



Planning applications committee

Date: Thursday, 11 February 2016

Time: 09:30

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

Committee members:

Councillors:

Sands (M) (chair)
Herries (vice chair)
Blunt
Bradford
Button
Carlo
Jackson
Lubbock
Maxwell
Neale
Peek
Woollard

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Agenda

1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

5 - 8

To agree the accuracy of the minutes of the meeting held on 14 January 2016.

4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of planning applications for consideration

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Standing duties

11 - 12

4(a) Application no 1501092F - 26 - 36 Rose Lane, Norwich,

13 - 36

NR1 1PN

4(b)	Application no 1501546F - Land and garages, Rose Valley, Norwich, NR2 2PX	37 - 52
4(c)	Application no 1501688F - St Clements Nursing Home, 170 St Clements Hill, Norwich, NR3 4DG	53 - 66
4(d)	Application no 1500803F - Garden Land between, 35 - 51 Gipsy Lane, Norwich	67 - 82
4(e)	Application no 1501480VC - Depository Building Part Lion House and Part Seymour House, Muspole Street, Norwich	83 - 102
4(f)	Application no 1501899F - 111 Borrowdale Drive, Norwich, NR1 4NA	103 - 118
4(g)	Application no 1501906U - St Michaels Church, Oak Street, Norwich, NR3 3AE	119 - 130
5	Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 3, 2015-16 (1 October to 31 December 2015)	131 - 142

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

Date of publication: **Wednesday, 03 February 2016**

Planning applications committee**09:30 to 10:05****14 January 2016**

Present: Councillors Sands (M) (chair), Herries (vice chair), Ackroyd (substitute for Councillor Lubbock), Blunt, Button, Carlo, Jackson, Maxwell, Neale, Peek and Woollard

Apologies Councillors Bradford and Lubbock

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 17 December 2015.

3. Application no 15/01859/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR

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

During discussion the planner referred to the report and answered members' questions. A member expressed concern about the size of the flats and was advised that the council's private sector housing team would be informed by building control, when the development was completed, and inspect the property before it was let out to tenants.

During discussion members considered that the flush design of the rooflights was acceptable and barely visible. A member pointed out this application demonstrated the value of pre-application discussions with the council's planning services to arrive at an acceptable application. Members noted that this property had changed ownership and that this had contributed to some of the issues relating to its redevelopment.

RESOLVED, unanimously, to:

- (1) approve application no. 15/01859/F - Aldwych House 57 Bethel Street Norwich NR2 1NR and grant planning permission subject to the following conditions:

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

- (2) authorise the serving of revised enforcement notice under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised two projecting rooflights nearest the eastern elevation and the taking of legal proceedings, including prosecution if necessary.

(NB: the revised enforcement notice will make it clear that implementation of the two 'flush' rooflights will satisfy the enforcement notice.)

Article 35(2) statement

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

4. Application nos 15/01708/F and 15/01709/L 72 - 78 St Stephens Road, Norwich, NR1 3RE

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

During discussion the planning assistant referred to the report and answered members' questions. The committee noted that the design of the solar panels, without metal rims, reduced the visual impact of the panels, particularly against the black roof tiles.

The chair commented that similar panels had been used on other properties in the vicinity.

RESOLVED, unanimously, to:

- (1) approve application no. 15/01708/F - 72 - 78 St Stephens Road, Norwich, NR1 3RE and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Structural report to be submitted to demonstrate structural integrity of roof.
- (2) approve application no. 15/01709/L - 72 - 78 St Stephens Road, Norwich, NR1 3RE and grant Listed Building Consent subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Structural report to be submitted to demonstrate structural integrity of roof.

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan,

national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

5. Application no 15/01735/F - 1 Helena Road, Norwich, NR2 3BY

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

During discussion the planner referred to the report and answered members' questions. It was considered that the contemporary design of the building and its different roof form, comprising zinc tiles and a sedum roof, complemented the street scene. The committee noted that the garage would be removed and that the removal of the dropped kerb would free up an on-street parking space. Members also noted that the applicant would provide secure cycle storage and that the property was in an accessible location, close to bus routes. The landscaping condition could include hedging to reflect existing hedging in the street. The "colourful" appearance of the street could be retained through the condition relating to materials.

RESOLVED, unanimously, to approve application no. 15/01735/F - 1 Helena Road, Norwich, NR2 3BY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. Details of layout of the amenity areas and hard and soft landscaping and green roof;
5. Details of secure covered cycle storage and bin storage;
6. Details of sustainable drainage systems;
7. Details of water efficiency measures;
8. Footway to be reinstated prior to occupation of the dwellings;
9. No use of flat roof as a roof terrace.

Informatives:

1. Considerate constructor.
2. Works to a public highway.

Article 35(2) statement

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

CHAIR

Summary of planning applications for consideration

Item 4

11 February 2016

Item no	Case no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	15/01092/F - 26	26 to 36 Rose Lane, Norwich, NR1 1PN	Judith Davison	Redevelopment of site to provide one office (Class B1/A2) unit at ground floor, 26 apartments on upper floors with associated infrastructure and access (revised scheme).	Objections	Approve
4(b)	15/01546/F	Land and garages, Rose Valley	Kian Saedi	Demolition of existing workshop/garage and erection of two dwellings.	Objections	Approve
4(c)	15/01688/F	St Clements Nursing Home, 170 St Clements Hill	Kian Saedi	Demolition of conservatory and construction of single storey side extension, single storey rear extension and two storey front extension.	Objections	Approve
4(d)	15/00803/F	Garden land between 35 – 51 Gipsy Lane	Kian Saedi	Erection of dwelling.	Objections	Approve
4(e)	15/01480/VC	Depository building part Lion House and part Seymour House, Muspole Street	James Bonner	Removal of Condition 2 to remove the phasing element of the approved scheme; amendments to the wording of Conditions 3-10 and 15-20; and variation of Condition 21 to allow for minor changes to the approved plans of planning permission 12/00143/ET.	Objections	Approve, subject to S106

Item no	Case no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(f)	15/01899/F	111 Borrowdale Drive	John Dougan	Demolition of rear extension and garage and erection of a single storey dwelling	Objections	Approve
4(g)	15/01906/U	St. Michael's Church Oak Street	Caroline Dodden	Change of use to circus including training and rehearsal (sui generis)	Objections	Approve

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/01092/F - 26 - 36 Rose Lane,
Norwich, NR1 1PN

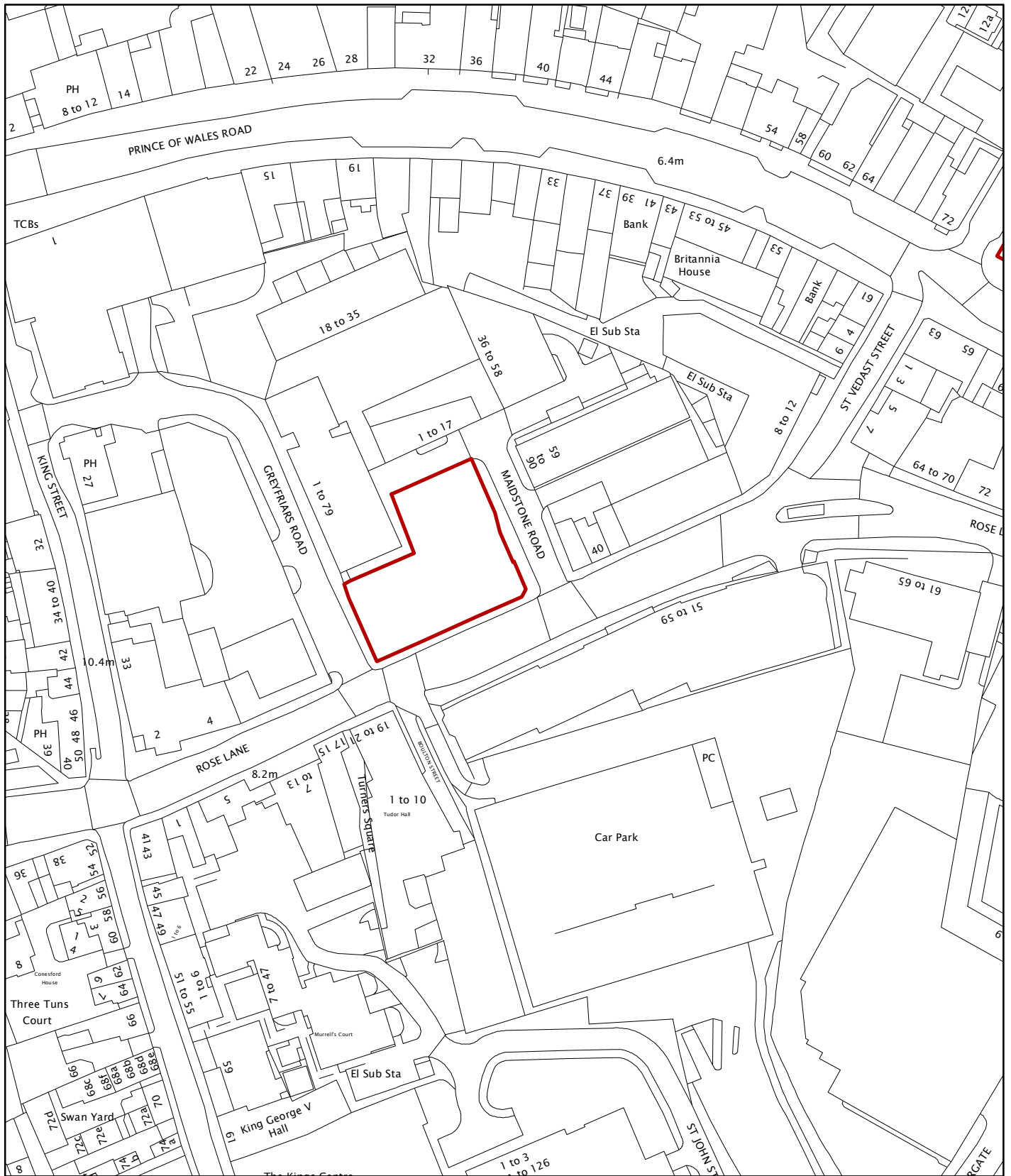
**Reason
for referral** Objection

4(a)

Ward:	Thorpe Hamlet
Case officer	Judith Davison - judithdavison@norwich.gov.uk

Development proposal		
Redevelopment of site to provide one office (Class B1/A2) unit at ground floor, 26 apartments on upper floors with associated infrastructure and access (revised scheme).		
Representations		
Object	Comment	Support
5	2	

Main issues	Key considerations
1 Principle of development	Site allocation, sustainable location
2 Design	Layout, siting, density, massing, materials
3 Heritage	Impact on historic environment and heritage assets
4 Amenity	Impacts on existing and future occupiers: overlooking, loss of light / privacy, external amenity provision
5 Affordable housing	Lack of affordable housing
6 Access, parking and servicing	Access arrangements, bin provision, level of car and cycle parking
Expiry date	29 February 2016
Recommendation	Approve



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Planning Application No 15/01092/F

Site Address 26-36 Rose Lane

Scale

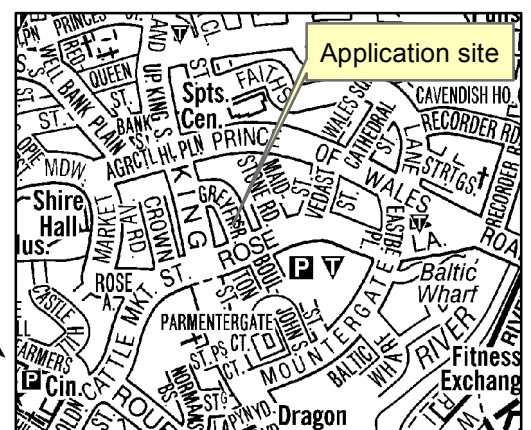
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NORWICH
City Council

PLANNING SERVICES

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The site, its surroundings, and constraints

1. The site is located on the north side of Rose Lane, between Maidstone Road and Greyfriars Road, and is 0.11 ha in size. It is surrounded by a range of uses including residential, offices and leisure uses. A petrol filling station lies directly to the west of the site on the other side of Greyfriars Road.
2. This site is part of a larger site which was allocated in the 2004 Replacement Local Plan for mixed use development, the remainder of which has been developed (the Greyfriars Road / Maidstone Road development). The application site was previously occupied by Gerald Giles retail premises which were demolished and cleared about 10 years ago.
3. The site fronts onto Rose Lane, a busy traffic route into the city centre with good public transport links. The site is situated in a sustainable location close to a wide range of shops, employment opportunities and amenities, being about 0.3 km to the east of the city centre. Norwich Castle and its gardens are several hundred metres to the west, at the top of Rose Lane. To its east, the site is close to Norwich train station and the regeneration area based around King Street and Rose Lane; a new multi-storey car park is currently being constructed on Rose Lane / Mountergate and a number of sites are under development or are allocated for development in the Rose Lane / King Street area. The site is also within easy walking distance of the River Wensum and its riverside walk.
4. The topography of the surrounding area is varied with the land rising significantly from the river westwards up Rose Lane to a high point at Norwich Castle; the site sits about halfway up the slope of Rose Lane.
5. The site is allocated in the Norwich Site Allocations and Site Specific Policies Local Plan under policy CC5 for a housing led mixed use development, to provide a minimum of 20 dwellings. The policy states that small scale office and retail units could be provided as part of the mix of development, fronting Rose Lane.
6. The site is located within the City Centre Conservation area (part of the Prince of Wales Road character area) which contains a number of historically significant buildings including Tudor Hall, a Grade II listed building, located opposite the site, in addition to the castle which is a scheduled ancient monument. The site is also within the Area of Main Archaeological Interest and City Centre Leisure Area, and is in close proximity to the Late Night Activity Zone on Prince of Wales Road.
7. Rose Lane is destined to become a 20mph speed limit street by mid-2016 and as part of the Transport for Norwich strategy it is planned to become a 2-way street for general traffic when Prince of Wales Road becomes a 2-way street for bus and access traffic only.

Relevant planning history

8.

Ref	Proposal	Decision	Date
04/00936/C	Demolition of existing buildings	APPCON	29/10/2004
06/00789/F	Redevelopment of site with a four-storey building to provide 4 retail units, 24 apartments and associated car parking.	APPR	15/12/2006
09/01049/ET	Redevelopment of site with a four-storey building to provide 4 retail units, 24 apartments and associated car parking.	CANCLD	26/11/2009
09/01400/F	Erection of a four storey building to provide three retail units, 24 apartments and associated car parking.	APPR	23/03/2010

The proposal

9. The proposal is for redevelopment of the site to provide one office (Class B1 business / A2 financial and professional services) unit at ground floor level and 26 apartments on upper floors, with associated infrastructure and access. The application was originally submitted in July 2015 but was revised in December 2015 and subject to a further consultation.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	26 dwellings comprising 9 x 1-bed flats and 17 x 2-bed flats
No. of affordable dwellings	Nil
Total floorspace	Residential 1636 sqm and office 273 sqm.
No. of storeys	5
Max. dimensions	40 m x 35 m (at widest extent)
Density	236 units per hectare
Appearance	
Materials	Materials include: brick and textured brickwork to ground, first, second and third floors on the east, south and west

	facades; zinc cladding for recessed penthouse apartments; powder coated steel brise soleil; glass balustrade on 5 th floor; projecting bay windows clad in rainscreen cladding panel.
Transport matters	
Vehicular access	Via Maidstone Road
No of car parking spaces	17
No of cycle parking spaces	48
Servicing arrangements	Via Maidstone Road

Representations

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

Issues raised	Response
Amenity – loss of light, loss of privacy / loss of views / overlooking / lack of external amenity space	See main issue 4
Loss of trees / open space	See main issue 4
Noise disturbance	See main issue 4
Design: out of scale development, over-dominant building, poor design	See main issues 2 and 3
Access /parking	See main issue 6

Consultation responses

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

Historic England

12. In summary, Historic England has no objection to the erection of a contemporary building in this location in principle but is concerned that the height and design of the proposed building could result in a degree of harm to the conservation area in terms of paragraphs 132 and 134 of the NPPF and urges the council to give due weight to this in considering the benefits of the new housing to be delivered. In particular a reduction in the height of the building would better preserve and enhance the historic significance of the conservation area along with improvements in the building's elevations, which are quite stark with relatively little modelling and interest.

Highways / transportation

13. The revised development is considered acceptable in highways/transportation terms subject to consideration of detailed matters by condition. The provision of 17 parking spaces and 48 cycle parking spaces is acceptable in this highly sustainable location. The bin storage is well located but appears to be insufficient and requires clarification. There are some concerns about the width of the proposed vehicle access from Maidstone Road which is insufficient to allow two vehicles to pass at the same time, potentially causing vehicle conflict. The entrance could potentially be widened to accommodate 2 vehicles entering / leaving the building at the same time (approximately 4.8 metres width) and the security gate for vehicles should also be replaced with a roller shutter, with a separate gate retained for pedestrian access, although this would involve loss of some parking spaces.
14. The external form of the revised scheme, including the provision of overhanging balconies, is acceptable in highways terms, although the overhanging structures will require a S177 license. As the balconies will be more than 5.2 metres above the highway, the risk of vehicles mounting the pavement and striking the building will be reduced, therefore bollards will not be required on the footway. It would be beneficial as part of this redevelopment to replace the existing footways and kerbs next to the site which are in poor condition, preferably with Saxon paving.

Norfolk County Council Flood and Water Management team

15. The Flood Risk Assessment states that the applicant intends to discharge surface water run-off from roof water, pavements and car parking into the existing surface water main sewer. There is little supporting information to demonstrate why shallow infiltration on site or discharge to a surface watercourse are inappropriate prior to connection to a surface water sewer. The Norwich Urban Area Surface Water Management plan (SWMP) indicates that this development falls within an area with significant capacity issues with the surface water sewer network. Anglian Water should be consulted on this proposal to confirm if they accept it in principle and have any additional comments.

Housing strategy

16. No comments.

Landscape

17. The revised proposals still lack any shared external amenity space. However, consideration has been given to reducing any negative impact on surrounding

amenity which is an improvement to the scheme, and to improve the aspect of some units to address amenity and outlook of new units. The supporting information highlights that improvements are planned to nearby Castle Gardens which could provide suitable mitigation for a lack of external amenity space for residents of the proposed scheme. SUDs should be considered within the courtyard, which may at least allow the area to serve an additional sustainability function rather than just car parking.

Anglian Water

18. The foul drainage from this development is in the catchment of Whitlingham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has sufficient capacity for these flows. If the developer wishes to connect to the sewerage network they need to serve notice under S106 of the Water Industry Act 1991.
19. The preferred method of surface water disposal would be to a sustainable drainage system (SUDs) with connection to the sewer as the last option. Anglian Water recommends a planning condition relating to the provision of a surface water drainage strategy prior to commencement of any drainage works, in order to prevent environmental and amenity problems arising from flooding.

Norfolk fire and rescue

20. No objections so long as the proposals are in accordance with the Building Regulations.

Norfolk historic environment service

21. The evaluation report submitted in 2008 was rejected and amendments were requested (relating to interpretation), but an amended report was never submitted. The current application again includes the un-amended report. Standard condition (AH1) should be added to any consent and an amended evaluation report should come forward at a future date.

Norfolk police (architectural liaison)

22. Measures proposed to reduce the opportunity for crime and anti-social behaviour include: redesign of the recessed entrance to the car park, with inward opening gates or roller grilles at the building line, and entrances to the bin stores moved to the Maidstone Road elevation; access to the cycle store to be accessible only to residents and within a dedicated room; and specification of the rear boundary with a fence of robust construction to a minimum height of 1.8 metres.

Assessment of planning considerations

Relevant development plan policies

23. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water

- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM19 Encouraging and promoting major office growth
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

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

- CC5: Land at Greyfriars Road / Rose Lane

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

27. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted March 2015

Case Assessment

- 28.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and

any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

29. Key policies and NPPF paragraphs – DM12, DM19, SA CC5, NPPF paragraphs 49 and 14
30. The site is allocated in the Norwich Site Allocations and Site Specific Policies local plan (Site Allocations Plan) for a housing led mixed use development, to provide a minimum of 20 dwellings, with small scale office or retail use as part of the mix fronting Rose Lane.
31. The principle of mixed use development on this site has been established for some time. As stated earlier this site is part of a larger site allocated in the 2004 Replacement local plan for mixed use development including housing, employment and leisure uses, the remainder of which has been developed. Planning consent was granted in 2010 for 24 dwellings with retail development on the ground floor, which expired in March 2013.
32. The NPPF in Section 6 (Delivering a wide range of high quality homes) emphasises the importance of planning for housing delivery and in particular boosting the housing supply. It also places great emphasis on sustainable development, and supporting the needs of business and protecting town centres.
33. Development of the site will contribute to the need for new homes and jobs in this highly sustainable location, thereby contributing to the targets for housing and employment set out in the Joint Core Strategy (policy 11) and supporting the objectives of the NPPF. Although the site does not fall within the office priority area as defined on the proposals map, its development will contribute to the provision of new high quality office space in the city centre which is a key component of maintaining the long-term viability and vitality of the city as an employment hub. Under the Town and Country Planning (General Permitted Development) (England) Order 2015, changes of use from B1 office to residential are classed as permitted development and changes of use are also permitted from A2 (financial and professional services) to a range of other uses. If consent is granted for this proposal it would be justified in terms of the allocation policy and objectives of the JCS and NPPF to include a condition restricting change of use from B1/A2 uses to other uses without the need for planning permission, in order to support the city centre's role as an employment hub.
34. A mixed use development is therefore acceptable in this location in principle and in accordance with adopted local plan policy. Development of this site in accordance with policy will also support and complement the city council's efforts to regenerate the south city centre area in particular, along with a number of other allocations in that plan including St Anne's Wharf, Rose Lane Mountergate, and in the King Street area.
35. Policy DM12 sets out principles that apply to all proposals for new residential development in the city. The policy has a number of specific clauses (a) to (f). The proposal is in line with clause (a) as it will contribute to the regeneration of the wider south city centre area and is consistent with the spatial planning objectives of the

local plan and JCS. In relation to clause (b) the proposal's impacts on amenity and character of the surrounding area are considered in the relevant sections of the report below (see Main Issues 2, 3 and 4). The proposals will help achieve a diverse mix of uses in the locality in accordance with clause (c) of DM12 and will help deliver the Site Allocations Plan and the housing targets of the JCS. There is a mix of dwellings within the proposals in terms of size in accordance with clause (d). In relation to clause (e) the impact of the proposed development on the existing character and function of the area, taking account of the significance of heritage assets is assessed below under Main Issue 4).

Main issue 2: Design

36. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
37. The delivery of high quality and inclusive design is an objective of the NPPF which is considered essential for the delivery of sustainable development. Policy DM3 in the Development Management Policies Plan is concerned with design principles for new development; it provides further detail to help implement national policy and to supplement the strategic design principles set out in JCS policy 2. The design principles in DM3 seek to ensure that development - in terms of layout, siting, density, massing and materials - is locally distinctive, and respects, enhances and responds to the local distinctiveness of the area. The site's location in the city centre conservation area introduces further significant design considerations.
38. There is a close relationship between the design and heritage aspects of the development. This section of the report, relating to design, will deal primarily with the layout, siting and materials aspects of policy DM3, and main issue 4 (Heritage) with the heritage impacts, although there will inevitably be some overlap between the two sections. The following text relating to the site's townscape and historic development serves as a general context to both sections.
39. Rose Lane falls within the Prince of Wales character area of the City Centre Conservation Area. The conservation area appraisal (CAA) notes that this is a predominantly commercial part of the city centre developed in the Victorian era although Rose Lane and Mountergate have both been subject to almost complete 20th century redevelopment. The influence of the railway is clearly visible in the hotels and large office blocks at the eastern end of both Prince of Wales Road and Rose Lane. Several of the offices blocks are now being converted to residential uses (under relatively recent changes to permitted development rights).
40. The site is located at a point on Rose Lane where the office development on the south side of Rose Lane gives way to more domestic scale buildings going up the hill; these are chiefly two or three storeys high and the width of plots relatively narrow. Tudor Hall, which is grade II listed, is opposite the site on the corner of Boulton Street. The north side of Rose Lane however is largely mixed in scale and character at this point. The land rises from east to west up Rose Lane; glimpses of the Castle on its mound can be seen from the lower part of Rose Lane.
41. The conservation area appraisal defines the site as being within a 'neutral' area in terms of townscape and identifies a negative vista from the top of Rose Lane looking eastwards down the hill towards the office and other development including

Rose Lane Business Centre and Imperial House (the latter building is currently being converted to housing.)

