services.

**RESOLVED** to note the report.

**10. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS: 1 JANUARY TO 31 MARCH 2014 (QUARTER 4 2013 - 14)**

The planning development manager presented the report and referred to the supplementary report updating members on the progress of appeals, which was circulated at the meeting. He answered members' questions on the appeals process and that there were a number of appeals outstanding which would be reported to the committee in due course.

**RESOLVED** to note the report.

**11. PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE, JAN-MAR, 2014 (QUARTER 4, 2013-14)**

**RESOLVED**, having considered the report of the head of planning services, to note the report.

**12. THE CHAIR AND COMMITTEE MEMBERS**

**RESOLVED** to record the committee's gratitude to:

- (1) Councillor Bradford who was chairing his last meeting of the committee and had been its chair since May 2006, for his contribution to the committee and noting that he will continue to serve the committee as a member in the next civic year;
- (2) the following members or former councillors who were standing down from the committee: Councillors Little and Sue Sands; and Jo Storie, for their contribution to the work of the committee.

CHAIR





# Applications for submission to planning applications committee

## ITEM 5

3 July 2014

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
5(1)	14/00528/U	17	Castle Mall, level 2	Caroline Dodden	Change of use from retail (Class A1) to healthcare facility (Class D1) at Unit LS5.	Departure and objections	Approve
5(2)	14/00527/U	25	Castle Mall, level 4 (and parts of levels 3 and 5)	Caroline Dodden	Change of use from retail units (Class A1), restaurants (Class A3), healthcare facility (Class D1), cinema (Class D2) and mall walkway to restaurants (Class A3), mall area seating and mall walkway	Departure and Objections	Approve
5(3)	14/00613/O	33	Land between 335 and 337 Dereham Road	Kian Saedi	Erection of dwelling.	Objections	Approve
5(4)	14/00169/F	43	Land adj to 36 Sunningdale	John Dougan	Erection of dwelling	Objections	Approve
5(5)	14/00555/MA	61	Site Of 118 Magdalen Road	John Dougan	Material amendments to approved plans and details of previous permission 10/02009/F 'Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works.'	Objections	Approve

<b>Item No.</b>	<b>Case Number</b>	<b>Page</b>	<b>Location</b>	<b>Case Officer</b>	<b>Proposal</b>	<b>Reason for consideration at Committee</b>	<b>Recommendation</b>
5(6)	14/00445/F	<b>77</b>	Old School Court, Bracondale	Lara Emerson	Reconfiguration of car park to provide 7 no. additional car parking spaces.	Objections	Approve
5(7)	14/00733/F	<b>85</b>	117 George Borrow Road	Lara Emerson	Single storey rear extension	Objections	Approve

## **STANDING DUTIES**

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

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

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

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

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

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

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

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law**

#### ***Article 8 – Right to Respect for Private and Family Life***

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

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 3 July 2014

**Report of** Head of Planning Services  
**Subject** 14/00528/U Castle Mall Norwich

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

### SUMMARY

<b>Description:</b>	Change of use from retail (Class A1) to healthcare facility (Class D1) at Unit LS5 (level 2).
<b>Reason for consideration at Committee:</b>	Departure and objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Mrs Caroline Dodden Planner 01603 212503
<b>Valid Date:</b>	15th April 2014
<b>Applicant:</b>	InfraRedUK Retail Nominee 3 Ltd InfraRed UK Retail Nominee 4 Ltd
<b>Agent:</b>	Miss Amy Jones

### INTRODUCTION

#### The Site

##### Location and Context

1. The Castle Mall shopping mall was completed in 1993. The scheme redeveloped large parts of the city centre, in particular parts of the historic Timberhill and cattle market.
2. Unit LS5 is situated on Level 2 of Castle Mall. The unit is situated between units occupied by the Post Office and a discount store at St. Johns Place. The unit has a floor space of approximately 1,090 sq.m and has been vacant since 2008. It is understood that a combination of factors has meant the unit has been particularly difficult to let, including the limited retail frontage of this large unit.

##### Constraints

Castle Mall falls within the City Centre Conservation Area, the City Centre Leisure Area, the Area of Main Archaeological Interest and the Primary Retail Area.

##### Relevant Planning History

**09/00012/U** - Change of use from a restaurant (Class A3) to GP-led Health Centre (Class D1) at 115-117 Castle Mall (level 4). Approved at Planning Applications Committee February 2009

**14/00528/U** - Change of use from retail (Class A1) to healthcare facility (Class D1) at Unit LS5 (level 2). Pending consideration.

## Equality and Diversity Issues

There are no significant equality or diversity issues. Access issues are referred to in paras16-20

## The Proposal

3. Change of use from retail (class A1) to health care facility (class D1).

## Representations Received

4. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Nine letters of representation have been received, one letter is from the Business Manager of Norwich Practices Limited (NPL), citing the issues as summarised in the table below.

Issues Raised	Response
It will cost the NHS even more money to relocate in to larger premises, with higher rent and service charges and the huge cost of refitting.	Paragraphs 16 - 18
This unit is not as accessible and elderly patients may find it daunting.	Paragraphs 19 - 23
The landlord has not yet offered alternative premises which are suitable for the centre or are deliverable due to the high fit out cost, which the centre does not have and which neither NHS England nor a commercial lender are prepared to provide.	Paragraphs 16 - 18

## Letters of support

5. Three letters of support have been received wishing to see the GP surgery and walk-in services retained in the centre of Norwich but believe that the proposed unit would be a better location, offering the additional space that NPL have asked for and allow for the complete refurbishment of level 4 to create a true destination. It is considered to be more accessible to users being closer to primary pedestrian routes within Castle Mall, local bus services, the pharmacy and the main car park. Being on level 2 will also mean less changes of level for the majority of health centre visitors. It should not be a question of the new facilities and jobs or the health centre, but it can and should be both.

## Consultation responses

Norwich Society - Concerned about accessibility if the Walk in Health Centre is relocated from its present position off Timber Hill.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

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

- Statement 1 – Building a strong, competitive economy
- Statement 2 – Ensuring the vitality of town centres
- Statement 4 – Promoting sustainable transport
- Statement 8 – Promoting healthy communities

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014**

- Policy 6 – Access and transportation
- Policy 7 – Supporting communities
- Policy 11 – Norwich City Centre
- Policy 19 – The hierarchy of centres

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

- SHO10 - Changes of use in retail frontages in the Primary Retail Area
- AEC2 – Local community facilities in centres
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

### **Other Material Considerations**

#### **Development Management Policies Development Plan Document – (April 2013)**

- DM1 Achieving and delivering sustainable development
- DM20 Protecting and supporting city centre shopping
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel

Written Ministerial Statement: Planning for Growth March 2011

## **Principle of Development**

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

6. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

## **Policy Considerations**

7. Paragraph 70 of the NPPF states that planning policies and decisions should plan positively for community facilities and local services and guard against the unnecessary loss of valued facilities and services, particularly where it would reduce the community's ability to meet its day-to-day needs.
8. The site is located within the Primary Retail Area and forms part of a defined retail frontage within which there is a general presumption in favour of retail uses. Saved policy SHO10 deals with changes of use to non-retail uses although only deals with changes to class A2 (financial and professional services) and A3 (restaurants and café's) and does not specifically restrict non-retail uses outside the defined retail frontage area. This policy allows a percentage of non-retail uses in classes A2 and A3 where they would not have a harmful impact on the vitality and viability of the area and where the proportion of retail uses within the measured defined retail frontage should not fall below 85%.
9. Emerging policy DM20 reaffirms this policy approach, but extends the permitted non-retail uses to include uses within classes A4 and A5 and other main town centre uses. Proportions of non-retail uses have not yet been defined for this emerging policy and may be the subject of a future supplementary planning document.
10. The proposed use as a health centre falls within use class D1. As such, it is not a defined main town centre use within the NPPF. The proposal is assessed against saved policy AEC2 of the Local Plan. This policy sets out a sequential approach to the location of facilities in centres where a need exists. In this case the City Centre is considered to be the most sequentially appropriate location for such a use, which services the wider Norwich Area.
11. Emerging Policy DM22 permits new or enhanced public or community facilities where they are located within or adjacent to the city centre or existing and proposed local and district centres. It continues that development resulting in the loss of an existing community facility will only be permitted where an adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance.

## **Loss of retail floorspace**

12. The proposal forms part of the applicants on-going process of investment in Castle Mall designed to improve its appearance, increase footfall and reduce the number of vacancies.
13. The proposal would result in the loss of a retail unit, contrary to policy, in that Policy SHO10 and emerging policy DM20 seek to allow changes of use of retail premises to uses within the A2, A3, (and A4 and A5 for policy DM20) use classes.
14. Under Policy SHO10 the current percentage of non-retail uses for this central area shopping group (at July 2013) is 4.2%. The inclusion of unit LS5 as non-retail frontage (with approximately 9 metres of frontage) would increase the non-retail frontage to 5.2%, which falls well within the 15% non-retail policy allowance.

## **Change of use to health centre**

15. Unit LS5 has been identified by the Applicants as an alternative location for the existing Timberhill Health Centre, which is currently located on level 4 at no.115-117 Castle Mall.
16. Unit LS5 has been vacant for a lengthy period and it is not ideally suited to retail use by virtue of the large floor area, irregular shape and short length of shop frontage.



17. Consequently, it is considered that although the proposal would be contrary to policy, it would be acceptable, as it would enable the retention of a valuable community facility in an accessible city centre location.

### **Accessibility and servicing**

18. Although unit LS5 is positioned further in to the Mall complex than the existing location of the health centre, it is considered to be as accessible, particularly as it has the benefit of an easy route from the main mall car park and there are two pedestrian entrances close by at Castle Meadow and Cattle Market Street. Escalators and lifts connect all the floors within the mall. It is considered that a condition should be attached to ensure that the main mall car park remains open during the operational hours of the health centre.
19. Unit LS5 also has access to the shared service facilities, which are accessed from Market Avenue. It is understood that these facilities could also be used by emergency vehicles, such as ambulances.
20. The Travel and Access Statement submitted gives details of the various modes of transport that can be utilised to access Castle Mall. There are a number of regular bus routes that stop in close proximity, there is two dedicated car parks containing over 790 spaces within the mall, there is motorbike parking on Farmers Avenue and several cycle stands located close to the mall, particularly on Castle Meadow.
21. Disabled parking is also provided for within the Mall's own car parks and a Shopmobility scheme is in operation. On street disabled parking spaces are available on Ber Street and All Saints Green.
22. Overall, it is considered that the accessibility of unit LS5 is acceptable for the health centre use.

### **Conclusions**

23. Taking all material considerations in to account, it is considered that unit LS5 on level 2 of Castle Mall is a suitable central position for the relocation of the existing health centre use currently located on level 4 of Castle Mall. Although health centres do not fall within the definition of main town centre uses, it is considered that the relocation of the existing health centre within the Castle Mall shopping centre would be a highly beneficial community facility to retain within the city centre.

## **RECOMMENDATIONS**

To approve Application No 14/00528/U and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. In accordance with approved plans and details
3. The health centre hereby permitted shall not be open to patients or clients at any time when the main mall car park accessed from Market Avenue is closed.
4. The unit shall only be used as a health centre and for no other use within the D2 use class.
5. Should the health centre vacate the premises, the unit shall revert to retail use (class A1)

#### Article 31(1)(cc) Statement

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





## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 3 July 2014  
**Report of** Head of Planning Services  
**Subject** 14/00527/U Castle Mall Norwich

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

### SUMMARY

<b>Description:</b>	Change of use from retail units (Class A1), restaurants (Class A3), healthcare facility (Class D1), cinema (Class D2) and mall walkway to restaurants (Class A3), mall area seating and mall walkway at Level 4 (including areas of Levels 3 and 5).
<b>Reason for consideration at Committee:</b>	Objections and departure.
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Mrs Caroline Dodden                      Planner 01603 212503
<b>Valid Date:</b>	15 April 2014
<b>Applicant:</b>	InfraRed UK Retail Nominees 3 Ltd and InfraRed UK Retail Nominees 4 Ltd.
<b>Agent:</b>	Miss Amy Jones

### INTRODUCTION

#### The Site

##### Location and Context

1. Castle Mall is a multi-level retail shopping centre that was completed in 1993. It currently accommodates in excess of 350,000 sq ft of retail floor space, a cinema, a food court and a health centre as well as ancillary offices.
2. The application relates to the majority of level 4, which is accessed from Timberhill on the south side and Farmers Avenue on the north side. Small areas of level 3 and level 5 would also be included with the proposal.

## **Constraints**

3. Castle Mall falls within the City Centre Conservation Area, the City Centre Leisure Area, the Area of Main Archaeological Interest and the Primary Retail Area.

## **Planning History**

**09/00012/U** - Change of use from a restaurant (Class A3) to GP-led Health Centre (Class D1) at 115-117 Castle Mall (level 4). Approved at Planning Applications Committee February 2009

**14/00528/U** - Change of use from retail (Class A1) to healthcare facility (Class D1) at Unit LS5 (level 2). Pending consideration.

## **Equality and Diversity Issues**

The loss of the health centre from a city centre location would have some impacts on specific groups who may find it difficult to get to facilities outside of the city centre. It should be noted that access issues related to the new proposal for a health centre (application 14/00528/F) also referred to this committee are dealt with in that report.

## **The Proposal**

4. Change of use of level 4 (including areas of level 3 and 5) from a mix of four retail units (class A1), a health centre (class D1), a cinema kiosk (class D2) and mall walkway, including the reconfiguration of the existing restaurant uses to restaurants (class A3), mall seating and walkway.

## **Representations Received**

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. To date in excess of 50 letters of representation have been received, including one from Small Fish strategy consultants, together citing the issues as summarised in the table below - paragraph 8.
6. A letter from the Chairman of Norwich Practices Limited (NPL, the operator of the exiting health centre) has been received stating that it is a major public asset, which over 85,000 local people used last year. The current site has a central location with easy pedestrian and ambulance access. The landlord has not yet offered alternative premises which are suitable or deliverable. Its closure would have a significant and detrimental impact on a large section of the local population who depend on the walk in centre and GP practice. The letter also refers to the NPPF and saved and emerging local plan policies stating that the application is contrary to policy.
7. Three petitions have been submitted by Norwich Practices Limited. An on-line petition containing approximately 400 names, a petition from patients containing approximately 1800 names and a further group of 45 patient names and comments as listed below. The petitions call for the Castle Mall to renew the lease for the health centre.

Issues Raised	Response
The Timberhill health centre is an invaluable service for the population of Norwich and its surrounding villages. Its closure would have severe impact on the people it serves, A & E and other health facilities.	Paragraphs 21-22
Norwich needs a health centre it doesn't need more restaurants.	Paragraphs 16 - 22
The costs in moving the health centre and converting unit LS5 will be very high and there is likely to be higher running costs as it is a larger unit.	Paragraphs 16 - 24
The existing position of the health centre is ideally located in the city centre with good accessibility for all.	Paragraphs 16-22
Castle Mall should focus their efforts on the existing food court to make this more obvious and accessible.	Paragraphs 16 -22
The proposal is contrary to paragraph 70 of the NPPF, saved policy AEC3 and emerging policy DM22.	Paragraphs 9-15, 19, 22
If planning permission is approved, a planning obligation should be sought to cover the relocation costs of the health centre.	Paragraphs 22 and 25

## Letters of support

Eight letters of support from four commentators have been received, including letters from Norwich BID, the Castle Mall Centre Manager and the Norfolk Chamber of Commerce. The comments state that:

- The further investment in Castle Mall facilities will not only result in 120 new jobs but will help towards the significant regeneration of Timberhill, where the proposed restaurants would make best use of level 4, help support the cinema and generally boost the daytime and evening economy.
- We wish to see the health centre retained in the centre of Norwich and agree with Castle Mall that it is possible to do both - redevelop level 4 and have a new health centre. We support the on-going conversations between the private medical provider and Castle Mall.
- The alternative unit for the health centre would give them the additional space that they have asked for to deliver the services, which is more accessible for users being closer to the primary pedestrian routes within the mall.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

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

- Statement 1 – Building a strong, competitive economy
- Statement 2 – Ensuring the vitality of town centres
- Statement 4 – Promoting sustainable transport
- Statement 8 – Promoting healthy communities

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014**

- Policy 5 – The economy
- Policy 6 – Access and transportation
- Policy 7 – Supporting communities
- Policy 8 – Culture, leisure and entertainment
- Policy 11 – Norwich City Centre
- Policy 19 – The hierarchy of centres

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

- SHO10 - Changes of use in retail frontages in the Primary Retail Area
- SHO22 – Food and drink uses and conditions on hot food takeaways
- AEC3 – Loss of buildings for community use
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

## **Other Material Considerations**

### **Development Management Policies Development Plan Document – (April 2013)**

- DM1 Achieving and delivering sustainable development
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM22 Planning for and safeguarding community facilities
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel

Written Ministerial Statement: Planning for Growth March 2011

## **Principle of Development**

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

8. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.



