

Report to Planning applications committee

Item

11 August 2016

Report of Head of planning services

Subject 16/00479/F - 134 Unthank Road Norwich NR2 2RS

Applicant Bracken Developments

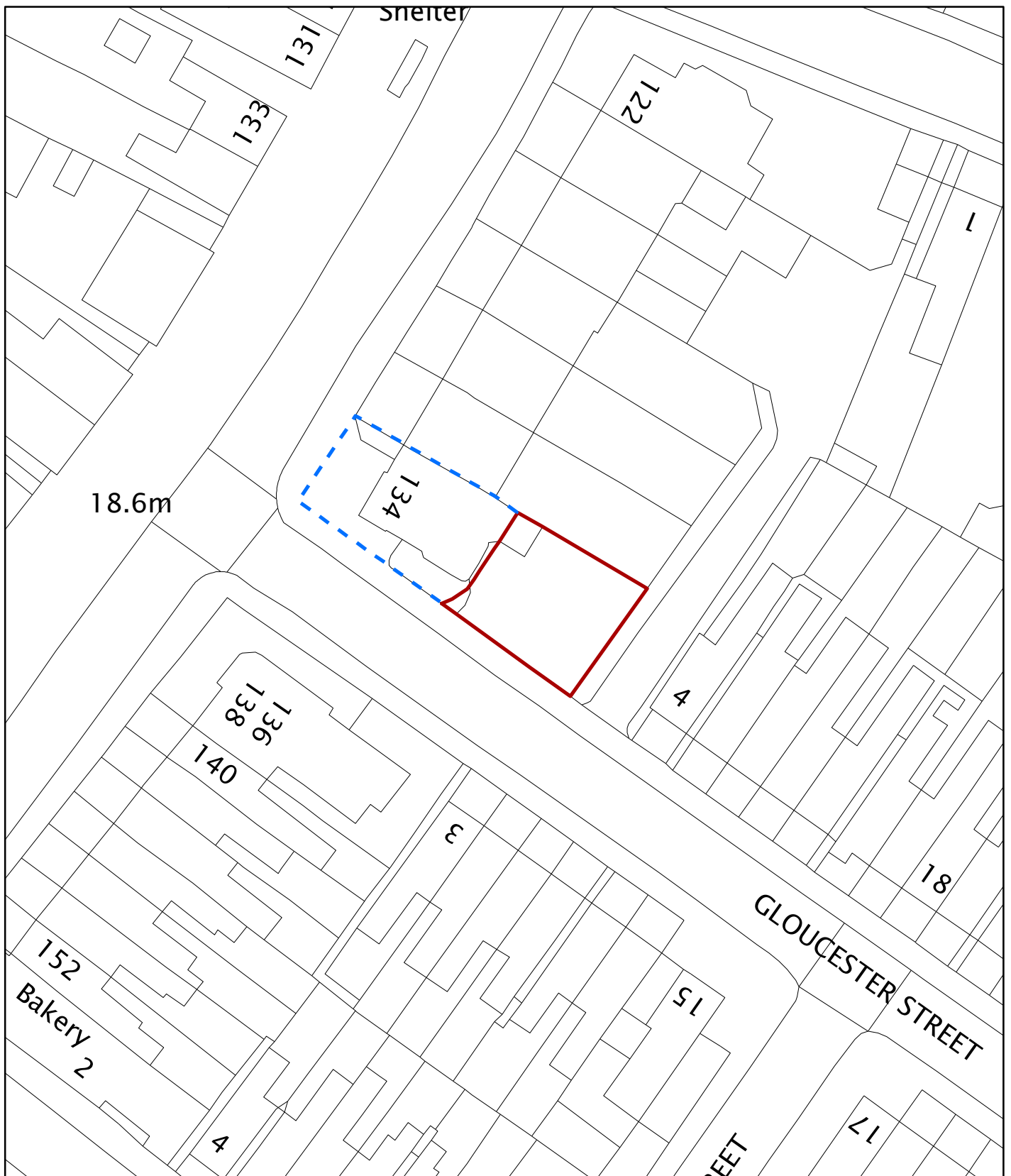
**Reason
for referral** Objection

4(c)

Ward:	Town Close
Case officer	Mr James Bonner - jamesbonner@norwich.gov.uk

Development proposal		
Erection of 1 No. two bed dwelling.		
Representations		
Object	Comment	Support
3		

Main issues	Key considerations
1 Principle of development	Principle of new dwelling
2 Amenity	Overshadowing; loss of light; impact on neighbouring external space; occupier living conditions
3 Design and heritage	Impact on street scene and locally listed buildings
4 Trees	Impact on adjacent trees
5 Flooding	Impact on critical drainage area and associated implications for subsidence
6 Transportation	Parking; highway hazard
7 Biodiversity	Impact on biodiversity (via tree impact)
Expiry date	14 June 2016
Recommendation	Approve



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Planning Application No 16/00479/F