42. The proposals are accompanied by a Design and Access Statement which provides contextual information about the site, planning history, design evolution, and the proposal's relationship to surrounding development particularly Tudor Hall and the Greyfriars development. In it, the applicant notes the constrained nature of the site and its close relationship to the boundary of the Greyfriars site.
43. The proposed layout makes intensive use of the site, extending right up to the site boundaries on Greyfriars Road, Maidstone Road and Rose Lane. Given the site constraints, the layout is U - shaped to make best use of the available space, with a courtyard area in the centre. This is broadly the same layout as for the previously consented scheme but with some significant differences which are referred to in relevant sections of the report (main issues 3 and 4).
44. The design of the scheme is intended by the applicant to be simple and robust, based on good quality materials which will withstand pollution and avoid weathering. Although the proposed building is undoubtedly significant in terms of scale and massing (see main issue 3), the introduction of vertical detailing to the facade through vertical panels formed by textured brickwork and alignment of windows and balconies, above a recessed plinth, does help to break up the horizontal bulk of the building. The use of high quality brick and textured brick detailing plus the other proposed materials will create a contemporary building of good quality to stand the test of time which should avoid issues of weathering and algae growth. Specific details of materials should be provided via condition.
45. The design of the plinth which is inset from the main building façade line, along with the canopy detail over the entrance to the commercial space, helps to place greater emphasis on the ground floor activity and create some interest at street level. This aspect of the design also opens up the public realm at ground floor level to provide a wider footpath.

In relation to other considerations of policy DM3, the proposal is a high density development (with an approximate density of 236 units per ha) which represents an efficient use of land in a sustainable location. The provision of car parking, service areas and accesses are appropriate to the scale of the development and do not dominate the design of the building; parking and servicing is addressed in more detail under Main Issue 6. There is minimal potential within this small site for the introduction of new green infrastructure or landscaping.

Main issue 3: Heritage

46. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
47. Policy DM9 requires that new development pays regard to the historic environment, and that the significance of any relevant heritage assets have been adequately assessed. The NPPF identifies protection and enhancement of the historic environment as an important element of sustainable development, and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). It also states that the significance of listed buildings and conservation areas can be harmed or lost by alteration to them or development in

their setting (paragraph 132), and that the conservation of heritage assets is a core principle of the planning system (paragraph 17).

48. It is important that the character of the historic development on the south side of Rose Lane is considered in this context.
49. As stated earlier, the site is located in a conservation area which contains a number of historically important buildings including Tudor Hall, a grade II listed building opposite the site, some listed and locally listed buildings of domestic scale going uphill on the south side of Rose Lane, in addition to the castle which is a scheduled ancient monument. The Greyfriars development, which lies to the north and east of the site, is 4 storeys in height where it is closest to the development site (the block to the rear of the development off Greyfriars Road) and ranges up to 7 storeys within the site.
50. The applicant has submitted supporting information in the form of photomontages and visualisations from a variety of points on Rose Lane, and massing studies, to provide an impression of the design of the finished building and its potential impact on the surrounding area. These along with the plans and elevations show that proposed development is of significant scale and massing and will inevitably have a major impact on the Rose Lane townscape. The height of the proposed development at 5 storeys is one storey taller than the previously consented scheme and the site elevations show that it will be approx. 1.4m taller than the eaves line of the adjacent development to the north (Greyfriars Road / Maidstone Road). The top storey of the proposed development is set back from the site frontage to reduce its impact on the streetscene although it will still be visible as is evident from the visualisations.
51. It is important to consider the impact of the height and massing of the proposed development in relation to the wider townscape and the historic buildings on the south side of Rose Lane especially when seen looking down the hill. The additional massing studies supplied by the applicant illustrates that the development is barely visible when viewed from Cattle Market Street although it is visible when viewed from the junction of Rose Lane with King Street. The applicant's supporting material also shows the relationship of the proposals with the previously consented scheme, which it is considered demonstrate that the proposals will have more impact on the townscape than the previously consented scheme (which also had a recessed fourth floor).
52. The visualisations also show the potential impact on Tudor Hall, opposite the site. It should be noted that the setting of Tudor Hall is already heavily compromised by existing development and therefore its setting is not as sensitive as some other listed buildings where their original setting can be readily interpreted.
53. Although Tudor Hall is smaller than the proposed development the applicant states that the dominant visual reference for the latter should be the brick parapet which is only marginally (160mm) higher than the ridge of Tudor Hall, and that the fifth storey accommodation has minimal impact on views given its recessing in the revised plans. It could be argued however that the visual reference point for the new development is more likely to be the top of that building rather than the parapet. Either way, the proposed new development will undoubtedly be a substantial building as is evident from the supporting information, and its impact on townscape and heritage assets would be reduced if it lost the top storey.

54. However the applicant has provided information relating to viability of the scheme which states that complete omission of the fifth floor apartments would result in a deficit of approximately £387,000. It is considered that the revisions made by the applicant which set back the fifth storey from the frontage, particularly at the corner closest to Tudor Hall, and the use of glass and reflective materials here will help to reduce any negative impact on both the townscape and heritage assets. These measures, along with the variation of materials in the façade to introduce more vertical emphasis and texture, and the introduction of greater interest at street level, will result in a development that is in accordance with DM3 in relation to local distinctiveness.
55. In its comments on the revised proposals, Historic England states that the height and detail of the building could result in a degree of harm to heritage assets. However the degree of harm should be considered in relation to the topography and townscape which limits views of the site from the west. This part of the conservation area is neutral in character as noted in the conservation area appraisal and has a varied form and scale of development as referred to earlier in this report. The proposals will help to enhance the area's local distinctiveness by use of good quality materials, and a simple contemporary design that creates a positive frontage to Rose Lane.
56. For these reasons it is considered that although the proposals are significant in terms of scale and massing, they will have a neutral impact on the heritage assets and more traditional grain of development on the south side of Rose Lane. Therefore the proposals are judged to be acceptable in heritage terms.

Main issue 4: Amenity

57. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Existing occupiers

58. Policy DM2 states that development will be permitted where it would not result in an unacceptable impact on the amenity of the area or living / working conditions of neighbouring occupants in terms of: prevention of overlooking and loss of privacy; prevention of overshadowing and loss of light and outlook; and prevention of disturbance from noise, odour, vibration, air or artificial light pollution. A number of comments / objections have been made by residents of neighbouring development on grounds of impacts on amenity, in particular loss of light, loss of privacy, overlooking, and noise disturbance. The flats on Maidstone Road are approximately 10m from the site boundary and those on the Greyfriars development approximately 2m from the boundary at the nearest point.
59. The applicant has made several changes to the proposals from those originally submitted, to address amenity issues. In relation to amenity for existing occupiers, specifically those in the adjacent Greyfriars Road / Maidstone Road development, the proposals have been amended to reduce the scale of the staircase on Maidstone Road at the rear of the development, reducing it by one flight (through amendments to the layout for flat 26). This will lessen its impact on the part of the Greyfriars development lying to the north of the site (over 7m from the site boundary at this point).

60. It was recently discovered that a layout change to the Greyfriars development was approved following the original planning consent which means that a window originally thought to be serving a corridor in the building directly to the rear of the site on Greyfriars Road is actually a bedroom window. This has implications for the design of the application proposals given the proximity of the Greyfriars building to the rear wall of the proposed scheme; the proposed development as originally submitted would have been unacceptable in terms of loss of light to the bedroom windows.
61. The applicant responded to this issue by setting back part of the rear wall of the development so that it is now 5.2 metres from the existing building rather than approximately 3.5m.
62. Amenity impacts should be assessed in the context of the location, given that the site is located in the city centre where the prevailing character of development is high density. In these circumstances it is impossible to avoid a degree of overlooking, loss of light or outlook, but it is important to avoid impacts that are considered unacceptable in this location. In this case, although the level of setback from the adjacent development should ideally be greater to reduce its impact still further on the amenity of existing occupiers, and there is accordingly judged to be a degree of harm to existing occupiers in terms of loss of light and outlook, the impact is mitigated by the fact that the rooms in question are secondary bedrooms with the principal habitable areas of the neighbouring dwellings having unobstructed views to the east and west elevations.
63. In addition it is relevant to note that the existing Greyfriars development was built very close to the boundary with the application site (approximately 2 metres away) and by doing this has prejudiced its own amenity in terms of natural light. The British Research Establishment (BRE) has produced guidance to help assess the impact of proposals on daylight and sunlight within and around buildings. This states that a well-designed building should stand a reasonable distance back from its boundaries to enable future nearby developments to enjoy a similar access to daylight; this will ensure that it will keep its own natural light when the adjoining land is developed.
64. Objectors have raised concerns about noise generation arising from the proposed development, including through construction. The development has been designed to reduce the likelihood of noise generation to adjacent residents: the roof terrace fronts onto Rose Lane and partly onto Greyfriars Road opposite the petrol filling station, and the Maidstone Road side of the fifth floor is largely given over to solar panels with a small area of terrace at the Rose Lane end. An informative is proposed to be attached to a grant of planning consent to control noise and pollution arising from construction.

Future occupiers

65. The dwellings are designed to meet the internal space standards in DM2. Most are dual aspect with principal windows facing outward with good outlook and light levels.
66. The originally submitted plans for this development included 3 single aspect flats looking out on the inner courtyard / parking area. Following negotiation with the applicant over amenity concerns, the plans have been revised to create 3 double

aspect flats which are now acceptable in terms of amenity; this was achieved through a change to the location of the staircase (which also resulted in the loss of a second bedroom for each flat).

67. External amenity space has been considered by the applicant but is not included in the development proposals despite the fact that the previously consented scheme included a first floor amenity deck above car parking. The applicant states in the supporting information that the costs of providing an amenity deck (£120k) outweigh the benefits and the provision cannot be justified on viability grounds, given that the submitted scheme shows a deficit of around £64,000 (viability is discussed in more detail in Main Issue 5 and in the conclusion).
68. The comments from the council's landscape officer agree that an amenity area in a rear courtyard is likely to be substandard because of lack of light and would probably not be well used. Future occupiers will have access to the existing open space at Castle Gardens (several hundred metres away), and will be close to the riverside walk too, so their amenity can be addressed in this way. The council's Cabinet in October 2015 approved in principle to endorse expenditure of £150,000 on enhancements to the Castle Gardens for financial year 2017/18, subject to securing additional funding, as part of the Greater Norwich Growth Programme. Although policy DM2 requires provision of external amenity space for new development, it is argued that in this case the requirement is not appropriate given the constrained nature of the site and viability considerations, and that it can be mitigated by existing and proposed provision in the vicinity.
69. One objector voiced concerns at loss of the existing vegetation and trees on the site. There are no significant trees on the site. The site was cleared about 10 years ago and the only vegetation on site has grown up since then. In addition, although policy DM7 requires provision of street trees for major development proposals with a frontage of 10 or more metres onto the highway, in the case of this site there is insufficient room for street trees on the pavement; the site's location requires a building dominated design approach that would be prejudiced by inclusion of street trees.
70. In terms of reducing noise impacts for future occupiers, the applicant's acoustics report recommends a number of noise mitigation measures including double glazing fitted with compression seals for all living rooms and bedrooms, and mechanical ventilation of these windows as they will need to be kept closed.
71. Details of noise reduction measures (which will also address air quality issues for the occupiers) including those for the fifth floor terrace area will be required to be agreed prior to commencement of the scheme.

Main issue 5: Affordable housing viability

72. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
73. JCS policy 4 requires developments of this size to provide 33% of units as affordable, which equates to 8 units for this scheme. This scheme does not however provide for any affordable housing either on-site or in the form of a commuted sum. The absence has been justified on the basis that any level of affordable housing contribution would render the scheme unviable.

74. The applicant submitted viability information which was assessed by the District Valuer who concluded that delivery of affordable housing is not justified using the approved residual land value methodology, and that the scheme viability assessment shows a deficit of approximately £64,000. Further information on viability of other aspects of the development was recently submitted in the revised proposals (referred to in the Conclusion).
75. In accordance with the Affordable Housing SPD section 10, any scheme where reduced (or no) on or off-site provision of affordable housing has been accepted due to viability considerations will require a Section 106 agreement containing an affordable housing viability review clause. In the case of the proposed development, a review of affordable housing viability will come into effect if there has been no commencement of the permission within 12 months of the date of decision, or if a commencement has occurred within 12 months but there is no occupation within a reasonable period following commencement, dependant on the complexity of the development.

Main issue 6: Transport

76. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
77. The proposed development is providing 17 parking spaces which is below the maximum level of parking in this location (27) required by the parking standards by the Development Management Policies Plan. This is considered to be acceptable in this highly sustainable location. The level of cycle parking (48 spaces) is also acceptable; details of cycle parking products will be required by condition. The required provision for a flatted development of this size is 4 x 1100 litre bins for general waste, 4 x 1100 litre bins for recycling, and 4 x 360 litre bins for glass, yet only 5 x 1100 litre bins and 2 x 240litre bins are shown on the plans. Further details of these arrangements will be required by condition.
78. The Council's transportation officer has confirmed that although the width of the proposed access to the development is not ideal that it is acceptable in the circumstances, given the low number of parking spaces provided as part of the development and limited traffic generation from this and the adjacent development. For security reasons the security gate should be repositioned at the building line with an access code to enable access to the bin stores; details of these arrangements will be required by condition.
79. In addition details will be required by condition of the boundary treatment to the rear of the site to ensure it is sufficiently robust to provide security to the parking area.
80. One representation expresses concern about the impact of the proposed development on the already limited parking available in the area particularly on Maidstone Road. There is already restricted parking (evenings and weekends) on the west side of Maidstone Road and double yellow lines on the east side. The proposals will have very limited impact on parking in this road; this impact is outweighed by the benefits of the development and will also be offset by new parking provision in the area (Mountergate multi-storey car park under construction).

Main issue 7: Flood risk

81. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
82. The proposal is to discharge surface water run-off into the existing surface water sewer however Anglian Water has commented that this should be the last option and the preferred method of surface water disposal should be to a sustainable drainage system (SUDs). Insufficient information has been provided to demonstrate why SUDs cannot be provided and therefore the scheme is not acceptable in this respect. Whilst not ideal it is considered in this case that the details of surface water drainage can be conditioned. If the application is granted consent a planning condition will be required relating to provision of a SUDs strategy prior to commencement.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition: it is proposed to use photovoltaic panels on the roof which will be required provide over 10% of the energy requirements
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Equalities and diversity issues

84. There are no significant equality or diversity issues other than the access issues discussed in the design section above.

Local finance considerations

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

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

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

Conclusion

88. Although development on this site is acceptable in principle, the site is a challenging one to develop given its constrained nature, and the proposals include a number of elements which are not ideal but need to be considered in the light of wider sustainability and development objectives. The development's location in a conservation area and potential impact on designated heritage assets is a key consideration in assessment of the application, as is the relatively compromised level of external amenity and impact on existing occupiers in the adjacent residential development. It is also regrettable that the scheme will not provide any affordable housing.
89. Both the NPPF and DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance or better reveal the significance of heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to have special regard to development affecting listed buildings and their settings and conservation areas. This site is located in a prominent position in a conservation area, however given the context of existing development and townscape here it is considered that the proposed development will have a neutral impact on the significance of the conservation area and listed Tudor Hall. The proposals also represent an intensive use of this small site, extending to the site boundaries on three sides, and up to five storeys in height which is greater than the immediately surrounding development. This will substantially change the appearance of the site and the outlook for local residents and will result in a degree of harm to amenity for existing occupiers. However this harm is outweighed by the delivery of housing in a highly sustainable location, and the development of a long term vacant site which is allocated in the adopted Site Allocations and Site Specific Policies Plan (2014).
90. Viability considerations have played a major part in the design and evolution of scheme and although the development will not provide any affordable housing its development will secure the delivery of much needed market housing and office accommodation which will help support the vitality and viability of the city centre. It is therefore recommended that the application be approved subject to the conditions below.

Recommendation

To approve application no. 15/01092/F - 26 - 36 Rose Lane Norwich NR1 1PN and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. SUDs strategy;
4. Energy efficiency;
5. Water efficiency;

6. Details of refuse storage;
7. Details of cycle stands;
8. Noise reduction measures;
9. Rear boundary details;
10. Repositioned access gate to car park;
11. Parking to have EV domestic chargepoint
12. Level access to residential entrance;
13. Details of accessible / adaptable dwellings;
14. Affordable housing review clause;
15. Restriction of changes of use for B1/A2 element
16. Details of materials

Informative Notes

1. Recommend traffic regulation order to change parking restrictions at access;
2. Footway reconstruction paving and kerbs reconstruction is recommended in accordance with streetscape manual as part of S278 agreement;
3. S177 license is required for overhanging parts of the building to the highway;
4. Removal of redundant telegraph pole on Greyfriars Road;
5. IN7 Construction Working Hours

Article 35(2) Statement

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



KEY

APPLICANT'S SITE OWNERSHIP BOUNDARY

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Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/01546/F - Land and garages,
Rose Valley, Norwich, NR2 2PX

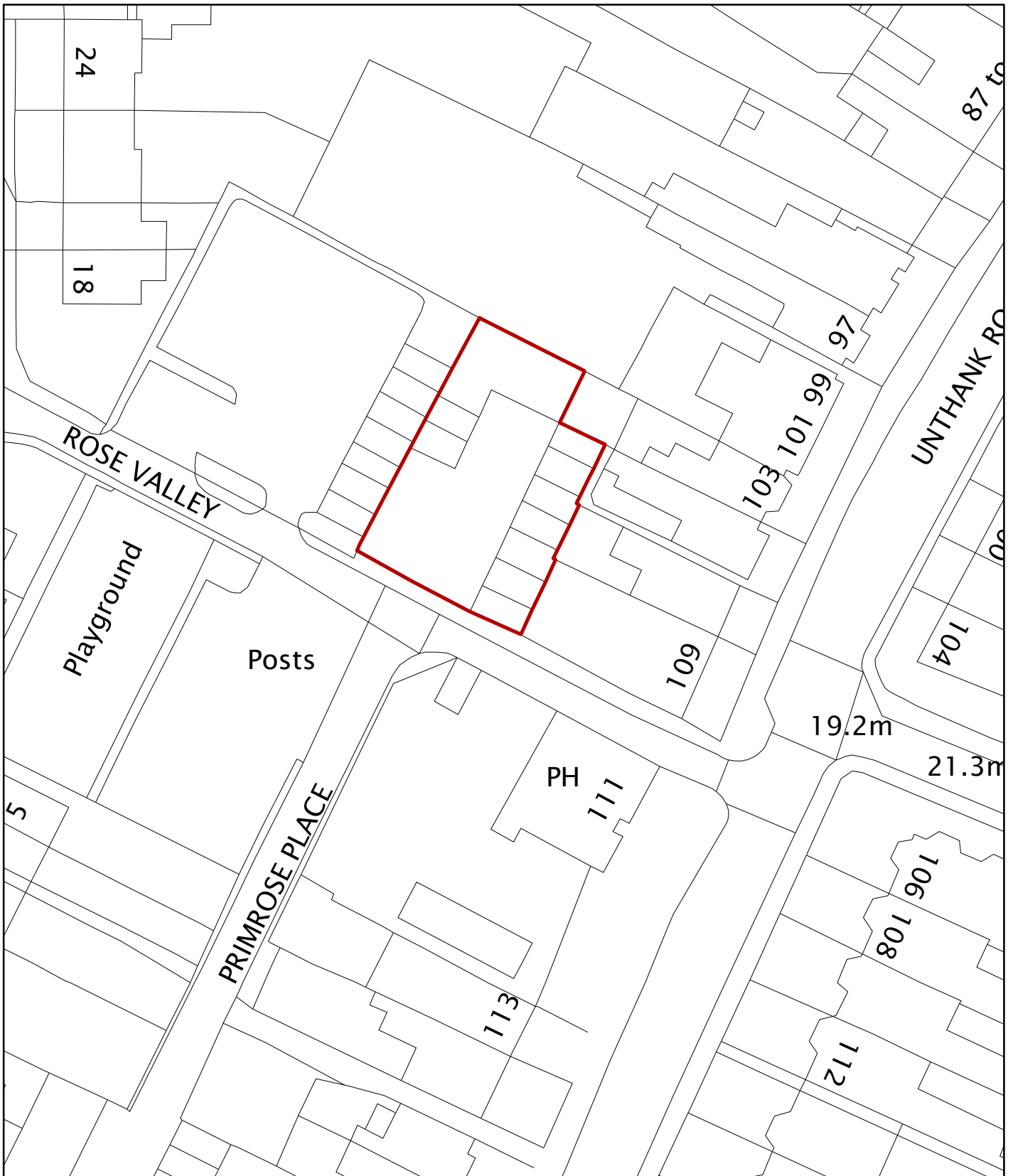
**Reason
for referral** Objection

4(b)

Ward:	Nelson
Case officer	Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Demolition of existing workshop/garage and erection of two dwellings.		
Representations		
Object	Comment	Support
3	1	0

Main issues	Key considerations
1 Principle	Suitability of the site for residential development, impact upon the function of the adjacent retail centre.
2 Design	Scale and massing, appearance, impact upon local character, 'secured by design'.
3 Transport	Parking provision, access, highway safety.
4 Amenity	Internal/external space, outlook, overlooking, overshadowing/daylighting.
Expiry date	Extended to 18 February 2016
Recommendation	Approve subject to conditions



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Planning Application No 15/01546/F
 Site Address Rose Valley

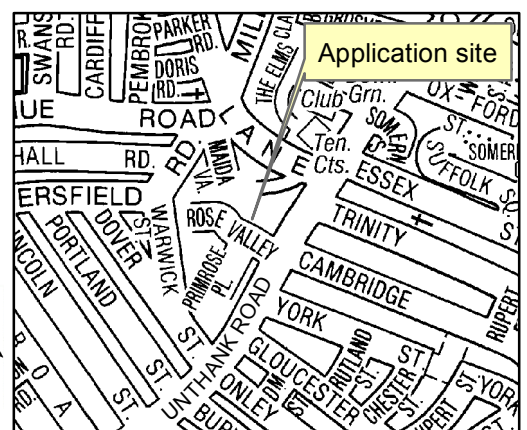
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NORWICH
 City Council

PLANNING SERVICES

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The site and surroundings

1. The site is located in Rose Valley adjacent to the car park serving 'Adnams Cellar and Kitchen' and to the rear of numbers 109-113 Unthank Road. The site features a dilapidated garage/workshop building, which is currently used for storage purposes, which is proposed for demolition as part of the proposal.
2. The surrounding area is characterised by a mixture of uses including commercial in the local retail centre on Unthank Road, residential of Primrose Place and Rose Valley and areas of both private and public car parking.

Constraints

3. The site is located within an identified Critical Drainage Area (DM5) and adjacent to the Unthank Road local retail centre.

The proposal

4. The proposal is for the demolition of the existing workshop/garage and erection of two dwellings.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	2
No. of affordable dwellings	The proposal does not trigger the need for affordable housing
Total floor space	~185 sq.metres
No. of storeys	2
Max. dimensions	6.9 metres in height, ~9 metres in depth and combined width ~14 metres
Appearance	
Materials	Red brick (combination of perforated, projecting and flat face), sedum roof
Transport matters	
Vehicular access	As existing
No of car parking spaces	2
No of cycle parking spaces	4

Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received, including one from the Norwich Society and one on behalf of The Rose Valley Residents Association.
6. The members of the association have voted to accept the planning application, but highlight that they wish it to be known that their acceptance of the current application does not in any way imply that that they would consider further development of similar character in the surrounding area to be acceptable, nor that the current scheme should set a precedent for any such further development. The members of the association would object to any further development of a design which is not sympathetic to the local environment.

Concern is also raised that the displacement of five parking spaces may encourage fly parking or result in more parking congestion although an objection is not raised against the application for this reason.

7. Issues raised in the three remaining letters of objection are summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The proposed buildings are not in keeping with local character	Main issue 2
Highway safety - Existing access from Unthank Road is poor and the proposal will increase risks to pedestrians and vehicles. Emergency vehicles will also find it difficult to access the site.	Main issue 3
Inadequate parking – The proposal will increase already strained parking pressures in the surrounding area.	Main issue 3
The proposal will affect the availability of parking spaces for spaces for adjacent businesses. A plan should be submitted to show how the business customer parking needs will be met.	Main issue 3

Consultation responses

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

Environmental protection

9. Elevated levels of some contaminants have been found on site (notably lead), but some areas of the site have not been tested. More information will be required if planning permission is to be granted and several conditions are recommended accordingly.

Highways (local)

10. The proposed development is suitable in transportation terms for its location and with regard to its vehicle access to the highway network.

Natural areas officer

11. The ecological report deals adequately with biodiversity related issues.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM4 Providing for renewable and low carbon energy
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

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

- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Technical housing standards – nationally described space standard – March 2015.