## **Policy Considerations**

9. At the heart of the NPPF is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental, where the planning policies and decisions should be positive and promote competitive town centres.
10. Paragraph 70 of the NPPF states that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
11. Castle Mall is located within the Primary Retail Area, where there is a general presumption in favour of retail uses. Saved policy SHO10 deals with changes of use to non-retail uses to class A2 (financial and professional services) and A3 (restaurants and café's). Level 4 of Castle Mall does not form part of the defined retail frontage and the policy allows for additional café and restaurant (class A3) where they would have a beneficial effect on the vitality, viability and appearance of the area.
12. Emerging policy DM20 permits changes of use to A2, A3, A4 and A5 and other main town centre uses within defined primary and secondary retail areas
13. Saved Policy AEC3 states that development proposals leading to the loss or change of use of buildings in community use will only be permitted where it can be demonstrated that it is no longer suited for that use and that there is no viable alternative community use.
14. Emerging policy DM22 states that development resulting in the loss of an existing community facility will only be permitted where either adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance or it can be demonstrated that the facility cannot be preserved and evidence of marketing the premises is provided.

## **Proposed changes of use of four retail units (class A1) and cinema kiosk (D1 class) to restaurant uses (class A3)**

15. The proposal form part of an on-going programme of investment in Castle Mall shopping centre. Recent improvements include the upgrading of the existing food court, which largely supports the daytime function of the mall.
16. Level 4 is an important level within the mall as it provides pedestrian connections from Timberhill and Farmers Avenue, which also creates an internal street between the two locations. These entrances also provide two of the main access points to the cinema above.
17. The aim of the proposal is to reinvigorate and consolidate level 4 of Castle Mall, where many of the units have been vacant for a number of years, by creating a restaurant quarter that would seek to enhance the evening economy and support the existing cinema located on level 5. The proposed development complements the wider regeneration of the Westlegate/ Timberhill area and changes planned to traffic routes and the public realm through the St.Stephen's Outline Masterplan. Collectively, these proposals should increase the quality of linkages between this part of Castle Mall and other parts of the city centre core retail area.
18. Castle Mall was designed and built for retail and leisure uses. Level 4 of Castle Mall does not form part of the defined retail frontage and as such, saved policy SHO10 and emerging policy DM20 permit restaurant (class A3) uses. Therefore, the proposed changes of use of all the level 4 units' accord with the saved and emerging local retail policies, provided a condition is attached to restrict opening hours in line with other restaurants within the city centre leisure area, where they are permitted to be open until midnight.
19. It should be noted that, although indicative drawings have been submitted, the physical internal works required to create the different restaurant units do not require planning approval and so do not form part of this planning application.

### **Proposed change of use from a health centre (class D1) to restaurant use (class A3)**

20. It is extremely clear from the representations received that both the GP surgery and walk-in facility that make up the Timberhill health centre perform a highly valued function to the local community within the city centre.
21. In the absence of a requirement for the alternative provision of the health centre in the city centre, the change of use of the health centre to a restaurant use is contrary to saved policy AEC3 and emerging policy DM22 to protect community facilities. However, it is considered that material considerations exist which suggest that an exception from this policy may be justified. In particular it should be noted that:
- the existence of a walk in health centre in the City Centre is entirely driven by a central contract with the NHS which secures provision of these services free at the point of use;
  - the health centre only occupies part of level 4 of Castle Mall, where many other retail units have been vacant for long periods. It is not realistic to suggest that the remainder of the proposal could be delivered with the health centre retained in situ. Therefore retention of the health centre in its current location effectively prejudices the wider revitalisation and investment in the shopping centre; and
  - there are clearly a range of alternative premises (both within and outside of Castle Mall Shopping Centre) that could meet the need for a health centre should an appropriate contract be provided. The unit on level 2 of Castle Mall which is the subject of application ref 14/00528/U is only one example of where this provision could be made.

### **Local Finance Considerations**

There are no direct financial considerations as a result of the proposal but it is hoped that new businesses will be attracted to the currently vacant units within the Mall which would result in payments of business rates, and that footfall within Castle Mall will increase with benefits to the local economy.

### **Conclusions**

22. In planning terms, the principle of the proposed changes of use to provide a restaurant quarter (class A3) on level 4 and areas of levels 3 and 5 of Castle Mall accords with national guidance and local planning policy in relation to retail uses within primary retail areas. The proposal would help revitalise long term vacant units, which is likely to boost the daytime and evening economies and complement current regeneration within the area.
23. Notwithstanding the degree of conflict with saved policy AEC3 and emerging policy DM22, it is considered that in the light of the material considerations referred to in para 22, any attempt to formally link the two applications either by refusing this application on the grounds of loss of a community facility or requiring the provision of the health centre in a new location prior to implementation of the proposal on level 4 (whether by 'Grampian' condition or legal agreement) is not appropriate as it would be unlikely to be upheld on appeal if challenged and may not be considered lawful.
24. There are commercial negotiations ongoing between NHS England and Norwich Practices Limited (NPL) about the nature of any contract extension for the provision of health services in the city centre and also between NPL and Castle Mall (and potentially other landlords) about potential locations for the provision of these services. These are commercial negotiations with which the planning system should not seek to interfere.
25. Therefore, it is recommended to approve the application subject to the conditions listed below.

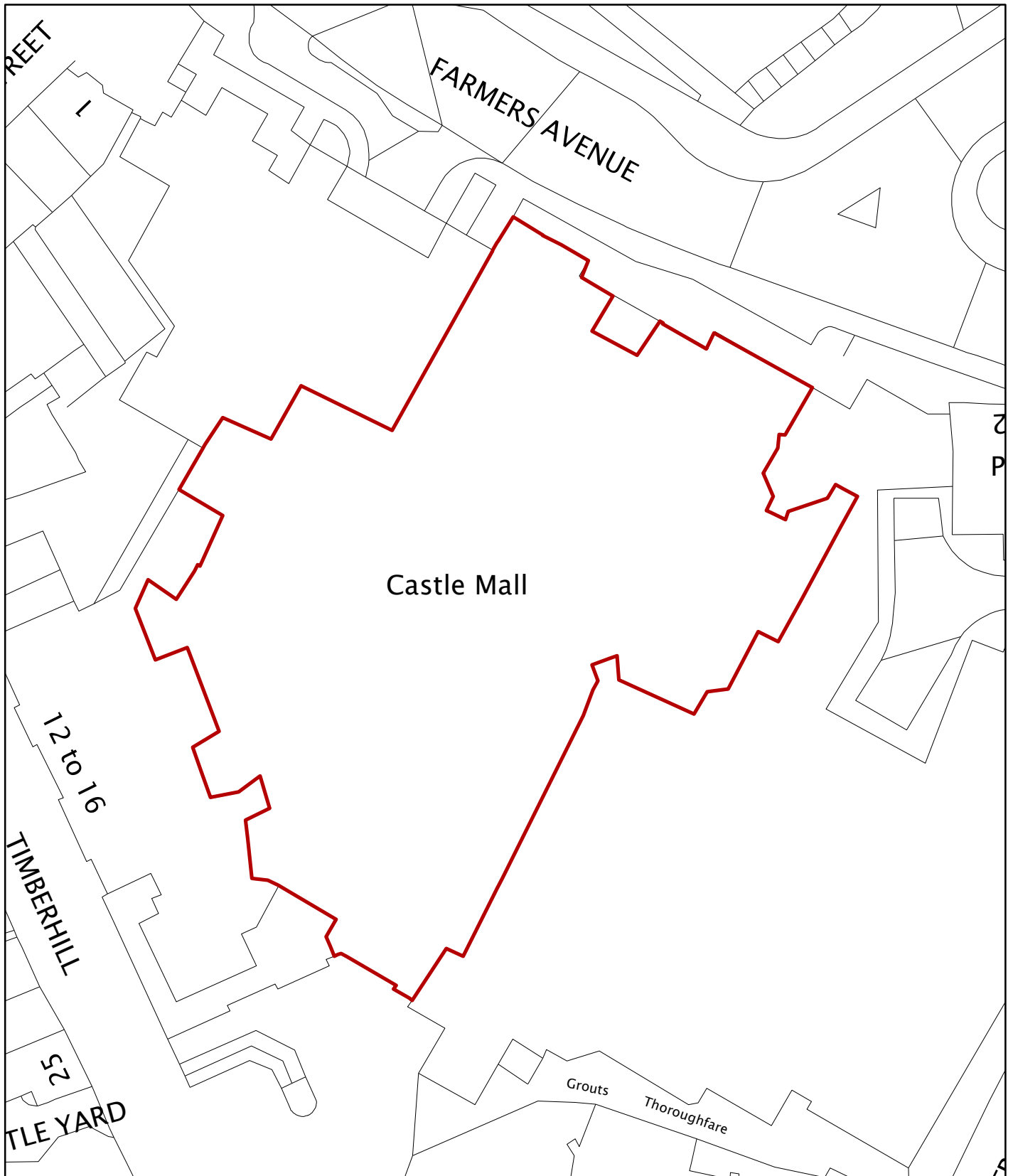
## **RECOMMENDATIONS**

To approve Application No 14/00527/U and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. Development in accordance with approved plans and drawings
3. Submission of details of plant and machinery
4. Submission of details of extract ventilation
5. Closed to the public between the hours of 00:00 hours and 07:00 hours on any day

Article 31(1)(cc) statement

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



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Planning Application No 14/00527/U

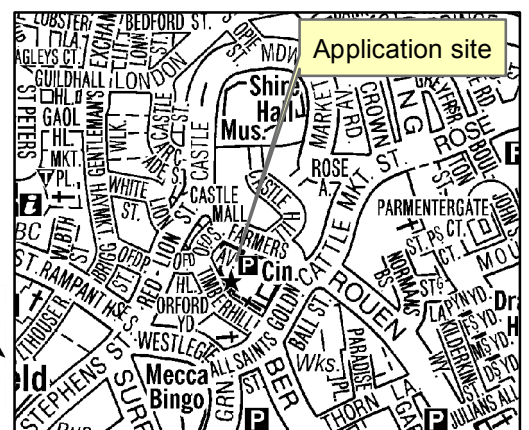
Site Address Castle Mall Level 4  
and parts of levels 3 and 5

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 03 July 2014  
**Report of** Head of Planning Services  
**Subject** 14/00613/O Land Between 335 And 337 Dereham Road

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

### SUMMARY

<b>Description:</b>	Outline application for the erection of 1 No. three bedroom dwelling.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Wensum
<b>Contact Officer:</b>	Mr Kian Saedi Planner 01603 212524
<b>Valid Date:</b>	1st May 2014
<b>Applicant:</b>	Norfolk County Council
<b>Agent:</b>	NPS Property Consultants Ltd

### INTRODUCTION

#### The Site

##### Location and Context

1. The site is located on the north side of Dereham Road between numbers 335 and 337 and the surrounding area is predominantly residential. The playground and sports field of Wensum Junior School is located to the rear of the site to the north.
2. The piece of land the subject of this application is currently undeveloped but rented out by Norfolk County Council to the occupants of 337 Dereham Road for use as additional garden space.

##### Constraints

3. The site is located within 500m of Heigham Waterworks. The HSE has not advised against the granting of planning permission on health and safety grounds in this case.

##### Planning History

4. 4/90/0564/S – Use of land for residential development between 335 and 337 Dereham Road with the reserved matters of siting, design and external appearance, means of access and landscaping of the development conditioned – approved in 1990..

#### Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

5. The application seeks outline planning permission for the erection of 1 No. three bedroom dwelling with approval sought for the reserved matter of access only.

## Representations Received

6. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received.

Issues Raised	Response
What is to become of "Finch Road" and right of way between the park entrance?	Para. 23
Why have we not been offered the piece of land in question and will we be compensated for the money already paid for the annual rent of the land?	Para. 24
The loss of the land will have an adverse impact upon the enjoyment of the neighbouring property.	Para 25
Loss of light and privacy	Para. 12-14 and 26
The driveway leading to the garage of 337 Dereham Road at the rear of the site should be no less than 8 feet across. The proposed plan does not adequately reflect this agreement of 8 feet.	Para. 18
Concern that the proposed dwelling will block the view from the side window	Para 26

## Consultation Responses

7. Health and Safety Executive (HSE) – "The HSE does not advise, on safety grounds, against the granting of planning permission in this case."

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

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

#### Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water  
Policy 4 – Housing delivery  
Policy 6 – Access and transportation  
Policy 9 – Strategy for growth in the Norwich Policy Area  
Policy 12 – Remainder of Norwich area  
Policy 20 - Implementation

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

NE3 - Tree protection, control of cutting and lopping  
NE8 - Management of features of wildlife importance and biodiversity  
NE9 - Comprehensive landscaping scheme and tree planting  
HBE12 - High quality of design in new developments  
EP3 – Health and Safety consultations  
EP16 - Water conservation and sustainable drainage systems  
EP22 - High standard of amenity for residential occupiers  
HOU13 – Proposals for new housing development on other sites  
TRA6 - Parking standards - maxima  
TRA7 - Cycle parking standards  
TRA8 - Servicing provision

**Supplementary Planning Guidance, Supplementary Planning Documents  
Development Management Policies Development Plan Document – Pre-submission policies (April 2013)**

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies:

DM1 Achieving and delivering sustainable development  
DM2\* Ensuring satisfactory living and working conditions  
DM3\* Delivering high quality design  
DM6\* Protecting and enhancing the natural environment  
DM7 Trees and development  
DM30\* Access and highway safety  
DM31 \* Car parking and servicing

\* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its context. However, the main thrust of ensuring adequate design is held in place through the relevant Local Plan policies listed above.

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU13 of the local plan can be given no weight in determining this planning application.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

**Other Material Considerations including:**

Written Ministerial Statement: Planning for Growth March 2011

Interim statement on the off-site provision of affordable housing December 2011

The Localism Act 2011 – s143 Local Finance Considerations

National Planning Policy Guidance (NPPG) (March 2014)

## **Principle of Development**

### **Policy Considerations**

8. The application is for outline planning permission with approval sought only for the reserved matter of access. Consent was previously granted for a single dwelling in 1990.
9. There is a presumption in favour of sustainable development, as identified within the National Planning Policy Framework 2011 (NPPF). This requires development that accords with the development plan should be approved without delay. The acceptability of the proposed development in terms of the development plan is now considered further.
10. The site is located on an undeveloped piece of land in an established residential area. The site is well served by public transport links to the city centre and surrounding area where a variety of shops and services are available. The principle of residential development on the site is therefore considered to be acceptable subject to satisfying the requirements of development plan policies.
11. This application seeks approval only for the reserved matter of access, with appearance, landscaping, layout and scale remaining to be agreed as reserved matters.



## **Impact on Living Conditions**

12. Both layout and scale are reserved matters to be determined at a later stage. At the point at which the matters of layout and scale are assessed it will be important to ensure that the development does not impact negatively upon the residential amenity of neighbouring properties with regard to potential overshadowing, overlooking, noise and any sense of overbearing. There is no requirement for the applicant to provide upper and lower limits of the development but indicative drawings have been included as part of the application. The drawings and accompanying design and access statement indicate the proposed dwelling consistent with the form, appearance and scale of surrounding properties. Whilst the precise appearance and scale of the dwelling will need to be agreed within reserved matters, sufficient information has been submitted to provide confidence that an acceptable design can be achieved at the site.
13. Landscaping details are also reserved to be determined at a later date. The site benefits from sufficient space to be able to provide a satisfactory level of outdoor amenity space for future occupants as well as a dedicated area for refuse/cycle storage. This is reflected in the indicative plans submitted.
14. Landscaping details should also soften the overall appearance of the development with suitable boundary treatments ensuring the privacy of future residents without impacting negatively upon neighbouring residents.

## **Design**

### **Layout**

15. The final appearance, materials and design are reserved to be agreed. The final design should be consistent with the form and appearance of adjacent properties in the street scene. The indicative plans demonstrate that such a design can be achieved with a two-storey dwelling, featuring a double height projecting bay, which is common amongst existing detached properties located further west along Dereham Road.