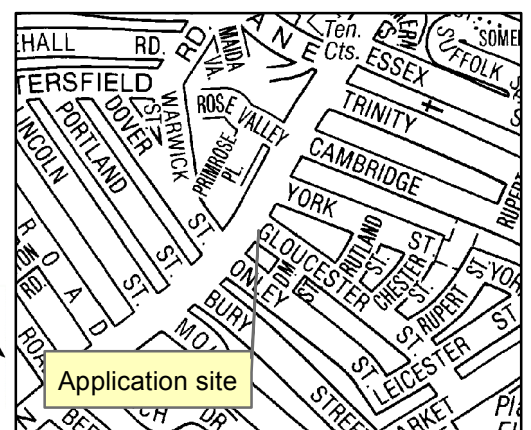
Site Address 134 Unthank Road

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site is directly to the east of 134 Unthank Road, a two storey (plus third storey in roof space) building on the corner with Gloucester Street. 134 has a commercial unit on the ground floor (with permission for an A1/A2 use – 16/00408/U) and two flats above on the first and second floors. The application site, currently covered with gravel, has most recently been used as a car park in association with No.134. It is bounded on all four sides by brick/rendered walls except for the access from Gloucester Street. In recent weeks a new boundary has been built to separate the site from No.134.

Constraints

2. The two flats have east facing windows looking onto the site and there are a number of flats and houses further north of this on the adjoined Unthank Road terrace. There are a number of trees directly north of the site within the garden of 132 Unthank Road. At the east end of this garden is a substation which is separated by a boundary wall to the north of the application site.
3. The site is adjacent to a local retail centre and within a critical drainage area. There is a row of four locally listed buildings to the north west of the site (124-130 Unthank Road).

Relevant planning history

4.

Ref	Proposal	Decision	Date
4/1994/0015	Demolish and re-build single storey rear extension	Approved	10/02/1994
16/00408/U	Change of use from Sui Generis to retail (Class A1)/financial and professional services (Class A2).	Approved	18/05/2016

The proposal

5. The erection of a two storey, two bedroom dwelling. The scheme has been revised to change a section of timber cladding to render and to change the fenestration on the front elevation and remove a window on the west elevation.

Summary information

Proposal	Key facts
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Scale	
Total no. of dwellings	1
No. of affordable dwellings	0
Total floorspace	88sqm
No. of storeys	2
Max. dimensions	8m high, 8m long, 7.8m wide
Appearance	
Materials	Brick, render, clay pantiles
Energy and resource efficiency measures	Solar panels
Transport matters	
Vehicular access	As existing – from Gloucester Street
No of car parking spaces	1
No of cycle parking spaces	Not specified – store shown in rear garden
Servicing arrangements	Bin store in front garden

Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four letters of representation from three occupiers have been received (plus an objection from the Norwich Society) 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
Poor design; out of keeping	See main issue 2.
Will overshadow and block light to neighbouring properties (including gardens); overbearing impact	See main issue 3.

Direct overlooking	See main issue 3.
Will block view	See main issue 3.
Vehicle access will create highway hazard	See main issue 6.
Increased pressure on surface drainage; soakaway will create instability and sinkholes	See main issue 5.
Pressure of sewerage system	There is no evidence to suggest there is insufficient capacity to accommodate one additional dwelling.
Damage to trees and biodiversity	See main issues 4 and 7.
No provision for bins for 134 Unthank Road	See main issue 6.
<i>Following resubmission:</i> [Follow-up objection] Contrary to architect's statement the new building will extend 1.85m beyond the boundary between 132 Unthank Road garden and substation – it will block view and light. Issues with accuracy of sunpath analysis Layout plan does not show context of other properties, underplaying impact While trees have caused some damage to wall this has worsened since construction works began on 134.	 Block plan and sunpath analysis have been clarified and raise no concerns regarding accuracy. The issues they raise are covered in main issue 3. From visiting the site it is clear this damage is caused by the trees, a view supported by the applicant's and council's tree consultants/officers.

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. No parking permits, pavement may have to be widened and cycle store needs detail. Consideration needed on hardstanding to avoid runoff.

Lead local flood authority

9. No comment as it is a minor application.

Norwich Society

10. This is a very restricted site and in terms of scale, the proposals are out of character with the area.

Tree protection officer

11. The proposed dwelling will require the reduction of the crowns of two trees, overhanging the site from adjacent land back to the boundary line. Whilst this is possible without undermining the structural integrity of the trees it will affect visual amenity. With regards the potential damage to the roots of these trees, irrespective of the potential for the use of bespoke raised foundations such as the Van Elle 'Smartfoot', it is already evident that there is damage to the boundary wall caused by the trees. It is clear that the wall will have to be repaired/rebuilt in order to ensure its future safety. This will require the removal of the wall and, I would suggest the consequent removal of the trees. Whilst I do not have a major concern about the loss of the trees in terms of their public visual amenity, they are on adjacent land and the proposed development will lead to their loss, if no immediate then following construction. The trees will be a constant cause of concern to future owners of retained and lead to application to remove them in future years.
12. Given all of the above, I would suggest that either the adjacent landowner is approached to discuss the removal and replacement of the trees or the proposed dwelling is redesigned to pull it further away from the trees.
13. I would like to see some assessment of the necessary remedial works required to the wall and the potential effect on the trees submitted prior to making a decision.
14. [*Following revised AIA*]: As the tree is within separate ownership it will be the decision of the adjacent owner, but should the trees be cut back to the boundary they may survive however their amenity contribution would be significantly reduced. Of more concern would be the health of the trees in the long-term with the proximity of the new dwelling to the trees (overhanging crown, daylight issues, leaf litter etc). If the trees are removed there would be no constraints but space for replanting within site is limited. Repairs to wall would need to take place regardless.