Case Assessment

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

Main issue 1: Principle of development

16. Key policies and NPPF paragraphs – DM12, DM17, NPPF paragraphs 49 and 14.
17. The buildings to be demolished are detached from any retail use within the nearby local retail centre and are currently used for storage purposes. The buildings have previously been used as a workshop but this use has long ceased and the buildings are now in a dilapidated state. Policy DM17 states that sites and premises providing for small business use should be safeguarded unless it is no longer viable, feasible or practical to retain such use. Given the dilapidated condition of the existing building it is considered that criteria within policy DM17 is met as due to the dilapidated condition of the building it would not be practical to continue such a use. The proposals would also accord with policy DM12 as the loss of the buildings will carry no negative implications for the functioning of the retail centre. The application includes a photographic record of the buildings to be demolished, which are of some age and historical interest.
18. The site is located within an area of mixed land uses although the context becomes more residential in character further to the east within the centre of Rose Valley. The site is well served by public transport routes, is within walking distance to the city centre and adjacent to a local retail centre where a wide range of services and facilities are provided. The location of the site is therefore considered appropriate for residential development and subject to meeting the requirements of other development plan policy, the proposal is in accordance with policy DM12 of the local plan.
19. The proposal will contribute two additional dwelling units to contribute to an identified housing need within the Norwich Policy Area, in accordance with the objectives of JCS4.

Main issue 2: Design

20. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.

21. The proposed scheme for two new dwellings has been innovatively designed to fit within a site of very limited size and adjacent to commercial and residential uses.
22. The site is located within Rose Valley, the access road to which slopes down from Unthank Road. This gives the impression of the properties lining Unthank Road being of a much greater scale than the nearby terraced cottages of Rose Valley to the south-west. The scale of the proposed development has been limited to two-storey, is flat-roofed and stepped at the front and rear of the development to break up the massing. This enables the development to sit harmoniously within the context of surrounding development, avoiding any significant harm to the amenity of adjacent upper floor flats along Unthank Road and preventing the development from appearing oppressive in the street scene.
23. The semi-detached properties are set out in a U-shape, providing dedicated car parking and cycle parking at the front and access via the inner-facing side elevations. Whilst very tight in terms of the available space at the site, the proposal maximises the provision of external amenity space for future occupants with the provision of external first floor terraces at the front and ground floor courtyards at the rear.
24. The site is detached from any of the surrounding development, which features a mix of commercial and residential uses and the application exploits this positioning as an opportunity to achieve a contemporary design as opposed to a pastiche of existing surrounding development. The proposal does however incorporate the predominant red brick seen in the surrounding area, but with varying texture which will add visual interest to the development. In doing so the proposal responds positively to local character while exhibiting an interesting example of contemporary architecture. The exact specification of the brick will be secured by condition to ensure suitability.
25. It is also proposed to install living roofs at the development. This carries the tri-benefit of enhancing biodiversity, mitigating surface water run-off and softening the appearance of the development which will be clearly visible from the rear windows of properties along Unthank Road, which are also elevated due to the change in levels.
26. The application states that the scheme follows 'Secured by Design' principles in line with consultation comments provided by Norfolk Constabulary. The proposal can be seen to provide high levels of natural surveillance to the surrounding parking areas and this will benefit the security of the surrounding area. Details of any external lighting will be secure by condition to ensure adequate appearance and to avoid any harm to neighbouring properties.
27. In summary the scheme is considered to achieve a high standard of design which will add visual interest in the street scene whilst not detracting from the character of the surrounding area. The buildings to be demolished are in a state of disrepair and the replacement with the two dwellings will improve the appearance of this part of the site.

Main issue 3: Transport

28. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

29. The site is well located in transportation terms, offering good access to local public transport services and proximity to the city centre which is within walking distance. One on-site parking space is provided for each property which satisfies the maximum parking standards set out in the *local plan*. Secure and covered cycle parking is also provided in the garages of each property in the interests of encouraging the use of sustainable modes of transport to and from the site.
30. Although tight, the integral parking spaces will provide vehicles with adequate turning space to enter and leave the site in a forward gear. The existing parking area has six formal spaces available for customers of 'Adnams Cellar and Kitchen', whilst space for ~4 additional cars exists for cars to park informally. The formal commercial spaces will be retained and the new development will not be eligible to receive parking permits for the surrounding controlled parking zones. The proposal will not therefore be detrimental to existing uses.
31. Should additional parking spaces be desired by future occupants then the adjacent garages would be available to rent from NPS but this should not be considered necessary due to the provision of on-site parking associated with the development and the highly sustainable location of the site.
32. Rose Valley is a single lane road at its junction with Unthank Road. However, the existing access is considered suitable to accommodate the proposed development without significantly increasing risks to highway safety. No accident injuries have been recorded at the junction to identify it as a hotspot in terms of highway safety.

Main issue 4: Amenity

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
34. Both proposed dwellings provide sufficient internal living space in accordance with the national space standards recommended by Central Government as well as the spaces standards set out in DM2 of the *local plan*. The double bedrooms benefit from a good level of outlook to the rear and the outlook from the single, secondary bedrooms is of a satisfactory standard.
35. While the rear gardens are relatively small and will receive little direct sunlight, both units are also provided with an external first floor amenity space leading from the living rooms. In this respect the proposal is considered to maximise the opportunity to provide external amenity space, which is of a satisfactory standard to serve a small family. The existing brick wall forming the rear boundary of the site is to be retained but reduced in height from ~four metres to two metres. The wall is of some age and its retention will benefit the appearance and character of the site while the reduction in height will enable satisfactory outlook and daylighting for the rear aspect of the proposed development.
36. The proposal has also been well designed in terms of limiting any harm upon the amenity of neighbouring properties. No windows are proposed on the outer facing east or west elevations which may otherwise result in overlooking issues to neighbouring properties.
37. The proposed development has been aligned to not impede the line of view from the roof terrace of the adjacent flat and the outlook from the flat will not therefore be harmed. There are several windows located at the rear of the properties along

Unthank Road which will look onto the east elevation of the proposed development. The few windows which face closest to the proposed development are obscure glazed and/or do not relate to main habitable rooms and will not therefore be affected by loss of outlook. Many of the remaining windows appear to relate to commercial premises and are sufficiently set back to not be significantly affected by the proposed development.

38. The rear first floor bedroom windows of the proposed development overlook a car parking area and commercial premises and will not therefore compromise the privacy of any residential uses.
39. The design and access statement includes the results of sunlight study which demonstrate that the proposal will not result in any significant overshadowing to neighbouring properties.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes. The proposal will reduce the area of hard surfacing at the site and will not therefore increase the risk of surface water flooding. The landscaping condition will include details of hard surfacing to ensure porous material section. The living roof will further assist in reducing any increase in the risk of surface water flooding at the site.
Landscaping	DM6	Yes subject to condition. Details of the living roof will also be requested as part of the landscaping condition to ensure suitable species selection.
Contamination	DM11	Elevated levels of contaminants have been found on site and more information is required in order to ensure that contaminants are

		adequately dealt with. Several conditions are imposed accordingly.
Trees	DM7	No objection to the removal of T5, but consent from landowner will be required to permit its removal.

Equalities and diversity issues

41. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

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

Recommendation

To approve application no. 15/01546/F - Land and Garages, Rose Valley, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External materials;
4. Landscaping scheme to include details of living roof and any external lighting;
5. No development shall take place within the site in pursuance of this permission until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority as necessary:
 - (a) A preliminary risk assessment which has identified:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site;

- (b) 2) If the preliminary risk assessment identifies a potential unacceptable risk from contamination, a site investigation scheme, based on the preliminary risk assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- (c) 3) A written report containing the site investigation results and the detailed risk assessment of the risk to all receptors that may be affected and, based on these, if required, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any works on site shall be in accordance with the scheme as approved and any changes to any of the details specified above would require the further express consent of the local planning authority.

- 6. No occupation of the development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency plan have been submitted to and agreed in writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in the approved remediation strategy are complete and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.
- 7. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the Council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.
- 8. All imported topsoil and subsoil for use on the site shall either (a) be certified to confirm its source and that it is appropriate for its intended use or (b) in the absence of suitable certification, analysis of the imported material will be required along with evaluation against the derived assessment criteria for this site. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.
- 9. Water efficiency

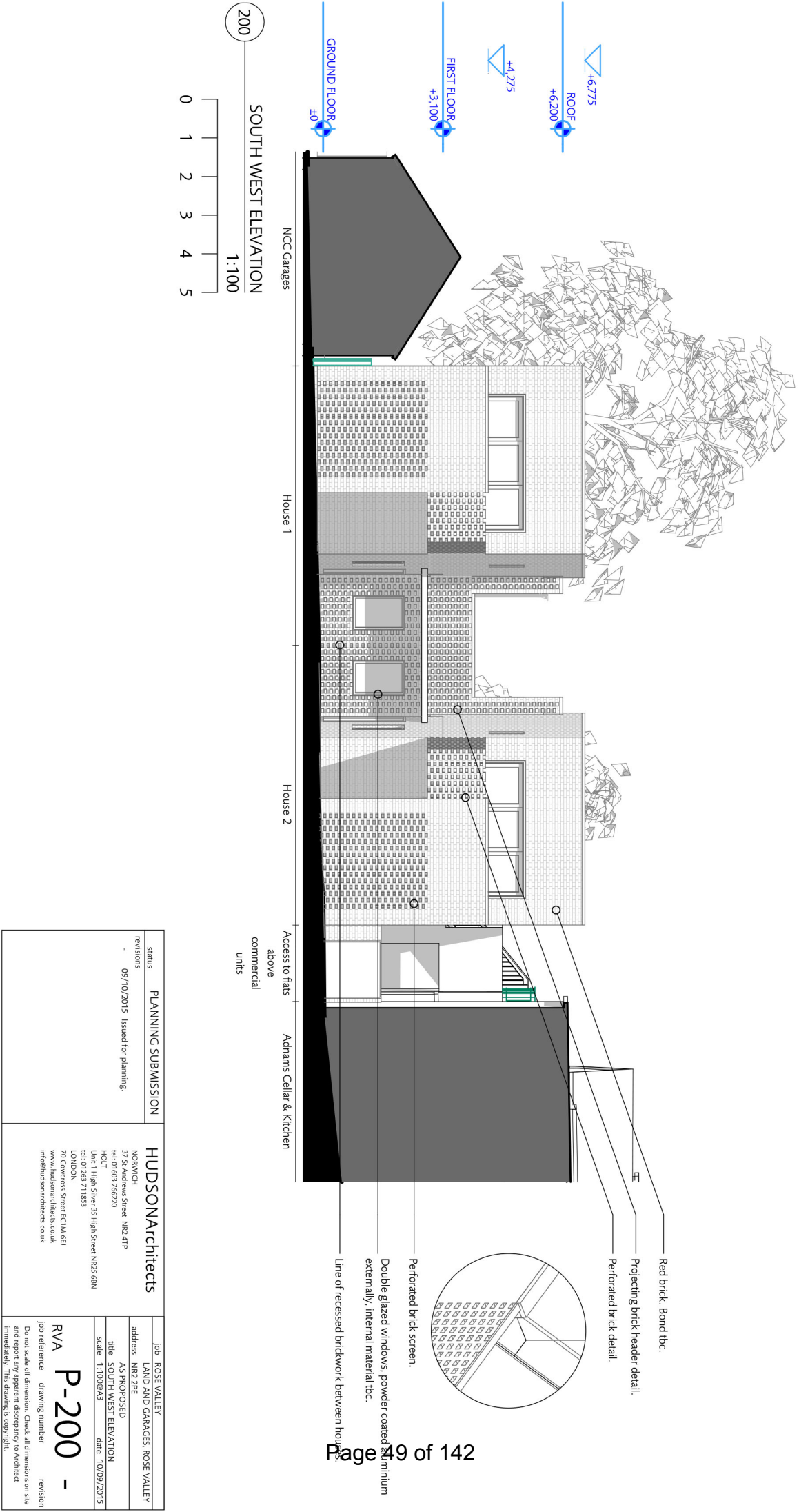
Article 35(2) statement

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

Informatives:

- 1. Construction working hours;
- 2. Discovery of asbestos;
- 3. Purchase of refuse and recycling bins;
- 4. Proposed dwellings not eligible to receive on street parking permits;
- 5. Street naming and numbering;
- 6. Hard surfacing to be constructed of porous material;

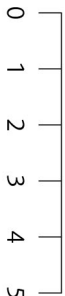
- 1) The applicant is advised that the consent of the relevant landowner will be required to enable the proposed tree removal;
- 2) Clearance of the site should have due regard to the need to minimise the impact on wildlife, in particular the following is recommended:
 - (a) caution must be exercised when demolishing buildings on the site due to the very slight possibility that bats may be present. If a bat is found, work should cease immediately and a suitable qualified ecologist consulted;
 - (b) wooded vegetation should not be removed or trimmed back during the bird nesting season (March to August) without an ornithological survey first being undertaken. If birds are found to be nesting then removal of wooded vegetation must be delayed until after the young have fledged;
 - (c) caution should be exercised during site clearance and due regard given to the possibility of hedgehog presence in vegetation on the site.



200

SOUTH WEST ELEVATION

1:100



ROOF
+6.775
+6.200

FIRST FLOOR
+3.100

GROUND FLOOR
±0

NCC Garages

House 1

House 2

Access to flats
above
commercial
units

Adnam's Cellar & Kitchen

Red brick, Bond tbc.

Projecting brick header detail.

Perforated brick detail.

Perforated brick screen.

Double glazed windows, powder coated aluminium
externally, internal material tbc.

Line of recessed brickwork between houses

PLANNING SUBMISSION

status
revisions
09/10/2015 Issued for planning.

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job ROSE VALLEY

LAND AND GARAGES, ROSE VALLEY

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AS PROPOSED

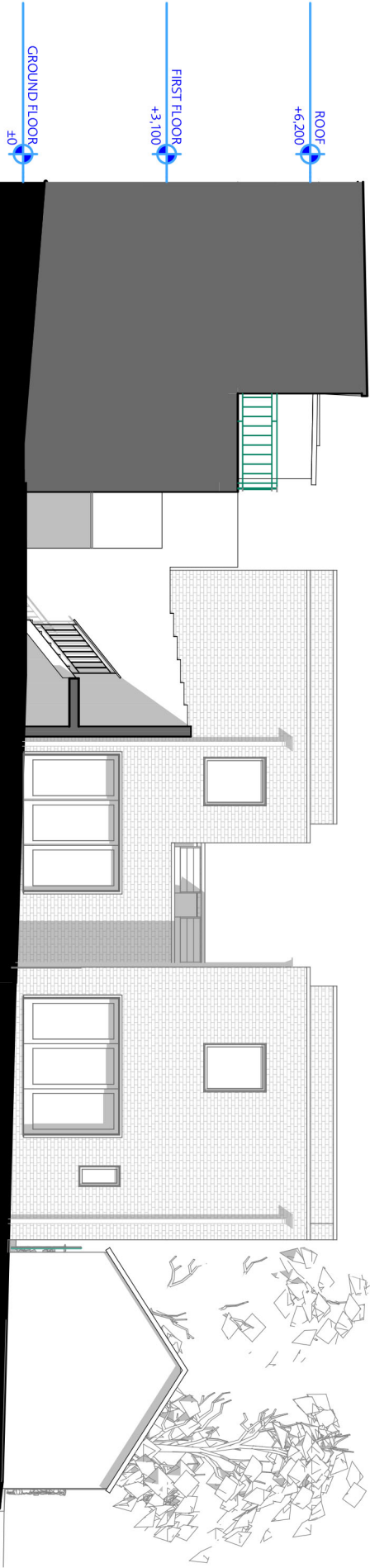
title SOUTH WEST ELEVATION

scale 1:1000&N3 date 10/09/2015

RVA P-200 -

job reference drawing number revision

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ROOF
+6.200

FIRST FLOOR
+3.100

GROUND FLOOR
+0

Commercial units of Unthank Road

Access to flats above commercial units

House 2

House 1

NCC Garages

NORTH EAST ELEVATION

1:100

0 1 2 3 4 5

201

STATUS		PLANNING SUBMISSION	
revisions	09/10/2015	Issued for planning.	
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job reference	R/A	drawing number	P-201 -
address	LAND AND GARAGES, ROSE VALLEY NR2 2PE	revision	
title	AS PROPOSED NORTH EAST ELEVATION	date	10/09/2015
scale	1:100@A3		



Existing wall retained up to a height of 2metres and capped with a coping stone to match existing adjacent.

SECTION A-A
1:100

PLANNING SUBMISSION	
status	revisions
-	09/10/2015 Issued for planning.
A	07/01/2016 Drawing revised to show existing wall to be retained.

HUDSONArchitects

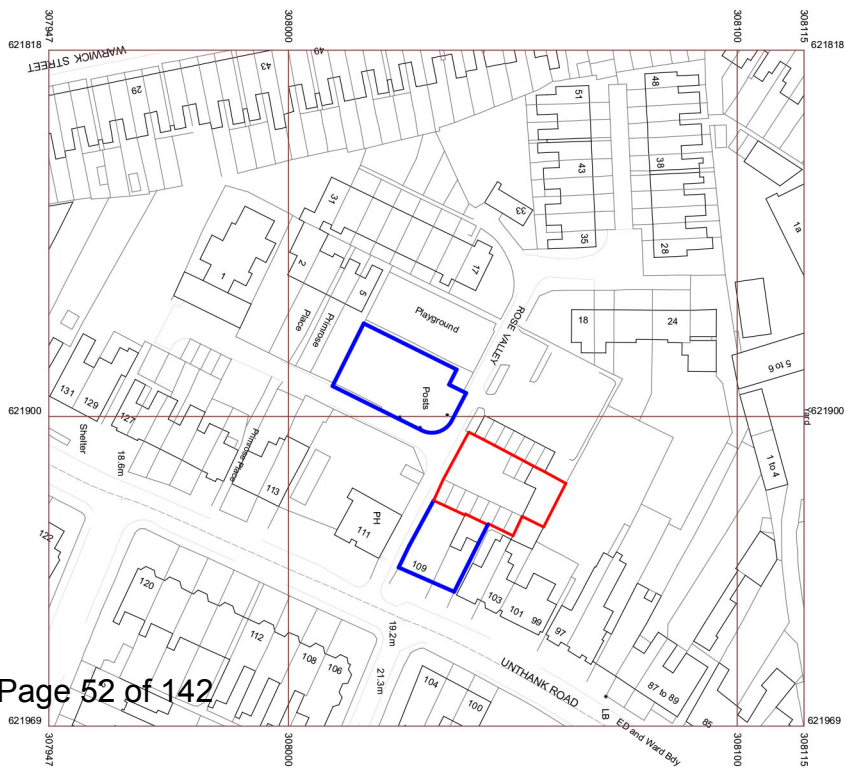
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JOB ROSE VALLEY	
address	revision
NR2 2PE	AS PROPOSED
title	date
SECTION A	10/09/2015
scale	revision
1:100@A3	

RVA P-300 A

job reference drawing number

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			www.hudsonarchitects.co.uk
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JOB: ROSE VALLEY		LAND AND CARPAGES: ROSE VALLEY	
ADDRESS: NR2 2PE		AS PROPOSED	
TITLE: SITE PLAN		SCALE: 1:500, 1:1250@A3	
DATE: 10/09/2015		RVA P-001 -	
JOB REFERENCE: drawing number		revision	
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Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/01688/F - St Clements Nursing Home, 170 St Clements Hill, Norwich, NR3 4DG

Reason for referral Objection

4(c)

Ward:	Catton Grove
Case officer	Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Demolition of conservatory and construction of single storey side extension, single storey rear extension and two storey front extension.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle	Satisfying identified demand for additional dementia care facilities
2 Design	Scale, form, massing and appearance
3 Transport	Car parking, accessibility
4 Amenity	Overshadowing, overbearing, outlook, external amenity space, noise disturbance
Expiry date	Extended to 18 February 2016
Recommendation	Approve subject to conditions



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Planning Application No 15/01688/F

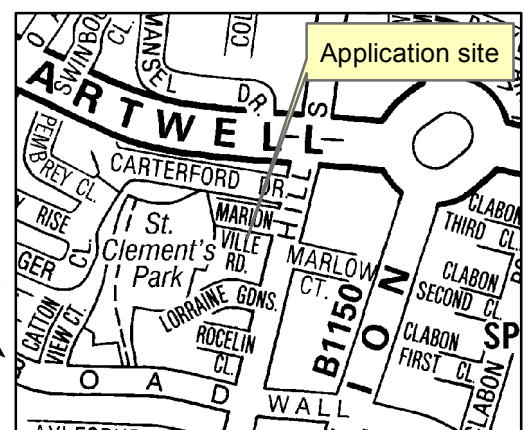
Site Address St Clements Nursing Home
170 St Clements Hill

Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the west side of St Clements Hill which lies to the north of the city just within the outer ring road. The area is predominantly made up of detached and semi-detached dwellings set back from the road.
2. The property is in use as a nursing home primarily for the care of patients with dementia. The home currently provides 19 bedrooms.

Constraints

3. Critical drainage area (DM5).

Relevant planning history

- 4.

Ref	Proposal	Decision	Date
14/00149/F	Erection of two storey rear and side extension to provide communal accommodation, an additional 7 No. bedrooms and reconfiguration of existing bedrooms. Widening of the vehicle access.	REF	27/03/2014
14/01382/F	Erection of single storey rear extension and single storey rear and side extension.	APPR	12/01/2015

The proposal

5. The proposal is for the demolition of the existing conservatory and replacement with a single-storey side extension to provide a communal room (in accordance with Care Quality Commission (CQC) standards); construction of a single-storey rear extension and two-storey front extension to provide five additional bedrooms, two assisted bathrooms and larger kitchen, store and utility room.

Summary information

Proposal	Key facts
Scale	
Total floor space	Net increase of 220 sq.metres
No. of storeys	Single and two-storey
Max. dimensions	Eaves of two-storey front extension to match existing eave height of 5.1 metres, but ridge height set at 6.6 metres which is approximately one metre below the

	<p>height of the ridge height of the main building.</p> <p>The site slopes down to the west and the single-storey rear extension is raised to account for the change in levels. The height of the extension consequently increases from ~3.5 metres at the eastern end to ~4.2 metres at the western end.</p>
Appearance	
Materials	<p>Front extension – brick to match existing</p> <p>Rear extension – brick plinth to match existing, horizontal timber cladding</p>

Representations

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

Issues raised	Response
Out of scale development/footprint too large	Main issue 2
Over dominant/overbearing	Main issue 4
Noise disturbance	Main issue 4
Overlooking/loss of privacy	Main issue 4
Lack of parking	Main issue 3
Loss of trees	It is proposed to plant five trees to replace those to be lost as a result of the proposed development. The species selection and method of planting is considered to be acceptable.

Consultation responses

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

Highways (local)

8. No objection on highway grounds to the proposed development. It is recommended that the applicant widen the vehicle access to enable vehicles to enter and leave the site with greater ease.

Tree protection officer

9. The large Walnut tree is to be removed as previously agreed. Do we have a scheme for replacement planting? No objection to the proposed development but the ground protection along the southern side of the site should be extended to ensure the protection of the roots on the boundary.

Assessment of planning considerations

Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM7 Trees and development
 - DM13 Communal development and multiple occupation
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

12. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change

Case Assessment

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

Main issue 1: Principle of development

14. Key policies and NPPF paragraphs – DM13 and JCS7.
15. The Joint Core strategy for Broadland, Norwich and South Norfolk (2014) forecasts that by 2026 an additional 1,000 specialist dementia care homes and care homes with nursing places addressing various needs will be required and that the majority of these will be required in Norwich. The need for additional care home facilities for dementia care is further identified within policy DM13 of the local plan, which sets out the expansion of dementia care provision as a priority in Norwich.
16. The proposal involves the expansion and modernisation of St Clements Nursing Home, which specialises in care for dementia patients and subject to satisfying other relevant development plan policy objectives, the proposal will accord with DM13 of the *local plan* and policy 7 of the *Joint Core strategy for Broadland, Norwich and South Norfolk*.

Main issue 2: Design

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
18. Planning permission has previously been granted for similar development under 14/01382/F although the scheme included for single-storey extensions only. While the current proposal would occupy a fairly substantial footprint on the site, the footprint of the proposed scheme is not significantly different to that approved. The current scheme extends an additional two metres to the rear and incorporates a much larger communal room adjacent to the southern boundary of the site. The current scheme is however set further away from the northern boundary of the site. Whilst the footprint of the development is significant, it is considered that sufficient external amenity space remains for the enjoyment of the occupants of the nursing home and that the proposed works will not amount to an overdevelopment of the site.
19. With the exception of the two-storey element of the development, the scale, form and massing of the proposal does not differ significantly from the approved scheme. The large single-storey extensions are located at the rear of the site and will not affect the appearance of the main building when viewed from St Clements Hill. The two-storey extension is set back from the front building line and features a hipped roof and lower ridge height, enabling it to sit subserviently to the main building. The brickwork, roof tiles and windows for the two-storey extension have also been selected to match the existing. It is therefore considered that the proposal will not harm the appearance of the main building or the character of the surrounding area.