## **Transport and Access**

### **Access and Servicing**

16. Access details have been submitted for approval. The site benefits from an existing vehicle crossover that is suitable for the proposed use. The access arrangements also provide sufficient turning space to allow vehicles to exit the site in a forward gear onto Dereham Road.
17. The indicative plans submitted show provision for refuse storage. It would be advantageous if residents could wheel bins onto hard standing for ease of collection but this detail can be addressed as part of any reserved landscaping/layout details to be agreed at a future date.
18. The applicant has stated that the adjoining properties 335 and 337 Dereham Road both have a right of way over the side driveway and that these rights are written into the deeds for each property. The illustrative layout plan demonstrates that the shared access drive is retained allowing both 335 and 337 access to the rear of their properties where their garages are located. The width of the driveway has been measured at 2.44 metres (8 feet), which is sufficiently wide enough to serve as a vehicular access.

19. 337 Dereham Road has been designed with the front door fronting east onto the plot of land the subject of this application. Unlike the neighbouring property to the east (number 335), number 337 has a door and windows on the side elevation. The shared access drive will ensure that a buffer exists between the proposed development and number 337, which will lessen any sense of overbearing that may otherwise be created by the proposed development being in closer proximity. Careful consideration to scale, layout and design at reserved matters stage will ensure that the proposed development doesn't result in an unacceptable level of harm to the amenity of neighbouring properties.

### **Car and Cycle Parking**

20. The indicative layout plan shows secure and covered cycle parking as well as two car parking spaces. This would accord with the maximum standards set out in the appendices for both the adopted Local Plan and emerging Development Management Plan.

### **Water Conservation**

21. The new dwelling needs to meet Code for Sustainable Homes Level 4 for water, (water usage of only 105 litres per person per day). A condition is recommended to ensure this is achieved.

### **Trees and Landscaping**

22. The proposal is acceptable in principle in terms of arboricultural impact but an Arboricultural Impact Assessment (AIA) would be required at reserved matters stage. The AIA should include those trees located on the edge of the field to the rear of the site.

### **Other Issues Raised**

23. Concern has been raised regarding the shared right of access of the side driveway also referred to as "Finch Road". The matter of access has been included within this outline application for approval. The layout plan and design and access statement identify the shared rights of access over the side driveway and also its preservation in order to protect the rights of access of both numbers 335 and 337 Dereham Road.

24. The occupant of number 337 Dereham Road currently has a lease arrangement in place with NPS, as agents working on behalf of Norfolk County Council, to use the site in question for use as garden space. The issue has been raised as to why this area of land has not been offered to number 337 and whether compensation will be offered for the amount of annual rent already paid. The applicant has indicated that a legal process has begun to terminate this contract. This is a legal matter and cannot be considered as part of the assessment for this planning application.

25. An objection has also been received stating that the loss of this piece of land will harm the enjoyment of the residents currently renting it out. Whilst this may be the case and is regrettable, the application site is in separate ownership and the termination of the lease agreement allowing its use by the neighbouring property cannot be considered material to this application. Number 337 Dereham Road benefits from garden space at front and rear, sufficient in size to serve the detached dwelling.

26. Concern has been raised that the proposed development will block the view from the side window on number 337 Dereham Road. The loss of a view cannot be considered as a material planning consideration. Appearance and scale will need to be approved

within a reserved matters application at a future date, and careful consideration will need to be given in ensuring no significant harm to the residential amenity of neighbouring properties in terms of overlooking, overshadowing and any sense of overbearing.

## Local Finance Considerations

27. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

<b>Financial Liability</b>	<b>Liable?</b>	<b>Amount</b>
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes – unless self build exemption applies.	£75 per square metre. Internal living space of dwelling is not yet known.

## Conclusions

28. The site is in an accessible location well served by public transport links to the city centre and surrounding area where a variety of shops and services are available. The access details included within this application are acceptable and ensure the retention of the shared access drive for both neighbouring properties as well as enabling vehicles to safely exit the site in a forward gear. Based upon the indicative information it is considered that a scheme can come forward at the reserved matters stage that satisfactorily preserves the amenity of neighbouring residents and be of an acceptable design standard.
29. Subject to agreement of reserved matters relating to appearance, landscaping, layout and scale, and conditions relating to tree protection and water conservation, the development is considered acceptable and in accordance with Sections 4, 6, 7, 10 and 11 of the National Planning Policy Framework (March 2012), Policies 1, 2, 3, 4, 6, 9, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE3, NE8, NE9, EP3, EP16, EP22, HBE12, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations

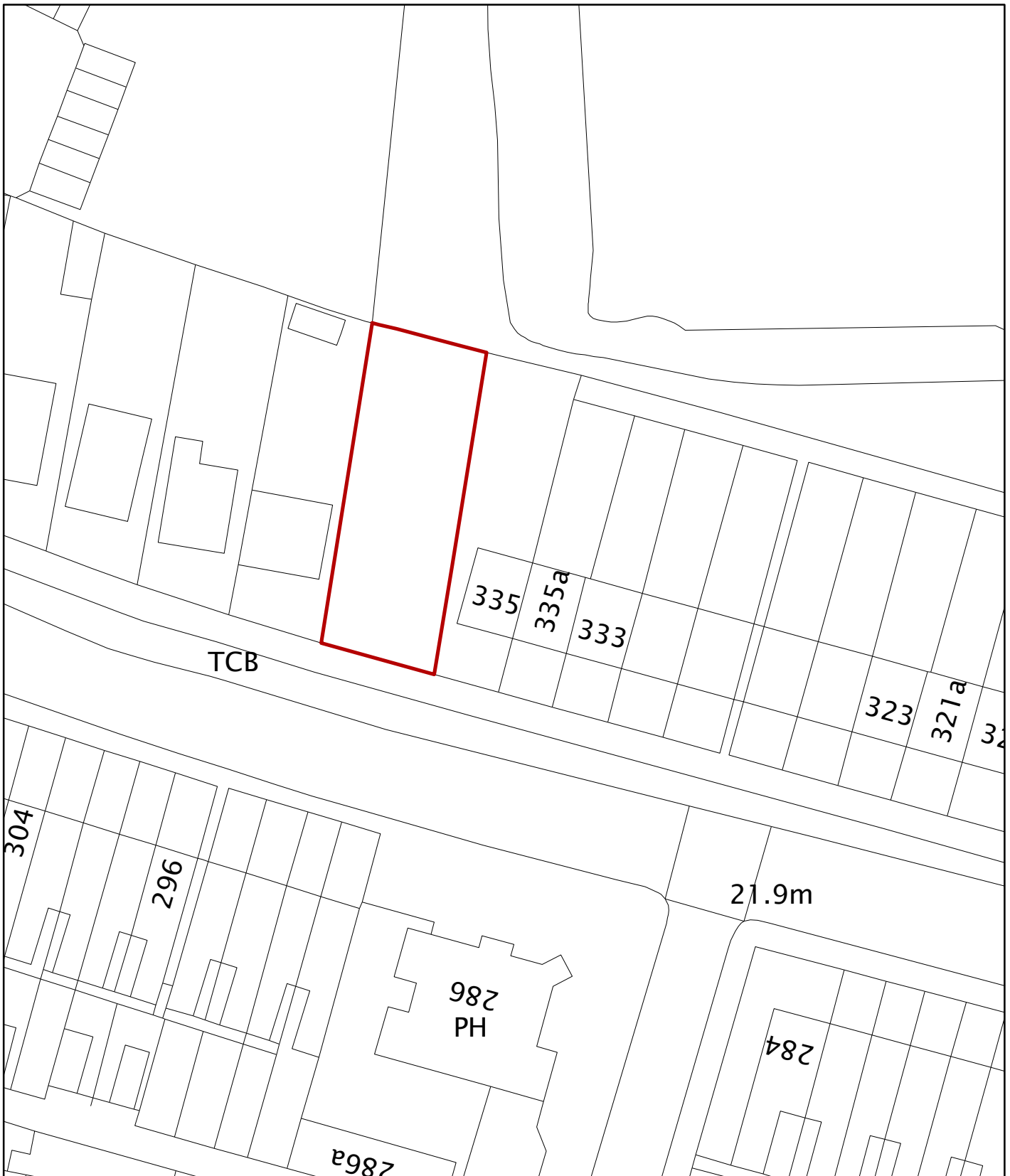
## **RECOMMENDATIONS**

To approve Application ref.14/00613/O at land between 335 and 337 Dereham Road and grant planning permission, subject to the following conditions:

- 1) Standard time limit for outline application.
- 2) No development until approval of reserved matters including appearance, landscaping, layout and scale.
- 3) Development in accordance with plans in respect to access.
- 4) Water conservation.
- 5) No development in pursuance of this permission until an AIA has been submitted and approved in writing by the local planning authority.
- 6) Details of secure cycling storage and refuge storage.

Informatives:

- 1) Refuse and recycling bins to be purchased by applicant with agreement from the Council's city wide services department.
- 2) Any hard standing to be of a permeable material.
- 3) Street name and numbering enquiries.
- 4) Construction working hours.
- 5) Outline permission only, no permission granted for specific layout or design of development. However ,a single storey or more than two storey property is unlikely to be considered an acceptable design as it would be out of character with the surrounding area. Further submission of reserved matters required.



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Planning Application No 14/00613/O

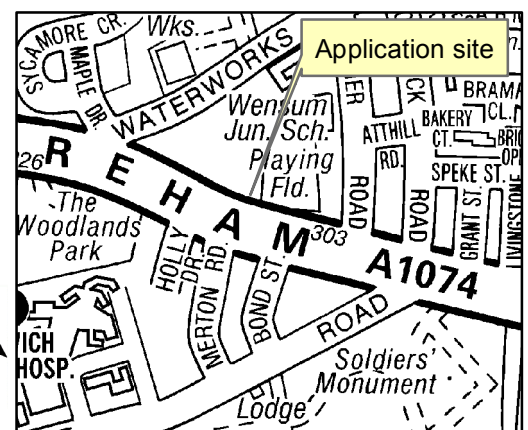
Site Address Land between 335 and 337  
Dereham Road

Scale 1:500



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PLANNING SERVICES



# KEY



Land with existing rights of access for 335 (1984 deed) & 337 (1985 deed) Dereham Road

1.8m close boarded fence

parking

parking

Shed

1.8m close boarded fence

Position of Dwelling For Illustrative Purposes Only  
Access to be Fixed as Shown

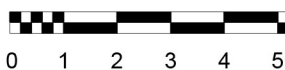
Bins

1.m timber pallisade fence

Hedge

2.44m (8ft)

SCALE IN METRES



0 1 2 3 4 5

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A 16 04 14 fence and access revised

REV DATE DESCRIPTION

Address.

Land between 335 and 337 Dereham Road Norwich Norfolk

Title.

Illustrative Site Layout Plan

Plan No.

01-01-13-2-1344/03

Scale

1:100 @ A3

Date:

March 2014

42

DRAWN BY

RG

CHECKED BY

RS

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nps group

## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 03 July 2014  
**Report of** Head of Planning Services  
**Subject** 14/00169/F Land adj to 36 Sunningdale

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

### SUMMARY

<b>Description:</b>	Erection of 1 no. four bedroom dwelling with garage.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Eaton
<b>Contact Officer:</b>	Mr John Dougan Planner 01603 212504
<b>Valid Date:</b>	07 February 2014
<b>Applicant:</b>	Jenkinson Properties Ltd
<b>Agent:</b>	David Futter Associates Ltd

### INTRODUCTION

#### The Site

##### Location and Context

1. The site is in a residential area and consists of various styles including chalet and two-storey, with a mixture of materials include red brick, buff brick and cladding. Most of the dwellings sit on generous plots with varying spatial characteristics between each of the dwellings. However, the area to the south-east and west has been redeveloped with modern contemporary properties built using a combination of brick and render.
2. Mature oak trees run along the public footpath that links Sunningdale and Wentworth Green. This group contain trees which have tree preservation order status.
3. The application site lies between the public footpath to the south-west and the adjoining property to the north-east i.e. 36 Sunningdale which is a two storey dwelling with an open garden to the front and garden to the rear. The south-west elevation of no.36 has no windows at first floor level and a small window at ground level but it is not believed to be a primary window serving a habitable room.
4. The adjoining property to the rear is a two-storey dwelling which has windows and a balcony which overlook the application site.
5. Existing boundary treatment to the rear is a combination of 2m. close board fence and overgrown hedge, with the boundary with no. 36 being a 2m close board fence. The boundary to the south-west contains an extensive overgrown hedge. The site is generally in a quite an overgrown state.

## Constraints

6. The site has a group of trees along the boundary with the footpath that have tree preservation orders on them.

## Planning History

08/00046/U - Change of use of site as builders secure compound whilst the site opposite is developed. Single container to be stored on site. (Approved for a temp period 25.04.2008)

The planning history of the site is limited, as the site was part of wider development of the area. There is no evidence to suggest that the land is a piece of open space associated with the wider housing development. It is therefore concluded that the mature TPO trees that run along the south-west boundary were a constraining factor in the re-development of the site.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

7. The original application was for a 2 storey, 4 bedroom dwelling with double garage with a higher ridge height than the adjoining property.
8. However, following discussions with officers a revised proposal was submitted being a two storey chalet style dwelling with a narrower garage.
9. The development would be accessed from Sunningdale, with a garden to the front, rear and side.

## Representations Received

10. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.
11. The application was subject to a further period of consultation expiring on the 6<sup>th</sup> June.

Issues Raised	Response
The land has been an amenity to the area. A new dwelling would remove valuable green space	Para 15
Adverse impact of on pedestrian / cyclist safety (inc children) due to the position of the access next to a footpath/cyclepath -	Paras 46 - 49
The building is too close to our boundary (no.36), is not characteristic of the area. The dwelling should be located further to the SW of the site	Paras 19 – 22 and 28



A building being too close to our boundary (no.36) will result in loss of light to our ground floor window and amenity area.	Paras 38 to 42
The dwelling of this size is not considered to be reflective of other properties in the area which are predominantly separated by flat roof garages helping retain spatial characteristics evident in other properties.	Paras 19 – 22 and 24 - 31
If planning permission is to be granted, it should be conditional on the dwelling being at least 4 metres from our boundary (no.36).	Para 31
Adverse impact on parking due to construction traffic and new occupants parking in front of driveways	Paras 46 -49
The ridge height of the dwelling is too high and the massing is excessive	Paras 25 -28
The dwelling will block light to our property (no.6) and restrict view.	Para 41
The development will overlook my property (no.5)	Paras 43 - 45

Norwich Society – Concern about the impact on the existing oak trees.

## Consultation Responses

12. Transportation – No objection. It would appear that vehicles may need to reverse out onto Sunningdale. Whilst this is not ideal, it is a low speed, low traffic route. There is no other practical vehicle access solution and an objection is unlikely to be sustained at appeal on the basis of visibility on a low traffic, low speed cul-de-sac.

13. Natural Areas Officer – Concern relating the protection of the Oak trees including possible pressure to severely reduce the canopy in the future should approval be granted. Any significant tree works or clearance of shrubby vegetation should take place outside the main bird breeding season (March to August inclusive), but if works are to occur during this period, a suitably qualified ecologist should first inspect the area for any signs of nesting activity. It is also possible that other animal species such as common toad and hedgehog may be present so ground vegetation clearance should be carried out sensitively to avoid possible harm. During building works, any open excavations should be covered at night and during periods when work is not taking place to avoid animals falling in and becoming trapped.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

- Statement 6 – Delivering a wider choice of high quality homes
- Statement 7- Requiring good design
- Statement 11- Conserving and enhancing the natural environment

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

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

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

- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP16 Water conservation
- EP22 – High standard of residential amenity
- NE1 – Protection of environmental assets from inappropriate development
- NE3 – Tree protection
- NE8 – Management of features of wildlife importance and biodiversity
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

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

- DM2 - Ensuring satisfactory living and working conditions
- DM3 - Delivering high quality design
- DM6 - Protecting and enhancing the natural environment
- DM7 - Trees and development
- DM12 – Ensuring well planned housing development
- DM28 – Encouraging sustainable travel
- DM30 – Access and highway safety
- DM31 – Car parking and servicing

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

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

### **Housing supply**

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

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

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

## **Principle of Development**

### **Policy Considerations**

14. The NPPF is in place stating that there is a presumption in favour of sustainable development. It is also noted that paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The primary focus of this legislation is therefore material to this assessment. Residential gardens are also no longer considered to be classed as brownfield land.
15. However, in this case the land in question is not considered to be part of the curtilage of an existing property, but a piece of land that, for whatever reason, has not been developed. It is not designated as open space, nor is there any evidence to suggest that the land in question was a piece of public open space which formed part of the original housing development. The land is in fact under private ownership.
16. Policies HOU13, HBE12, EP22 are used to assess the appropriateness of such development and whether or not it would cause significant harm to the area.
17. The site is in residential location use, being relatively close to public transport routes and a cycle route into the city. A dwelling will also contribute to the city's housing stock.
18. Therefore the principle of a dwelling in this location is considered to be acceptable.