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
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area

- JCS12 The remainder of the Norwich urban area including the fringe parishes
- 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
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- 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
- NPPF12 Conserving and enhancing the historic 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. 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 in the table 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 [although agent this is inconsequential].

Main issue 2: Design and heritage

21. 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.

22. Currently there is a clear gap in the street scene – historic maps do not indicate that there was ever development here in the past (although there was a further terrace no. 2 Gloucester Street just to the east in the location of the rear access to properties on Unthank Road, this appears to have been demolished/cleared in the 1970's) but regardless this is a logical position for a new house, particularly as the established building line is maintained. The building on the corner (134 Unthank Road) and the terrace to the east along Gloucester Street are different in scale and design and given a gap will be maintained either side of the new development, this can be seen a transition point between the two. Its scale is in keeping with the surrounding area – the eaves level is below that of 134 Unthank Road and will largely echo the scale of the terrace. Its form is also appropriate and the setback rendered section allows for the breakup of some of the building's mass. The design of the front elevation has been revised to ensure the fenestration is more balanced and takes its reference from the terrace in its proportions but again with a contemporary approach to the materials (aluminium composite). The rest of the materials are sympathetic to the surrounding street scene and the house will not stand out as an alien feature but an appropriate infill of a gap.

Main issue 3: Amenity

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

Neighbouring amenity

24. Given the orientation of the development in relation to its neighbours there is the potential for some direct overshadowing to 130 and 132 Unthank Road to the north west during the first hours of the day. This is exacerbated during winter months when the sun is at a lower position in the sky but the impact is otherwise apparent between in the early morning around September also (after 0900 but before 1030).

Objections from a flat within 132 Unthank Road have also highlighted the impact of overshadowing to the garden. Both this and the impact on habitable windows is unlikely to be apparent after midmorning (around 10:30 or 11am) and some of the impact already exists from the trees (although it is granted the impact obviously varies and will be different depending on replanting – see main issue 4). Between this time and midday the impact is largely concentrated on the area currently covered by the trees and the substation. In the late autumn and winter months there will be some expected overshadowing to the west-facing windows of the single storey extension of 4 Gloucester Street, limited towards the end of the day. While there is some impact, the extent of the overshadowing is not considered severe.

25. In terms of loss of daylight, the physical presence of the new house will inevitably block some visible sky and therefore daylight. However there is a generous gap of 7.3m retained between the house and 134 Unthank Road and its rear section has a relatively shallow roof pitch with lower eaves (5m). As such the impact is suitably reduced and some unobstructed views through to clear sky will be retained. While there is no right enshrined in planning law to a view such as the one identified in the objection, there would justifiably be an amenity impact if this concern coincided with the development being overbearing. For the reasons above and the distance of the development from the neighbours (~9m from rear corner of development; 15m from front corner) the impact is not considered to have an unacceptable impact on living conditions in this urban context. Similarly despite the distance between the scheme and the existing flats at 134 Unthank Road the impact is relatively low due to its design. Additionally with only kitchen windows on both flats affected, the impact is acceptable.
26. There is an effect on the amenity of 134 Unthank Road by means of reduction in potential external amenity space. It would have been preferred to have the boundary between the two include some garden space for the flats, but the applicant has shown the boundary maximising space for the new dwelling. Some space is shown to the south of the property which provides some semi-private and defensible space, but it is admittedly small for two 2 bed flats. While regrettable this is not considered a reason for refusal given DM2 does allow for a relaxation of the requirement for external space if involving the upper floors or commercial premises within a defined centre, which this is.
27. The window facing No.134 has been removed and so there is not considered to be any considerable loss of privacy providing the stairwell and bathroom window on the eastern elevation are obscure glazed and have restricted opening. The overlooking from the front is typical for this street and views to the rear are limited given the only opportunity is from rooflights.

Occupier amenity

28. In terms of occupier amenity the scheme complies with the national space standards and has adequate levels of daylight, outlook and external space. A landscaping condition will ensure the garden area is appropriate.

Main issue 4: Trees

29. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
30. The existing trees overhang the boundary and not being located within a conservation area this means that they can be cut back to the boundary without consent from the planning authority. A revised AIA has provided a strategy for properly dealing with this to ensure the dwelling can be built without losing the trees. It is debatable whether the trees can genuinely be retained with the development in place. This is due to the physical extent of the necessary cutting back alongside the fact that the future occupiers will probably request that they are further cut back or felled due to nuisance from the leaf litter and general proximity to the crowns.
31. For this reason this assessment is assuming that in order for this house to be built the trees will have to be felled. This in itself is not unacceptable as the trees are category C and are not entirely unrestricted themselves due to their position next to the boundary wall and substation. Replacement planting with more appropriately sized and located species is considered essential to mitigate their contribution to amenity and this will be secured via condition. This will require an agreement between the different landowners. Repairs will need to be done to the wall regardless of development going ahead or not.