Main issue 3: Transport

20. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
21. Objectors have raised the issue of parking behaviours and an inadequacy of parking facilities associated with the nursing home. It is reported that cars and delivery drivers park upon the grass verge rather than on the road and this despite there being a bollard instructing drivers to resist doing so. The grass verge in question is bare of grass so this would suggest that there is a tendency for cars to park in this manner.
22. The site is not located within a controlled parking zone (CPZ) and vehicle users are free to park on the street. The home itself provides for five parking spaces within the forecourt of the site, which includes one dedicated disabled parking space. Traffic generation associated with care homes is generally very low and this trend is supported by the travel plan which indicates that many staff walk to work or are dropped off by other drivers. As stated within the travel plan however, visitors to the site are primarily friends and relatives of the residents and the home has no control over the number and duration of visits.
23. The parking availability for the site is considered adequate given the availability on-site and in the street. The site is also located within walking distance of regular bus services to the city centre and wider area and the scheme provides for secure and covered cycle-parking.
24. While the incidence of cars parking on the grass verges is regrettable, it is not within the means of the planning process to control the issue and highway measures have already been implemented to discourage such behaviour. However, there may be scope within the management of the nursing home to affect the behaviour of visitors to the site and an informative will be added to the planning consent advising the applicant to endeavour to encourage visitors to the site to contain parked vehicles within the road.
25. In response to the comments made by the council's transport officer, the application proposes to widen the vehicle access to the site to enter and leave the site with greater ease, thus encouraging use of the parking forecourt when spaces are available.

Main issue 4: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
27. The previous two-storey scheme, refused in March 2014 (14/00149/F), was considered unacceptable in part due to its impact on the amenity of neighbours to the north of the site. Both the previous approval (14/01382/F) and the current proposal have addressed the amenity issues associated with the refused scheme by lowering the height of the rear extension to single-storey. The current proposal has also been set further away from the northern boundary of the site than the previous approval. A shadow impact assessment is included in the application and shows that the increase in overshadowing to neighbouring properties will not be significant.

28. Such is the single-storey scale of the rear extension and separation from the northern boundary that the scheme will not result in any harm from a sense of overbearing to the occupants of either 172 St Clements Hill or 1b Marionville Road, or a loss of outlook from the south facing bedroom windows of 1b Marionville Road.
29. The application site is elevated from the neighbouring site to the north and in order to prevent overlooking from bedrooms '6-8' to number 1b Marionville Road, a combination of obscure glazed windows and bay windows angled away from the neighbouring property are proposed. Cumulatively these serve to provide occupants of the nursing home with adequate daylighting and outlook whilst preventing any loss of privacy to the neighbouring occupants.
30. Five bedrooms are proposed to the south of the development which would face towards 168 St Clements Hill. The boundary between the application site and number 168 currently features trees and thick vegetation, which spans across both sites. While it is proposed to cut back some of the vegetation to provide replacement lawn for that to be lost by the development, much of the vegetation is to be retained and a couple of trees are also to be planted adjacent to the boundary to replace the trees that are to be removed to facilitate the development. Any overlooking would also be onto the driveway and parking forecourt of the neighbouring property as opposed to directly onto a main habitable room or garden space.
31. Given the distance between the proposed development and neighbouring property, the boundary vegetation/new tree planting and the fact that the two sites are separated by the neighbour's driveway and parking forecourt, the opportunity for overlooking onto 168 St Clements is not considered to be significant.
32. Although the proposals involve a reduction in the garden space available to the residents of the nursing home, it is considered that sufficient area will remain for the enjoyment of residents. The landscaping works and creation of the external terrace will compensate for the loss of some of the existing turfed area to be lost by the development. A condition will be added to ensure that the landscaping works indicated within the submitted plans are carried out.
33. Any noise and disturbance created by the care home is unlikely to increase significantly as a result of the extensions. A condition will be added requiring considerate times of construction to limit the harm to neighbouring amenities.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes
Car parking provision	DM31	Yes
Refuse	DM31	Yes

Requirement	Relevant policy	Compliance
Storage/servicing		
Sustainable urban drainage	DM3/5	Yes subject to condition
Trees	DM7	Yes subject to condition. Several trees will be removed to facilitate the development and it is proposed to replace them with five ornamental trees. The replacement planting is considered to be acceptable and planning permission will be conditioned for full compliance with the scheme of replacement and AIA/AMS

Equalities and diversity issues

35. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

39. The proposal would contribute to an identified need for additional dementia care provision in accordance with JCS7 and the supporting text of DM13 of the *local plan*. The proposed development has been carefully designed to avoid any significant harm to the residential amenities of the surrounding area and the transport matters are considered to be acceptable in this case.
40. Subject to conditions the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/01688/F - St Clements Nursing Home, 170 St Clements Hill, Norwich, NR3 4DG and grant planning permission, subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place until a detailed scheme to manage surface water run-off has been submitted to and agreed in writing with the local planning authority. The scheme shall identify the net change in impermeable surfacing at the site which is the subject of this permission and provide details of measures to mitigate any increase in surface water run-off. These details shall include an assessment of the potential for disposing of surface water by means of a sustainable drainage system. If the assessment demonstrates that a sustainable drainage scheme is feasible, the submitted details shall:
 - (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and surface waters;
 - (b) include a timetable for its implementation; and
 - (c) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker; or
 - (d) identify a private organisation or company that will be utilised to manage and maintain the facilities and include details of ownership and organisational structure, and its source of funds; and
 - (e) any organisation or company agreed in d) above shall produce a report annually by 31st March for the previous calendar year identifying the state of the SuDS features, the maintenance undertaken, the anticipated maintenance in the following 12 months, the anticipated long term maintenance over the following 10 years, the amount spent over the previous 12 months, the anticipated expenditure over the next 12 months and 10 years and the balance of monies available for maintenance at the end of the calendar year and the proposed charges and income for the next year. The report shall be made available to all owners of properties on the site and be available on demand to the local planning authority within 14 days of any such request. If the content of the document is not considered to be acceptably managing the long term maintenance adequately a further revised report shall be submitted and agreed with the local planning authority within 2 months of its request.The surface water drainage scheme shall be implemented in full accordance with the agreed details and timetable. Following the implementation of the surface water drainage works, the drainage systems shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
4. Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP), Arboricultural Method Statement (AMS) and 'Memorandum: 1782 St Clements Hill – 15/01688/F Replacement Tree Planting'. No other operations shall commence on site in connection with the hereby-approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been

carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan included within Appendix 4 of the approved AIA. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.

5. The north facing 'oriel' windows pertaining to 'bed 6', 'bed 7' and 'bed 8' and south facing 'assisted bathroom' window shall be obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass and shall be retained as such thereafter.
6. The approved Travel Plan shall be implemented in accordance with any actions, timetables or targets contained therein and shall continue to be implemented as long as any part of the development is occupied and used for a purpose in accordance with this permission, subject to approved modifications as agreed by the Local Planning Authority;
7. All hard and soft landscaping works shall be carried out in accordance with the details as specified on this decision, including those detailed on the approved 'proposed site plan' (ref. 003, Rev P02) and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. All hard and soft landscaping works shall thereafter be retained as such. No occupation of any part of the development shall take place until all landscaping works detailed within the approved plans have been carried out.
8. No demolition or construction activities shall be carried out at the application premises without express consent from the local planning authority outside of the following hours:
 - -before 07:00 hours and after 18:00 hours Mondays - Fridays;
 - -before 08:00 hours and after 17:00 hours on Saturdays; and
 - -not at all on Sundays or Public Holidays.

Informatives:

1. The applicant is advised to encourage visitor's and members of staff to contain parked vehicles to the road and to not encroach upon the grass verge;
2. For further advice on the creation of vehicle crossovers please see below:

Technical specification

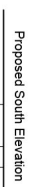
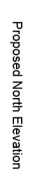
<http://www.norwich.gov.uk/TransportAndStreets/RoadsAndPavements/Pages/DroppedKerbs.aspx>

Contact Ken Willis (Senior technical officer for highway adoption)

Ken.Willis@norwich.gov.uk Tel 01603 21 2052 . (Tuesdays to Friday)

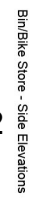
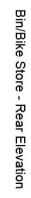
Article 35(2) statement:

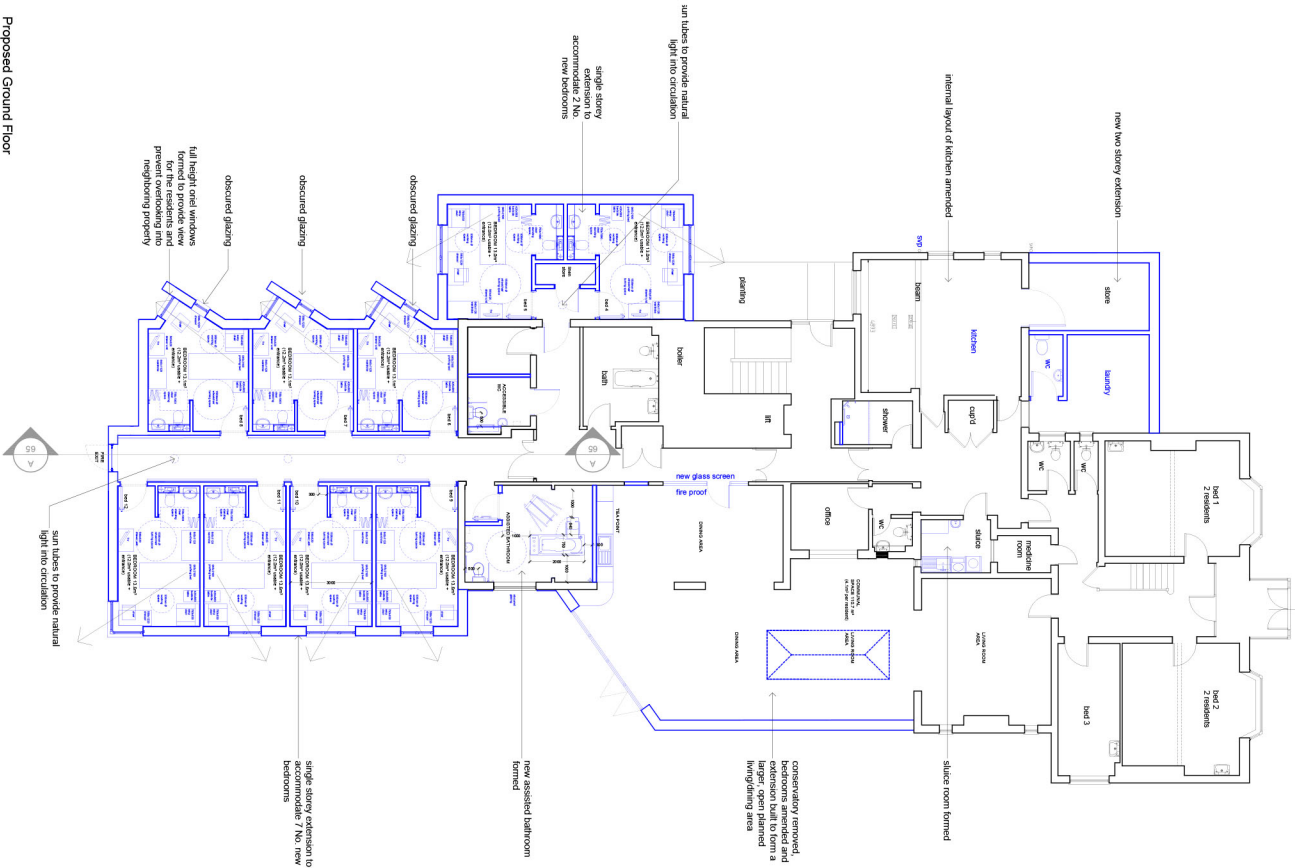
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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



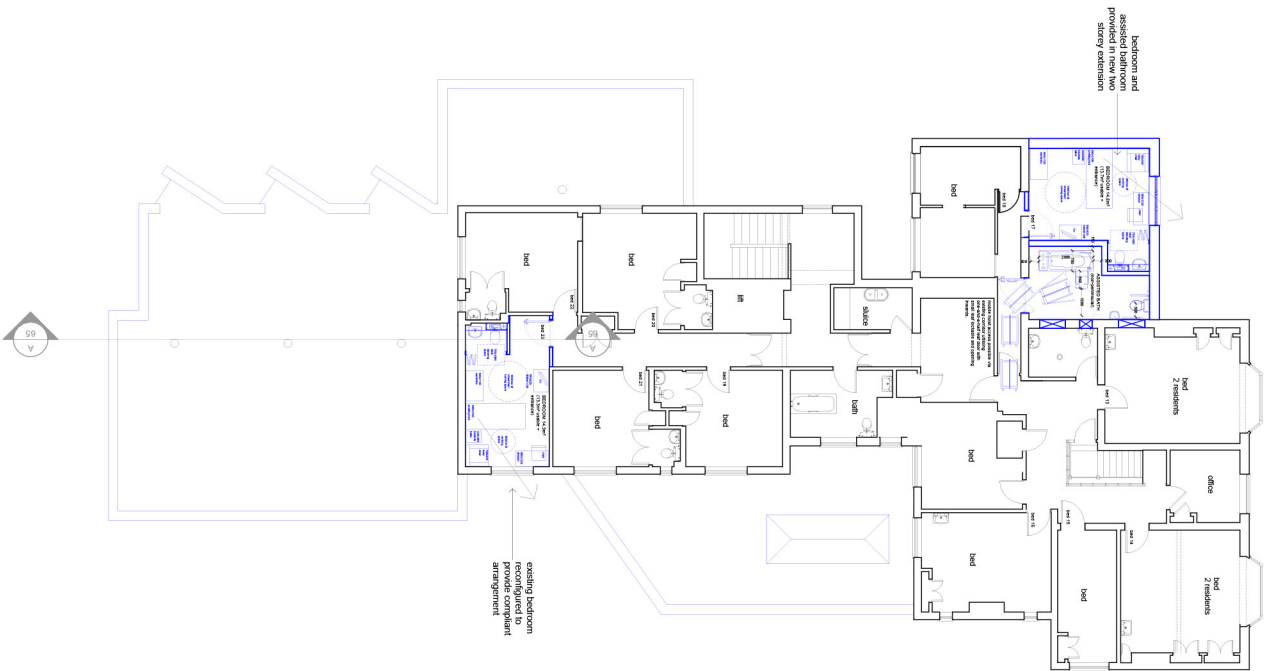
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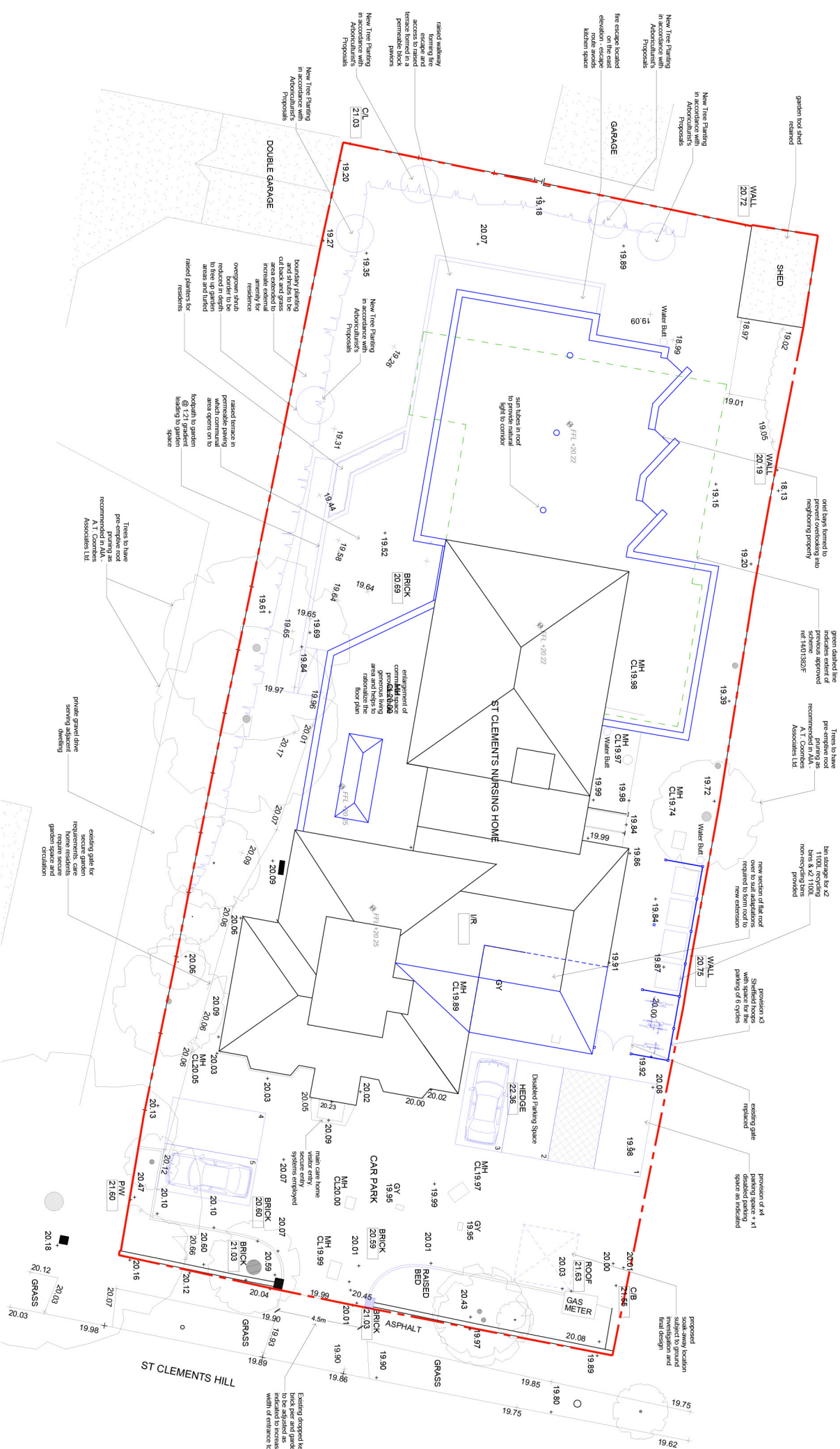
- EXISTING RETAINED
- DEMOLISHED OR REMOVED
- PROPOSED





Proposed First Floor





Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/00803/F - Garden Land between
35 - 51 Gipsy Lane, Norwich

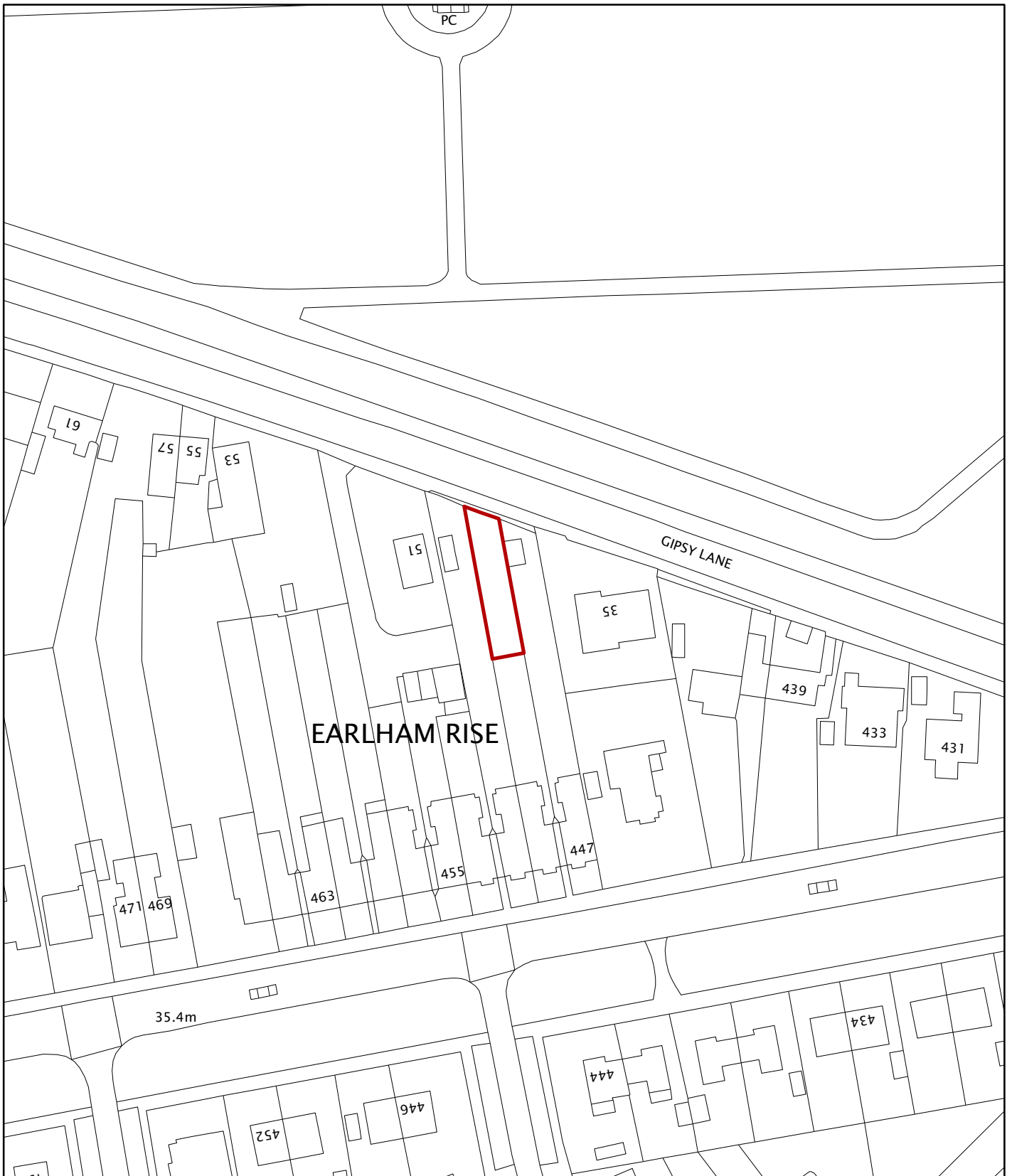
**Reason
for referral** Objections

4(d)

Ward:	Wensum
Case officer	Kian Saedi - kiansaedi@norwich.gov.uk

Development proposal		
Erection of dwelling.		
Representations		
Object	Comment	Support
11 letters of objection from 7 persons	0	0

Main issues	Key considerations
1 Principle of development	Sub-division of garden, previous appeal decision on the site
2 Design	Scale, appearance, plot width, local distinctiveness and identity
3 Trees	Any harm to trees on adjacent site
4 Amenity	Overshadowing/loss of light, Overlooking/loss of privacy, internal/external amenity space, outlook, noise
Expiry date	Extended to 18 February 2016
Recommendation	Approve subject to conditions



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Planning Application No 15/00803/F

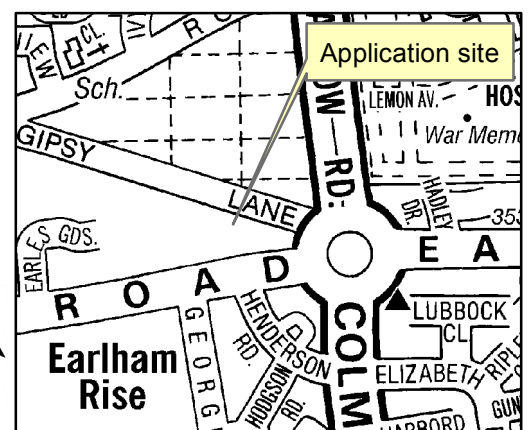
Site Address Garden Land between
35 & 51 Gipsy Lane

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the south side of Gipsy Lane and opposite to Norwich Cemetery. Other than a small dilapidated garden shed the site is currently vacant and has previously been sub-divided from the garden of 449 Earlham Road.
2. Several trees have been removed during the assessment of the application, which were previously located along the eastern boundary of the site. A Copper Beech tree is located adjacent to the boundary with the neighbouring property to the west and is served by a TPO.

Constraints

3. The site is located within a Critical Drainage Area (DM5).
4. The Copper Beech tree located on the neighbouring site to the west is served by a Tree Preservation Order (TPO).

Relevant planning history

5.