### **Character**

19. The proposal is of scale, design and layout which is consistent with the character of this area.
20. It is acknowledged, that many of the plots contain flat roof garages which help contribute to the spacing between each of the properties and that the spacing between the proposal and the dwelling to the north east (no.36) is less than other examples in the area.
21. However, new development does not have to replicate every characteristic of the existing built environment. If this were the case, the modern development opposite the site would not have been acceptable. In this instance the proposal is of scale and design which strikes the balance in being sympathetic to the existing character and introducing new design features and characteristics into the area. The visualisation provided by the applicant demonstrates that the proposal can sit sensitively within the wider environment.
22. The separation between both dwellings does not result in significant harm to the character and local distinctiveness of the area.
23. It should also be noted that the development includes the retention of the mature trees, which in themselves are a defining feature which contributes to the areas local distinctiveness. The proximity of the original design due to the scale and height of the roof could have resulted in pressure to remove the canopy in the future.
24. The revised design has a lower roof and the Council's tree officer has stated that this would improve the liveability of the tree. Whilst this is not ideal, the impact is not

considered significant enough to warrant refusal. Therefore, it is considered that the quality of the trees can be secured, ensuring that following completion of the dwelling, the trees can still contribute to the character and local distinctiveness of the area.

### **Scale, design and layout**

25. The key policies relevant to this section are HBE12 and emerging policies DM3 and DM4.
26. The previous proposal contained a ridge height and proportions which were not considered to be sympathetic to visual amenities of the street scene. Its north east elevation was also considered to be too overbearing, potentially resulting in significant overshadowing of the neighbouring property (no.36). The key concern was the proximity of the dwelling and its associated massing next to the Oak trees, potentially having an adverse impact on their liveability in terms of pressure to reduce the canopy.
27. The applicant has responded to some of the officer concerns about the scale and siting of the dwelling. The proposed dwelling is of a scale and design which is very similar to the surrounding properties, incorporating modern design elements which are reflective of emerging schemes in the area such as the one opposite.
28. The street scene and visualisation provided by the applicant, demonstrate that the dwelling is well proportioned in terms of its relationship with the size of the plot and also the wider street scene. The ridge height and roof profile is also considered very similar to those evident in the wider street scene, with the front dormers helping break up the massing roof.
29. The site is well laid out, with the front of the dwelling respecting the front and rear build lines of the dwelling to the north-east. There is adequate open space to the front of the property for a driveway and off street parking and a private rear garden similar in size to other examples in the area.
30. The rear amenity area and rear windows of the new dwelling will be partially overlooked from the rear, particularly from no. 6 Carnoustie's balcony. Whilst this is not ideal, the neighbouring property is considered to be set back from the boundary at a distance which should not result in significant loss of privacy for the new occupants. The degree of overlooking reduced further by the placement of trees in front of the existing close board fence. This matter can be secured by condition.
31. The assessment of the scale, design and layout of the proposal has been assessed on the basis of the plans submitted and deemed to be acceptable. A condition requiring that the dwelling be moved a distance of 4 metres from the boundary is not considered to be necessary nor reasonable.

## **Impact on Living Conditions**

### **Future residents**

32. Large proportions of the space to the rear is likely to be overshadowed in winter months, due to its proximity to the mature TPO trees. Furthermore, part of that rear amenity space will be overlooked by the dwelling to the rear.
33. Whilst this is not ideal, this is compensated by the fact that the site is well served with large areas of private amenity space for the residents. Similarly, these slightly

negative characteristics of the site will be quite clear to see for any prospective purchasers enabling them to make an informed decision on whether or not the amenity arrangement is suitable for their needs.

## Neighbouring amenity

### Overbearing nature

34. The new dwelling will be in close proximity to existing properties, the key receptors being no. 36 Sunningdale and nos 5 and 6 Carnoustie to the rear.
35. The revised proposal occupies a footprint which respects the front and rear building lines of no.36. The ridge height is also slightly lower than the ridge height of that adjoining property. Therefore a dwelling that is of a similar scale to other examples in the area cannot be reasonably considered as overbearing when viewed from the rear or from the front.
36. The development will introduce a new two-storey façade in close proximity to the boundary with no.36. However, as this south-west side of the adjoining property does not contain any first windows serving any habitable rooms, no significant loss of outlook will result.
37. The adjoining property has a small window to the ground of its south-west elevation. However, as this is not considered to be a primary window, no significant loss of outlook will result.

### Overshadowing / daylight

38. The siting of the dwelling will result in some loss light or sunlight accessing the side window of no.36. However, this impact is reduced by the fact that the window in question is not a primary one, so the significance of the impact is less. Furthermore, the steeper pitch of the chalet roof will mean that the window will still receive some daylight and sun light.
39. The proximity of the extension might result in some overshadowing to the small amenity area to the side of no.36. Whilst this may be the case, the area in question is not considered to be a primary private amenity space, so any impact is considered significant.
40. Due to the orientation of the new dwelling, no.36's rear garden may receive some additional overshadowing from midday through the afternoon. This impact is lessened by the fact the massing of the dwelling has been reduced by virtue of the chalet style roof and that the rear elevation is in line with the rear of the adjoining property. These mitigating factors should also be taken in the context of the sites close proximity to the mature Oak trees which may already project some overshadowing towards the rear garden of no.36.
41. The dwellings to the rear will not be adversely impacted by any overshadowing or loss of daylight. This is due to the more than adequate separation distance between the dwellings.
42. Weighing up the impacts and mitigating factors, it is considered that the proposal would not result in unacceptable levels of additional overshadowing which would result in significant loss of amenity for the adjoining properties.

### Overlooking / privacy

43. There are no new first floor windows to the north east elevation of the proposed

dwelling. This will mean that the adjoining property (no.36) will not experience significant loss of privacy.

- 44. There will be first floor windows serving bedrooms 3 and 4, looking directly in line to the rear of nos. 5 and 6 Carnoustie, in particular no. 6 Carnoustie's rear balcony.
- 45. The overlooking or associated privacy issues between both properties is not considered to be significant due to the separation distance between opposing elevations being some 25 metres. The level impact will be reduced further by the addition of appropriate landscaping along that boundary which can be secured by condition.

## **Transport and Access**

- 46. Saved policy TRA5 reinforces the need for design which makes appropriate provision in terms of layout for access and parking.
- 47. A single dwelling would not intensify the use of the access to a level which would result in a significant adverse impact on highway safety or the safe use of the foot way or cycleway.
- 48. The local highway authority has confirmed that they have no objection to the proposal, confirming that due the access being in a low speed, low traffic route.
- 49. Whilst the frontage of the site is quite close to the footpath/cycleway, it is still considered to be a relatively open frontage which should not lead safety issues that cannot be reasonably managed by the builders during the construction process. Any on road parking by construction vehicles and operatives would not be an impact which would result in any long term burden for the surrounding properties.

## **Water Conservation**

- 50. No details submitted. This matter is considered to be achievable so it is recommended that an appropriate condition be added to any approval.

## **Trees, landscaping and biodiversity**

### **Trees**

- 51. The impact on nearby mature protected trees is a major consideration for this development. The trees in question are located along the south west boundary and the footprint of the dwelling and associated driveway/turning area being within the route protection zone of two of those trees.
- 52. Under normal circumstances, such a development would be unacceptable due to the constraints set by the route protection zones. However, in this instance the applicant is intending to use a relatively innovative method of protecting the route zone entitled 'Abbey Pynford Housedeck System', which is based on an above ground raft, with a void between the existing ground level and the base of the foundation. The suspended slab is supported by piles that can be positioned to suit the ground



conditions so as to avoid significant routes.

53. The Council's tree officer has viewed this methodology, including 'Cellweb' technology to be used for the driveway areas and considers them sufficient to ensure that the route protection zones of the protected trees are safeguarded.
54. However, the council's tree officer did have concerns relating to the future liveability of the tree post construction. This relates to future pressure for significant pruning of the canopy due to the future occupants perceived nuisance due to falling leaves or tree beams touching the roof of the house
55. The applicant agreed to reduce the ridge height and slightly reduce the width of the house. Whilst, the Tree officer considers the presence of the dwelling next to the trees as far from ideal, the revised arrangement is considered acceptable, ensuring that the tree will not experience a significant pressures on its future liveability.
56. It is recommended that a condition be added requiring that any works be in accordance with the revised arboricultural impact assessment and tree protection plan. Furthermore, in light of the significance of the trees and the close proximity of the development, it also recommended that an additional condition be added requiring a pre-commencement meeting with all key parties including the Council's tree officer, enabling the local planning authority to establish a clear method of works and supervision regime.
57. All of the above measures are considered to be sufficient to ensure that the works will not have an adverse impact on the health of the trees, ensuring that they continue to be of landscape value to the area.

#### Landscaping

58. Various landscape works are proposed. There is existing hedging to the south west and rear boundaries, all of which play an important role in softening the appearance of the area next the protected trees and safeguarding the amenities of neighbouring properties. It is therefore recommended that these matters be secured by condition.

#### Biodiversity

59. It is recommended that the comments made by the natural areas officer be conditioned in any approval.

## **Local Finance Considerations**

60. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.
61. The proposal will be liable for community infrastructure levy payments and new homes bonus.

## **Equality and Diversity Issues**

62. None

## **Conclusions**

63. The principle of the new dwelling is acceptable as it reflects the residential character of the area and is in a sustainable location with access to public transport, and local cycle network. It will also contribute to the city's housing stock.
64. The scale and design of the dwelling has a sympathetic relationship with the nearby dwelling and the visual amenities of the street scene. The layout also provides for adequate access, amenity space and parking subject to further details being secured by condition.
65. The development will not result in any significant overlooking, loss of privacy or outlook of adjoining properties. That being said, the development will result in additional overshadowing to the rear garden of no.36 Sunningdale, but in the context of its surroundings and the scale and siting of the proposal, this impact is reduced.
66. The protection of the route zone and liveability of the TPO trees can be safeguarded by condition.
67. The safe demolition of the garage, cycle storage, tree retention and water conservation can be secured by condition.
68. The acceptability of the proposal is finely balanced, given the reservations about the potential overshadowing of no.36's rear garden and the impact on the protected trees. Taking this impact into consideration alongside the many positive aspects of the development, including the lack of five year housing land supply with the NPA, the proposal is on balance considered to be acceptable.

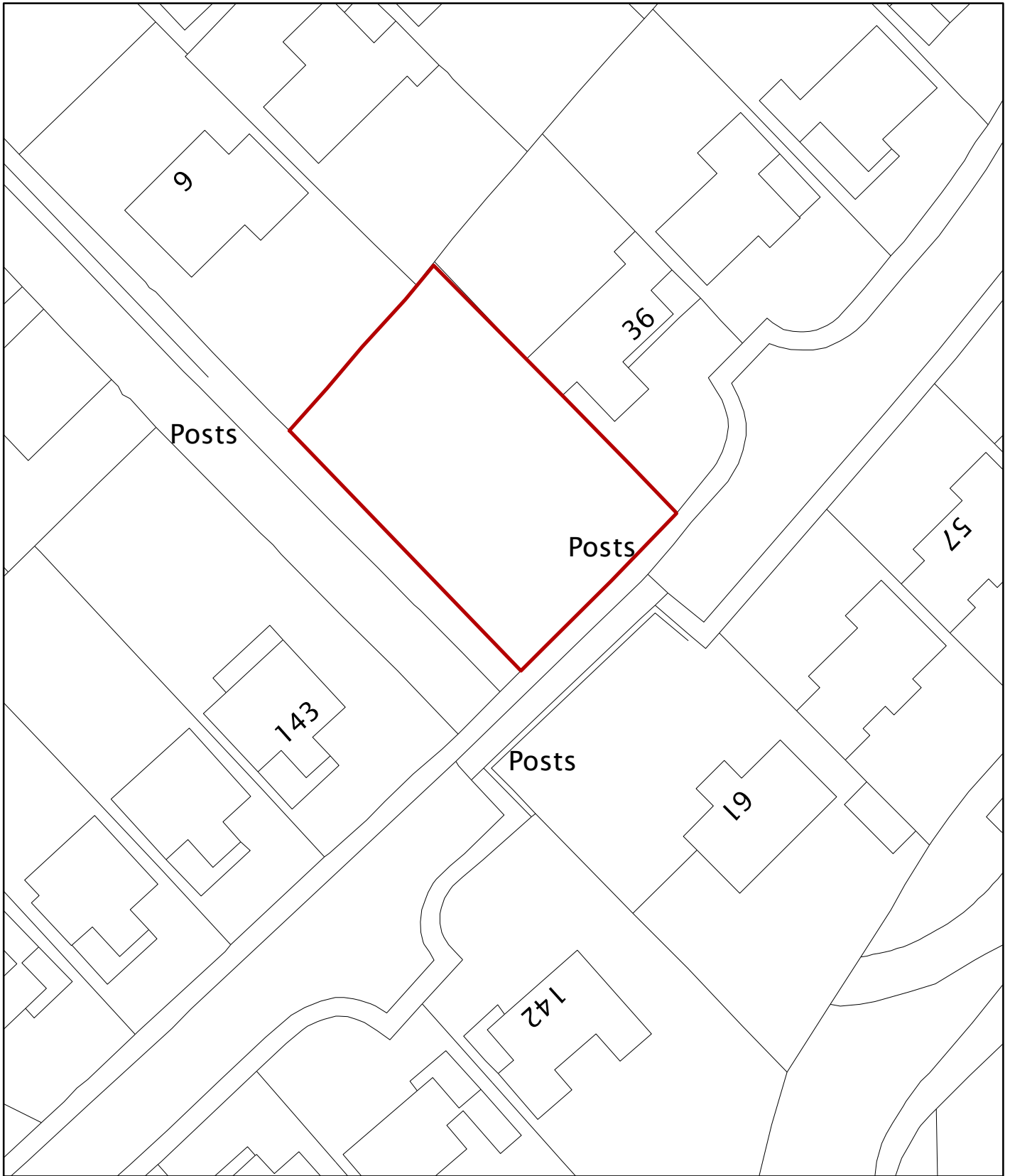
## **RECOMMENDATIONS**

To approve Application No 14/00169/F land adj to 36 Sunningdale and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the approved plans
3. Submission of samples
4. Details of landscaping
5. Submission of details of water conservation measures
6. In accordance with the arboricultural method statement and tree protection plan and TPP tree protection plan
7. Pre-commencement meeting and arboricultural supervision
8. Appropriate condition in accordance with the recommendations of the Natural Areas Officer

Article 31(1)(cc) Statement

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



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Planning Application No 14/00169/F

Site Address Land adjacent to 36 Sunningdale

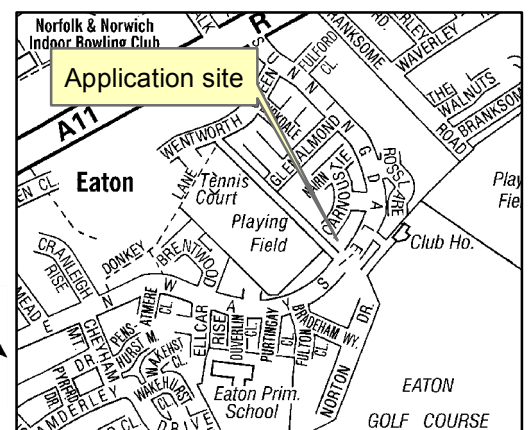
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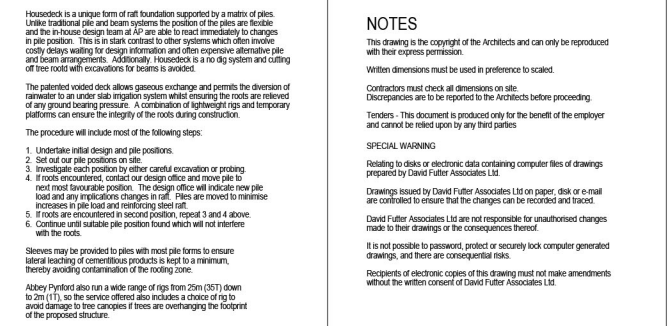
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**NORWICH**  
City Council