Main issue 5: Flood risk

32. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
33. The only flood risk is the impact of the development on increased surface water flooding. A soakaway was originally proposed but is only 3m from the development – Building Regulations requires a distance of 5m. Moving it any further away would make it too close to 134 Unthank Road or the substation, both equally unacceptable after discussing it with CNC Building Control. Given the site's constraints dictate sustainable drainage to be not technically feasible, using the surface water sewer is deemed appropriate in line with DM5. A condition to include waterbutt(s) is considered the next best option along a landscaping scheme to avoid causing runoff to the highway.

Main issue 6: Transport

34. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
35. The level of car parking and access raises no concerns for highway safety as confirmed by the transport planner. The scheme will not be eligible for parking permits and cannot be reasonably considered to cause an adverse impact on on-street parking provision, as even if the existing occupiers of 134 Unthank Road have permits. Bin and cycle storage are feasible and can be agreed via condition.

36. The layout plan also shows an enclosed bin and cycle store for the flats of 134 Unthank Road – the can be agreed via Grampian condition and is considered necessary and deliverable as it is within the same ownership.

Main issue 7: Biodiversity

37. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
38. While the works to the trees may lead to some loss of biodiversity, this can be offset by the inclusion of landscaping within the new dwelling's garden as required by condition.

Compliance with other relevant development plan policies

39. 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	Not applicable – solar panels shown which are welcome but likely to be Permitted Development anyway
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	No – see main issue 5

Equalities and diversity issues

40. There are no significant equality or diversity issues.

Local finance considerations

41. 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.

42. 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.
43. In this case local finance considerations are not considered to be material to the case.

Conclusion

44. While revisions have addressed overlooking issues, there are outstanding concerns from neighbours regarding overshadowing and loss of daylight and outlook. Given the position of the dwelling and its design some of these impacts will be limited, although exacerbated during later autumn and winter months. While this will have some impact, including on the enjoyment of the garden during the first part of the day, the harm is not considered to be severe in isolation or together with the loss of daylight and outlook. Despite the implications for amenity this harm is considered to be outweighed by the benefits of delivering an additional family home in a very sustainable location. Also weighing in favour of the proposal is the design benefits of infilling an otherwise detrimental gap within the street scene with a dwelling of appropriate scale, design and materials.
45. Despite some concerns regarding trees, surface water flooding and parking, none of these are considered to substantiate reasons for refusal. 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. 16/00479/F - 134 Unthank Road Norwich NR2 2RS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Prior to commencement, Grampian condition for details of tree felling and replacement;
4. External materials;
5. Drainage scheme;
6. Parking, cycle and refuse stores;
7. Landscaping scheme;
8. Water butts to be agreed and retained;
9. Grampian condition to bring forward bin and cycle storage and amenity area for 134 Unthank Road;
10. Water efficiency
11. First floor windows on eastern elevation to the obscure glazed and restricted opening.