Ref	Proposal	Decision	Date
08/00057/F	Demolition of garage and sheds and change of use of residential land to land for the stationing of a mobile home.	Refused and the subsequent appeal dismissed - In the reasoning for the inspector's decision the appeal site was considered "so narrow that its use for siting of a mobile home would create a cramped form of development, not suitable for the living conditions future occupiers and not in keeping with the characteristic wider plots in the immediate vicinity". Issues of design and amenity associated with the current proposal for a new dwelling are discussed in the following sections of the committee report.	02/04/2008

The proposal

6. The proposal is for the erection of a dwelling.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1 dwelling
Total floorspace	98 sq.m
No. of storeys	2-storey dwelling featuring mono-pitched roof
Max. dimensions	4.3m wide x 14m deep x 6.8m tall (4.7m to lower eave)
Appearance	
Materials	The dwelling is of lightweight structure, constructed with a timber frame and clad with cedar. The roof is to be of corrugated metal construction and windows and doors are timber framed.
Energy and resource efficiency measures	PV panels mounted on the South-West facing wall
Transport matters	
Vehicular access	From Gipsy Lane
No of car parking spaces	1
No of cycle parking spaces	Cycle storage shed with capacity for 3 bicycles
Servicing arrangements	Refuse storage adjacent to the cycle shed and highway

Representations

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

Issues raised	Response
Previous application (08/00057/F) was rejected by the council and on appeal	Main issue 1
Loss of light	Main issue 4

Issues raised	Response
Inadequate external amenity space and internal living space	Main issue 4
Noise disturbance	Main issue 4
Poor design/out of keeping	Main issue 2
Out of scale development	Main issue 2
Overdevelopment of site	Main issue 2
Harm to trees	Main issue 3
The development will destabilise trees on adjacent site and make it susceptible to falling on surrounding property	Main issue 3
Increased traffic	Any increase in traffic resulting from one additional dwelling will not be significant.
Poor parking configuration	The parking configuration is satisfactory. In terms of traffic flow, Gipsy Lane is a relatively quiet street, especially at the eastern end adjacent to the application site where traffic measures have been implemented to restrict vehicle access onto the roundabout. Allowing cars to exit the application site onto Gipsy Lane in reverse gear is therefore permissible.
It appears as though the proposed building crosses the party line on the boundary and there's no room for maintenance	Plans show the proposed development to be contained within the application site.
There are discrepancies with the application form (tree section)	The tree section of the application has been revised and the details within the application are otherwise satisfactory.
Concern that the property will be let to students rather than providing a family home as stated in application form	Not a material planning consideration.
The proposed development will devalue house prices in the surrounding area	Not a material planning consideration.
Concern regarding access through the site from 449 Earlham Road and the potential for people to use the application site as a thoroughfare to park on Gipsy Lane.	Plans submitted with the application indicate a 1.8m timber fence stretching across the rear boundary of the site with 449 Earlham Road.

Issues raised	Response
I am sure that four concrete pads will not be strong enough to support a building of this size.	Not a material planning consideration. This matter will fall within the Building Regulations assessment.
The design for waste rainwater into the soakaway is concerning. Will this be fit for purpose and prevent flooding into neighbouring gardens.	The site is located within a Critical Drainage Area and as such the development is required to avoid any increase in vulnerability to surface water flooding either on the site or in the surrounding catchment. The application includes a 200 litre rainwater retention butt and soakaway to be installed in the rear garden. The applicant has confirmed that the soakaway size and specification is in accordance with Building Regulations under which an assessment will be made outside of the planning process. A condition will be imposed requiring that the soakaway be installed and designed in accordance with BRE standards to ensure that floodwater is retained on the application site.

Consultation responses

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

Highways (local)

9. No objection on highway/transportation grounds. Vehicle access to Gypsy Lane is adequate for this purpose and bin/bike store is acceptable.

Tree protection officer

10. The scheme had originally set out for the retention of the beech hedge along the eastern boundary of the site. The tree officer did not consider that the trees could be retained in any sustainable form and that if they were to be retained they would likely cause nuisance for future occupants. The scheme was subsequently amended to remove the trees from the eastern boundary and reconfigure the footprint of the development to avoid any conflict with the protected Copper Beech trees on the neighbouring plot. The council's tree officer has reviewed the latest arboricultural report and has expressed satisfaction that the development can be achieved without harm to the TPO'd tree on the adjacent site. It is also recommended that replacement tree planting be secured as part of any planning permission.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment

Case Assessment

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

Main issue 1: Principle of development

15. Key policies and NPPF paragraphs – DM12, SAXX, NPPF paragraphs 49 and 14.
16. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local 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 council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties. In the case of the current proposal the plot has already been subdivided and is currently vacant with the exception of a small dilapidated shed. It is understood that the subdivided plot of 449 Earlham Road has been sold off separately to the application site.
17. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed below given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
18. The council previously received an application for the change of use of the application site to residential for the stationing of a mobile home. This application was subsequently refused and dismissed at appeal owing to the following reason:

“The appeal site is so narrow that its use for siting a mobile home would create a cramped form of development, not suitable for the living conditions of future occupants and not in keeping with the characteristic wider plots in the immediate vicinity”
19. The reasons for the previous refusal have been considered against the current proposal at the site. However they have not been taken to preclude the possibility of residential development on the site, as the previous reason for refusal related to a temporary mobile home development. Rather, the current application has been considered on its own merits against the main issues as discussed in more detail below.

Main issue 2: Design

20. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
21. The proposal is for the erection of a two storey-dwelling, of lightweight construction and contemporary design. The application site is narrow at 6.3 metres in width and

measures 35 metres in depth and is separated from the nearest neighbouring properties (35 & 51 Gipsy Lane) by the width of the rear gardens of numbers 447 and 451 Earlham Road respectively.

22. The surrounding area is a mixture in architectural styles and character with a bungalow and two-storey detached and semi-detached properties to the east and two-storey detached properties to the west. Opposite the site to the north is Norwich Cemetery. An appeal was dismissed for a change of use of the land to residential and stationing of a mobile home (08/00057/F) partly due to concerns with the impact of the proposal upon the character and appearance of the surrounding area. The dwellings in the immediate vicinity were identified as being "individual designs, but characteristically within plots significantly wider" [than the application site]. The narrow width of the application site was consequently considered to be out of keeping with the characteristic wider plots in the immediate vicinity.
23. The width of the application site is no different to the application site the subject of the appeal and in this respect would still be out of character with surrounding plots. However, the proposal would contribute to reinforcing the street frontage where at present there is a break resulting from the depth of the rear gardens of 447-451 Earlham Road. As such a new dwelling fronting Gipsy Lane would not be out of character with Gipsy Lane streetscene, given the number of infill dwellings which already front the street. The contemporary design of the proposal will add visual interest to the area and the predominant use of cedar cladding will sit well with the tree-lined, verdant character of the cemetery site opposite.
24. In terms of scale, form and appearance there is very little architectural consistency in the immediate vicinity and the contemporary design and 1.5-storey scale of the proposal will not therefore result in any significant harm to local identity and distinctiveness. The harm caused by the narrow plot cited in the reasoning for the appeal dismissal is considered to be outweighed by the positive design aspects of the scheme and the creation of a new unit of accommodation. These aspects were perhaps not so apparent during the assessment of the appeal case, which was for the stationing of a mobile home for which no details of appearance or scale were provided.
25. The design of the scheme is innovative and works well within the constraints of the site. Amenity is discussed further below but in summary the scheme is considered to provide for an adequate standard of living for future occupants without impinging significantly upon that of neighbouring properties. It is not therefore concluded that the scheme will amount to an overdevelopment of the site.
26. A landscaping condition will be added to any planning permission to ensure that the external areas of the site are finished to a high standard and that the planting specification for replacement trees/vegetation is satisfactory.

Main issue 3: Trees

27. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
28. The application site had originally featured a dense row of trees (mainly Beech) along the eastern boundary, which had originally been set out for retention. It was determined that the trees could not be retained in any sustainable form and that

they would pose a nuisance to future occupiers. The trees were not protected and were subsequently removed to avoid any conflict with the proposed development. While regrettable in terms of losing the biodiversity and landscape value provided by the trees, the specimens that were removed were not considered to be of sufficient quality to receive TPO protection. The application does set out for replacement tree planting towards the rear of the site. A landscaping condition will be attached to any planning permission requiring details of tree planting to be submitted to the local authority for approval. If possible it would benefit the appearance of the site and surrounding area if trees could be planted on the Gypsy Lane frontage and this opportunity will be explored during the assessment of landscaping details.

29. The proposed dwelling is of lightweight 'glued laminated timber' construction and the need for foundations is reduced by placing the base of the development on concrete pads at regular intervals, thus reducing the need for foundations. The footprint of the building has also been moved further south into the site to avoid any conflict with the RPA of the Copper Beech trees on the neighbouring site which are served by TPO.
30. The council's tree officer has expressed satisfaction with the development provided compliance with the arboricultural impact/method statement.

Main issue 4: Amenity

31. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
32. Such is the scale and position of the proposed dwelling that any increase in overshadowing or loss of light to neighbouring properties will be minimal and will primarily affect the rearmost area of the garden of 451 Earlham Road which is occupied by a garage building. Any overshadowing will not therefore impinge upon the quality of life for neighbouring residents.
33. A late objection has been made to the revised footprint and orientation of the development and the associated implications of moving the proposed building 2.6 metres further south and effectively turning the building around 180 degrees. As a result the higher side of the dwelling now sits adjacent to the east boundary of the site rather than the west, increasing the height of the development on the east boundary by ~2 metres. However, the closest building to the east is separated by the rear garden of number 447 Earlham Road and a distance of ~11 metres between the proposed development and main building of the neighbouring site. Such is the distance between the two buildings and orientation of the site that any increase in overshadowing caused by the proposal will not be significant and will only occur during mid/late afternoon hours.
34. All first floor windows have been configured on the front and rear elevations of the building. Any opportunity for overlooking would be from the rear first floor window to the rear of numbers 447-451 Earlham Road. The distance between the upper floor rear living room window of the proposed dwelling to the nearest habitable window on number 449 Earlham Road is ~23.5 metres which satisfies the standards recommended by the British Research Establishment (BRE). Views would also be obscured by the 1.8 metre high boundary fence and replacement trees proposed for the rear garden. There may be some overlooking to the neighbouring gardens of 447 and 451 Earlham Road but again, views would be partly restricted by the

boundary fence and trees once established, and the separating distance between the proposed dwelling is sufficient to ensure that the amenity of neighbouring properties will not be significantly harmed.

35. Future residents will be provided with ~98 sq metres of internal living space which satisfies national housing standards for a two-storey, three bed house. Occupants will also be provided with on-site parking and satisfactory external amenity space both at the front and rear. The proposal maximises the use of what is a limited amount of available space and the open plan layout of the upper floor exemplifies this well. It is regrettable that better outlook is not provided from two of the bedrooms, but large horizontal windows on the eastern ground floor elevation will provide adequate daylighting, and the primary bedroom benefits from good outlook to the rear garden. Despite the narrow parameters of the site therefore, the proposed development is not considered to be excessively cramped nor representative of an overdevelopment of the site.
36. Several objections have raised concern that the proposed development will lead to increased noise disturbance, citing students as the potential end user of the property. The proposal is for a three bed dwelling and any potential for noise disturbance resulting from domestic activities is not likely to be significant. The potential end users occupying the dwelling does not constitute a material planning consideration.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Equalities and diversity issues

38. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

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

Recommendation

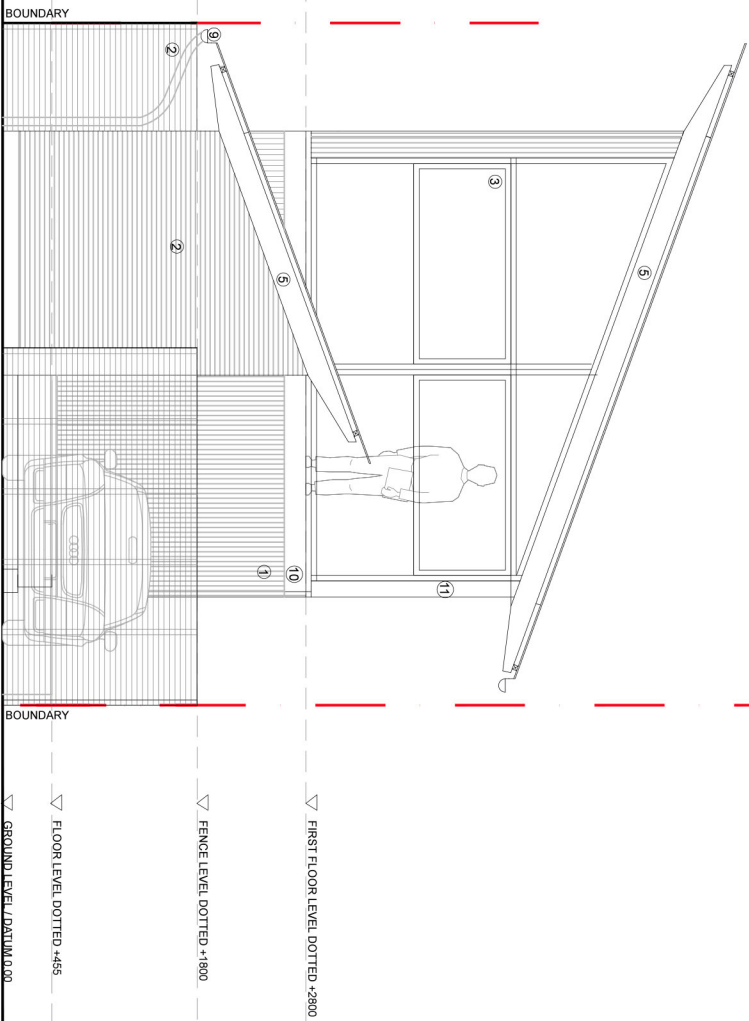
To approve application no. 15/00803/F - Garden land between 35 - 51 Gipsy Lane Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials;
4. Details of landscaping to include scheme for replacement tree planting;
5. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
6. Soakaway incorporation;
7. Water efficiency

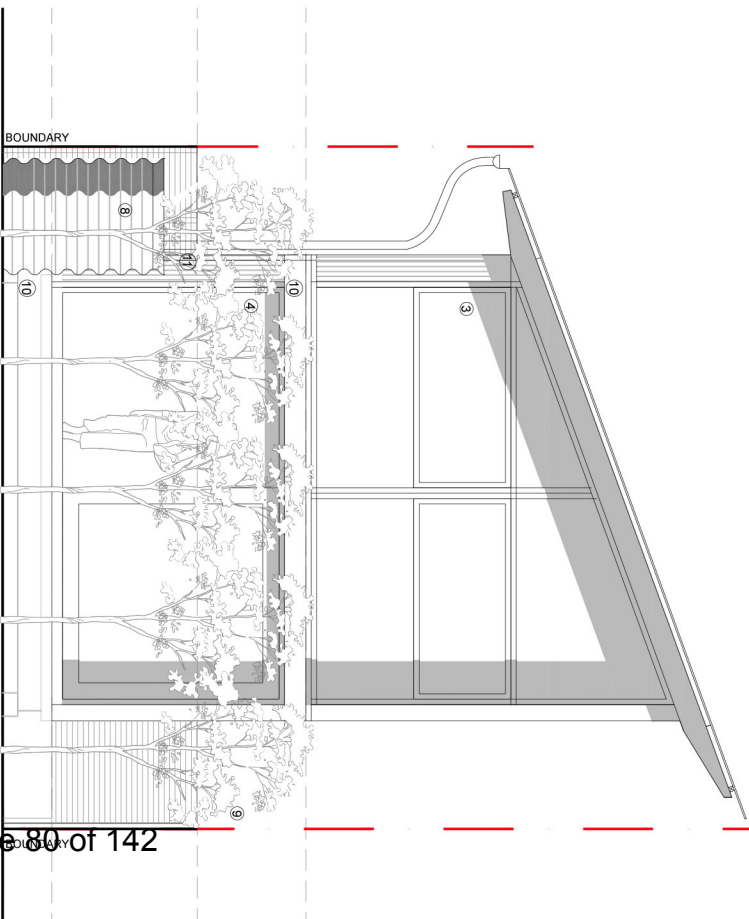
Article 35(2) statement

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

...



PROPOSED FRONT / NORTH ELEVATION - SCALE 1:50
LOWER GROUND LEVEL DOTTED



PROPOSED REAR / SOUTH ELEVATION - SCALE 1:50
LOWER GROUND LEVEL DOTTED

- 1- 45X18 PLAINED UNTREATED CEDAR FIXED WITH STAINLESS PINS - VERTICAL
- 2- 45X18 PLAINED UNTREATED CEDAR FIXED WITH STAINLESS PINS - HORIZONTAL
- 3- CROSS LAMINATED DOUBLE GLAZED TIMBER WINDOWS - PAINTED GREY
- 4- CROSS LAMINATED TIMBER DOOR - PAINTED GREY
- 5- EXPOSED ROOF STRUCTURE PAINTED GREY
- 6- ROOF MATERIAL CORRUGATED STEEL - GREY
- 7- PV PANELS
- 8- 200 LITRE RAIN WATER BUTT - GALVANISED - GREY
- 9- RAIN WATER GUTTERS & PIPES - GALVANISED - GREY
- 10- GLULAM BEAMS ON STRUCTURAL CONCRETE PADS - GLULAMS PAINTED GREY
- 11- TIMBER CORNER POST - PAINTED GREY

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NO.	DATE	REVISION & DRAWN
A001	17.03.15	15.03.15
A002	07.11.15	15.03.15
A003	11.11.15	15.03.15

PLANNING

frithassociates

33 Quince Rd, Dunham, Norfolk, NR13 2DR
101392 897201 m:0788724918 e:frithassociates@yahoo.com

Art House

Proposed Elevations

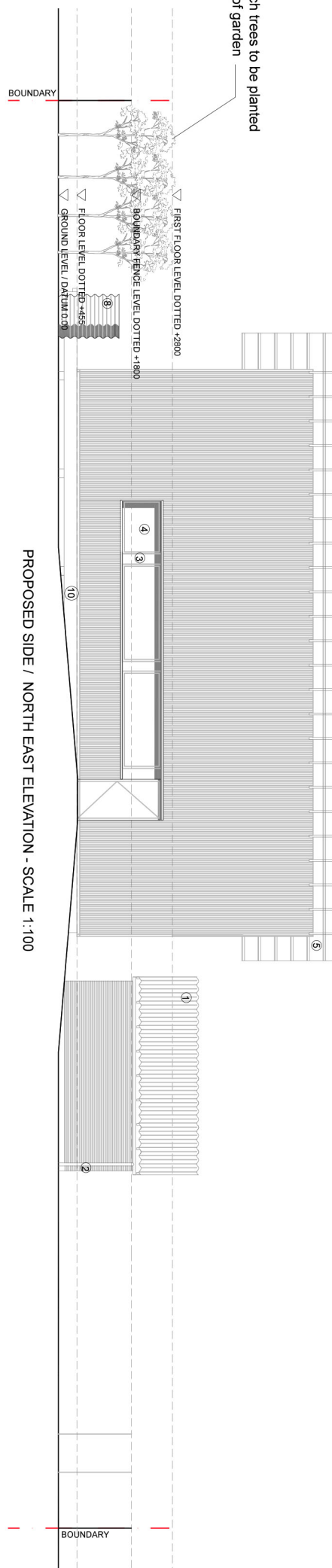
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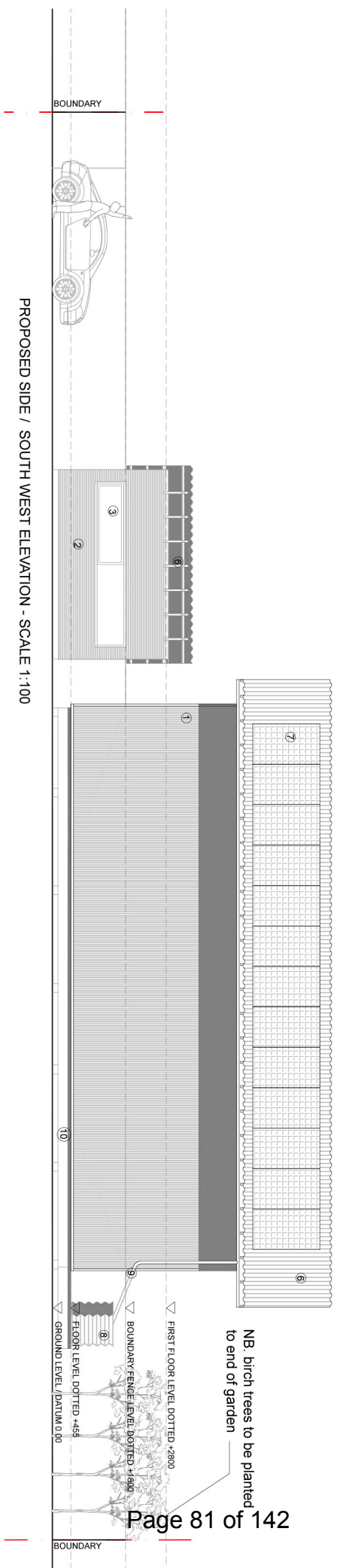
003

A04

NB. birch trees to be planted to end of garden



PROPOSED SIDE / NORTH EAST ELEVATION - SCALE 1:100



PROPOSED SIDE / SOUTH WEST ELEVATION - SCALE 1:100

- 1- 45X18 PLANED UNTREATED CEDAR FIXED WITH STAINLESS PINS - VERTICAL
- 2- 45X18 PLANED UNTREATED CEDAR FIXED WITH STAINLESS PINS - HORIZONTAL
- 3- CROSS LAMINATED DOUBLE GLAZED TIMBER WINDOWS - PAINTED GREY
- 4- EXPOSED ROOF STRUCTURE PAINTED GREY
- 5- EXPOSED ROOF STRUCTURE PAINTED GREY
- 6- ROOF MATERIAL CORRUGATED STEEL - GREY
- 7- PV PANELS
- 8- 200 LINE RAIN WATER BUTT - GALVANISED - GREY
- 9- RAIN WATER GUTTERS & PIPES - GALVANISED - GREY
- 10- GLULAM BEAMS ON STRUCTURAL CONCRETE PADS - GLULAMS PAINTED GREY

Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/01480/VC - Depository Building Part
Lion House and Part Seymour House, Muspole Street,
Norwich

4(e)

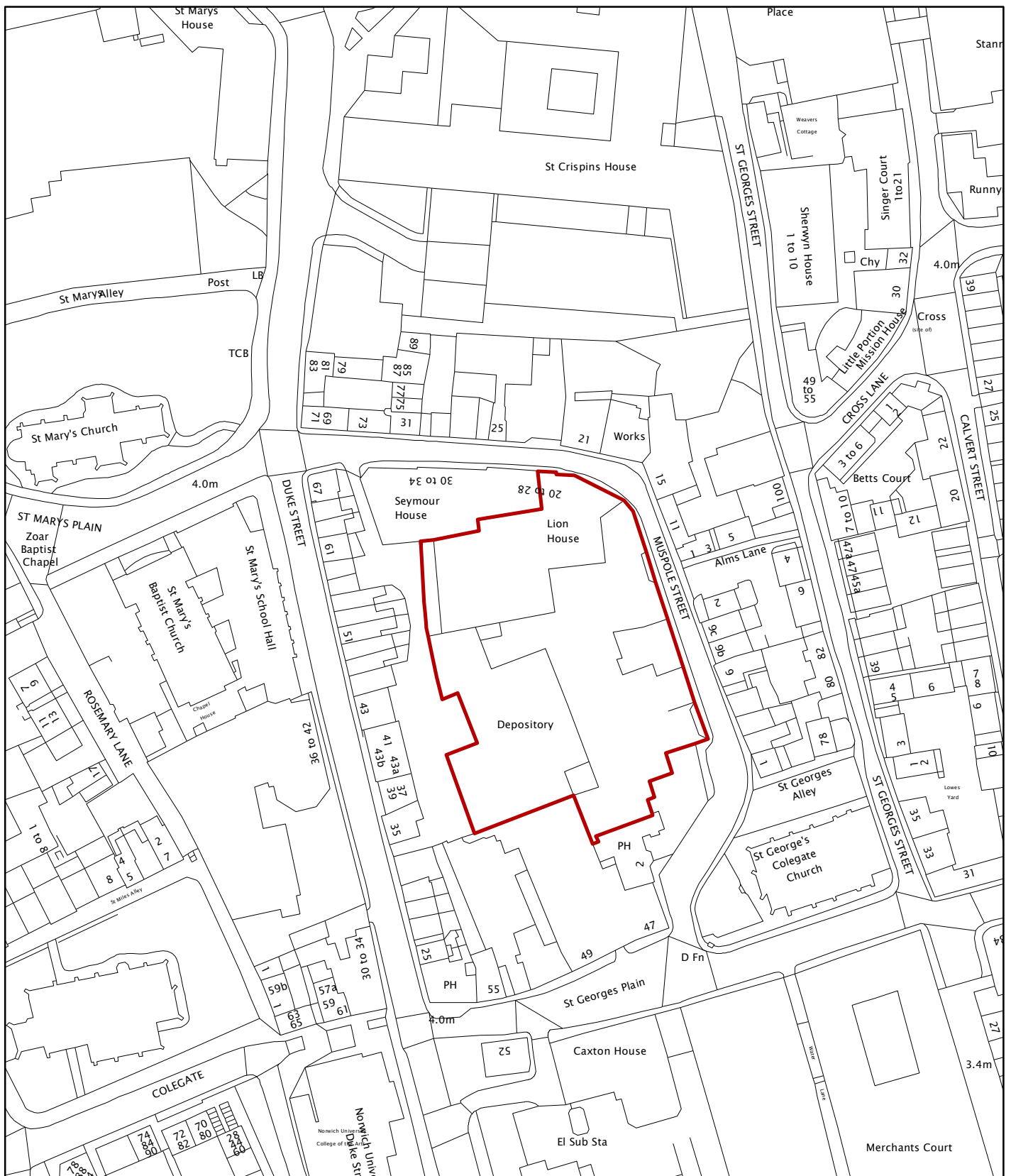
**Reason
for referral** Objection

Applicant Matt Bartram – MAHB Capital Ltd

Ward:	Mancroft
Case officer	James Bonner - jamesbonner@norwich.gov.uk

Development proposal		
Removal of Condition 2 to remove the phasing element of the approved scheme; amendments to the wording of Conditions 3-10 and 15-20; and variation of Condition 21 to allow for minor changes to the approved plans of planning permission 12/00143/ET.		
Representations		
Object	Comment	Support
2		

Main issues	Key considerations
1 Design and heritage	Visual changes to scheme and impact on conservation area and listed buildings
2 Amenity	Neighbouring: Impact from removal of phasing; any increase in overlooking or loss of daylight etc. Occupiers: external amenity space provision
3 Transportation	Bin and cycle storage
Expiry date	31 December 2015 [extended to 19 February 2016]
Recommendation	Approve



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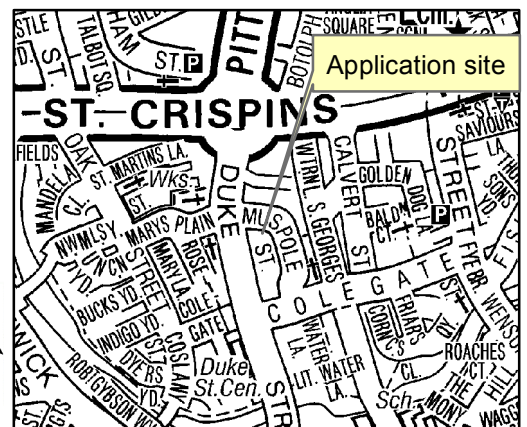
Planning Application No 15/01480/VC
 Site Address Depository Building Part Lion House
 & part Seymour House
 Muspole Street
 Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES

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The site and surroundings

1. The application site is located to the north of the Woolpack public house and comprises offices fronting onto Muspole Street, and the former Hadley and Ottaway depot which is dominated by the depository building, a former shoe factory. Consent was granted for the redevelopment of the site to provide 57 dwellings on 27 March 2009 under reference 08/00866/F. This consent was extended for a further three years on 21 December 2014 under reference 12/00143/ET. This permission is understood to have been implemented via demolition occurring on-site.
2. The committee report and minutes as well as the former signed S106 agreement are available at the following link: <http://planning.norwich.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LY92Y0LX0J300>

Constraints

3. See the previous report for a full site description. The main constraints are as follows:
 - Within the city centre conservation area;
 - Adjacent to a number of statutory buildings, including St Georges Church (grade I) to the south east; Woolpack public house to the south, 1-7 Muspole Street to the east, and 57-61 Duke Street to the west (all grade II listed); 43-51 Duke Street to the west, 11 Muspole Street and 1-3 Alms Street to the east and Seymour and Lion House to the north (all locally listed);
 - The south east corner of the site is within Flood Zone 2;
 - Entirely within a main area of archaeological interest;
 - Contamination issues.