PLANNING SERVICES



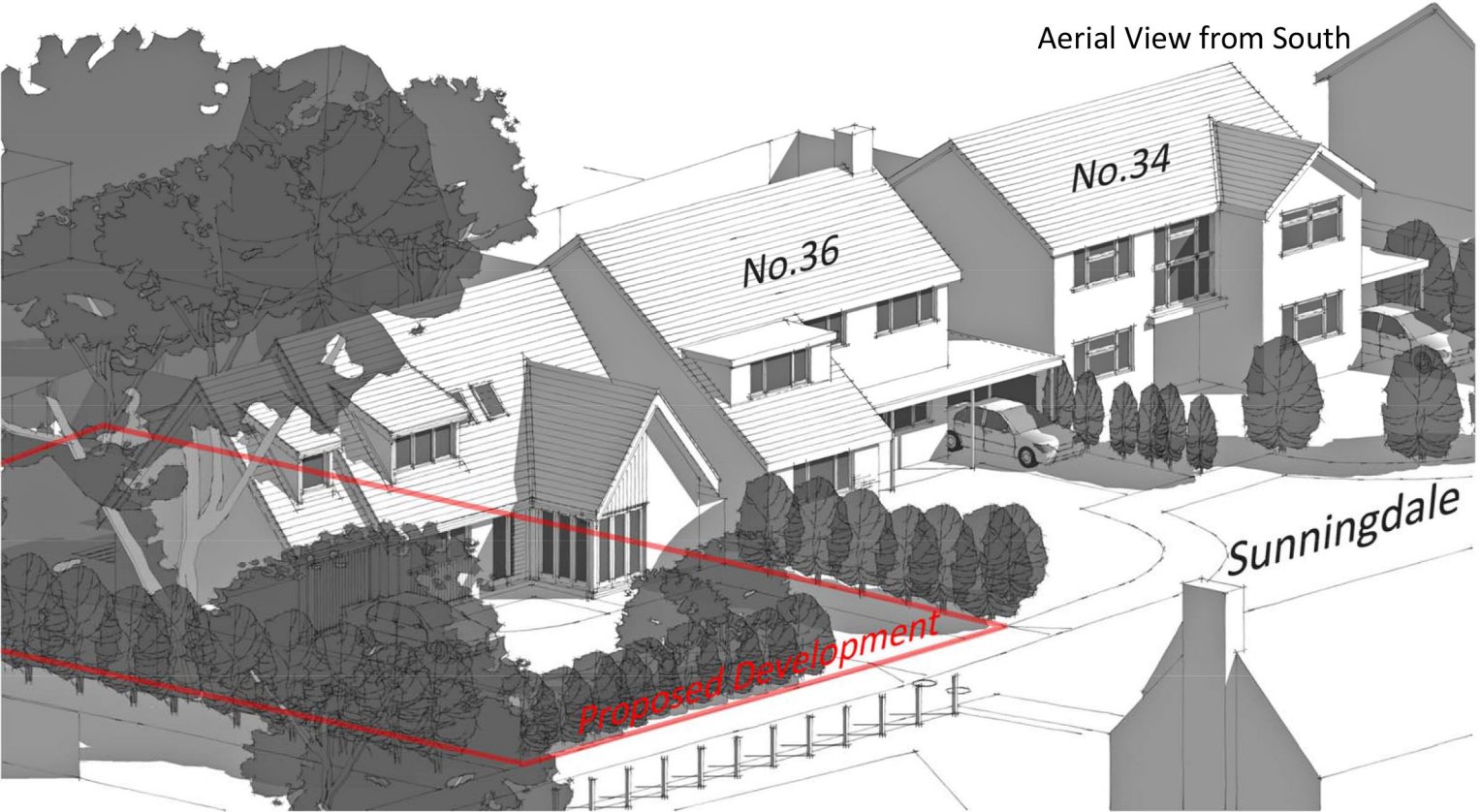


G	Alterations made to house type	09/05/14, HJA
F	House type changed	01/05/14, HJA
E	House type changed	15/04/14, HJA
D	Rooflights ornited & Chimney added.	23/01/14, nlc
C	RPA's amended.	18/12/13, DP
B	House footprint amended.	16/12/13, AS
rev. A	House footprint replaced.	21/11/13, AS

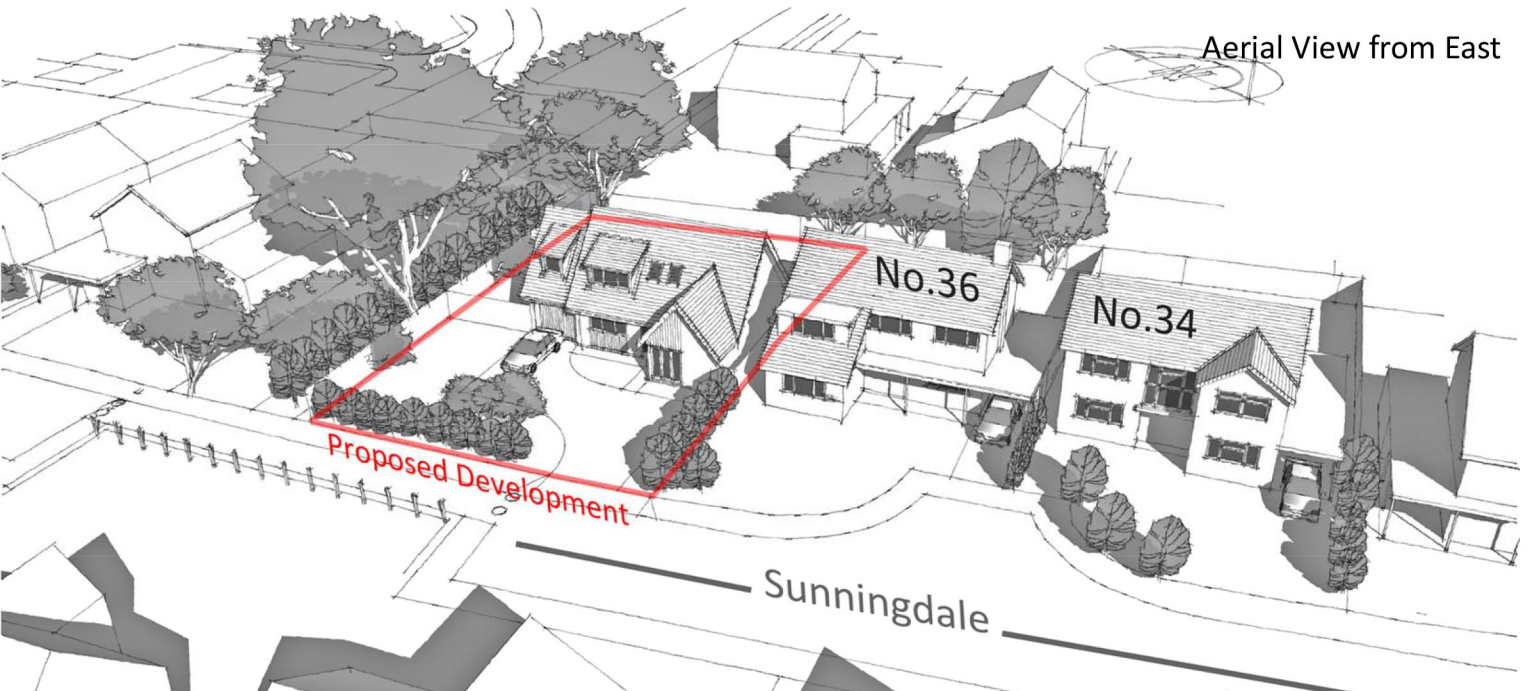
<p>architects and consulting engineers</p>  <p>t: 01603 787778 f: 01603 787496 e: info@dfaI.tv w: www.dfaI.tv</p>		<p><b>dfaI</b></p> <p>devaid futter associates ltd</p> <p>Arbuthnot House 30 Wharfedale Road Norwich Norfolk NR2 2XW</p>	
<p>Project:</p> <p>Proposed Dwelling, The land adjacent No.36 Sunningdale, Norwich, Norfolk.</p>			
<p>Client:</p> <p>Jenkinson Properties Ltd</p>			
<p>Drawing:</p> <p>Proposed Site Layout &amp; Foundation Detail.</p>			
<p>Drawn By:</p> <p>DP</p>	<p>Checked By:</p> <p>XX</p>	<p>Ref. No.</p> <p>6148</p>	<p>Orig. No.</p> <p>SL01</p>
<p>Scales:</p> <p>1:200 &amp; 1:10 @ A1</p>		<p>Date:</p> <p>November 2013</p>	
		<p>G</p>	



Aerial View from South



Aerial View from East



Proposed Street Scene from Sunningdale



## Context Images

JOB REF. 6148 DWG NO. C02 CLIENT Jenkinson Properties Ltd Project New Dwelling, No. 36 Sunningdale, Norwich

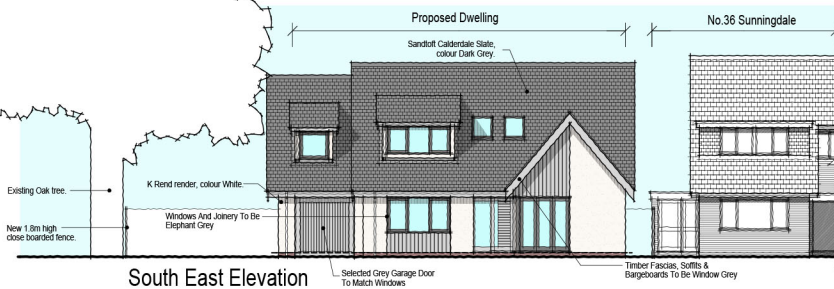
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Arkitech House  
35, Whiffler Road  
Norwich  
Norfolk  
NR3 2AW

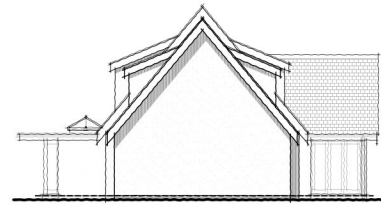
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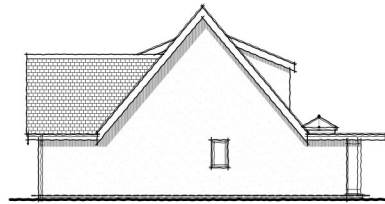
**dfal**  
david futter associates ltd



South East Elevation



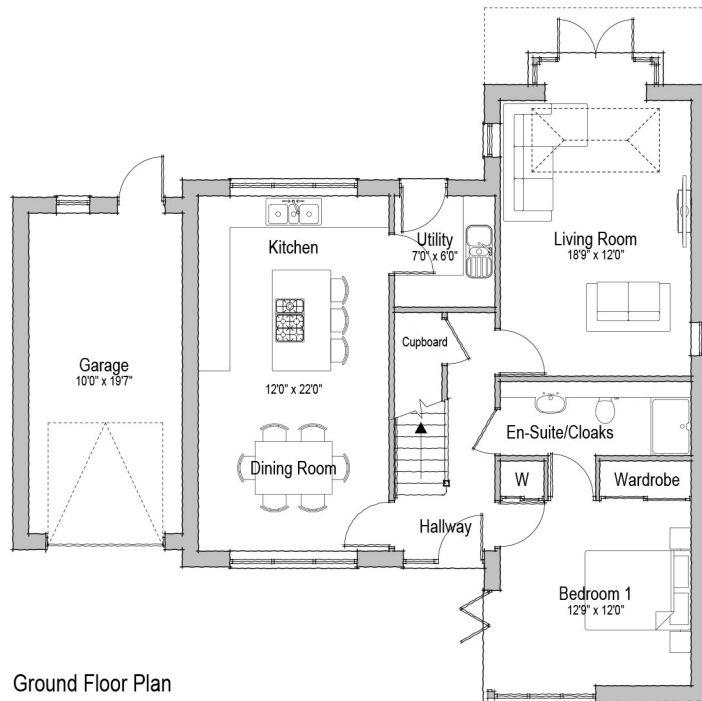
North East Elevation



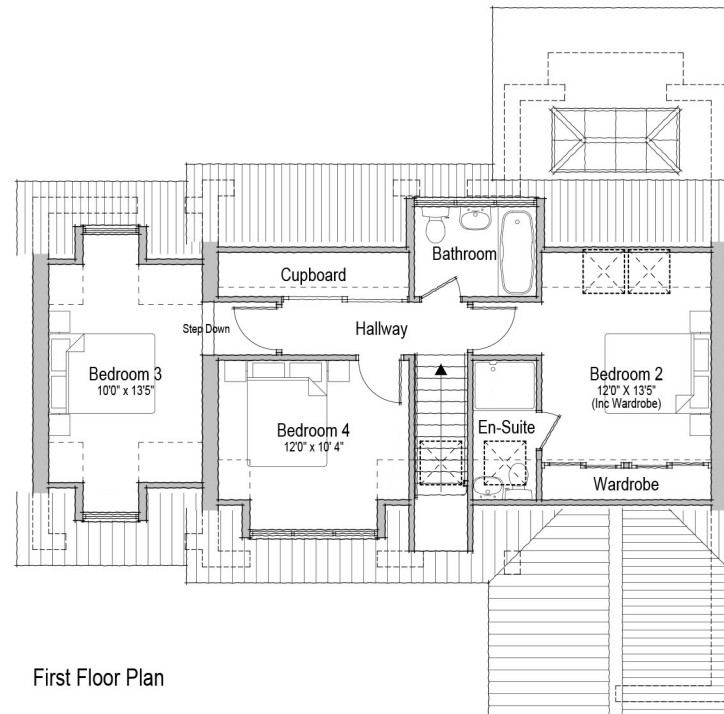
South West Elevation



North West Elevation



Ground Floor Plan



First Floor Plan

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SCALE BARS	LENGTH
SCALE	1m 2m 3m 4m 5m 6m 7m 8m 9m 10m
1:100	1m 2m 3m 4m 5m
1:50	1m 2m 3m 4m 5m

REV: \_\_\_\_\_ DATE: \_\_\_\_\_

architects and consulting engineers

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Architect House  
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NR3 2AW

Project: Proposed Dwelling at the land adjacent No.36 Sunningdale, Norwich, Norfolk.

Client: Jenkinson Properties Ltd.

Drawing: Proposed Plans & Elevations.

Drawn By DP	Checked By XX	Ref. No. 6148	Orig. No. P01 <sup>C</sup>
Scales: 1:50 & 1:100 @ A1		Date: November 2013	





## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 03 July 2014  
**Report of** Head of Planning Services  
**Subject** 14/00555/MA Site Of 118 Magdalen Road Norwich NR3  
4AN

Item  
**5(5)**

### SUMMARY

<b>Description:</b>	Material amendments to approved plans and details of previous permission 10/02009/F 'Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works.'	
<b>Reason for consideration at Committee:</b>	Objection	
<b>Recommendation:</b>	Approve	
<b>Ward:</b>	Sewell	
<b>Contact Officer:</b>	Mr John Dougan	Planner (Development) 01603 212504
<b>Valid Date:</b>	18th April 2014	
<b>Applicant:</b>	KD Impex Ltd	
<b>Agent:</b>	Parson & Whittlely Ltd	

### INTRODUCTION

#### The Site

#### Location and Context

1. The site is currently vacant and secured following the demolition of the Elm Tavern public house. The site has been cleared and levelled although site levels do vary and the site is slightly higher to surrounding garden and amenity spaces to the north/west. The north boundary of the site is adjacent to a footpath route which serves shops and flats along Magdalen Road. Immediately outside of the site on Magdalen Road is a bus stop. This part of the Magdalen Road/Lawson Road area has controlled on-street parking.
2. Buildings within the area are predominantly two storeys in scale. Magdalen Road itself is characterised by domestic scale buildings set back from the roadway with front garden spaces. The shops to the north of the site are slightly larger 2 storey buildings and generally sited at the back of footpath and are historic corner shop units.

## Constraints

3. The site falls within the Magdalen Road local retail centre as defined on the Local Plan Proposals Map (policy SHO3 and SHO12). The Sewell conservation area is located further to the north of the site along Magdalen Road.