Article 35(2) statement

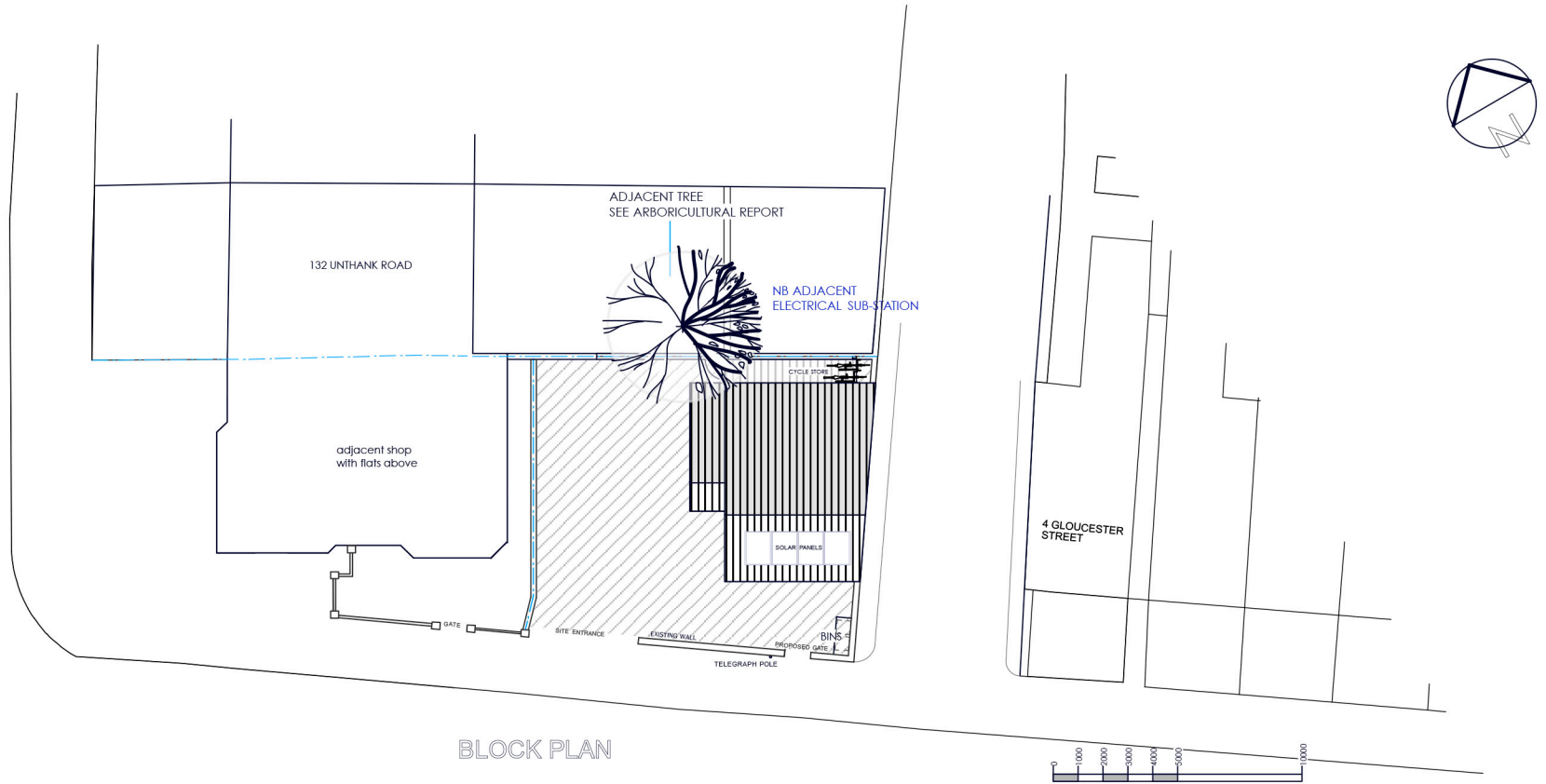
Checked MB 05 July 2016

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.

Informative

- Property will not be eligible for parking permits.

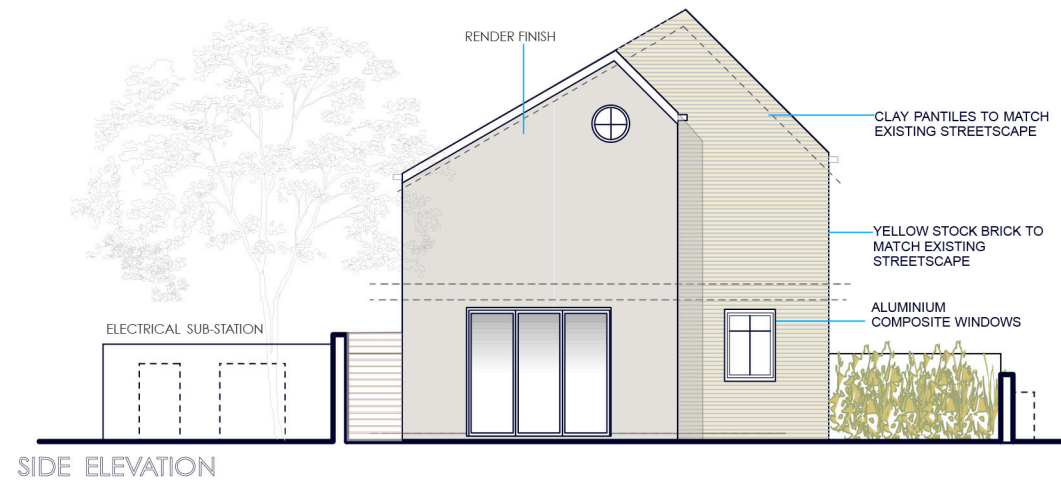
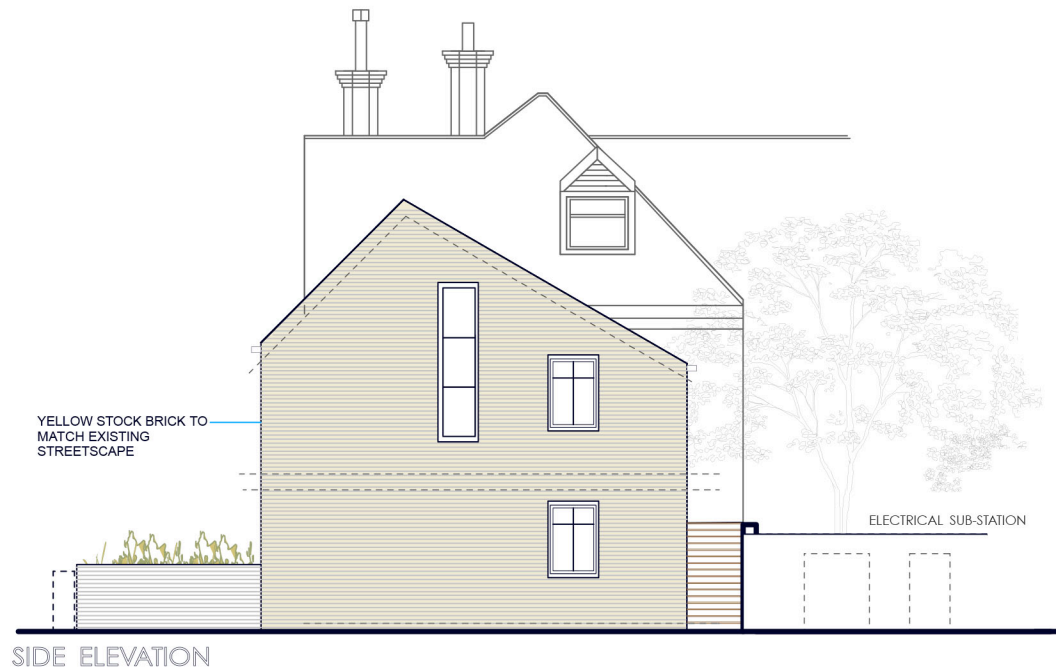
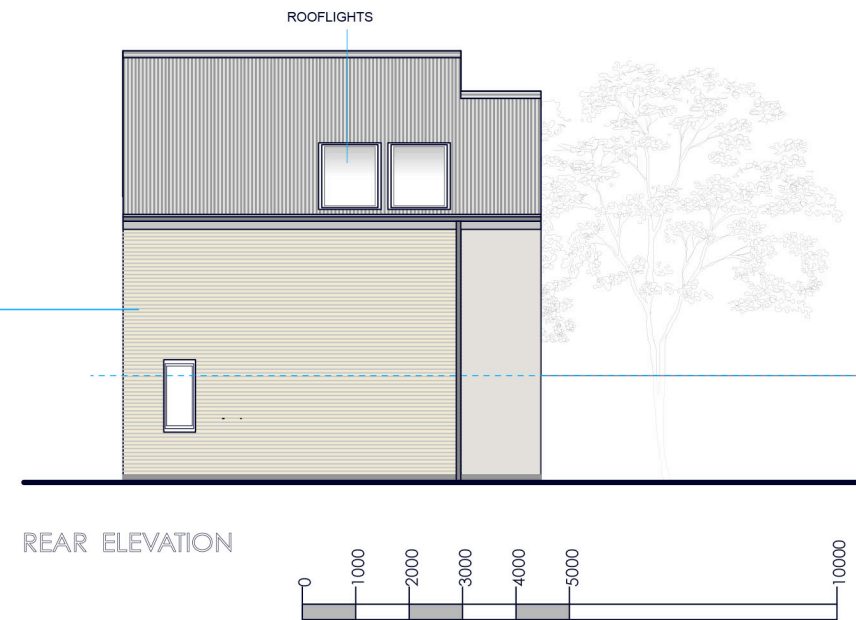
STREET ELEVATION



BLOCK PLAN

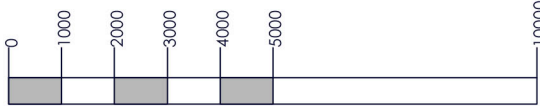
REV B : FIRST FLOOR WINDOW OMITTED, FENESTRATION AMENDED, EXT FINISH AMENDED : MAY 16
Revisions. REV A: BOUNDARY WALL SHOWN FOR CLARIFICATION: MAY 16

Project: 134 UNTHANK ROAD, NORWICH NR2 2RS	Drawing: BLOCK PLAN & STREET ELEVATION			mcarthur tring architects llp 121 BER STREET . NORWICH . NR1 3EY telephone 01603 766 750 http://www.mcarthurtring.co.uk mail@mcarthurtring.co.uk
Client: Bracken Developments	Scale : 1:200@A3	Drg no : 15/268 : P03B	Date: FEB 16	

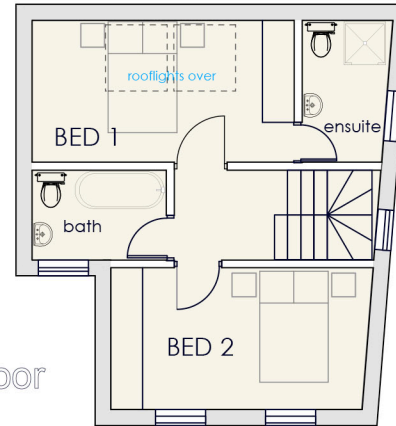


Revisions. REV B : FIRST FLOOR WINDOW OMITTED, FENESTRATION AMENDED, EXT FINISH AMENDED : MAY 16
REV A : BOUNDARY WALL SHOWN FOR CLARIFICATION: MAY 16

Project: 134 UNTHANK ROAD, NORWICH NR2 2RS	Drawing: PROPOSED ELEVATIONS			<p>mcArthur tring architects llp</p> <p>121 BER STREET . NORWICH . NR1 3EY telephone 01603 766 750</p> <p>http://www.mcarthurtring.co.uk mail@mcarthurtring.co.uk</p>
Client: Bracken Developments	Scale: 1:100@A3	Drg no: 15/268 : P02B	Date: FEB 16	