Relevant planning history

4.

Ref	Proposal	Decision	Date
08/00866/F	Redevelopment of site to provide 47 No. apartments and 10 No. houses with associated works including enhancement of external areas and provision of formal parking areas. (Amended Design).	Approved	27/03/2009
08/00867/C	Demolition of modern extensions to Lion House and Seymour House and demolition of single storey detached buildings to east of site.	Approved	30/03/2009

Ref	Proposal	Decision	Date
12/00143/ET	Extension of time period for the commencement of development for previous planning permission 08/00866/F 'Redevelopment of site to provide 47 No. apartments and 10 No. houses with associated works including enhancement of external areas and provision of formal parking areas. (Amended Design)'.	Approved	21/12/2012
12/00144/ET	Extension of time period for previous conservation area consent 08/00867/C 'Demolition of modern extensions to Lion House and Seymour House and demolition of single storey detached buildings to east of site.'	Approved	22/05/2012
14/01567/D	Details of condition 3 - materials, condition 4 - materials, condition 5 - materials, condition 7 - solar thermal and PV panels, condition 8 - heritage interpretation, condition 15 - water, energy and resource efficiency measures of planning permission 12/00143/ET.	Part Approved Part Refused	24/08/2015
15/00069/D	Details of Condition 6: Landscaping; Condition 9a: Written Scheme of Archaeological Investigation; 9b: results of archaeological evaluation; and 9c: implementation programme for archaeological mitigatory work; Condition 10: Contamination; Condition 16: Foul drainage; Condition 17: Fire hydrants and Condition 20: Flood risk assessment of previous permission 12/00143/ET.	Part Approved Part Refused	08/09/2015
15/00124/D	Details of Condition 2: contractual agreement for redevelopment and interim remediation and landscaping; and Condition 3: Historic Building Recording Report of previous permission 12/00144/ET and Conservation Area Consent 08/00867/C.	Approved	28/04/2015
15/01512/PDD	Conversion of offices to residential [Seymour House and Lion House].	Prior Approval Granted	30/11/2015

The proposal

5. The revisions come about as a result of the project being designed to a buildable scheme. The main changes from the approved scheme can be summarised as follows:

- The approved scheme is due to be built in phases:
 - Phase one currently involves 10 town houses and 34 flats;
 - Phase two involves the demolition of the building between Seymour House and the depository building and in its place the construction of a block of 13 flats.
- This application seeks to remove the phasing and build all 57 dwellings in one phase.
- Changes are proposed along Muspole Street terrace, including the raising in height of the vehicle entrance and revisions to window openings.
- The extent of the communal space on the third floor of the depository building is reduced.
- There are minor elevational changes to the depository building, e.g. window design.
- The wording of the conditions are to be changed to remove reference to phasing, to reflect the details already agreed, i.e. 14/01567/D and 15/00069/D, and to allow for the results of the archaeology evaluation to be agreed pre-occupation rather than pre-commencement.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	57 (10 houses fronting Muspole Street, 24 flats in converted depository building, 23 new build flats in two new blocks to the north of depository building).
No. of affordable dwellings	Previously approved changes to s106 reduced provision from 33% on-site with either two on-site social rented or four intermediate tenure, or alternatively a £150,000 off-site commuted sum if an appropriate registered provider cannot be identified.
Appearance	
Energy and resource efficiency measures	PV panels
Transport matters	

Vehicular access	Via Muspole Street
No of car parking spaces	32 plus 4 visitor spaces
No of cycle parking spaces	77
Servicing arrangements	Bin stores collected via Muspole Street

Representations

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

Issues raised	Response
Disappointed to hear development is still going ahead [previous scheme objections echoed, e.g. loss of light]. Issues raised about potential impact from adjacent scheme at former Bentley garage.	Amenity – see main issue 2. There have been no formal applications submitted for the former Bentley garage on Duke Street.
Noise and airborne pollution, some of which has already started.	Amenity – see main issue 2.
Development has not received proper consultation due to some houses not receiving letters. Site plan showing building adjacent to Seymour House being retained is incorrect. Development will overlook at very close proximity, including some flats with balconies. Loss of light. Noise and pollution from car parks under apartments including enclosed space amplifying noise. Jail-like framing facing properties.	All properties within 10m of the development should have received a consultation letter as per standard practice. Site plan has been revised to include reference to this building being demolished as per the original scheme. Amenity – see main issue 2.

Consultation responses

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

Design and conservation

8. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Environmental protection

9. I don't have any issues with the removal of the phasing. In my original comments for this proposed development (in 2008), I suggested the inclusion of informatives for the minimisation of nuisance dust and noise from the construction activity. However, a construction management plan would be welcomed if available, as would membership of the Considerate Constructors Scheme.
10. I also note that it is proposed to change the wording of condition 10 as follows:
- The development shall be implemented in accordance with the details submitted in relation to the risks associated with contamination under reference 15/00069/D, in relation to:
1. Phase I Desk Study;
 2. Phase II Desk Study;
 3. Controlled Waters Risk Assessment;
 4. Remediation Method

Landscape

11. I have looked at the revised landscape drawing for the above. I do not have any objections to the substitution of two bollard lights with column lights to meet the BS, however the lighting column outside the Depository building does appear to conflict with the tree. The specified tree (*Sorbus hupehensis*) will have a mature 5-10m and spread 4-7m, given that the proposed column is 5m high, it is likely that the column will be lost within the canopy of the tree as it matures affecting light levels and resulting in requirement for significant tree works. I would therefore suggest either adjusting the column position or revising the tree specification. [*since remedied*]

Norfolk historic environment service

12. Satisfied with revised conditioning.

Assessment of planning considerations

Relevant development plan policies

13. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS11 Norwich city centre
 - JCS20 Implementation
14. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
 - CG1 Muspole Street
 - TU1 Design for the historic environment
 - ENV1 Climate change mitigation and adaptation
15. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM4 Providing for renewable and low carbon energy
 - DM5 Planning effectively for flood resilience
 - DM8 Planning effectively for open space and recreation
 - DM9 Safeguarding Norwich's heritage
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing
 - DM33 Planning obligations and development viability

Other material considerations

16. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF2 Ensuring the vitality of town centres
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change

- NPPF12 Conserving and enhancing the historic environment

Case Assessment

17. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.
18. In terms of the principle of development, the principle of the development has already been accepted. The changes are considered to be of an appropriate scale to be considered within the scope of a minor material amendment. The main policy and material considerations in this case are considered below.

Main issue 1: Design and heritage

19. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
20. The design principles and overall approach to the site remain the same. While there are minor changes to the Depository building such as to fenestration and balustrading, these are largely informed by buildability considerations and are inconsequential within the grand scheme of the development. The main design changes concern the most prominent aspect: the new terrace along Muspole Street.
21. Building Regulations requires fire appliance access within the site due to the need for a pump operator to visually see the connection of the hose to the dry riser itself, which cannot be achieved with a fire appliance parked on Muspole Street. The maximum distance from dry riser inlet to appliance would also be well exceeded. Given the lack of access from the northern side of the site or from Archers Yard off Duke Street, this means this would have to be through the existing vehicle access on the east side of Muspole Street.
22. The currently approved scheme does not have the required 3.7m and so the bridge link section needs to be raised. To achieve this the drawings originally submitted created a visually discordant gap within the terrace, particularly given the misaligned fenestration. Several revisions were sought to minimise the visual harm, including redesigning the windows and dormers to ensure greater consistency with the adjacent row. While this is not as visually optimal as the original scheme, a 3D model of the original scheme and the alternatives was submitted. Being overlaid on a satellite image of Muspole Street it was possible to see that given the significant setback of the area in question from the rest of the terrace, that the visual prominence of the feature is limited. The terrace is designed with numerous setbacks and varying ridge heights and this could be argued to be a continuation of this. Prior to these changes being agreed the applicant was asked to explore the potential use of sprinkler systems to negate the need to raise the height of the access. The justification used was the potential impact on sales values, higher

service charges through maintenance and increased safety through fire appliance access in the event of system failure. While this reasoning is not without issue, it is considered adequate given the level of visual harm is now sufficiently reduced.

23. When originally submitted the drawings also contained numerous other issues which cumulatively undermined the terrace. These have since been addressed and therefore the amended scheme raises no adverse issues for the significance of any nearby heritage assets identified above, including the character of the wider conservation area.
24. The layout and landscaping remains acceptable. A sedum roof is proposed on the third floor of the depository building and the specification and maintenance plan submitted are satisfactory.

Main issue 2: Amenity

25. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Neighbouring amenity

26. Building the development in one phase does not raise any major issues given its size. There is no particular reason to have the development built in two phases, the original scheme's intention was to allow for phase one to be complete and for the Seymour House extension to continue operating as offices before being later demolished and redeveloped.
27. While there will be some disturbance this is an inevitable and unavoidable aspect of construction in a tight-knit urban environment. This would likely still occur should it be built in two phases, just for a potentially more drawn out period if construction were to stop and then start again. The S106 includes provision for a construction traffic management plan which includes wheel washing, road cleaning and restricting obstruction of the public highway. Demolition and construction are not considered to give rise to unacceptable amenity concerns .
28. The impact on the living conditions to the Duke Street properties remains the same with regards overshadowing and loss of light. The changes that are proposed are not considered to have a material impact on overlooking. The balconies facing the rear of the Duke Street terrace are still 0.65m in depth, not large enough for seating.
29. With the reduction in communal space at third floor level this means the potential for overlooking to the west is limited to the private roof terrace for unit 43. This represents a reduction in potential overlooking to neighbours.
30. The development does include car parking on the ground floor of both the depository building and the new build section between it and Seymour House. This is as per the approved scheme and being fairly typical it is not considered to give rise to any adverse concerns for noise or pollution. Similarly the ground floor treatment of this west elevation has adequate relief designed in and there is no appreciable impact for outlook over and above the current situation.

Occupier amenity

31. Regarding external space, the scheme is largely the same as previous with regards the open space around the site. On the third floor of the depository building originally had a large communal green roof garden alongside two private roof terraces. These two terraces are still proposed, as is the sedum roof, however the landscaped part is no longer accessible and instead there is a smaller roof communal terrace (35sqm).
32. When originally submitted this S73 application included no communal space at this level. Amendments have been made to reinstate some of this, which although not as good as the original scheme (~130sqm), at least the communal space remains spread throughout the site. The overall external space provision including private balconies ensures this reduction in amenity space does not undermine the positives of the original scheme.
33. Overlooking between dwellings within the site remains the same, as do levels of daylight and outlook.

Main issue 3: Transport

34. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
35. Refuse and recycling stores have been rearranged so that all collection now occurs from the central courtyard. This raises no issues. Cycle stores have also been repositioned but the provision overall remains acceptable. The level of car parking

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Not applicable

Other matters

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

Archaeology – the revised wording of the condition is fine.

Contamination – this raises no additional issues for contamination as discussed at length during the conditions stage (15/00069/D). Condition 10 has been discharged in full in agreement with the Environment Agency and Environmental Protection. The verification pre-occupation condition 11 remains outstanding.

Flood risk – the changes do not affect flood risk to the future occupants or off-site.

Equalities and diversity issues

38. There are no significant equality or diversity issues.

S106 Obligations

39. The consent was subject to a S106 agreement which secured the following:

- 33 per cent affordable housing being 19 affordable housing units (of which 16 would be social rented and 3 intermediate tenure dwellings);
- An education contribution of £46,576;
- A play space contribution of £71,760;
- A public open space contribution of £26,847;
- A transport contribution of £16,082.95.

40. The S106BA application approved by committee on 6 November 2014 reduced the affordable provision to either two on-site social rented or four intermediate tenure, or alternatively a £150,000 off-site commuted sum if an appropriate registered provider cannot be identified.

41. This S73 application makes no amendments to this but will be subject to a deed of variation to ensure this new permission is linked to the previous S106 agreements.

Local finance considerations

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

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

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

Conclusion

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

Recommendation

To approve application no. 15/01480/VC - Depository Building Part Lion House And Part Seymour House Muspole Street Norwich and grant planning permission subject to the completion of a satisfactory deed of variation and subject to the following conditions:

1. In accordance with plans;
2. Unless otherwise agreed in writing with the local planning authority the development shall be constructed in accordance with the details approved in application reference 14/01567/D with regards the following:
 - (a) Bricks;
 - (b) Roof tiles;
 - (c) Metal Cladding;
 - (d) Tile Cladding.
3. Unless otherwise agreed in writing with the local planning authority the development shall be constructed in accordance with the details approved in application reference 14/01567/D with regards the following:
 - (a) metal roofing;
 - (b) glass balustrade;
 - (c) render;
 - (d) timber cladding;
 - (e) rainwater goods;
 - (f) ground floor grilles to cycle and car parking areas;
4. Unless otherwise agreed in writing with the local planning authority the development shall be constructed in accordance with the details approved in application reference 14/01567/D with regards the following:
 - (a) timber porches;
 - (b) windows;
 - (c) doors;
 - (d) access;
 - (e) gates;
 - (f) balconies;
 - (g) north lights.
5. Unless otherwise agreed in writing with the local planning authority, prior to the first occupation of any dwelling the development shall be carried out in accordance with the landscaping details agreed in 15/00069/D and in accordance with the approved sedum roof specification and implementation scheme.
6. Unless otherwise agreed in writing with the local planning authority the development shall be carried out in accordance with the PV panel strategy details agreed in 14/01567/D, with the following additional details to be agreed in writing:
 - i) installation of any associated equipment;
 - ii) the future operation and management of the panels;

7. Unless otherwise agreed in writing with the local planning authority development to be carried out with heritage interpretation details agreed in 14/01567/D.
8. Unless otherwise agreed in writing with the local planning authority no development shall take place unless in accordance with the programme of archaeological evaluation agreed in 15/00069/D. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.
9. Unless otherwise agreed in writing with the local planning authority no development shall take place unless in accordance with the contamination risk assessment, site investigation scheme and subsequent report approved in 15/00069/D.
10. No occupation of the development hereby approved shall take place until a verification plan and a proposed monitoring, maintenance and contingency plan have been submitted to and agreed in writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in remediation strategy referred to in condition 10 above are complete and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed monitoring, maintenance and contingency plan shall identify how these requirements will be met.
11. If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the council as Local Planning Authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Only when evidence is provided to confirm the contamination no longer presents an unacceptable risk, can development continue.
12. All imported topsoil and subsoil for use on the site shall be certified to confirm its source and that it is appropriate for its intended use. No occupation of the development shall take place until a copy of the certification has been submitted to the Local Planning Authority.
13. The development hereby permitted shall be constructed with a minimum finished floor level set to 3.70mAOD.
14. Unless otherwise agreed in writing with the local planning authority no development shall take place unless in accordance with the water, energy and resource efficiency measures approved in 14/01567/D. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.
15. Unless otherwise agreed in writing with the local planning authority the scheme shall be constructed and implemented in accordance with the foul water drainage scheme approved in 15/00069/D.
16. Unless otherwise agreed in writing with the local planning authority no occupation of any dwelling shall take place until a fire hydrant has been provided in accordance with the details approved in 15/00069/D.
17. Unless otherwise agreed in writing with the local planning authority no occupation of any dwelling shall take place until all secure cycle parking and refuse stores have been provided in accordance with approved drawing numbers 201 Rev.C, 230 and 260.

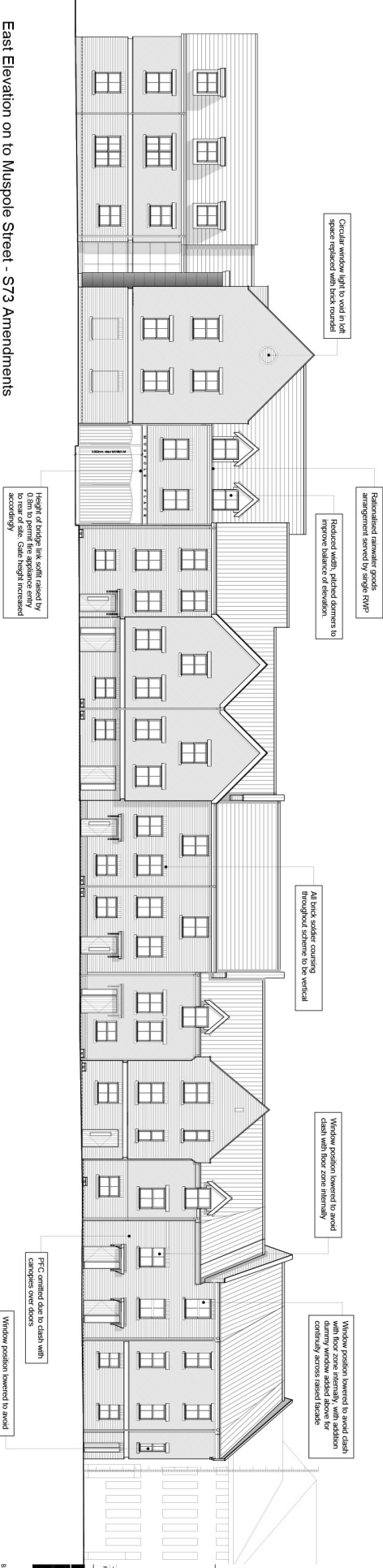
18. The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.
19. Unless otherwise agreed in writing with the local planning authority no occupation of any dwelling shall take place until the works have been carried out in accordance with the surface water strategy details approved in 15/00069/D.

Article 35(2) statement

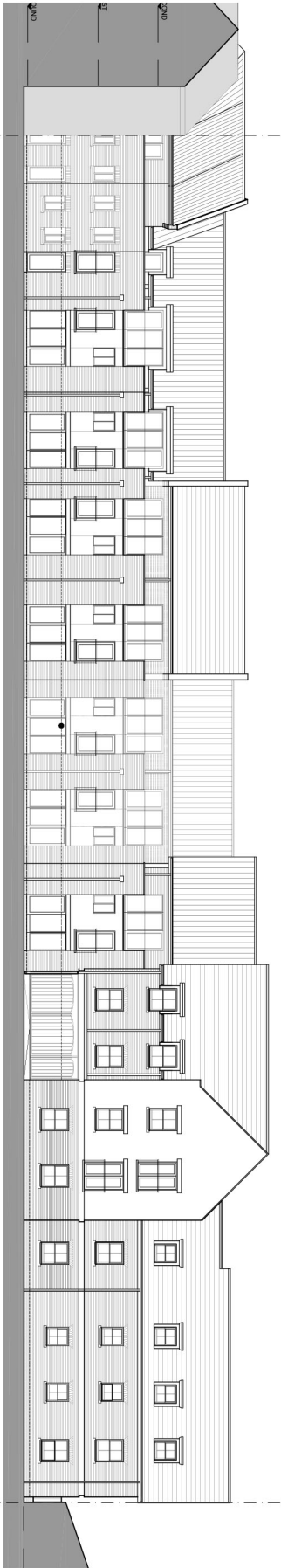
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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



East Elevation on to Muspole Street - Planning Approved



East Elevation on to Muspole Street - S73 Amendments



West Elevation - Planning Approved



West Elevation - S73 Amendments

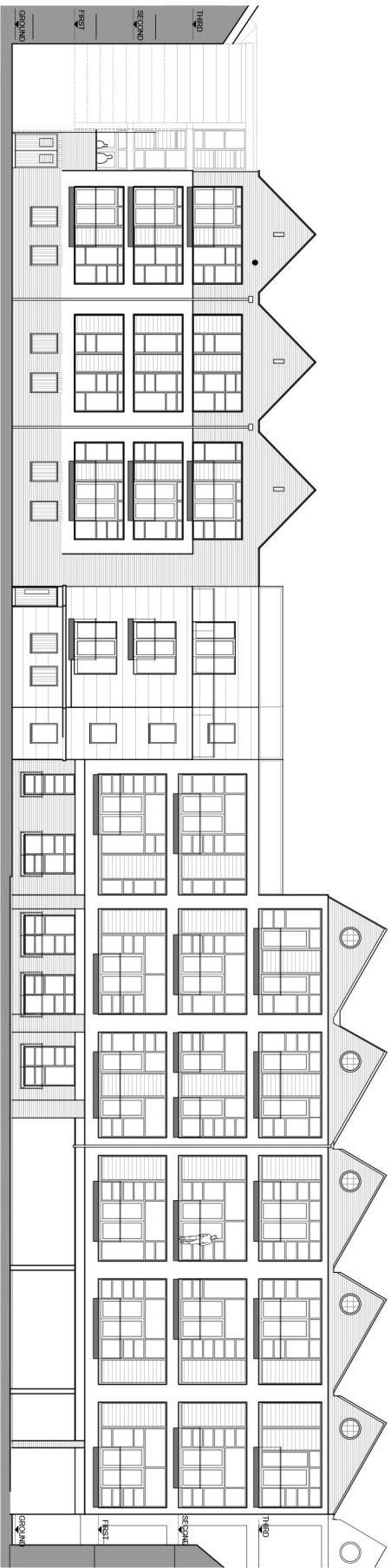
All dimensions to be checked on site by Client Contractor before the start of any work drawings or work whatsoever either on their own behalf or that of sub-contractor.

Report any discrepancies to the Contract Administrator at once.