## Planning History

**4/1998/0731** - Alterations to rear elevation to provide access to patio (APCON - 05/10/1998)

**09/00347/DEM** - The demolition of The Elm Tavern, 118 Magdalen Road. (APPR - 12/05/2009)

**10/01084/F** - Mixed development of 12 No. flats, 2 No. houses and a 52.6m<sup>2</sup> retail unit with associated site works. (REF - 25/10/2010)

**10/02009/F** - Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works. (APPR - 21/02/2011)

**13/01663/D** - Details of Conditions 3 and 10: External materials; Condition 4: Levels; Condition 5: Landscaping; Condition 12: Site access and Conditions 14 and 16 (part i and ii only): Contamination and ground conditions of previous permission 10/02009/F 'Mixed development comprising of: 1 No. small retail unit, 3 No. two bed terraced houses, 2 No. two bed apartments, 6 No. one bed apartments and ancillary works.' (APPR - 05/12/2013)

**13/01794/NMA** - Removal of communal drying area and relocation of cycle store. Removal of mid-terrace parapet wall detail to the roof of Block A. Omission of metal gates to the entrance doors of Block A. Re-configuration of roof of Block B. North west boundary wall to be demolished and reconstructed - non-material amendment to previous planning permission 10/02009/F. (REF - 22/11/2013)

4. Application 13/01663/D discharged a series of conditions relating to materials, levels, landscaping, site access and contamination / ground stability issues.
5. It is understood that works have commenced on site in implementing the original approval (10/0200/F) and various conditions discharged (13/01663/D).
6. Since starting the works, the applicant sought guidance from the local planning authority on the acceptability of a series of non-material and material amendments to the original approval. They were advised that these amendments would need to be assessed as part of new variation of condition application.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

7. An application has been submitted to vary condition 2 of the original approval (10/02009/F).
8. The description and key elements of the original approval will remain the same including a 1 no. retail unit, 3 no. two bed terraced houses, 2 no. two-bed apartments and 6 no. one bed apartments.
9. The current application does not seek to alter the above components. Nor does it wish to alter the general arrangement being block a fronting Magdalen Road and block b to

the rear and the parking turning area to the centre of the development. An additional parking space is proposed.

10. The scale and proportions of each of the blocks is also broadly similar except that the height of block b is increasing from 6.8 metres to 7.5 metres. The footprint of this block has also been altered to include a straight frontage instead of the approved stepped frontage.
11. The other variations are outlined in page 2 of the applicant's planning statement. The key changes (those not considered to be non-material) are summarised as follows:

Omit the masonry communal cycle stores and replace with a single prefabricated cycle store

Provision of revised access to the rear of plot 10

Omit the bin/cycle stores serving the retail unit and replace with a timber cycle shed and yard

Replace the boundary wall fronting Magdalen Road with a picket fence

Omit the arch feature over the vehicle underpass to the rear of block A

Amend arch feature over vehicular access to block A

Simplification of the fenestration and detailing to block A and B

Change window specification from composite aluminium / timber to upvc

Change specification of roof tiles to Block B from clay pan-tiles to concrete pan-tiles

Omit the communal drying area as the flats will be provided with washer dryers.  
Area to revert to soft landscaping

Reconstruct north-west boundary wall following inspection by a structural engineer

12. In response to officer concerns about the impact of block b on the residential amenity of the neighbouring properties to the north and south, the applicant has submitted revised plans on 23<sup>rd</sup> June.

### **Representations Received**

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below.
14. Revised plans were submitted on 23<sup>rd</sup> June. An additional period of consultation was not required as the changes were considered to result in a positive change in terms of the residential amenity of adjoining properties and were similar to what was already approved in the previous application.

Issues Raised	Response
Overdevelopment of the site	Paras 18, 19 and 30 - 31
Concern about the potential overlooking from the 1st floor window above the retail unit to terrace of 126a Magdalen Road	Paras 23 - 24
I hope the development has sufficient parking as the area is already overcrowded by cars	See paras 48 - 52
It is important that the works are in accordance with the plans	See recommendation section of the report – condition 2.
The current development is considered to be an improvement, particularly the planting to the frontage	Noted
Some additional garden space to the frontage would have been beneficial, mirroring that of the properties on the other side.	Noted
The area does not need another shop	See paras 18 - 21
The two-storey proposal is inkeeping with the area.	Noted
I trust the development will not cut out light getting to the cottages opposite	See para 29
I prefer the previous plans as they have a better attention to detail and an asset to the street e.g. balcony features and larger windows	See paras 30 - 47
The previous approval is more in keeping with the grade listed properties opposite	See paras 30 - 47
The previous approval had a more pleasing symmetry which looked more attractive and mirrored the terracing of on the opposite side of the street.	See paras 30 - 47
I don't like the awning which seems to extend beyond the shop over the neighbour property	See para 43
The removal of the pitched roof is a positive	Noted

## Consultation Responses

### 15. Transportation – No objection

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

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

- Statement 6 – Delivering a wider choice of high quality homes
- Statement 7- Requiring good design
- Statement 11- Conserving and enhancing the natural environment

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

- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery

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

- HBE12 – High quality of design, with special attention to height, scale, massing and form of development
- EP16 Water conservation
- EP22 – High standard of residential amenity
- TRA6 – Parking standards (maximum)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

#### **Other Material Considerations**

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

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

- DM2 - Ensuring satisfactory living and working conditions
- DM3 - Delivering high quality design
- DM7 - Trees and development
- DM12 – Ensuring well planned housing development
- DM28 – Encouraging sustainable travel
- DM30 – Access and highway safety
- DM31 – Car parking and servicing

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

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with

the NPPF.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2.

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM30 is subject to an objection relating to the provision of accesses, it is considered that limited weight be given to this policy.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

### **Housing supply**

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

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level

of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

### **Principle of Development**

16. The site is in an accessible location with access to public transport, cycle routes and shops and services within the local retail centre. It will also contribute to the city housing stock.
17. The principle of the key elements of the original approved scheme comprising a 1 no. retail unit, 3 no. two-bed terraced houses, 2 no. two bed apartments and 6 no. one-bed apartment has already been approved.
18. The current application does not seek to alter the above components. Nor does it wish to alter the general arrangement being block A fronting Magdalen Road and block B to the rear and the parking turning area to the centre of the development. Similarly, the scale and proportions of each of the blocks is also similar to that of the original approval.
19. The merits of the original scheme have already been deemed to be acceptable, being analysed with the previous delegated officer report dated 18 February 2011 (10/02009/F).
20. Therefore, the only issues under consideration are whether or not the changes outlined in paragraphs 9 – 12 are of an appropriate design, scale and layout which is sympathetic to the character and local distinctiveness of the area; is sympathetic to the amenities of neighbouring properties; provides satisfactory access and parking and the provision of appropriate landscaping.

### **Impact on Living Conditions**

#### **Overlooking**

21. There are no new windows proposed to sensitive areas to the rear. In fact, the reduction in size of many of the windows and deletion of the Juliet balconies will reduce the degree of overlooking compared to what was originally approved.
22. Specifically, in relation to the concerns raised by no.126 about the overlooking of their rear terrace. This window is being reduced in size and the Juliet balcony removed. This change coupled with the fact that this window does not directly overlook their terrace will mean that no significant loss of privacy will result.

#### **Overbearing and overshadowing**

23. It is acknowledged that scale and proportions of the rear block will change, including an increase in height from 6.8 metres to 7.5 metres.
24. In the previous application concern was raised with the agent regarding the impact that block B may have upon the neighbouring properties on Waterloo Road and 1 Taylor Court. Due to the distances involved and the changes in level, it was felt that the block could be overbearing and could potentially result in overshadowing, loss of light and overlooking to the neighbouring properties. In that application, the agent agreed to

reduce the height of the roof, providing a section drawing to show its relationship with the adjoining properties on Waterloo Road and the possible line of overshadowing. In that application, it was concluded that the applicant had satisfactorily demonstrated that the impact upon the living conditions of the neighbouring properties is acceptable and is not unusual in such an urban location.

25. The applicant has agreed to reduce the height of the ridge from 7.7 metres to 6.8 metres and also slightly move the footprint of unit 9 to what was originally approved. This means that the current proposal will not result in any additional impacts in respect of overbearingness and overshadowing to the key receptors to the north and south.
26. The revised plans were received on 23<sup>rd</sup> June. An additional period of consultation was not required as the changes were considered to result in a positive change in terms of the residential amenity of adjoining properties.
27. A resident from one of the cottages on the opposite side of the road expressed concern about loss of light. The scale and profile of block A remains unchanged to what was previously approved is very similar to those of adjoining properties. This factor coupled with the separation distance will mean that the development will not result in significant loss of light to the properties opposite.

### **Scale, design and layout**

28. The development as a whole was already deemed to be sympathetic to the character of the area in the previous approval. Whilst the site is not within a conservation area, the street does contain a relatively consistent line of terraced properties and listed buildings which play a positive role in the area's character. It is acknowledged that the proposal does not replicate the listed buildings on the opposite side of the road. However, the profile and scale of block A is still considered to be similar to the other predominant examples in the wider area, ensuring that the development sits sensitively in the street scene and not significantly affect the setting of the listed buildings.
29. The footprint and layout of the development is essentially the same as what has already been approved resulting in a development which is proportionate to the size of the plot, providing adequate levels of parking, turning, landscaping and private amenity space for the residents.
30. The scale and footprint of block A will remain unchanged, from what has already been approved. However, B has been changed to include a more conventional flat frontage instead of the staggered frontage and is 0.7 metres higher.
31. Whilst this increase will appear minimal, it does make the roof structure appear a little top heavy and making the building appear more overbearing from the perspective of adjoining properties.
32. The staggered frontage to block B would have been the desired option. However, as the building is to the rear of the site, the change will be less visible in the street scene, meaning the impact on character of the area will be minimal. The applicant has also agreed to lower the height of the ridge by 0.7 metres, in effect replicating what has already been approved.



33. The revised access arrangement to the rear of unit 10, together with the use of tarmac instead of paving slabs is considered to be acceptable as it will be relatively hidden from public view.
34. The replacement of the bin and cycle storage to the rear of the retail unit will have a negligible effect on the appearance of the scheme. The timber alternative is deemed to be adequate, with the yard having adequate space for bin storage. However further details of the timber cycle storage will be required.
35. The omission of the communal drying area for units 4 – 8 is not ideal as it means that those occupants will not have access to external drying areas. That being said, the agent has confirmed that those units will have access to washer / dryer facilities within their respective dwellings. The upshot of this is that the area in question will become an communal area of open space
36. The amendment to the arch feature to the frontage and its omission from the rear elevation of block A is considered to be acceptable. This is due to the revised arrangement which simplifies the frontage of the group to be more reflective of the roof profile of the neighbouring properties being sympathetic to the visual amenities of the street scene.
37. It is acknowledged that the new frontage to Magdalen Road will have an entrance door removed. Whilst the front doors help provide movement to the street scene, the frontage will still have 2 no entrance doors serving the dwellings and a door serving the retail unit. This will mean that the revised scheme will still deliver a degree of movement and vitality to the street scene.
38. Replacing the brick wall with a picket fence is considered to be a positive change, allowing the landscaping in the small front gardens to be visible, helping soften the appearance of the built form when viewed from the streets.
39. It is understood that the proposal now includes the demolition and re-construction north-west boundary using combination of conventional brick and close boarded fencing. It is worth noting that the current permission had a condition (9) imposed to ensure that the wall was re-instated to an appropriate standard. This was due to parts of the wall containing some materials taken from the city.
40. The site is not within a conservation area, nor is the wall listed. Nevertheless, the detailing proposed for the replacement wall is considered to be rather unimaginative and that other more sympathetic alternatives are considered achievable such as a flint/brick combination. It is therefore considered that the proposed wall detail is not acceptable, but not itself significant enough to warrant refusing the application. It is therefore recommended that further details be secured by condition.
41. The awning above the retail unit is similar to what has already been approved in the previous application. It is of a scale and design which is subordinate to the main façade, ensuring that it will be sympathetic to the appearance of the block A and the visual amenities of the street scene. However, in the interests of clarity, it is recommended that a condition be imposed, seeking samples of the materials used in the awning and associated cladding.
42. Many of the other changes will include the simplification of the fenestration to the front and rear of each of the blocks including the provision of white Upvc windows instead of

aluminium / timber framing. The reduction in size of the windows and deletion of the Juliet balconies are considered to be sympathetic to the appearance of the scheme and the visual amenities of the street scene.

43. It is noted that the applicant is of the view the use of this type of white Upvc window will not compromise the appearance of the development as the site is not within a conservation area and that cost savings such as these are needed to deliver a viable scheme.
44. The above argument is not fully accepted due to the developments close proximity to grade 2 listed building and the Sewell Park Conservation area. Similarly, reducing cost cannot be a sole reason for accepting a less appropriate solution. Discussions with the Council's conservation officer indicate that there are other Upvc solutions which may be available and cost effective.
45. Weighing up the above factors, further details relating to the type of window is considered necessary and reasonable on this occasion, ensuring that the detailing of the development is sympathetic to the surrounding context. Furthermore, clarification of details (including samples) relating to the type of brick and tile are also considered to be necessary to make sure that the scheme delivers in appropriate impact.

## **Transport and Access**

### **Vehicular Access and Servicing**

46. This aspect of the original approval remains relatively unchanged.

### **Car Parking**

47. The revised development will include 12 no. parking spaces, one more than what was already approved under the original scheme. Whilst 11 spaces is considered to be sufficient for a development of this size, the additional of one more space is not considered to be significantly at odds with parking policy.
48. The Local highway authority deems this arrangement to be acceptable.

### **Cycling Parking**

49. The robust cycle storage previously located to the south of unit 9 and to the west of unit 2 was originally deemed to be an adequate provision which would enhance the cycling experience for residents and encourage sustainable modes of transport.
50. The revised arrangement comprises a single communal storage solution to the west of unit 2. It is regrettable that a less robust cycle storage solution has not been proposed, especially in light of the provision of an additional parking space. That being said, the revised arrangement is still considered acceptable providing a degree of covered storage within a visible and accessible part of the site.

## **Other matters**

### **Site Contamination and Remediation**

51. The previous approval was subject to an application to discharge conditions 3 and 10: External materials; Condition 4: site levels; Condition 5: Landscaping; Condition 12: Site access and Conditions 14 and 16 (part i and ii only): Contamination.
52. The details submitted were deemed to be acceptable to discharge the above

conditions. With this in mind, it is considered that any new permission need not have any conditions relating to the above, but instead include the approved details as part of this application.

## **Trees and Landscaping**

### **Loss of Trees or Impact on Trees**

53. The tree and landscaping provision within the site is broadly similar to what was already approved in the recent discharge of condition application.
54. However, the revised scheme does include a slight change to the landscaping arrangement to the south west corner of the site due to the increase in parking and removal of the communal drying area discussed earlier in the report.
55. It is regrettable that the above revisions include the removal of a tree which would have helped soften the appearance of the parking / turning area from the perspective of the new occupants. The agent has confirmed that the reason for this is because that lack of future maintenance of the tree in the future would mean that it would overshadow the ground floor window of the nearby flat. However, as the area which was formally to be used a drying area will now contain a similar tree, the loss of tree is on balance considered to be acceptable.

## **Local Finance Considerations**

56. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. This must be balanced however with the other key consideration of residential amenity as outlined above.

## **Planning Obligations**

57. The original approval was subject to a section 106 agreement to pay to the City a Transport Contribution. This obligation has now been fully discharged and therefore there is no need for a legal agreement on any approval.

## **Equality and Diversity Issues**

58. None

## **Conclusions**

59. The principle of acceptability of such a development has already been established in the previous approval. The revisions contained in this application are considered to be of a scale, design and layout which are sympathetic to the visual amenities of the street scene and wider character of the area.
60. The development will not result in significant loss of amenity of any neighbouring

properties.

61. The revised layout is considered to provide adequate levels of landscaping, parking, turning for residents.
62. Other matters related to contamination, stability and site levels have already been addressed in the recent discharge of condition application. With this in mind, it is considered that any new permission need not have any conditions relating to the above, but instead include the approved details as part of this approval..
63. Details relating to the boundary wall and external materials can be secured by condition.