first floor



adjacent shop

ENTRANCE TO FLATS
ABOVE SHOP

NB ADJACENT
ELECTRICAL SUB-STATION

AMENITY SPACE

DIN/KITCHEN

CYCLE STORE

LIVING

PARKING

AMENITY SPACE

SITE ENTRANCE

EXISTING WALL

new gate entrance

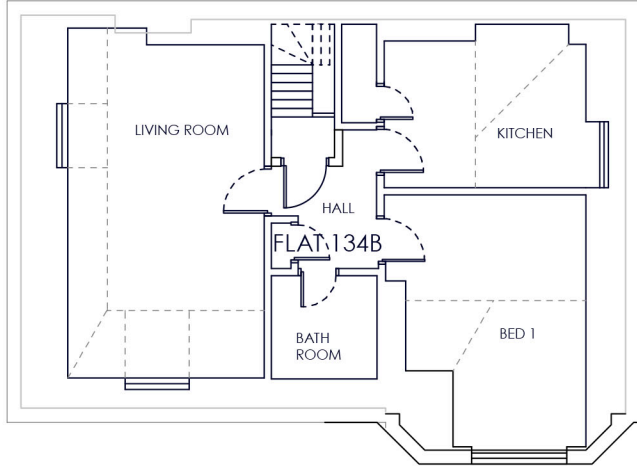
ground floor

4 GLOUCESTER
STREET

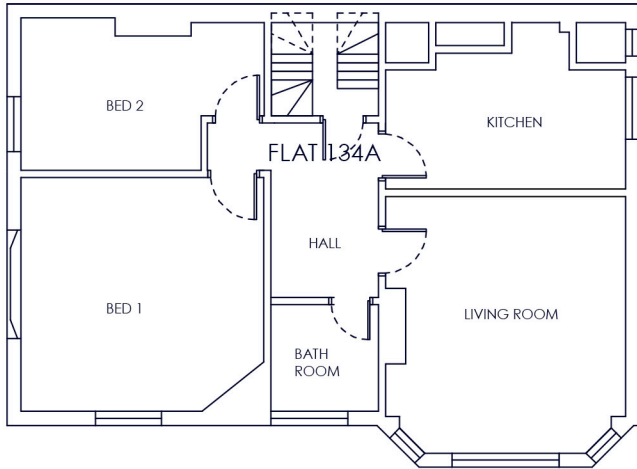
REV C : DELINEATION BETWEEN THE PARKING AREA AND AMENITY AREA SHOWN : MAY 16
REV B : FIRST FLOOR WINDOW OMITTED, FENESTRATION AMENDED, EXT FINISH AMENDED : MAY 16
REV A : BOUNDARY WALL SHOWN FOR CLARIFICATION: MAY 16

Revisions.

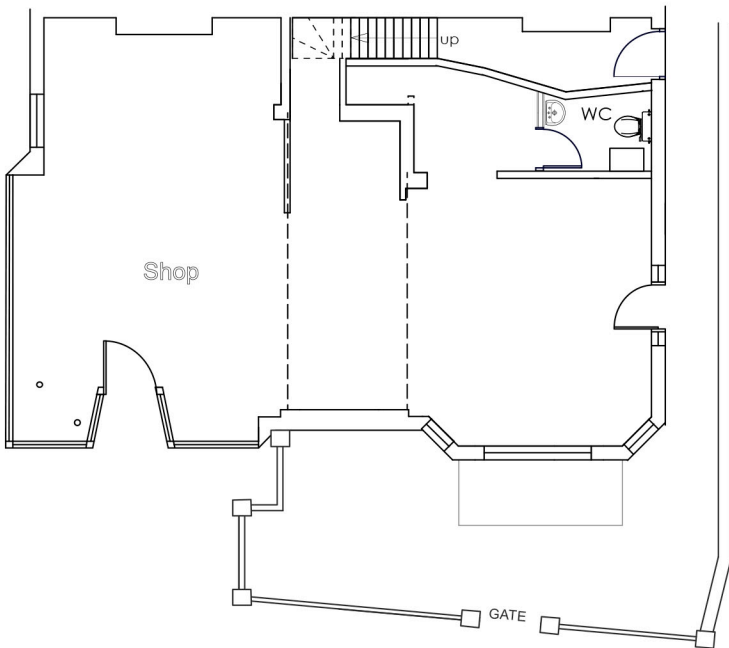
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Client: Bracken Developments	Scale: 1:100@A3	Drg no: 15/268 : P01C	Date: MAR 16		



second



first



ground floor

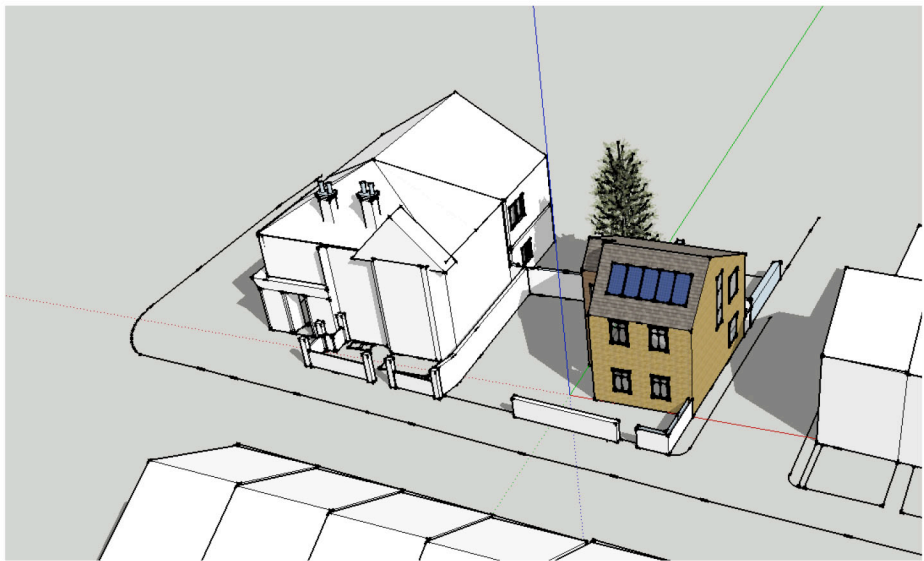
Revisions.

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Client: Bracken Developments	Scale: 1:100 @ A3	Drg no: 15/268 : EX01	Date: MAY 16	

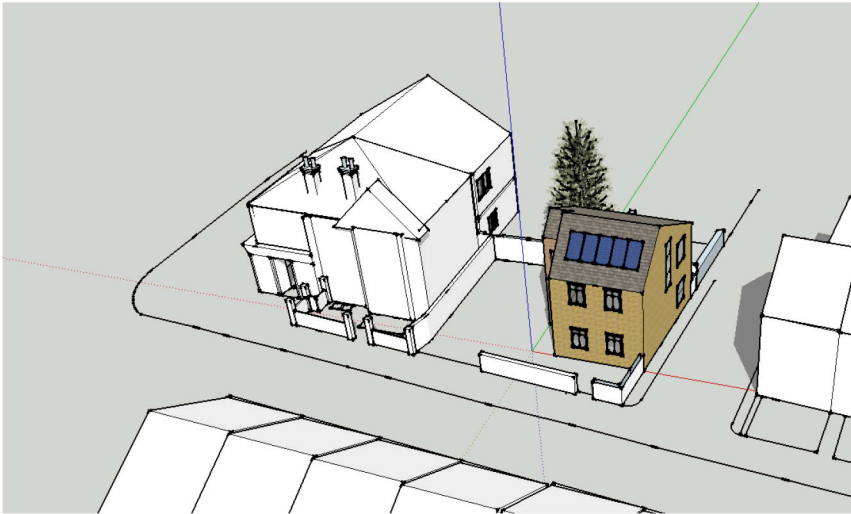
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TIME - 09:00



TIME - 10:30



TIME - 12:00



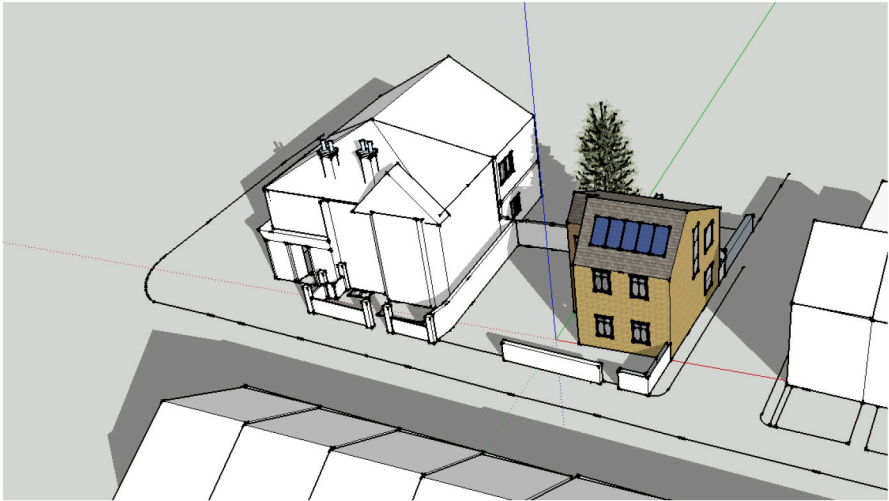
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Revisions.

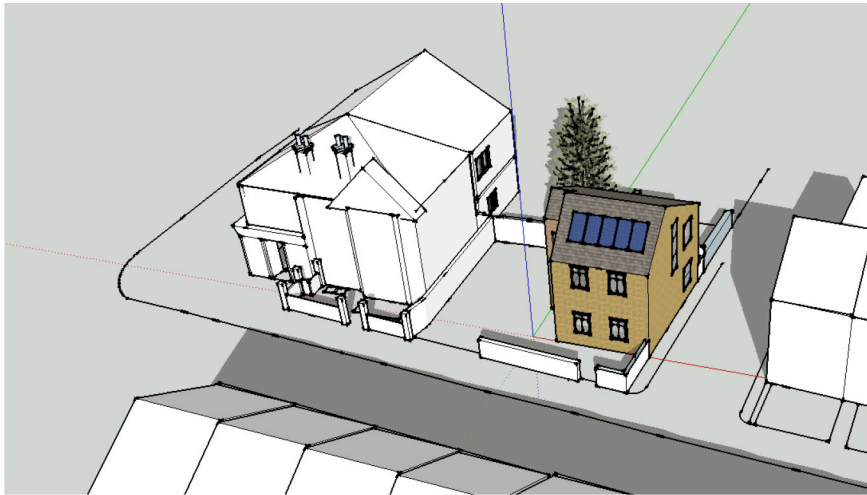
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Client: Bracken Developments	Scale : NTS	Drg no : 15/268 : P04	Date : MAY 16	



TIME - 09:00



TIME - 10:30



TIME - 12:00



TIME - 14:00

Revisions.

Project: 134 UNTHANK ROAD, NORWICH NR2 2RS	Drawing: SUN PATH STUDY - DECEMBER			<div data-bbox="1546 1362 2079 1409"> mcarthur tring architects llp 121 BER STREET . NORWICH . NR1 3EY telephone 01603 766 750 </div> <div data-bbox="1873 1455 2079 1498"> http://www.mcarthurtring.co.uk mail@mcarthurtring.co.uk </div>
Client: Bracken Developments	Scale : NTS	Drg no: 15/268 : P07	Date: MAY 16	