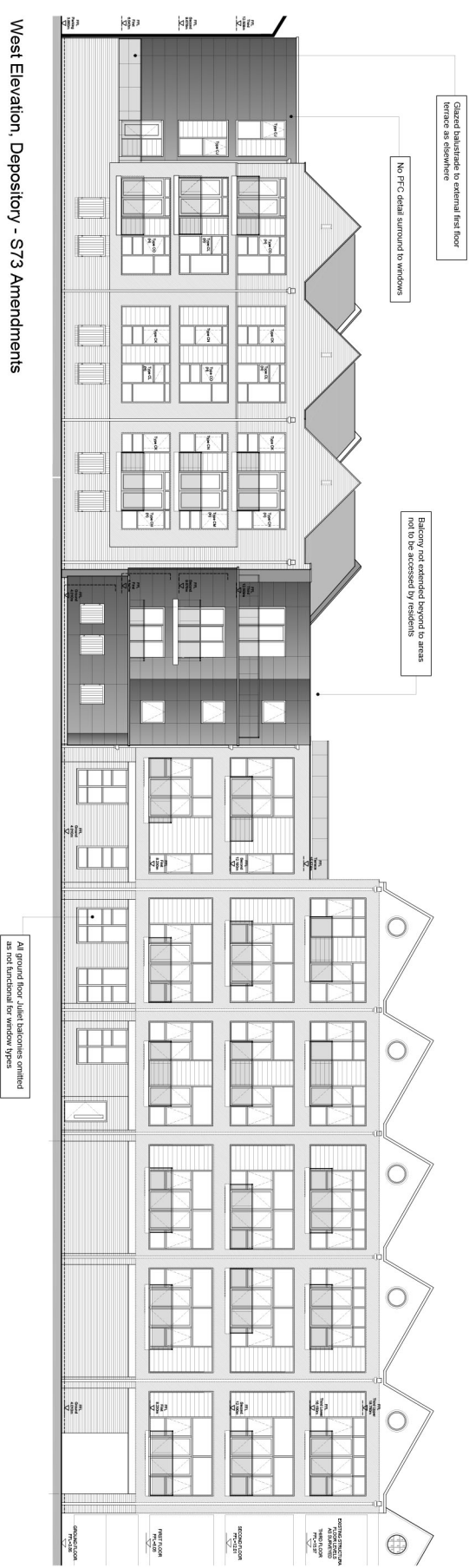
This drawing is to be read with all relevant Architects and Engineer's drawings and other relevant information.

© Ingdon Wood LLP

LEGEND: DO NOT SCALE



West Elevation, Depository - Planning Approved



West Elevation, Depository - S73 Amendments

Name	Date	Description	Dwg.	Dist.
Biology Cambridge College Norwich				
Murphy Street Norwich				
Depository & Seymour Hae, West Ewal. Amendments under S73 Application				
Herrings Developments Ltd				
Date:	Checked:	Date:	Signed:	Page Size:
SM	SM	09.12.15	NTS	A1
JOB No:	Date No:	Stage:		Revision:
31317	024	Planning S73		

Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no 15/01899/F - 111 Borrowdale Drive,
Norwich, NR1 4NA

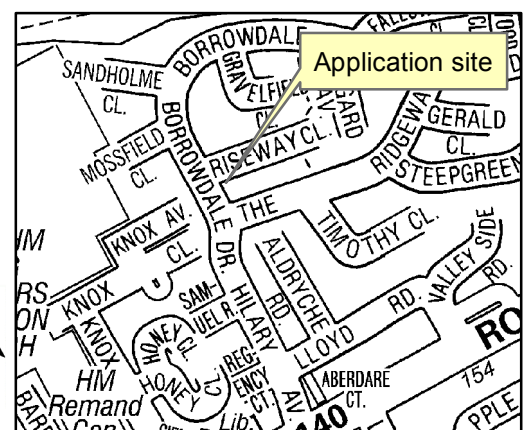
**Reason
for referral** Objection

4(f)

Ward:	Crome
Case officer	John Dougan - johndougan@norwich.gov.uk

Development proposal		
Demolition of rear extension and garage. Single storey dwelling in rear garden.		
Representations		
Object	Comment	Support
2	1	0

Main issues	Key considerations
1 Principle	Development in rear gardens and provision of a wide choice of homes
2 Design	Character of the area, density, scale and design
3 Amenity	Adequate internal / external amenity space. Will the development result in significant loss of light, overlooking or overshadowing of other properties.
Expiry date	17 February 2016
Recommendation	Approve



The site and surroundings

1. The character of the area is residential, comprising single and two-storey detached dwellings of varied plot size. Although the dwellings and plot sizes are relatively consistent on Riseway Close comprising detached bungalows all of which sit with small plots and layout. It was noted that many of the plots on both Borrowdale Drive and Riseway Close are predominantly open, many comprising gravel driveways and low level shrubs.
2. The application site is a corner plot next to the junction with Borrowdale Drive and Riseway Close. The layout and orientation of the single storey bungalow including the position of the rear garden (sideways to 29 Riseway Close) is not consistent with the layout evident on other properties on Riseway Close but is broadly reflective of the layout evident along Borrowdale Drive.
3. A key feature of the site is mature conifer hedge which provides a significant level of screening to the large side garden serving the existing property. The hedge also contributes a great deal by introducing a green edge which softens the appearance of the built form in the streetscene. The hedge may provide some shelter for wildlife but as it is a conifer variety it is not considered to be of optimum wildlife value.
4. There is also a mature hedge next to the east boundary with 29 Riseway Close, being in a rather overgrown state potentially restricting some light accessing the neighbour's kitchen window.
5. The boundary treatment to no.113 Borrowdale Drive comprises a 1.8 metre high close boarded fence with sporadic levels of soft landscaping either side of the fence. An existing garage on the application site is also located next to this boundary.

Constraints

6. The site is within a critical drainage area.

Relevant planning history

7.

Ref	Proposal	Decision	Date
15/00952/F	Demolition of rear extension. Single storey dwelling in rear garden.	WITHDN	07/08/2015

The proposal

8. Sub-division of the plot and the erection of a 1 bedroom bungalow and the provision of an additional access, parking for a single car, replacement / additional landscaping and secure and covered cycle storage / bin storage for each of the plots.

9. A key feature of the proposed landscaping is that it will be an instant living screen product meaning that it will deliver an instant effect in the streetscene and within the site.
10. To facilitate the development, the existing garage and conservatory is to be removed.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	One
Total floorspace	40 sqm
No. of storeys	Single
Appearance	
Materials	Red brick and grey tiles
Transport matters	
Vehicular access	From Riseway Close
No of car parking spaces	One
No of cycle parking spaces	Two

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
- 12.

Issues raised	Response
Overdevelopment of the plot and not inkeeping with the area.	See main issue 2
Inappropriate scale and design	See main issue 2
My conservatory would be overlooked	See main issue 3

Issues raised	Response
The building and boundary treatment would be oppressive (from garden)	See main issues 3
Loss of light and overshadowing	See main issue 3
Concern about noise and dirt during construction causing nuisance	See informative
The proposed landscaping is not appropriate for the character of the area and would require constant maintenance	See main issues 3
It is unclear how the proposed green screen along the south boundary relates to my property. It is my fence and I think it is inappropriate.	See main issue 3
Concern that the new access would make flooding on the main road worse.	See other matters
The existing hedge along the east boundary is overgrown and already overshadows my kitchen window.	See main issue 3

Consultation responses

13. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
14. None

Assessment of planning considerations

Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS5 The economy
 - JCS20 Implementation
16. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions

- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

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

Main issue 1: Principle of development

19. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
20. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local 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 council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
21. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock.

22. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations.

Main issue 2: Design

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
24. A residential use reflects the residential character of the area.
25. Borrowdale drive comprises a mixture of single and two-storey detached dwellings of varied plot sizes. Although, Riseway Close is distinctive in that it that the properties on the street are of uniform layout, scale and design.
26. 111 Borrowdale Drive is a corner plot location which is not reflective of the other layouts along Riseway Close i.e. its two principle elevations with the large site benefiting from a considerable amount of private amenity space to the northern and eastern extents. The proposed dwelling would be accommodated within one of these spacious amenity spaces.
27. The proposed dwelling is reflective of the scale and design of the other properties in Riseway Close, being set back a distance which is sympathetic to the existing building line on the street. The streetscene provided demonstrates that the new dwelling replicates the spatial characteristics on other properties ensuring that it will not appear cramped. These factors coupled with the introduction of a replacement soft landscaping will result in a development which is sympathetic to the visual amenities of the street scene.
28. The acceptability of the proposal in regards to being sympathetic to the character , layout and density of the area is finely balanced. However, taking all of the above factors into consideration, the scale, design and layout of the development is acceptable.

Main issue 3: Amenity

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Existing / new occupants

30. The sub-division of the plot will result in layouts which provide an adequate amount of private external amenity space and servicing facilities for the existing and new dwelling. However, a condition is required to ensure that the existing conservatory and garage be removed prior to occupation.
31. It is also recommended that a condition remove permitted development rights in relation to extensions and outbuildings within the resulting plot. This will ensure that the planning authority has the control to determine if such works would reduce the amenity space to a level which would compromise the amenity of the occupants.
32. The private amenity spaces will be delineated by a combination of 1.8 – 2.2 metre high instant green screens delivering an appropriate level of privacy for the occupants. Although, it is recommended that a condition is imposed requiring that this boundary treatment be installed prior to occupation.

33. The National space standards specify a range between 37 and 50sqm depending on whether or not the dwelling has 1 or 2 occupants. The proposal provides a floor area of 40sqm and therefore meets this standard.
34. Each of the main living areas will be served by patio doors and windows delivering an appropriate level of natural light for the new occupants. The provision of a soft natural screen to the west boundary will improve the outlook when viewed from the kitchen and shower room.

Surrounding properties

35. The key receptors are the adjoining properties to the east (29 Riseway Close) and south (113 Borrowdale Drive).
36. During pre-application discussions, the applicant was invited to introduce a form of boundary treatment which introduced some greening to the site. As such the applicant agreed to remove both sets of hedges and replace them with a 'Mobilane' instant living screen which would deliver year round vegetation and screening within and along each of the boundaries. This would improve the outlook for the occupants and to soften the appearance of the development when viewed from the public realm and neighbouring properties, and would be more aesthetically pleasing than a close board fence. Its purpose is not to hide the development.
37. There is already a dense boundary hedge along the eastern boundary which may overshadow any west facing windows on 29 Riseway Close. The provision of a 1.8 metre green screen is considered to be a more sympathetic alternative which will appear less of overbearing and also result in less loss of light or overshadowing. It will also ensure the privacy of both sets of occupants.
38. The boundary to the south currently comprises of a 1.8 metre high boundary fencing which contains sporadic soft landscaping either side of the fence. It is also noted that the applicant's garage is in close proximity to this boundary and the neighbour's conservatory.
39. The introduction of a 2.2 metre green screen along the southern boundary will project approximately 0.4 metres above a 1.8 metre high fence. In the context boundary treatment can be erected under permitted development rights (2 metres), such a level of landscaping cannot be considered oppressive. Indeed, the applicant's proposal to remove the garage will improve the outlook from within no.113.
40. Whilst the ownership of the boundary fence to the south is not a material planning consideration, it is recommended that a condition be imposed clarifying the position of the new green screen in the context of the existing boundary fence.
41. The dwelling has been sited and designed to minimise the impact on neighbouring properties. Whilst the ridge height of the dwelling is 3.85 metres, it has an eaves height of 2.3 metres. The footprint of the dwelling has also been set back from the south boundary by 2 metres and the massing reduced by the use of a hipped roof. Therefore, the massing and position of the low profile dwelling in the context of the proposed screening and orientation of the site will not result in significant loss of outlook, overshadowing or light to the adjoining property to the south.

42. A combination of the existing fence and additional soft landscaping along the south boundary will mean that no loss of privacy of no.113 will result.

43. It is acknowledged that the new dwelling will be within 1 metre of the west boundary, potentially resulting in some overshadowing of the new side amenity space that will serve the existing dwelling. However, as that dwelling will still benefit from a large portion of amenity space to the north of the site and this overshadowing will only occur in the morning, no significant harm to the amenity of those occupants is expected.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Highway safety / Car parking provision	DM28, DM30, DM31	<p>Yes. The existing property will be served by the existing access on Borrowdale Drive providing parking for at least 2 cars. Such an arrangement is acceptable to serve the existing two bedroom dwelling.</p> <p>It is noted that the new access on Riseway Close will be partially set behind a 1.8 metre high boundary screen, possibility restricting some visibility. However, such an arrangement is not considered to be untypical in a low traffic residential location. Therefore no significant harm to highway safety is expected.</p>
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	<p>Yes. A neighbouring property expressed concern that the new access may result in flooding on the road. It is acknowledged that the site is in a critical drainage area. However, the access in question is to be constructed in a permeable material, the details of which can be secured by condition. Any alterations to create a vehicle cross over will be subject to separate approval by the highway authority. An informative is recommended.</p>

Requirement	Relevant policy	Compliance
Landscaping	DM3, DM7, DM8 NPPF paragraphs 9, 17, 56, 109 and 118	<p>It is acknowledged that many of the frontages along Borrowdale Drive are open, either occupied by hard landscaping or low level soft landscaping. That being said, the application site already contains a dense hedge along much of its Riseway Close frontage.</p> <p>In light of the above, the introduction of a replacement green screen, ornamental, trees and lawn is reflective of what is currently on the site. Indeed, the provision of soft landscaping as opposed to concrete paving slabs will reduce surface water run off and also provide increased biomass for wildlife. It will also increase the levels of private amenity space for the occupants.</p> <p>Details of specification and implementation can be secured by condition.</p>
Biodiversity	DM6	Biodiversity enhancements in the form of new landscaping are proposed. It is not considered appropriate to require provision of bird boxes given the single storey height of the proposed building.

Other matters

45. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
46. It is acknowledged that there may be some noise and dirt associated with the construction of the dwelling. However, the development is relatively small scale and not uncommon in an urban environment. Therefore, it is unlikely that surrounding properties would experience any significant or long term nuisance. Nevertheless, it is recommended that an informative be added advising the applicant to undertake works in a safe and considerate manner.

Equalities and diversity issues

47. There are no significant equality or diversity issues.

Local finance considerations

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

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

Conclusion

51. The principle of a dwelling in an existing residential area and will contribute to the city housing stock.
52. The building is of a scale, design and position which is reflective of the other properties on Riseway Close. The provision of a sensitively designed dwelling with soft landscaping is sympathetic to the visual amenities of the streetscene.
53. All other matters including clarification of sustainable urban drainage, water efficiency, boundary treatment and demolition of existing buildings within the site can secured by condition.
54. The acceptability of the development is finely balanced, as the proposed plot would be smaller than others in Riseway Close. However, taking all of the above factors into consideration, the development is on balance considered to be acceptable.
55. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/01899/F - 111 Borrowdale Drive Norwich NR1 4NA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The existing garage and conservatory to be removed prior to occupation
4. Removal of permitted development rights – extensions and outbuildings
5. Submission of a landscape management plan.
6. Hedge to be removed outside the bird nesting season
7. Details of surface materials and sustainable urban drainage measures
8. The cycle and bin storage facilities to be installed prior to occupation
9. Details of water conservation measures

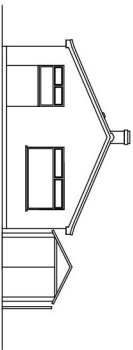
Informative

1. Works to a public highway
2. Street naming
3. Bins
4. Considerate constructor

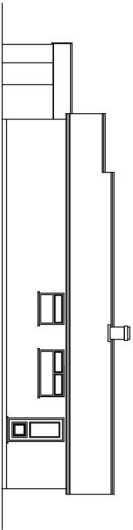
Article 35(2) statement

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

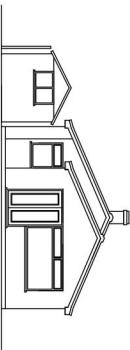
EXISTING SURVEY OF 111 BORROWDALE DRIVE, NORWICH, NR1 4NA.



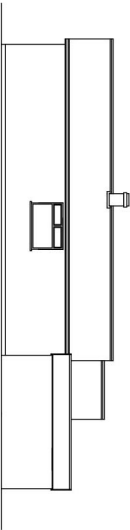
SOUTH WEST ELEVATION - 111 BORROWDALE DRIVE



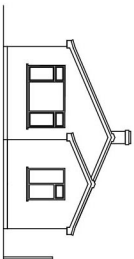
NORTH WEST ELEVATION - 111 BORROWDALE DRIVE



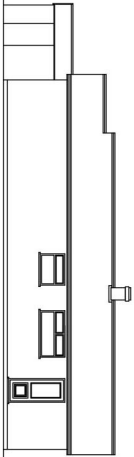
NORTH EAST ELEVATION - 111 BORROWDALE DRIVE



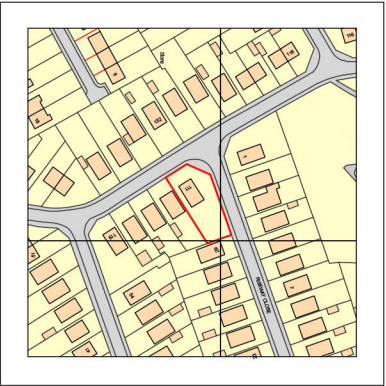
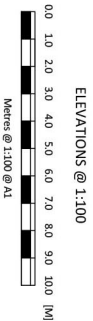
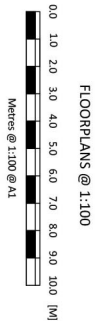
SOUTH EAST ELEVATION - 111 BORROWDALE DRIVE



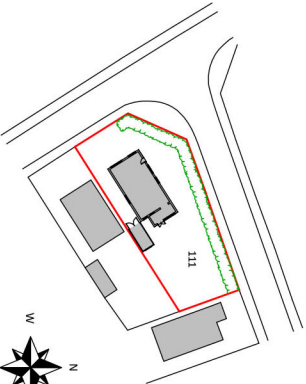
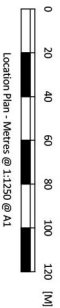
RISEWAY CLOSE STREET SCENE



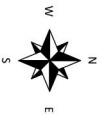
EXISTING GROUND FLOOR LAYOUT PLAN



LOCATION PLAN

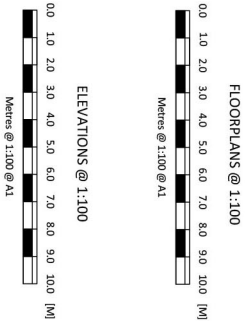
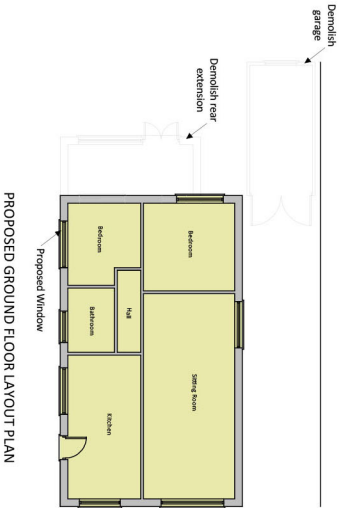
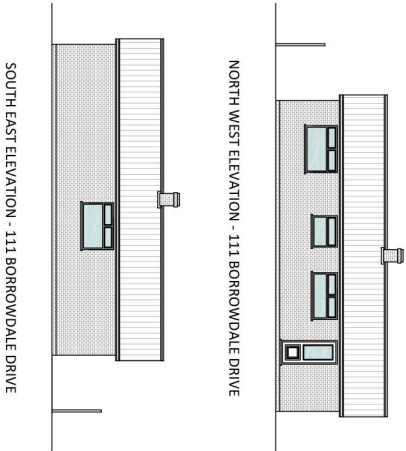
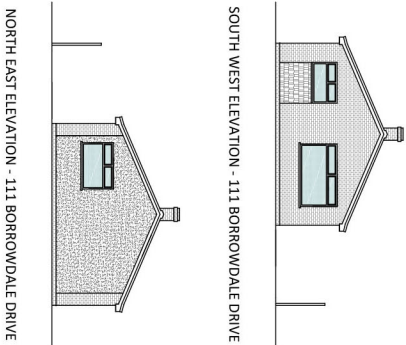


BLOCK PLAN

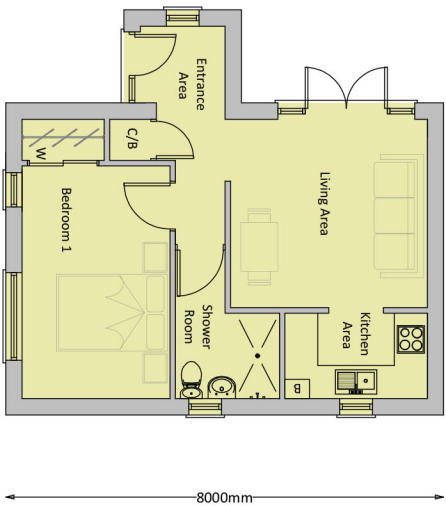
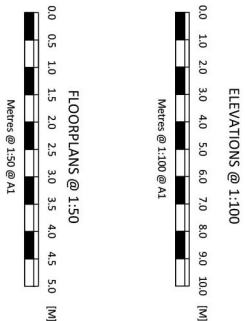
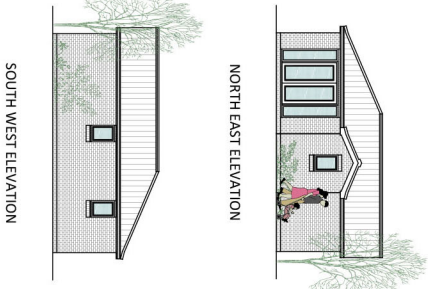


PROPOSED ONE BEDROOM DETACHED DWELLING TO REAR OF 111 BORROWDALE DRIVE, NORWICH, NR1 4NA.

DEMOLITION OF EXISTING REAR EXTENSION AND REMEDIAL WORKS TO 111 BORROWDALE DRIVE



PROPOSED TWO BEDROOM DETACHED DWELLING TO REAR GARDEN OF 111 BORROWDALE DRIVE



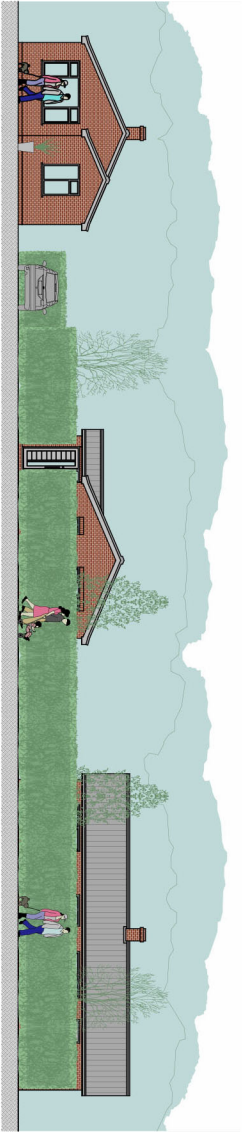
NOTE:
It is proposed the new dwelling will be built on the existing site of the rear extension. The new dwelling will be built to the requirements of the National Space Standards, both technically and to the minimum gross internal floor area for a 1 bedroom, 1 bed space single storey dwelling.

PROPOSED

PROPOSED GROUND FLOOR LAYOUT PLAN



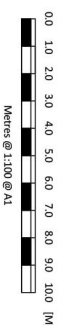
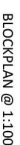
RISEWAY CLOSE STREET SCENE



OPTION 6

BLOCK PLAN

NOTE: It is proposed the new dwelling will have an internal floor area of 40 square metres. This meets the requirements of the National Space Standards, both technically and to the minimum gross internal floor area for a 1 bedroom, 1 bed space single storey dwelling.



PROPOSED



K GARTHAM
DESIGN

01603 618884 • www.kgartham.co.uk
info@kgartham.co.uk

Report to Planning applications committee

Item

11 February 2016

Report of Head of planning services

Subject Application no15/01906/U - St Michaels Church,
Oak Street, Norwich, NR3 3AE

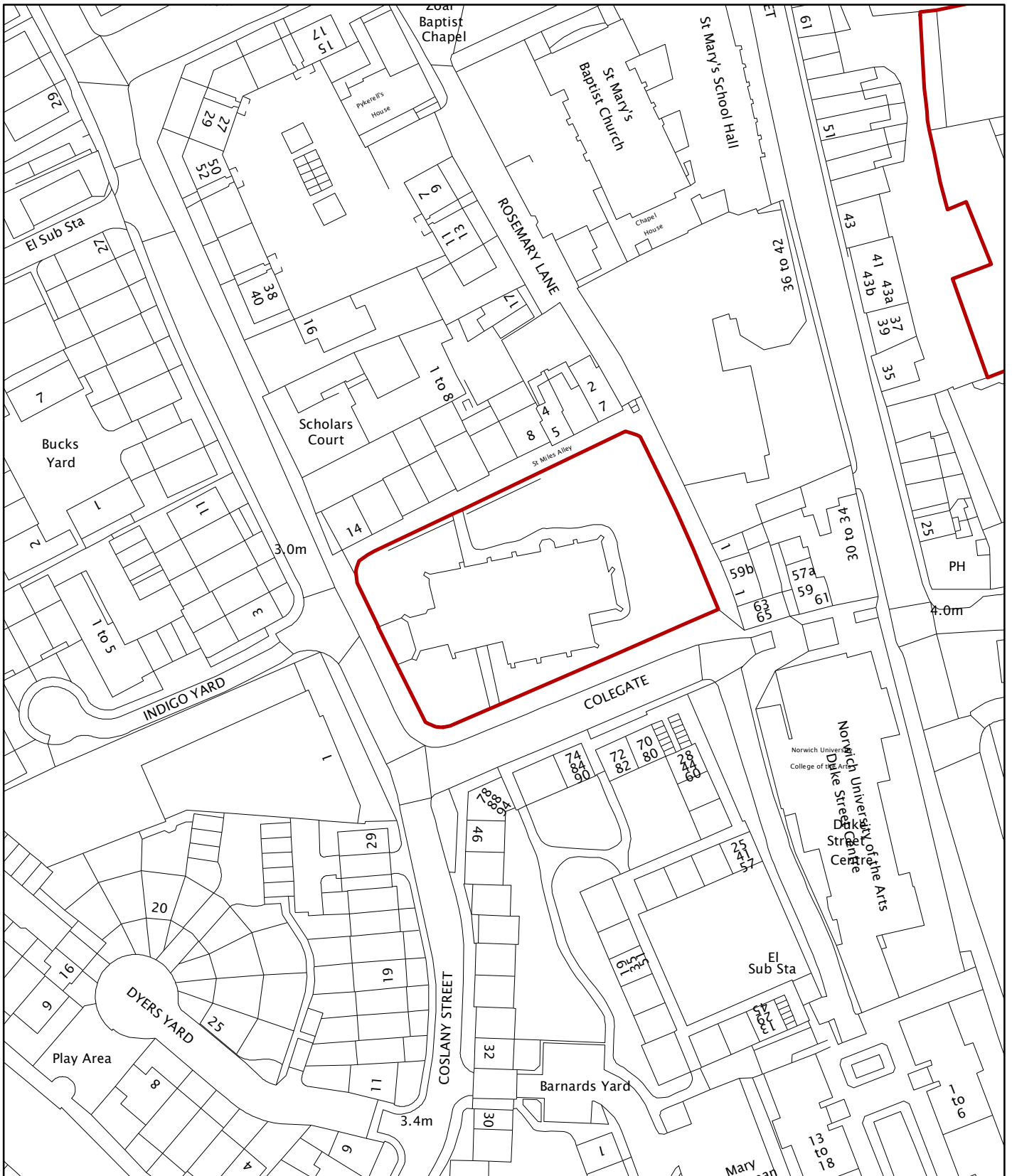
**Reason
for referral** Objections

4(g)

Ward:	Mancroft
Case officer	Caroline Dodden - carolinedodden@norwich.gov.uk

Development proposal		
Change of use to circus including training and rehearsal (Sui Generis).		
Representations		
Object	Comment	Support
8		10

Main issues	Key considerations
1 Principle of development	Acceptability of use at the proposed location and loss of community facility (D1)
2 Amenity	Impact on nearby residents
3 Transport	Parking and servicing
Expiry date	11 February 2016
Recommendation	Approve



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Planning Application No 15/01906/U
 Site Address St Michael's Church
 Oak Street

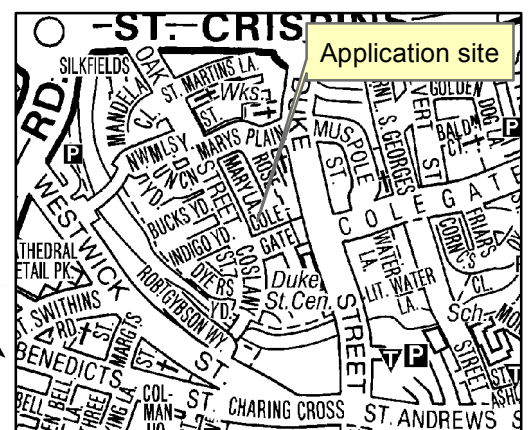
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NORWICH
 City Council

PLANNING SERVICES

Page 120 of 142



The site and surroundings

1. St. Michael's church is located on the northeast corner of Colegate and Oak Street. Pedestrian footpaths surround the grounds of the church, which includes St.Miles Alley to the north of the site.
2. The character of the area is largely residential with dwellings overlooking the site from all directions, but there is a couple of nearby commercial premises at 1 and 1A Oak Street (and 63 Colegate). In addition, the former Bentley garage site at 36-42 Duke Street is located close to northeast corner of the application site.

Constraints

3. The Michael's church is a grade I listed building and there are a number of grade II listed buildings nearby, at 1 St Miles Alley , 2 - 9 St Miles Alley and Regency House, Duke Street.
4. The church is located within the Colegate characterisation zone of the city centre conservation area and identified as a local landmark within the city centre conservation area appraisal. Its grounds are formally identified as open space, which is characterised by a grassed area with trees located along the eastern side of the church.
5. On the Norwich Local Plan Policies Map the site falls within in an area of main archaeological interest, the city centre parking area, an area for reduced parking and a city centre regeneration area.
6. The site also falls within Flood Zone 2.

Relevant planning history

7.

Ref	Proposal	Decision	Date
950340/U	Change of use from martial arts centre (Class D2) to exhibition centre with ancillary administration and education offices (Class D1).	Approved	June 1995
14/00119/U	Change of use from exhibition centre (Class D1) to gym and training area for wrestlers (Class D2).	Withdrawn	19/03/2014

The proposal

8. To change the use of the premises to a circus for training, rehearsals, classes and occasional performances (Sui generis use class). The proposal is for the relocation of an existing circus company, known as Lost In Translation.

Summary information

Proposal	Key facts
Operation	
Opening hours	8:00am – 9:00pm on any day
Transport matters	
Vehicular access	No off-site access
No of car parking spaces	No off-site provision
No of cycle parking spaces	Not known – condition proposed to agree provision
Servicing arrangements	No off-street loading/unloading available – see Transport paragraphs

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received; two of the representations are from a group of 4 households, giving a total of 8 households citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Exacerbating existing on-street parking problems and increased levels of traffic to the area.	Paragraphs 18-22
Concerns about levels of noise from inside and outside the church from the increased activity and from amplified music in what is a largely residential area. Particular concern about increased noise levels at night, when area is quiet.	Paragraphs 36-42
Concern about levels of light	Paragraph 41
Concern about the number of performances the circus would wish to hold at the church.	Paragraphs 36-42
Concerns about where refuse storage will be located, what the loading arrangements will be and the likely increase in generation of	Paragraphs 46-48

Issues raised	Response
rubbish.	

Consultation responses

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

Design and conservation

11. The change of use into a circus training studio is an interesting and innovative use for this significant grade I listed building. The current initial proposals are to erect a scaffold structure which will be completely temporary and not affixed to any historic fabric.
12. The principle of this change of use is acceptable in conservation and design terms however some additional conditions should be added to the approval to ensure the protection of historic features.

Environmental protection

13. The main concern is the break-out of noise from the premises affecting local residents and businesses. To some extent this has been addressed in the Noise Management Plan that has been submitted with the application.
14. The proposed hours of operation and delivery/set take down hours are acceptable and can be detailed in a condition. The submitted Noise Management Plan in its entirety will help minimise noise break out and general noise disturbance resulting from activities at the application site. Therefore, it is recommended that either the complete Noise Management Plan is included as part of any decision notice or the information contained therein is incorporated into conditions.
15. In addition to good management practices, a more comprehensive noise condition is considered necessary to ensure adequate protection from noise break-out. A condition should also be included that no performances with amplified music are to be conducted outside the church.
16. In terms of possible light pollution, it is recommended that an advisory note makes reference to the potential for light pollution given the large church windows and that we would advise consideration is given to this.

Environment Agency

17. The built footprint will remain the same, therefore, there is no increase in vulnerability at the site and the flood risk to the development and off site remains the same at the current risk. The development lies outside of the 1 in 100 (1%) annual probability even with climate change flood extent.

Highways (local)

18. The proposed development is suitable in transportation terms for this accessible city centre location, there is ample car parking within the city centre and bus, cycle/walking provision for good access to the site in its role as a training centre and performance venue.
19. Parking permits would not be issued to the Applicants and so any staff or visitor parking would need to be accommodated within on street pay and display parking or in the St Andrews Multi Storey car park. Waiting restrictions in the locality ensure that all parking is managed and subject to civil parking enforcement.
20. Some internal cycle storage is proposed, although no additional provision is detailed; adequate cycle parking is an essential requirement for staff or patrons. Refuse storage is likely to be minimal, but could be greater when events are held and refreshments sold when a café bar is established in the future.
21. The proposed Travel Information Plan is helpful and acceptable.
22. Whilst nearby residents have stated that there is an existing parking problem in the area, it is considered that the lack of off-street parking and servicing should not prevent the church from being re-used, as this issue would not alter for any potential occupier of the church building.

Norwich Society

23. We welcome this proposal and use of this very important City church. We have some reservations about the likely noise generated during performances but these are outweighed by bringing the building back into use. There should be parking restrictions in front of the west door to retain the architectural integrity of the church and courtyard.

Assessment of planning considerations

Relevant development plan policies

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS7 Supporting communities
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre
25. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
 - ENV1 – Climate change mitigation and adaptation
26. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM5 Planning effectively for flood resilience
 - DM9 Safeguarding Norwich's heritage
 - DM22 Planning for and safeguarding community facilities

- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

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

Main issue 1: Principle of development

29. Key policies and NPPF paragraphs – DM18, DM22, JCS7, NPPF paragraph 70.
30. Paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as cultural buildings) and other local services to enhance the sustainability of communities and residential environments.
31. Under policy DM18, the proposed use is considered to be a main town centre use, as defined in the NPPF and as such, its proposed location within the city centre is considered to be acceptable and would enhance the range of community/ cultural facilities available within the city centre.
32. Policy DM22 seeks to protect community facilities. It is understood that the previous use as an exhibition centre (Inspire Discovery Centre) closed in early 2011. Therefore, given that the premises has been vacant for five years and that the proposed use would entail educational training/ classes as part of its function, it is considered that the proposed change of use would not be contrary to aims of policy DM22.
33. St. Michael's church has an existing authorised use as D1 use (as an exhibition centre) with ancillary offices, which was granted in 1995. It is noted that the proposed training and workshop elements of the circus could operate under the current permission, as non-residential training centres fall within the D1 use class.
34. It is the performance side of the proposed use that changes the overall function of the proposal, which requires planning permission for a sui generis use by

encompassing a training facility, providing workshops and occasional performances.

Main issue 2: Amenity

35. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
36. The main issue raised by nearby occupiers relates to the increase in noise inside and outside the premises, particularly in the evening. In this regard, policy DM2 states that development will not be permitted where it would not result in an unacceptable impact on the amenity of the area or the living or working conditions or neighbouring occupants. Regard is given to such matters as noise, odour, vibration and artificial light.
37. A Noise Management Plan has been submitted detailing the proposed hours of operation and use of amplified music for each function. In addition, the Applicant has held a small open event at the church for local residents. As a result of the residents feedback, the Applicant has revised their proposed hours of operation to between 8:00am and 9:00pm on any day.
38. The circus company is an existing operation. The church would be largely used as a rehearsal space during the day and used for evening classes in the evenings and at weekends. The initial intention is to hold approximately 14 professional shows and 3 amateur performances at the church per year (the majority of the performances would be over the Christmas period). Members of the public would enter and exit the church through existing doors on the south side.
39. Advice from the Environmental Protection team indicates that whilst noise is inevitable, planning conditions could be attached to control the level of noise and other matters such as when set take downs are carried out.
40. The Applicants sound engineer has undertaken a number of sound measurements, both internally and externally, to ascertain whether the proposed noise levels proposed by the Environmental Protection team could be met. The Applicant has concluded that their day to day activities and occasional performances could be undertaken within the parameters of the proposed condition.
41. In addition, the Applicant is investigating the potential of erecting free standing frames to enable fabric to be positioned in front of the windows, which would also aid with potential light pollution.
42. Whilst an increase in noise is inevitable, this needs to be set against the current authorised use of the building as an exhibition centre and given the limited number of professional performances proposed it is considered that the imposition of conditions would adequately manage this. As such, the impact on nearby residents from potential noise disturbance would not be significant enough to warrant refusal of the proposal.

Main issue 3: Transport

43. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
44. Being in the city centre, the location of the proposed facility is considered to be

sustainable, within walking distance of many bus stops and the train station. In addition the site is located approximately 300 metres from St. Andrews multi-storey car park and there is on-street parking bays located on Colegate, adjacent to the church and additional on-street parking can be found near St. Mary's works to the north of the site.

45. A small area within the church has been allocated for cycle storage. Given the sensitivity of this grade I listed building and its churchyard it is considered that the provision of an external cycle store is unlikely to be acceptable. Consequently, any additional cycle parking space would need to be catered for inside the church. The details of this could be the subject of a condition, to ensure adequate provision.
46. Servicing is proposed to take place from the north side of the building. The Noise Management Plan sets out delivery and loading/unloading hours, which are considered to be acceptable and align with the general hours of operation proposed.
47. Refuse and recycling bins would be stored on the north side of the building, as arranged for the previous use.
48. The constrained nature of the site means that service vehicles would need to be positioned on the street. The Noise Management Plan confirms that the main packing and unpacking would be carried out inside the church with only essential items unloaded outside. It is proposed to attach a condition to ensure the Noise Management Plan is adhered to.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes in part, subject to condition
Car parking provision	DM31	No – constrained by being a grade I listed building and associated churchyard.
Refuse Storage/servicing	DM31	Yes, subject to condition

Other matters

50. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
51. The site falls within Flood Zone 2, which means the land has between a 1 in 100 and 1 in 1,000 annual probability of flooding from the river Wensum. The proposed use would remain in the same 'more vulnerable' category classification and as such, there would be no increase to the flood risk of the building.

52. Given the historic nature of the building, a number of physical measures, such as removable door barriers, would not be appropriate to flood proof the building. However, a flood evacuation plan would be drawn up and can be a matter for a planning condition.
53. The application does not involve physical alterations to the building and the equipment inside would be freestanding structures. A condition is proposed to ensure that the historic fabric of the building is protected.

Equalities and diversity issues

54. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

58. Whilst there are some concerns about the potential noise and servicing of the premises, it is considered that these matters are outweighed by the proposed positive use of this historic building, where its use for circus training/ classes and occasional performances would benefit and enhance the local area and the wider population of Norwich.
59. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 15/01906/U - St Michaels Church Oak Street Norwich NR3 3AE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The use hereby approved shall operate in accordance with the Noise Management Plan.
4. Amplification equipment to be submitted and agreed. The system shall be designed to ensure that noise levels from the premises do not exceed 45dB at 63Hz Centre Band Frequency (CBF), 40dB at 125Hz CBF and NR30 over the

frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises.

5. No performances with amplified music shall take place outside the application building.
6. The use hereby approved shall not be open to members of the public between 21:00hrs and 08:00hrs on any day.
7. Any damage caused to the building by the use hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing.
8. Within one month of the occupation of the development a flood warning and evacuation plan shall be submitted to and agreed in writing.

Article 35(2) statement

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

Report to	Planning applications committee	Item
	11 February 2016	
Report of	Head of planning service	5
Subject	Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 3, 2015-16 (1 October to 31 December 2015)	

Purpose

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

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities a safe clean and low carbon city, a prosperous and vibrant city, a fair city and a health city with good housing.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Bremner

Contact officers

Graham Nelson, head of planning services 01603 212530

Mark Brown, Inner area team manager 01603 212505

Background documents

None

Report

Background

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

Performance of the development management service

3. The cabinet considers quarterly reports which measure the council's key performances against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
4. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
5. Of all the decisions that are accounted for by the governments NI157 indicator, some 161 applications out of 184 were dealt with by officers (a delegation rate of 87.5 per cent) and 23 applications were dealt with by committee. This is slightly below the average for the last 8 quarters of 89% the range being between 83.5% and 93%.

Appeals

6. There were 3 planning appeals pending or awaiting decision at the end of the quarter, two of which are new and all are committee decisions to refuse consent. 114 Cambridge Street relates to a committee decision to refuse consent and take enforcement action against a first floor extension. The applicant failed to appeal the decision notice against refusal in time and therefore the appeal is against the enforcement notice. 9 Normans Buildings is a proposal for 4 flats adjacent to St Peter Parmentergate Church on King Street, this was refused on three grounds due to impact on the listed church and conservation area, lack of justification for the loss of the business unit and due to unsatisfactory amenity for future residents. Details are set out in appendix 1, the council's statement of case has been sent for all these appeals.
7. Five appeal decisions have been received, four dismissed and one allowed. The allowed appeal relates to units 4A, 3B and 3C Wherry Road (currently occupied by Bella Italia). The application related to retrospective advertisement consent for a number of adverts at the premises. A part approval, part refusal was issued under delegated powers. The refusal related solely to the main front fascia sign which spans the entire frontage. The building is in three bays separated by projecting brick pillars, the refusal was on the basis of the design as rather than have three signs set within each bay leaving the brick pillars exposed the sign spanned the entire frontage sitting in front of the brick pillars. The inspector noted a variety of signage in the area and considered the sign did not project excessively and therefore did not harm the character and appearance of the area and therefore the appeal was allowed.

8. Four appeals were dismissed, the first relates to 1 The Moorings a first floor extension which was refused by committee on the basis of the harm to the character and appearance of the conservation area. The inspector considered that the extension would not be unified and would clash awkwardly with the simplicity and uniformity of the wider terrace and that this would result in less than substantial harm to the conservation area which would not be outweighed by the benefits to the living space within the dwelling. As such the proposal was dismissed.
9. The second dismissal relates to a proposal for a 3 bed dwelling at 2 Upton Close. The site has consent granted by committee in 2013 for a smaller dwelling. This case for a larger dwelling was refused under delegated powers on the grounds that the proposal would have an overbearing impact on the neighbouring dwelling and that the proposal would have a blank and car dominated frontage which would be harmful to the street scene and character of the area. The inspector agreed that given the depth and scale of the dwelling that it would have an overbearing impact on the amenities of the neighbour dwelling. The inspector did not support the second ground for refusal that the proposals design and frontage would conflict with the character of the area. The appeal was won on the first ground for reasons of impact on the neighbouring dwelling and dismissed.
10. The third dismissal relates to a proposal for a new dwelling at The Hedgerows. The application was refused on the basis that it would create a cramped form of development inconsistent with the density and layout prevalent in the wider area. The inspector noted that there was a difference in character between the north and the south sides of Beloe Avenue with the north being predominately single storey dwellings and the south being two storey (the side of the application site). The inspector considered that the single storey dwelling would be out of kilter with the two storey dwellings, would close the gap between the adjacent properties and result in inconsistent plot sizes. The inspector considered that the single storey dwelling would still be visible from the road and landscaping could not be relied upon to screen the development and that the proposal would result in a cramped form of development on the site. For these reasons the appeal was dismissed.
11. The final dismissed appeal relates to a proposal for a single dwelling at 151A Magdalen Street. The application was refused under delegated powers on three grounds, firstly that the proposal will result in an inappropriate density taking into account the constraints of the site which would have negative implications for the amenity of existing residents and removing areas for servicing for existing residents. Secondly that the amenity of future occupiers of the proposed dwelling would not be sufficient with poor outlook and daylight and no external amenity space and finally that the site is in a critical drainage area and no information was provided to demonstrate how the site would affect or deal with surface water run-off. The inspector considered that the main issue was the amenity of future occupiers and considered that the proposed dwelling would have poor levels of natural light and an overbearing outlook. He did not consider the lack of external amenity space was a reason for objection given the central location. He considered that surface water drainage could be conditioned and that the density of the scheme was not of particular concern given the internal space standards were met and the urban location with varying density levels. The appeal was therefore dismissed on the basis of poor amenity to future residents which outweighed the benefit of a further dwelling in the area.

Enforcement action

12. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 2 with an updated on the current status.

Planning Appeals Pending – Quarter 3 (Pending on 31 December 2015) 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00001/REF Application No. 14/00618/F	APP/G2625/W/15/3006563	Vikings Venture Scout Hut Adjacent To 420 Dereham Road Norwich NR5 8QQ	Refusal of planning permission for erection of 8 No. two bedroom flats.	14 April 2015	Written reps.	Pending
15/00008/ENFPLA Enforcement Ref. 14/00162/EXTEN/ ENF	APP/G2625/C/15/3137001	114 Cambridge Street	Servicing of enforcement notice against unauthorised first floor rear extension.	19 November 2015	Written Reps	Pending
15/00010/REF Application No. 15/00159/F	APP/G2625/W/15/3138118	9 Normans Buildings	Refusal of planning permissions for erection of 4 No. apartments.	07 December 2015	Written Reps	Pending

Planning appeals allowed – Quarter 3 (Pending on 31 December 2015) 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00004/ADVT Application No. 15/00461/A	APP/G2625/Z/15/3129449	Units 4A, 3B And 3C Wherry Road, Norwich, NR1 1WZ	Refusal of advertisement consent for display of 2 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign.	4 August 2015	Written reps.	Allowed

Planning appeals dismissed – Quarter 3 (Pending on 31 December 2015) 2015-16

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00003/REF Application No. 15/00225/F	APP/G2625/D/15/3067535	1 The Moorings, Norwich, NR3 3AX	Refusal of planning permission for erection of single-storey extension at first floor level to side elevation with balconies.	15 July 2015	Householder	Dismissed
15/00006/REF Application No. 15/00250/F	APP/G2625/W/15/3039136	2 Upton Close, Norwich, NR4 7PD	Refusal of planning permission for erection of detached dwelling.	9 September 2015	Written reps.	Dismissed
15/00005/REF Application No. 14/01450/O	APP/G2625/W/15/3051157	16 & 17 The Hedgerows, Norwich, NR5 9BP	Refusal of planning permission for Outline application for erection of 1 No. bungalow	9 September 2015	Written reps.	Dismissed

Appendix 1

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal valid	Type of appeal	Decision
15/00007/REF Application No. 14/01716/F	APP/G2625/W/15/3062098	151A Magdalen Street Norwich NR3 1NF	Refusal of planning permission for erection of a single dwelling.	1 October 2015	Written reps.	Dismissed

Enforcement action. Q3 2015-16 - Status report on all items previously reported to planning applications committee

Case no.	Address	Development	Date referred to committee	Current status	Actions completed Yes/No*
12/01444/F	Norwich Family Life Church, Heartsease Lane, Norwich, NR7 9NT	Erection of new church building (Class D1) incorporating preschool, sports and community facilities.	18 April 2013 12 Sept 2013	<p>Indication at the time of the application was that portakabin buildings on site would be removed and temporary use of premises on Mason Road would cease following the part completion of a new church building. Members agreed a 15 month period from the date of the permission to allow this to happen. This expired at the end of 2014.</p> <p>A meeting was held with the church and they indicated that plans for redevelopment of the site are being reconsidered, as insufficient funds were available to deliver the previously approved scheme on the site. Documentation with planning enforcement.</p>	No
10/01081/U	4 - 6 Mason Road, Norwich, NR6 6RF	Change of use from general industrial to place of worship, non-residential education centre	26 August 2010	See above – temporary permission has expired and building is occupied without the benefit of planning permission. A meeting was held with the planning service and the submission of an application to extend the time period for temporary use of the site is expected within the next couple of months, once a programme for redevelopment of Heartsease Lane site is confirmed.	No
13/02087/VC & 13/02088/VC	Football ground area	River bank, landscaping, street trees, etc	6 March, 2014	This relates to the provision of landscaping, river bank works and moorings for the NR1 residential development, south stand, corner stand and hotel. Committee approved in March 2014 variations to the landscaping and a timetable for implementation. Some	No

Case no.	Address	Development	Date referred to committee	Current status	Actions completed Yes/No*
				works have been implemented and others are due in the 2016 planting season. The variation applications have not yet been determined due to issues with the extent of works required to the river bank and the ability of the applicant to provide moorings. The riverside walk needs some further works before being signed off by green spaces. A meeting is to be held shortly with the football club to discuss the ongoing issues and try to bring the matter to a close. Depending on the outcome of these discussions there may be a need to report the case back to committee.	
14/01660/F	114 Cambridge St	First floor rear extension	8 January, 2015	An appeal against the enforcement notice is current pending determination with the planning inspectorate (see appendix 1). No further action can be taken until this appeal is determined.	No
15/01382/F & 15/01859/F	Aldwych House 57 Bethel Street	Roof lights	29 October 2015	An enforcement notice has been issued following the refusal of retrospective rooflights under 15/01382/F, this is now being withdrawn and a revised enforcement notice being issued to require implementation of revised roof lights as approved by 15/01859/F at the 14 January committee meeting. This Notice was served on the 21 st January 2016.	No
14/00219/BPC /ENF	474 Earlham Road	Conversion of garage to separate dwelling	17 December 2015	Has enforcement notice been served yet? Still awaiting comment from NPLAW – chase email sent will serve by the close of next week (29 th January 2016).	No

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