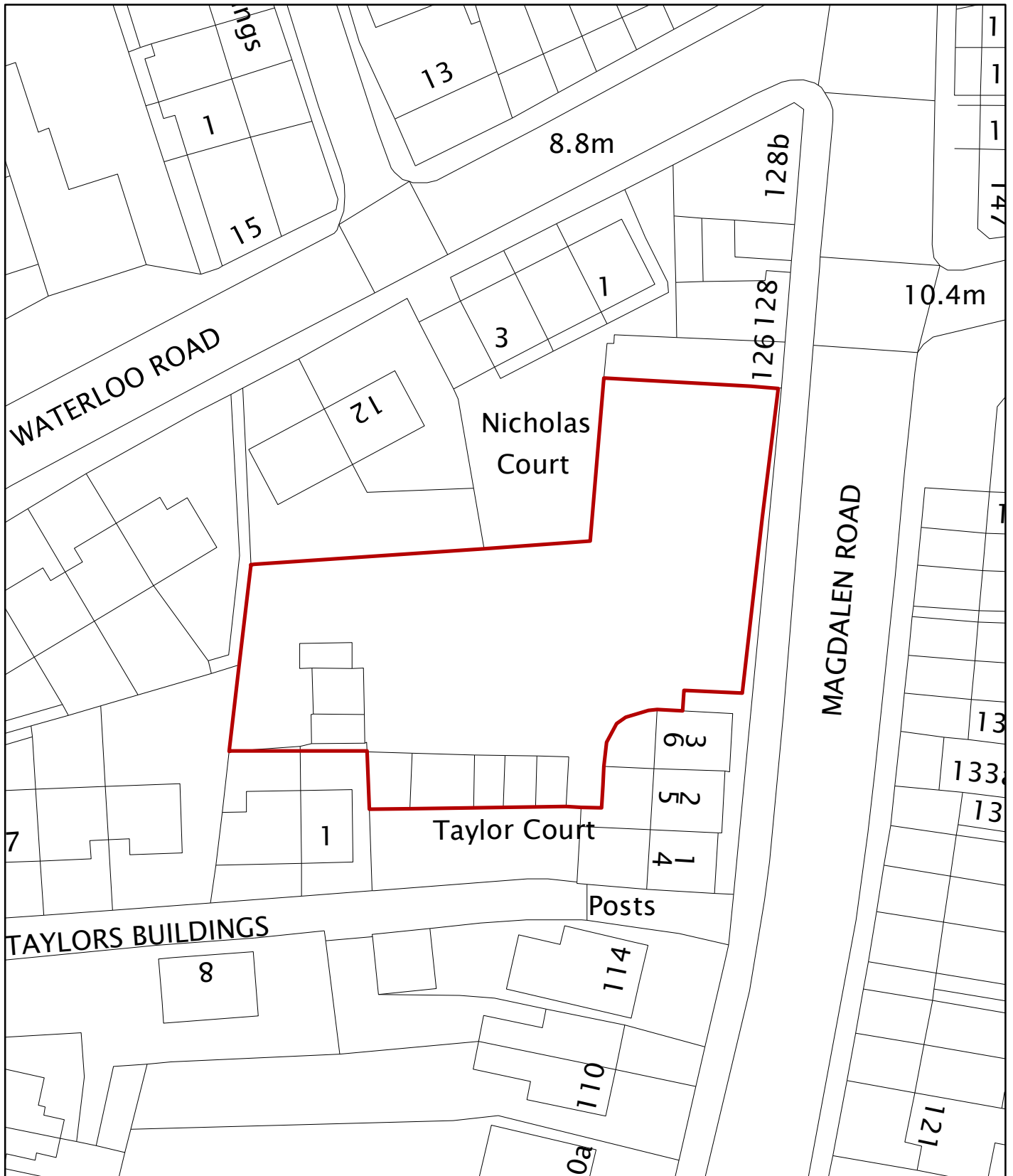
## **RECOMMENDATIONS**

To approve Application No (14/00555/MA at site of 118 Magdalen Road, Norwich) and grant planning permission, subject to the following conditions:-

1. Time limit
2. In accordance with the approved plans
3. Details of the timber cycle storage to the rear of the retail unit
4. Details of boundary wall treatment
5. Details and samples of external materials (windows, bricks, roof tiles and shop frontage)
6. Implementation of landscaping.

### **Article 31(1)(cc) Statement**

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



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Planning Application No 14/00555/MA

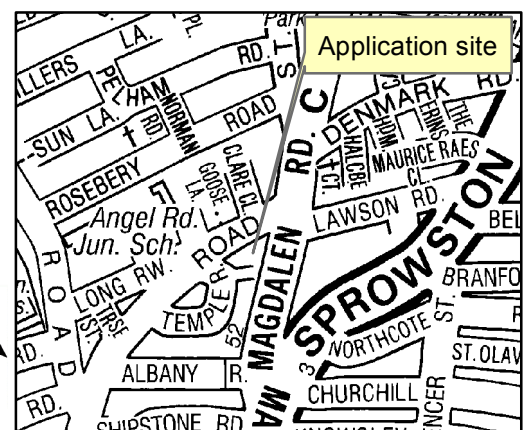
Site Address Site of 118 Magdalen Road

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



**Microscopius auratus**

[illegible]

**PARSONS + WHITTELY**

Steel framed cycle shelter with perforated and side galvanized steel slatted roof and side panels. Internal steel slatted floors for securing at least two bicycles.

**front**  
**communal cycle store**  
(scale 1:50)

**side**

**rear**

front

communal cycle store  
(scale 1:50)

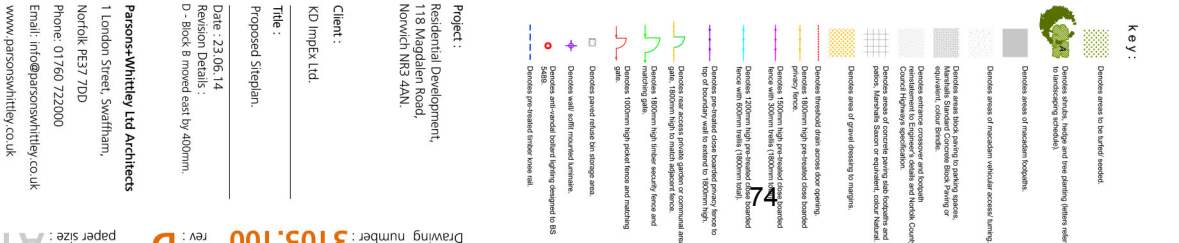
side

New 1.8m high timber security gate and posts.

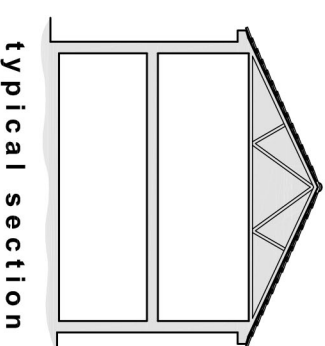
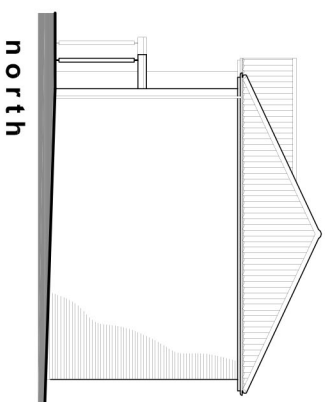
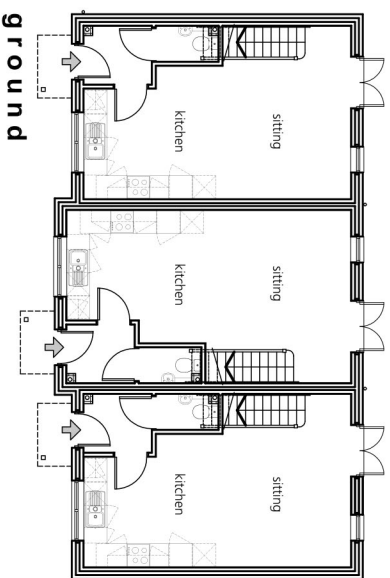
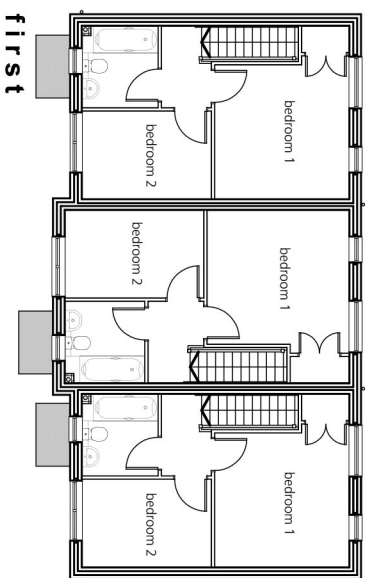
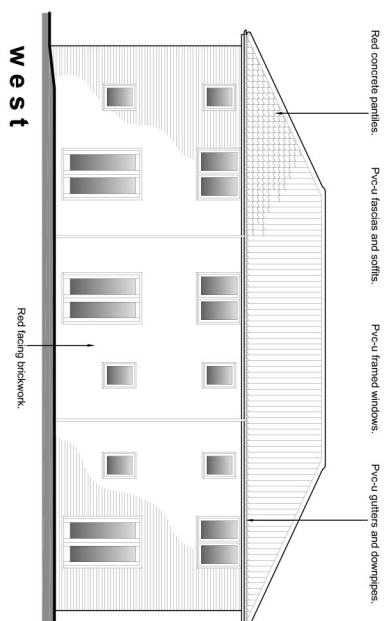
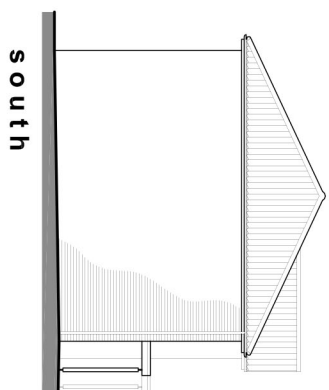
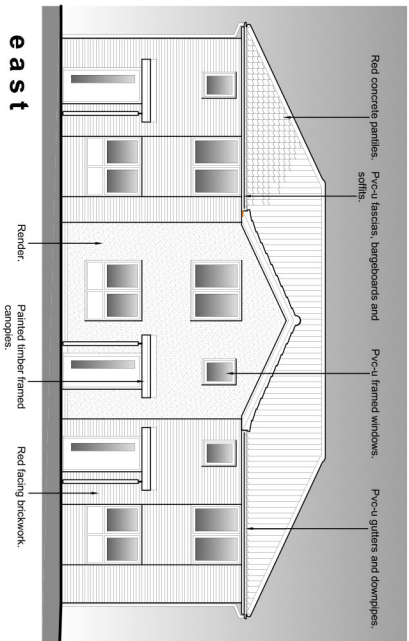
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block 2

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## **floor plans, elevations and section** (scale 1:100)

**Project :**

Residential Development,  
Former Elm Tavern Site,  
118 Magdalen Road,  
Norwich NR3 4AN.

**Client :**

KD Implex Ltd.

**Title :**

Block B

Date : 23.06.14

Revision Details :

A - floor pitch reduced from 30 to 25 degrees.

**Parsons+Whitley Ltd Architects**

1 London Street, Swaffham,

Norfolk PE37 7DD

Phone: 01760 722000

Email: [info@parsonswhitley.co.uk](mailto:info@parsonswhitley.co.uk)

[www.parsonswhitley.co.uk](http://www.parsonswhitley.co.uk)





## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 3 July 2014  
**Report of** Head of Planning Services  
**Subject** 14/00445/F - Old School Court Norwich

**Item**  
**5(6)**

### SUMMARY

<b>Description:</b>	Re-configuration of existing car park to provide 7 No. additional car parking spaces.
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Lakenham
<b>Contact Officer:</b>	Lara Emerson – Planner – 01603 212257
<b>Valid Date:</b>	31st May 2014
<b>Applicant:</b>	Norwich Housing Society Ltd
<b>Agent:</b>	Mr John Shanks

### INTRODUCTION

#### The Site

##### Location and Context

1. Old School Court is an assisted-living complex located on the site of and within the curtilage of the Grade II listed Old School building.
2. The site is located on the east side of Bracondale and the area is made up of a variety of detached, semi-detached and terraced residential dwellings. Opposite the site there is a three-storey block of flats.

##### Constraints

3. The site lies within the Bracondale Conservation Area and there are various statutorily and locally listed buildings within the vicinity.
4. There are a number of trees on the site.
5. The site lies within the area of Main Archaeological Interest.

##### Planning History

No recent planning history.

##### Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

6. The proposal is for the re-configuration of the car park and landscaping area to the front of Old School Court. The proposals provide an additional 7 parking spaces and involve the removal of 4 trees and the planting of 4 replacement trees. The proposed paving is to match existing.
7. The proposed works are required in order to provide additional parking spaces for the carers and wardens who regularly visit the semi-sheltered housing.

## Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring occupiers have been notified in writing. One letter of representation has been received in support of the application. Three letters of objection have been received citing the issues as summarised in the table below.

Issues Raised	Response
There are enough parking spaces already, additional spaces are not needed	Paragraph 7 and 13
The proposal leads to the loss of attractive green spaces and landscaped gardens	Paragraph 22
The large Locust tree which is to be removed provides screening between 15 Bracondale and Old School Court	Paragraph 21-22
The planned removal of trees and insertion of additional parking spaces would harm the outlook of the flats and cottages	Paragraph 25
The Whitebeam trees to be removed provide privacy to various flats and cottages	Paragraph 24
The replacement trees will take many years to become as mature as the trees to be removed	Paragraph 22
The trees and gardens attract wildlife and provide a pleasant environment for the elderly residents	Paragraphs 21 & 22

## Consultation Responses

9. Consultee: NCC Tree Protection Officer

Date of response: 11/06/14

Comments: The development is acceptable as long as it is carried out in accordance with the AIA.

10. Consultee: NCC Highways

Comments: No response yet.

11. Consultee: NCC Transport

Comments: No response yet.

12. Consultee: NCC Landscaping

Comments: No response yet.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

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

Statement 4 – Promoting sustainable transport

Statement 7 – Requiring good design

Statement 11 – Conserving and enhancing the natural environment

Statement 12 - Conserving and enhancing the historic environment

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

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities

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

NE3 – Tree protection

NE9 – Landscaping and tree planting

HBE3 - Archaeological assessment in Area of Main Archaeological Interest

HBE8 - Development in conservation areas

HBE9 - Listed Buildings and development affecting them

HBE12 - High quality of design

TRA6 – Parking standards

#### **Emerging DM Policies**

DM3 - Delivering high quality design

DM7 - Trees and development

DM9 - Safeguarding Norwich's heritage

DM28 - Encouraging sustainable travel

DM30 - Access and highway safety

DM31 - Car parking and servicing

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

Trees and Development (Adopted September 2007)

Bracondale Conservation Area Appraisal (March 2011)

### **Principle of Development**

#### **Policy Considerations**

13. The principle of the proposal must be considered in relation to policy TRA6 which sets out parking standards. The provision of 7 additional parking spaces is acceptable in principle since the total proposed number of spaces (17 spaces for the 27 semi-sheltered housing units) is in accordance with the maximum parking

standards for C3 housing in this location. Old School Court can be considered as use C3 rather than C2 because there is no resident warden and tenants appear to live relatively independently.

14. Therefore, the most relevant policies are NE3, NE9, HBE8, HBE9 and HBE12 relating to design, impact on the conservation area and listed building, landscaping and impact on trees.

## **Design**

### **Layout**

15. The proposed layout of parking spaces is acceptable in itself. Landscaping implications are discussed separately in paragraph 20 below.

### **Materials**

16. The materials used in the surfacing of the parking spaces are important to the acceptability of the proposals. A condition is therefore recommended which ensures that the materials used match those in the existing parking area.

### **Impact on Setting of Conservation Area**

17. The proposals will have a minimal impact on the conservation area since Old School Court is fairly enclosed. Some of the trees which are to be removed are currently visible from the street and add to the visual amenity of the area. However, the replacement tree planting on a one for one basis is considered to acceptably mitigate this loss.

### **Impact on Setting of Listed Building**

18. The Old School building, which is on site, is largely unaffected by these proposals. The other buildings on site, along with the associated car parking and landscaping, are not historic, having been part of a scheme approved in 1997.

## **Transport and Access**

### **Vehicular Access and Car Parking**

19. The access to and from Bracondale is considered sufficient to accommodate the extra traffic which may result from the additional car parking spaces. The parking spaces themselves are of adequate dimensions and configuration.

## **Environmental Issues**

### **Archaeology**

20. The site is within the area of Main Archaeological Interest but the construction works will not involve any significant excavation.

## **Trees and Landscaping**

### **Loss of Trees and Replacement Trees**

21. The council's tree protection officer is satisfied that the development can be carried out without unnecessary harm to the trees which are to be retained. It is understood that the four replacement trees will be capable of offering similar visual amenity to the existing trees.

### **Landscaping**

22. A number of mature trees are to be retained, and replacement trees planted near to those which are to be removed. Attractive dwarf hedges and planted flower beds are also retained throughout the site. It is therefore considered that the proposals do not have a significantly detrimental impact on the site's landscaping.

## **Residential Amenity**

### **External Amenity Space**

23. The gardens at Old School Court provide an attractive environment for the residents as well as providing usable external amenity space. The proposed works involve the removal and replacement of 4 trees and a slight reduction in the amount of green space within the development. However, it is considered that sufficient external amenity space is retained within the grounds.

### **Loss of Privacy**

24. The trees offer screening between the 27 residences within Old School Court and adjacent properties. However, there are no properties which are particularly close to one another (minimum distance approx. 20m) or have windows facing directly towards each other. As such, it is not considered that any significant loss of privacy will result from these works.

### **Loss of Outlook**

25. The attractive outlook is retained for the residents of Old School Court since a number of trees are to be kept and replaced on site.

## **Conclusions**

26. The proposals are considered to be acceptable in terms of its impact on design, residential amenity, landscaping, trees and car parking. As such, the application accords with the relevant policies and should be approved.

## **RECOMMENDATIONS**

Approved application 14/00445/F for Old School Court and grant permission subject to the following conditions:

- 1) Standard time limit
- 2) In accordance with plans
- 3) In accordance with AIA
- 4) Materials to match







Organisational Development  
2 8 MAR 2014  
Post Room

**John Shanks**  
Chartered Building Surveyor and Designer

Cedar House, 41 Thorpe Road, Norwich NR1 1ES. Tel/Fax: 01603 761344 john.shanks@btclink.com			
Client	NORWICH HOUSING SOCIETY LTD		
Project	OLD SCHOOL COURT BRACONDAL NORWICH		
Drawing	SITE PLAN proposed additional car-parking		
Date	Scale	Job No.	Drawing No.
24.03.2014	1:200	718	2





## Report for Resolution

**Report to** Planning Applications Committee  
**Date** 03 July 2014

**Report of** Head of Planning Services  
**Subject** 14/00733/F

117, George Borrow Road, Norwich, NR4 7HX

**Item**  
**5(7)**

### SUMMARY

<b>Description:</b>	Erection of single storey rear extension.
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	University
<b>Contact Officer:</b>	Lara Emerson - Planner - 01603 212257
<b>Valid Date:</b>	23rd May 2014
<b>Applicant:</b>	Mrs Sophie Hind
<b>Agent:</b>	Mr Jon Spalding

### INTRODUCTION

#### The Site

##### Location and Context

1. The site is located on the north side of George Borrow Road which lies to the west of the city. The area is predominantly made up of two storey semi-detached residential properties.

##### Constraints

2. There are no particular constraints on the site.

##### Planning History

No recent planning history.

##### Equality and Diversity Issues

There are no significant equality or diversity issues.

##### The Proposal

3. The proposal is for the erection of a single storey rear extension which extends 4m into the rear garden and its flat roof stands at 2.5m high. The extension provides a living space, allowing other parts of the ground floor to become 2 additional bedrooms. Materials are to match existing.

##### Representations Received

4. Adjacent and neighbouring occupiers have been notified in writing. 2 letters of

representation has been received citing the issues as summarised in the table below.

5.

Issues Raised	Response
The extension appears to turn the family dwelling into a house in multiple occupation	Paragraph 12
Concerns about parking provision for extra occupants	Paragraph 15
Noise disturbance	Paragraph 14
The bedrooms appear small	Paragraph 13
The design is not in keeping with the area	Paragraph 10

## **Consultation Responses**

6. No internal or external consultations have been undertaken.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Policy:**

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

Statement 7 – Requiring good design

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

Policy 2 – Promoting good design

### **Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:**

HBE12 - High quality of design

EP22 - High standard of amenity for residential occupiers

### **Emerging DM Policies:**

DM2 - Ensuring satisfactory living and working conditions

DM3 - Delivering high quality design

### **The need for planning consent**

7. A proposal for a rear extension of between 3 and 6 metres in depth (on a non-detached property) can be dealt with under the 'larger home extensions' prior notification scheme. The scheme was introduced in May 2013 and involves consulting adjoining neighbours. If no objections are received, the proposal can be considered to be permitted development. If objections are received, the local planning authority considers the proposal only in terms of its impact on residential amenity and makes a decision based on this. On 13 June 2013, the planning committee agreed to amend the scheme of delegation so that these applications are determined by the head of planning services under delegated powers.
8. The applicant in this case has been made aware of the fact that this application could be dealt with using the above procedure but has decided instead to proceed with a full application. Nevertheless, it is important to bear in mind that if the application were being considered as a prior notification application, the only issue which could be considered is that of residential amenity.

**Principle of development**

9. The provision of a single storey rear extension is acceptable in principle. As such the main issues to consider are design and impact on residential amenity.

**Design**

10. The extension cannot be easily viewed from the street. Since the proposed extension is of modest size and matching materials, it is considered to be in keeping with the dwelling and its setting.

**Residential amenity**

11. With regards to residential amenity, the single storey extension is set at a distance from boundaries and stands at only 2.45m high. No significant loss of light, outlook or privacy can be expected to result from this development. Sufficient external amenity space is retained for the subject property.

**Other matters raised**

12. Objectors have raised concerns about the potential for the property to be used as a house in multiple occupation. Current planning legislation allows properties to change use between C3 Dwellings and C4 Houses in Multiple Occupation (with 6 or fewer occupants) without the need for planning consent.
13. The internal layout of the dwelling is not a reasonable consideration within an application for a small extension to a dwelling. The naming of bedrooms on the plan does not restrict their use for other domestic functions.
14. No additional noise can be reasonably expected to result from this development.
15. The existing driveway, which provides parking for 2 cars, is to be retained. This is considered sufficient for a property of this size in this accessible location, and indeed accords with the parking standards within the Replacement Local Plan.

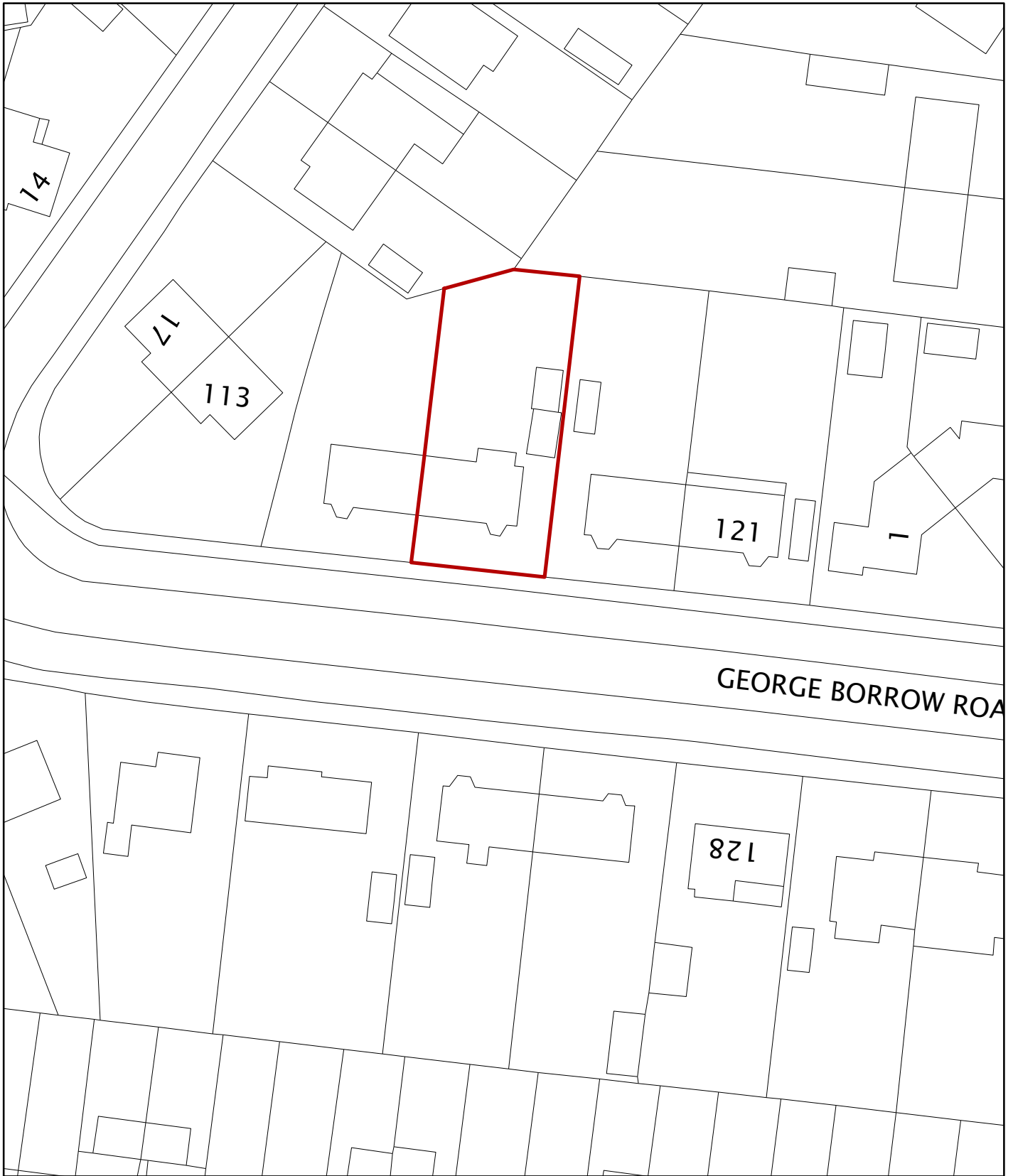
**Conclusions**

7. The proposals are considered acceptable in terms of their design and impact on residential amenity. As such, the proposals accord with the relevant policies and should be approved.

**RECOMMENDATIONS**

To approve Application No 14/00733/F for 117 George Borrow Road and grant planning permission, subject to the following conditions:

- 1) Standard time limit
- 2) In accordance with plans



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Planning Application No 14/00733/F

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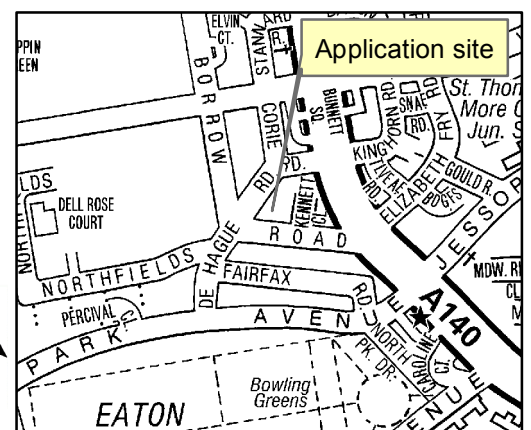
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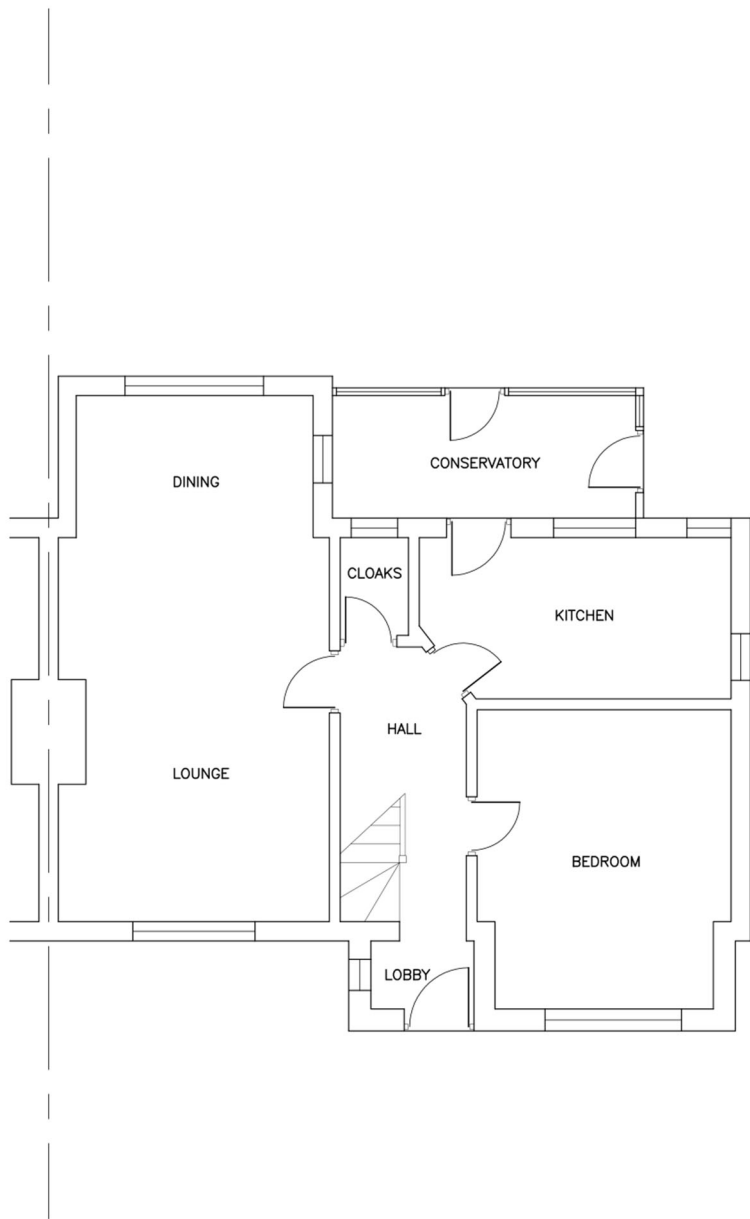
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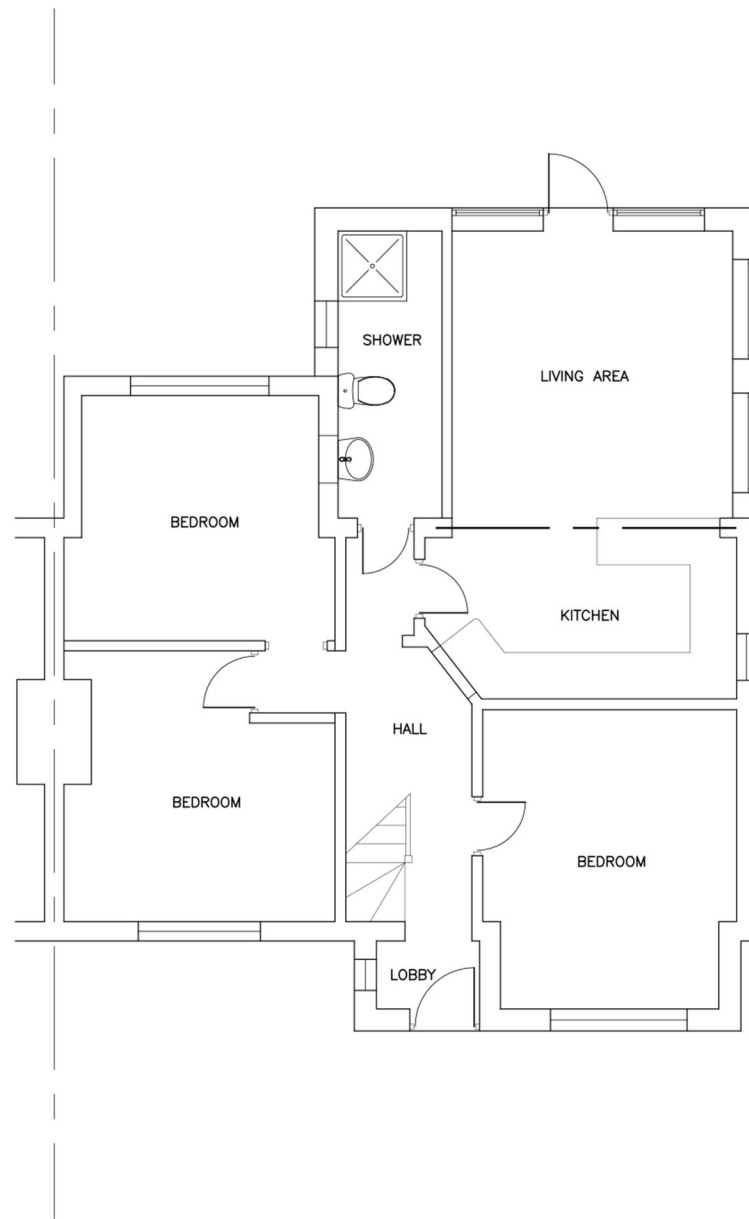
**NORWICH**  
City Council

PLANNING SERVICES





EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN