

Planning applications committee

Date: Thursday, 09 November 2023

Time: 09:30

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

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. The meeting will be live streamed on the council's YouTube channel.

Committee members:

Councillors:

Driver (chair)
Sands (M) (vice chair)
Calvert
Champion
Hoechner
Lubbock
Peek
Price
Prinsley
Sands (S)
Stutely
Thomas (Va)
Thomas (Vi)
Young

For further information please contact:

Committee officer: Jackie Rodger
t: (01603) 989547
e: jackierodger@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Information for members of the public

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



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Agenda

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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 - 6

To approve the accuracy of the minutes of the meeting held on 12 October 2023

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 on the applications for consideration 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.

4 Application no 23/00790/F Site Adjacent to 133 Netherwood Green, Norwich

7 - 26

Proposal: Proposed development of garage site into 8 no self-contained modular flats with associated landscaping and parking

Ward: Lakenham
Case officer: Robert Webb, Senior Planner
Reason at Committee: Objections
Recommendation: It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 78 of this report and grant planning permission.

5 Application no 23/00843/F Site Adjacent to 99-105 Netherwood Green, Norwich 27 - 44

Proposal: Proposed development of garage site into 4 No. self-contained modular flats with associated landscaping and parking.
Ward: Lakenham
Case Officer: Robert Webb, Senior Planner

Reason at Committee: Objections
Recommendation: It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 82 of this report and grant planning permission.

6 Application no 23/00744/F 21 Upton Close, Norwich, NR4 7PD 45 - 60

Proposal: Demolition of existing 2 storey house and garage. Replacement 2 storey dwelling and garage and ancillary outbuildings

Ward: Eaton

Case Officer: Daisy Hill, Planner

Reason at Committee: Objections

Recommendation:
It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 66 of this report, and grant planning permission.

7 Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS 61 - 76

Proposal: Change of use from class E to Public House/bar (Sui Generis) and erection of cooling unit

Ward: Town Close

Case Officer: Nyasha Dzwowa, Planner

Reason at Committee: Objections

Recommendation:

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 69 of this report, and grant planning permission.

Date of publication: **Wednesday, 01 November 2023**



Planning Applications Committee

10:30 to 10:55

12 October 2023

Present: Councillors Driver (chair), Sands (M) (vice chair), Calvert, Champion, Hoechner, Lubbock, Peek, Price, Prinsley and Sands (S)

Apologies: Councillors Stutely, Thomas (Va) and Thomas (Vi) and Young

1. Declarations of interests

Councillor Lubbock, Eaton ward councillor, asked that it be noted that she had not been approached about Application no 22/00855/F The Cedars, Norwich, NR2 2EE, (item 3, below) and did not have a predetermined view.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 August 2023.

3. Application no 22/00855/F The Cedars, Norwich, NR2 2EE

Proposal: Installation of 3no. mobility scooter stores to house 16no. mobility scooters, arranged in two blocks of 6no. to the northwest of the site and one block of 4no. stores to the east of the site.

The development management team leader presented the report with the aid of plans and slides.

The development management team leader referred to the report and the presentation and answered members' questions. Members were advised that the stores would provide storage for mobility scooters with charging facilities, and would be accessible to residents' accommodation. The stores were manufactured specifically for mobility scooter storage and provided sufficient room for access by people with restricted mobility.

During discussion a member commented on the appearance of the green metal storage units and considered that the aesthetics of the units could be improved. Members were advised that in policy terms there were no requirement for the applicant to install electric charging points at the car park adjacent to one of the

storage units, or to require solar panels and green roofs, as part of this application. It would be unreasonable to refuse the application on these grounds.

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

During discussion, a member acknowledged that there was an issue of vehicles being parked on pavements hindering access to people with mobility issues across the city, but parking on pavements was not relevant to this application.

Members continued their discussion on their suggestion that the applicant should consider the installation of solar panels or green roofs on the storage units. Councillor Lubbock moved and Councillor Price seconded that the chair writes on behalf of the committee to ask the applicant to consider it. Councillor Sands (M) commented on the unsuitability of solar panels on one of these units which was under trees and expressed concern that the light structure of the units would not be suitable to support solar panels or green roofs. Councillor Lubbock said that she considered that it was worth asking the applicant and pointed out that structures could be adapted. On being put to the vote with 7 members voting in favour (Councillors Hoechner, Champion, Lubbock, Calvert, Price, Peek and Sands (S)), 1 member voting against (Councillor Sands (M) for the reasons stated above) and 2 members abstaining (Councillors Driver and Prinsley) the amendment was carried.

The chair then moved the recommendations as amended.

RESOLVED, unanimously, to:

- (1) approve application 22/00855/F - The Cedars, Norwich, NR2 2EE and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Works in accordance with Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS).
- (2) ask the chair to write on behalf of the committee to the applicants (Broadland Housing Association) to request that the installation of solar panel or green roofs on the mobility scooter storage units is considered at this location.

CHAIR

Committee name: Planning applications

Committee date: 09/11/2023

Report title: Application no 23/00790/F – Site Adjacent to 133 Netherwood Green

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 23/00790/F

Site Address: Site Adjacent to 133 Netherwood Green

Decision due by: 07/09/2023

Proposal: Proposed development of garage site into 8 No. self-contained modular flats with associated landscaping and parking.

Key considerations:

- Principle of development
- Design
- Amenity
- Transport
- Flood risk
- Trees
- Landscaping and biodiversity
- Contamination

Ward: Lakenham

Case Officer: Robert Webb – robertwebb@norwich.gov.uk

Applicant: Dr. Jan Sheldon, St. Martin's Housing Trust

Reason at Committee: Objections

Recommendation: It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 78 of this report and grant planning permission.



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Planning Application No 22/00790/F
 Site Address Garage site adjacent to
 133 Netherwood Green
 Scale 1:500

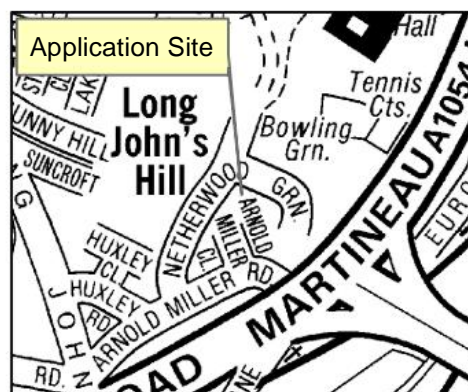


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PLANNING SERVICES



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The Site

Location and Context

1. The site is occupied by two blocks of garages and areas of hardstanding within the Netherwood Green estate to the south of the city centre. The site is surrounded by two storey residential development in Netherwood Green and properties on Arnold Miller Close, which back on to the site. To the north and west are areas of green space with mature trees.

Constraints

2. There are no local plan constraints affecting the site.

Relevant planning history

3. There is no planning history for this site.

Equalities and diversity issues

4. There are no equality or diversity issues.

The proposal

5. Permission is sought for the demolition of the existing garages and the erection of 8 one bedroom flats, taking the form of two blocks of four flats, each of which is two storeys. The intention is that the flats would be occupied by local people in vulnerable situations, with the development being run by St. Martins Housing Trust, an organisation who work to prevent homelessness and to support independent living. It is anticipated that each unit would typically be occupied for 6-12 months therefore the use class is C3 residential dwellings.
6. The buildings would be of modular construction with flat roofs, chalk colour render and silver-grey composite cladding on the walls. External staircases would provide access to the flats on upper storeys. There would be separate bin and bike stores, and parking for four cars. The existing tarmac roadway would be replaced with a grasscrete emergency access. The remainder of the site would consist of pedestrian pathways and soft landscaping including lawn and planting.
7. The application is one of two proposals for similar housing on Netherwood Green. The other application for 4 dwellings is application reference 23/00843/F and is a separate item on the committee agenda. The application sites are approximately 80m apart. Each application must be determined individually and on its own merits.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 29 letters of objection 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
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Concerns about increased crime, fear of crime and anti-social behaviour associated with the proposed type of development	See main issue 3.
High concentration of similar facilities within NR1 postcode area and associated impacts	See main issue 3.
Concerns about increased noise nuisance	See main issue 3.
The garages form the boundary wall with Properties on Arnold Miller Close	See main issue 3.
Loss of parking spaces and increased parking pressure	See main issue 4.
Concern about existing drainage problems	See main issue 5.
Impacts on surrounding properties through loss of privacy, loss of light and overshadowing.	See main issue 3.
Proposed site was not identified in the Norwich site allocations plan and therefore contravenes agreed development sites.	See main issue 1.
Loss of existing views	See main issue 3.
Loss of value to existing houses	See main issue 3.
Impacts from demolition and construction	See main issue 3.

Consultation responses

9. 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

10. Conditions relating to land contamination site investigation, unexpected contamination and importation of soil required. Informatives for removal of asbestos and construction working hours recommended.

Norfolk County Council Highways

11. The proposal would lead to a reduction in vehicle movements due to the loss of the garages. The proposal would lead to a loss of parking amenity for residents due to the reduction in garages and parking spaces. This is likely to lead to increased pressure for parking spaces which may result in neighbour disputes and pressure to park on the green spaces.
12. However, the existing cul-de-sac adjacent to the garages is a privately owned road and does not form part of the adopted highway. For this reason, the assessment of loss of vehicular access for extant dwellings is for the local planning authority to weigh up and not for the highway authority.
13. The overall highway view is that in principle there is no objection to proposed residential use of the site, yet that there are negative impacts on parking amenity for extant residents of dwellings near to the site. There is unlikely to be highway safety impacts arising.

Tree protection officer

14. The Tree Protection Officer is concerned regarding the potential impact the proposal will have on the mature trees on the grass areas nearby in relation to the construction of the dwellings, rather than the completed development, specifically the potential impact of construction activity/parked vehicles/plant, storage of materials etc on the grass areas, which may cause damage to the trees root systems. Therefore, details of tree protection, which would likely be the erection of Heras fencing around the trees concerned is requested.

Natural England

15. No objection, subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- The Broads Special Area of Conservation (SAC)
- Broadland Ramsar
- European sites designated within the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) report.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required and should be secured:

- the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS) 18.09 x £761.83 for nitrates; and 0.65 x £21,161.84 for phosphates
- a contribution of £210.84 per dwelling (index-linked) towards the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

16. **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

17. 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
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

18. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

Case Assessment

19. 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

20. Key policies and NPPF paragraphs – JCS4, DM12, NPPF sections 2 and 5.
21. The site is within the urban area of Norwich within which new housing development is acceptable in principle in accordance with policy JCS4 and JCS12. The proposal represents the redevelopment of ‘brownfield’ land which is supported by the National Planning Policy Framework. Whilst the site is not an allocated site (as noted by an objector), there is a presumption in favour of development of previously

developed land within settlements unless there is a specific policy preventing development.

Main issue 2: Design

22. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
23. Netherwood Green is characterised by two storey houses featuring hanging tiles on the frontages and shallow pitched roofs formed of sheet cladding. The new flats proposed would diverge from this character, taking the form of two storey flat roof buildings with light render and cladding materials. They would therefore have a different appearance, however the scale would be similar to existing buildings.
24. The buildings would read as a later addition to the estate being of a modern design but would integrate reasonably well with the existing built form, in terms of their scale and bulk. The materials, whilst different, would also be complimentary and not appear incongruous. The existing substation would be enclosed with a new brick building and there is space for new planting and landscaping. Overall, the design is considered acceptable within this suburban locality. A condition requiring agreement to materials is recommended.

Main issue 3: Amenity

25. Key policies and NPPF paragraphs – DM2, DM11, NPPF sections 2, 5 and 12.
26. Concerns have been raised by objectors about the impacts on neighbouring occupiers through overlooking, overshadowing and loss of privacy. Negotiations between planning officers and the applicant have resulted in some changes to improve the relationship with neighbouring houses. This includes moving the blocks slightly further away from the existing houses on Netherwood Green and Arnold Miller Close. The design has also been amended to ensure no windows would directly overlook the rear gardens of the adjacent properties on Arnold Miller Close.
27. The distance between directly facing windows on the closest proposed building and the row of houses that includes 116 Netherwood Green would be approximately 16.3m. Taking into account the change in levels which means the proposed flats would sit higher than the existing houses, this is considered a sufficient separation distance to ensure there is no material loss of privacy. The blocks have been sited and orientated in such a way that helps to maintain a good level of outlook and minimise overshadowing and loss of privacy for existing properties.
28. Concerns have been raised by an objector about increased noise nuisance, but the nature of the additional noise would be the comings and goings of the residents of the new properties within an existing residential area so there is no grounds to refuse the proposal for this reason.
29. Concerns have been raised by a number of objectors about the potential for an increase in crime, anti-social behaviour, fear of crime and safeguarding due to the fact the development is proposed to be occupied by people who may have experienced homelessness and/or are classified as vulnerable people. The design of the development provides an open layout around the buildings which ensures active surveillance of the surrounding area and good visibility in and around the new buildings. The layout and design therefore promote safety and security. The planning system is concerned with the use of land and buildings and not the identity

of potential occupiers. The application must therefore be treated in the same way as any other application for C3 residential dwellings.

30. Notwithstanding this, the applicant has stated that the development will be managed by St. Martins Housing Trust who are experienced at working with vulnerable people.
31. Other issues raised such as the loss of an existing view and impact on property values are not planning matters and therefore cannot be taken into consideration when assessing the application. Concerns by some objectors have been raised about construction impacts on neighbours. Some impacts during the construction process are inevitable but would also not be a reason to refuse planning permission. With reference to concerns from the neighbour about boundary wall treatment, details of the boundary treatment with properties on Arnold Miller Close will be sought through the recommended landscape condition.
32. In terms of amenity for proposed occupiers, each flat would meet the national minimum space standards for internal space, which for a 1-bedroom flat is 37 metres squared. Each flat would have a satisfactory level of outlook and privacy, and there is communal green space around the blocks which allows for some outdoor space.

Main issue 4: Transport

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
34. The application proposes the demolition of the existing garages which provide parking for 24 cars. In addition, the existing parking spaces at the eastern end of the site which can accommodate approximately 7 cars would be lost. So, 31 possible spaces would be lost, and only 4 replacement parking spaces would be provided. This has resulted in concerns being raised by local residents that it will be difficult to find a parking space. The applicant has sought to address this by stating that the 4 spaces that are being provided could be used by existing residents or their visitors.
35. The Highway Authority has noted what it terms the loss of parking amenity for existing residents but has not raised an objection on the grounds that the garage site is not public highway and is land owned by the City Council. The applicant has submitted parking surveys of Netherwood Green and Arnold Miller Road. The surveys were carried out on three separate occasions during March and April 2023, including during the day-time and at night-time. The surveys show that at least 31 spaces were available at the time of the surveys. When the surveys were carried out there were between 7 and 9 cars parked on the two garage sites which are the subject of planning applications. This would indicate that there is sufficient capacity to absorb the parking pressure caused by the redevelopment of the site.
36. Notwithstanding this, it is acknowledged that some harm would occur to the amenity of residents by the loss of convenient garage/on street parking close to some of the houses. This must be weighed against the benefits of providing new housing. In this instance it is considered that the benefit of providing new housing outweighs the limited harm to parking amenity. The provision of 4 replacement parking spaces helps to mitigate the impact of the loss of parking.

37. In terms of parking provision for the new dwellings, the site is within a controlled parking zone within the outer ring road where car free housing is acceptable in principle. Residents of the new properties would not be eligible for parking permits.
38. The development would provide for an emergency vehicle access to the houses in the row starting with 116 Netherwood Green. To ensure this is not blocked by parked cars, it will be necessary to have a bollard at one end of this access.
39. The proposal would provide sufficient and secure bike storage for the development and a bin store which can be serviced by bin lorries.

Main issue 5: Flood risk

40. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.
41. The site is within flood zone 1 which is the lowest risk of flooding from rivers. It is currently very impermeable being surfaced with hardstanding and buildings. The application would improve the situation by significantly increasing the permeable surfacing, through areas laid to lawn and the grasscrete surfacing for the emergency access. The proposal would therefore improve the existing surface water flood risk situation. Surface water drainage details are sought by condition.

Main issue 6: Trees

42. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
43. There are no trees on the development site itself, however there are mature trees on the green spaces next to the site. These would be unaffected by the development proposal; however a condition is recommended requiring details of a tree protection plan to ensure that materials are not stored within the root protection zones during construction.

Main issue 7: Landscaping and biodiversity

44. Key policies and NPPF paragraphs – JCS1, JCS2, DM3, DM6, DM8, NPPF section 15.
45. The proposal provides opportunities for new soft landscaping and biodiversity enhancement, the details of which would be sought by condition.

Main issue 8: Contamination

46. Key policies and NPPF paragraphs – DM11, NPPF section 15.
47. A phase 1 contamination assessment was submitted with the application which identifies a number of potential sources of pollution, including from asbestos on the existing garages. A phase 2 site investigation is therefore required to better understand the risks and to ensure appropriate remediation can take place. This will be controlled by condition.

Compliance with other relevant development plan policies

48. 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
Refuse storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS1, JCS3 & DM3	Not applicable
Water efficiency	JCS1 & JCS3	Yes subject to condition

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Nutrient Neutrality – Impact upon water quality – Broads SAC

49. On the 16 March 2022 Natural England issued new guidance to a number of Local Authorities concerning nutrient enrichment and the role local authorities must play in preventing further adverse impacts to protected wetland habitats. The importance of achieving nutrient neutrality stems from evidence that large quantities of nitrogen and phosphorous entering water systems cause excessive growth of algae, a process called 'eutrophication.' This reduces the oxygen content of water impacting aquatic species; subsequently removing a food source for protected species.
50. The advice covered two catchments in Norfolk for the River Wensum SAC and the Broads SAC/Broadland Ramsar. The entirety of Norwich City Council's administrative area is included in the Broads catchment, with a small part in the north-west covered by the Wensum catchment.
51. Based upon the identified catchment(s) that the development proposal falls within, there is potential adverse effect on the integrity of the Broads SAC by virtue of an increase in nitrate and phosphate loading.

Recreation Impact – Various Sites (see below)

52. The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) (2021) identifies that the level of growth outlined in the Local Plan is predicted to increase the recreational disturbance and pressure on Habitats Sites, disrupting the relevant protection objectives. The Norfolk GIRAMS establishes 'Zones of Influence' (ZOIs) representing the extent of land around Habitats Sites within which residents travel to relevant sites for recreational activities. New development that falls within any of the specified ZOIs is therefore required to mitigate against these identified resultant adverse effects.
53. Sites in Norwich City Council administrative area are within the ZOI(s) of the following Habitat Sites. There is consequently a potential adverse effect on the integrity of the Sites and an appropriate assessment of impacts is therefore necessary.

Wash ZOI

- The Wash SPA
- The Wash and North Norfolk Coast SAC
- The Wash Ramsar

Norfolk Coast ZOI

- North Norfolk Coast SAC
- North Norfolk Coast SPA
- North Norfolk Coast Ramsar

Valley Fens ZOI

- Norfolk Valley Fens SAC

East Coast ZOI

- Winterton – Horsey Dunes SAC
- Great Yarmouth North Denes SPA

Broads ZOI

- Broadland SPA
- Broadland Ramsar
- Breydon Water SPA

54. Due to both nutrient neutrality and recreational impact, an appropriate assessment of impacts is necessary.

Appropriate Assessment

55. The screening has identified that the development proposal is likely to have an adverse effect on the integrity of protected Habitats sites, when considered in-combination with other housing and tourist developments. Measures are therefore needed to mitigate these negative recreational impacts.

Nutrient Neutrality

56. The impacts of the proposed development will be mitigated by the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS). This scheme has been the subject of its own HRA, which has been reviewed separately by Natural England. Natural England has advised that planning permissions may be issued that rely on the purchase of credits from NCC WURMS.

57. In order to mitigate the impacts of the proposal, credits will need to be purchased as follows:-

- 18.09 x £761.83 for nitrates; and

- 0.65 x £21,161.84 for phosphates.

58. A Section 106 will need to be completed in order to secure the credits as set out in the plan HRA for the NCC WURMS before planning permission is granted.

Recreational Impact

RAMS Tariff

59. The Norfolk GIRAMS identifies a detailed programme of County-wide measures to mitigate against the adverse implications of in-combination recreational impacts on the integrity of the Habitats Sites caused by new residential development and tourist accommodation.
60. The strategy introduces a per-dwelling tariff to ensure development is compliant with the Habitats Regulations; the collected tariff will fund a combination of hard and soft mitigation measures at the designated Habitats Sites to increase their resilience to greater visitor numbers. The tariff is calculated as a proportionate sum of the full costs of the Norfolk-wide RAMS mitigation package as apportioned to the predicted growth outlined in the Local Plan.
61. This cost is identified as £210.84 per dwelling (index-linked), and per bedspace equivalents for tourist accommodation or student accommodation units, secured as a planning obligation.

Green Infrastructure Contribution

62. As the RAMS tariff exists to specifically mitigate the in-combination effects of new development on protected sites, an additional Green Infrastructure contribution is also required under the Norfolk GIRAMS to deliver mitigation at a more local level by securing adequate provision to divert residents from regular visits to Habitats Sites.
63. The Norfolk GIRAMS concludes that Green Infrastructure can be delivered through existing strategic and local measures. The level of Green Infrastructure will be provided in accordance with the Council's existing Development Plan policies and subsequently in accordance with GNLP policy. This will be on-site or, if this is not appropriate, via a bespoke planning obligation commensurate with the scale of the development.
64. In this case, the need is met by the on-site provision of communal open space which is appropriate for the scale of development proposed.

Conclusion

65. Measures to address the potential adverse effects on integrity of the Broads SAC

caused by increased nitrate and phosphate loading and a consequent degradation in water quality have been incorporated into the NCC WURMS through the purchase of credits.

66. Measures to address the potential adverse effects on integrity of protected Habitats Sites caused by increased recreational pressure have been incorporated into the adopted Norfolk GIRAMS. This strategy requires new development to provide twofold mitigation to be legally compliant with the Habitats Regulations: payment of the RAMS tariff and provision of Green Infrastructure relevant to the scale of the proposal.

67. Subject to these mitigation measures being secured via a planning obligation and conditions, this assessment is able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation.

68. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by NCC WURMS and Norfolk GIRAMS.

S106 Obligations

69. A Section 106 agreement is required to secure nutrient neutrality credits and the GIRAMS contribution.

Equalities and diversity issues

70. There are no equality or diversity issues.

Local finance considerations

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

Human Rights Act 1998

72. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998.

73. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Conclusion

74. The principle of development, design, layout and impact on neighbours is acceptable in planning terms. Whilst objections have been raised regarding the potential for an increase in crime and anti-social behaviour, the planning system is concerned with the use of land and buildings and not the identity of the occupiers. The application must therefore be treated in the same way as any other application for C3 residential dwellings.
75. The proposal would result in the loss of garages and a number of parking spaces which results in the loss of some parking amenity for the existing residents. However, there is considered to be sufficient capacity within the wider estate to absorb overflow parking, and four new spaces would be provided which could be used by residents. On balance the benefits of the proposal in terms of delivering new housing are considered to outweigh the loss of parking.
76. The proposal would ensure suitable mitigation to ensure the development would be nutrient neutral.
77. 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

78. To approve application 22/00790/F and grant planning permission subject to the completion of a Section 106 legal agreement to secure nutrient neutrality mitigation and GIRAMS contributions and the following conditions and informatives:
1. Standard time limit;
 2. In accordance with plans;
 3. Materials details
 4. Landscaping details
 5. Ecology measures
 6. Surface water drainage
 7. Provision of parking and turning area
 8. Cycle storage details
 9. Construction management plan
 10. Contamination – site investigation and remediation
 11. Unexpected contamination
 12. Imported soil
 13. Water efficiency
 14. Tree protection

Informatives:

1. Construction working advice
2. Asbestos removal
3. No car parking permits

Appendices: None

Contact officer: Senior Planner

Name: Robert Webb

Telephone number: 01603989620

Email address: robertwebb@norwich.gov.uk



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REVISION LOG	
REV.	DESCRIPTION
P1	13/02/23 First issue
P2	12/07/23 Cycle store added.
P3	13/07/23 Amendments to layout.
P4	18/08/23 Amendments to layout, Block 1 rotated.
P5	13/09/23 Amendments to layout.
P6	22/09/23 Amendments to layout.
P7	02/10/23 Amendments to layout.

DRAWING USE
PLANNING

PROJECT
St Martins Housing Trust

ADDRESS
Netherwood Green, Norwich

STATUS
SO-WORK IN PROGRESS

DRAWING TITLE		SIZE
Site Plan - Site 1		A3
DRAWING NO.		REVISION
0255		P7
CREATED BY	CHECKED BY	APPROVED BY
AVC	JAA	JAA

King Street,
Norwich,
NR1 3PD
0800 168 4555
www.flagshiphomes.com



Block 1

REVISION	DATE	DESCRIPTION
P1	23/07/23	First Issue
P2	26/08/23	Amended to Public Comments
P3	23/09/23	Amended to Public Comments
P4	02/10/23	Approved

BRIEF

PROJECT
St Martins Housing Trust
ADDRESS
Netherwood Green,
Norwich

52-FOR INFORMATION

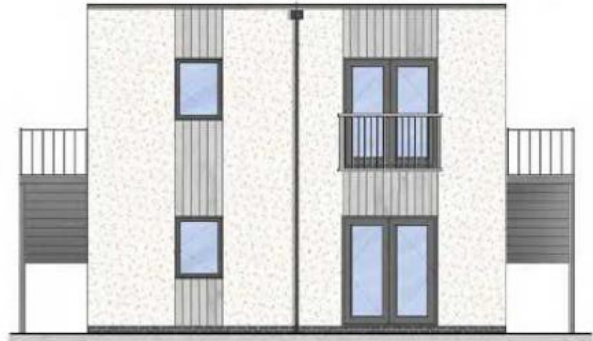
DRAWING TITLE	SUB
BLOCK 1: One Bedroom Flat Floor Plans and Elevations	A1
DRAWING NO.	REVISION
1000	P4
CREATED BY	CHECKED BY
AVC	JAA
APPROVED BY	JAA

52-FOR INFORMATION
1000
02/10/23

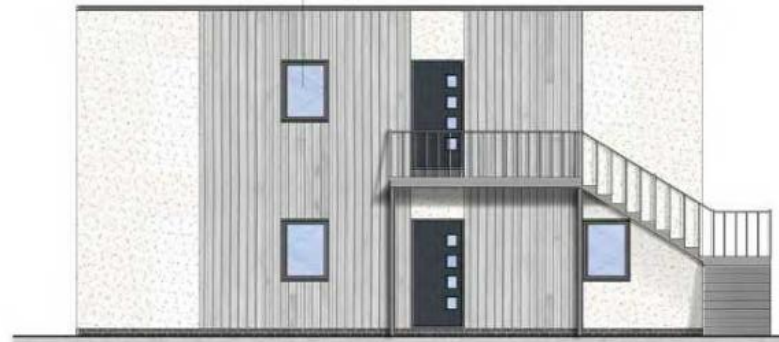


Front Elevation

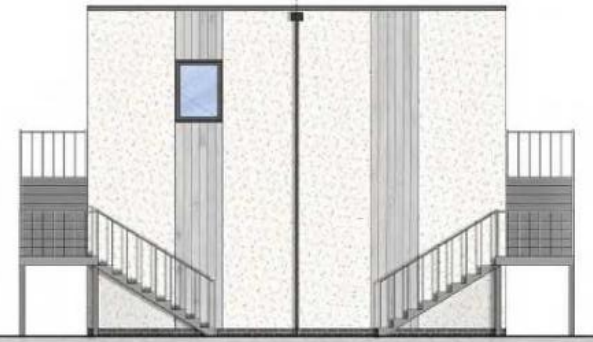
Window to be obscured
and non-opening



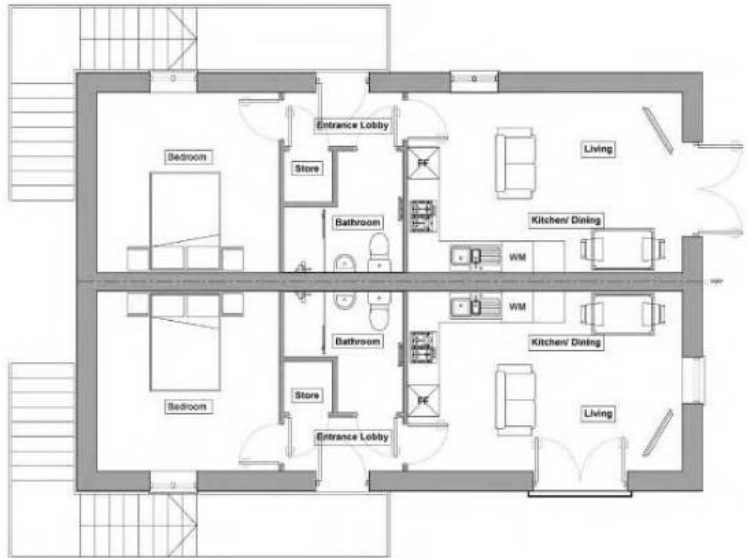
Side Elevation



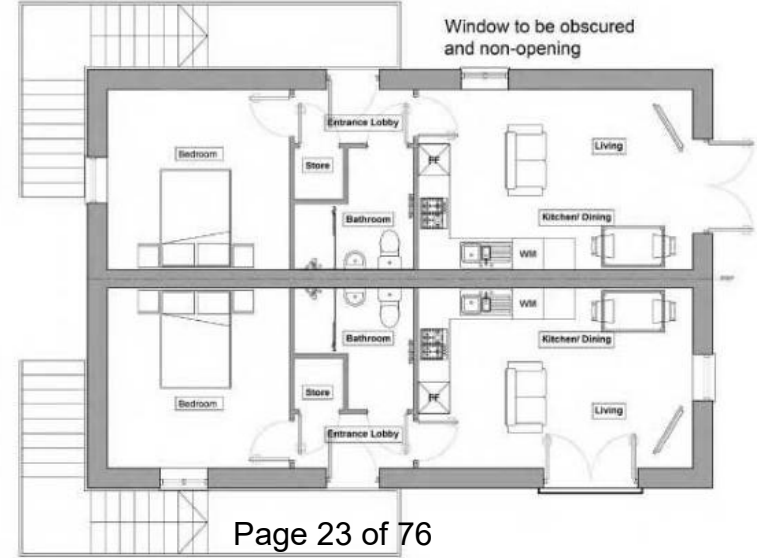
Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

Window to be obscured
and non-opening

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SCALE 1: 200



REVISION LOG

REV.	DATE	DESCRIPTION
P1	11/07/23	First issue
P2	29/09/23	Amendments to elevations

DRAWING USE
PLANNING

PROJECT
St Martins Housing Trust
ADDRESS
Netherwood Green, Norwich

STATUS
S2-FOR INFORMATION

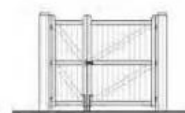
DRAWING TITLE	SIZE	
Site Section - Site 2	A3	
DRAWING NO.	REVISION	
2401	P2	
CREATED BY	CHECKED BY	APPROVED BY
JMF	JAA	JAA

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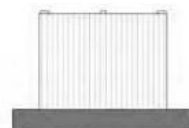
PLAN



FRONT ELEVATION



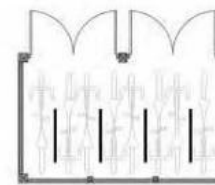
SIDE ELEVATION



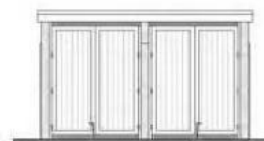
REAR ELEVATION



SIDE ELEVATION



PLAN



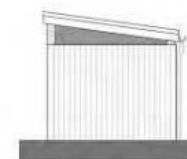
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

REVISION	DATE	DESCRIPTION
P1	12/07/23	First Issue
P2	17/08/23	Amended to Public Comments

DRAWING USE
PLANNING

PROJECT
St Martins Housing Trust
ADDRESS
Netherwood Green,
Norwich

STATUS
A-APPROVED

DRAWING TITLE
Bin & Cycle Store Floor Plan &
Elevations

SIZE
A3

DRAWING NO.
5001

REVISION
P2

CREATED BY
JMF

CHECKED BY
JAA

APPROVED BY
JAA

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Norwich
NR4 7PL
01603 440440
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Committee name: Planning applications

Committee date: 09/11/2023

Report title: Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 23/00790/F

Site Address: Site Adjacent to 133 Netherwood Green

Decision due by: 07/09/2023

Proposal: Proposed development of garage site into 4 No. self - contained modular flats with associated landscaping and parking.

Key considerations:

- Principle of development
- Design
- Amenity
- Transport
- Flood risk
- Trees
- Landscaping and biodiversity
- Contamination

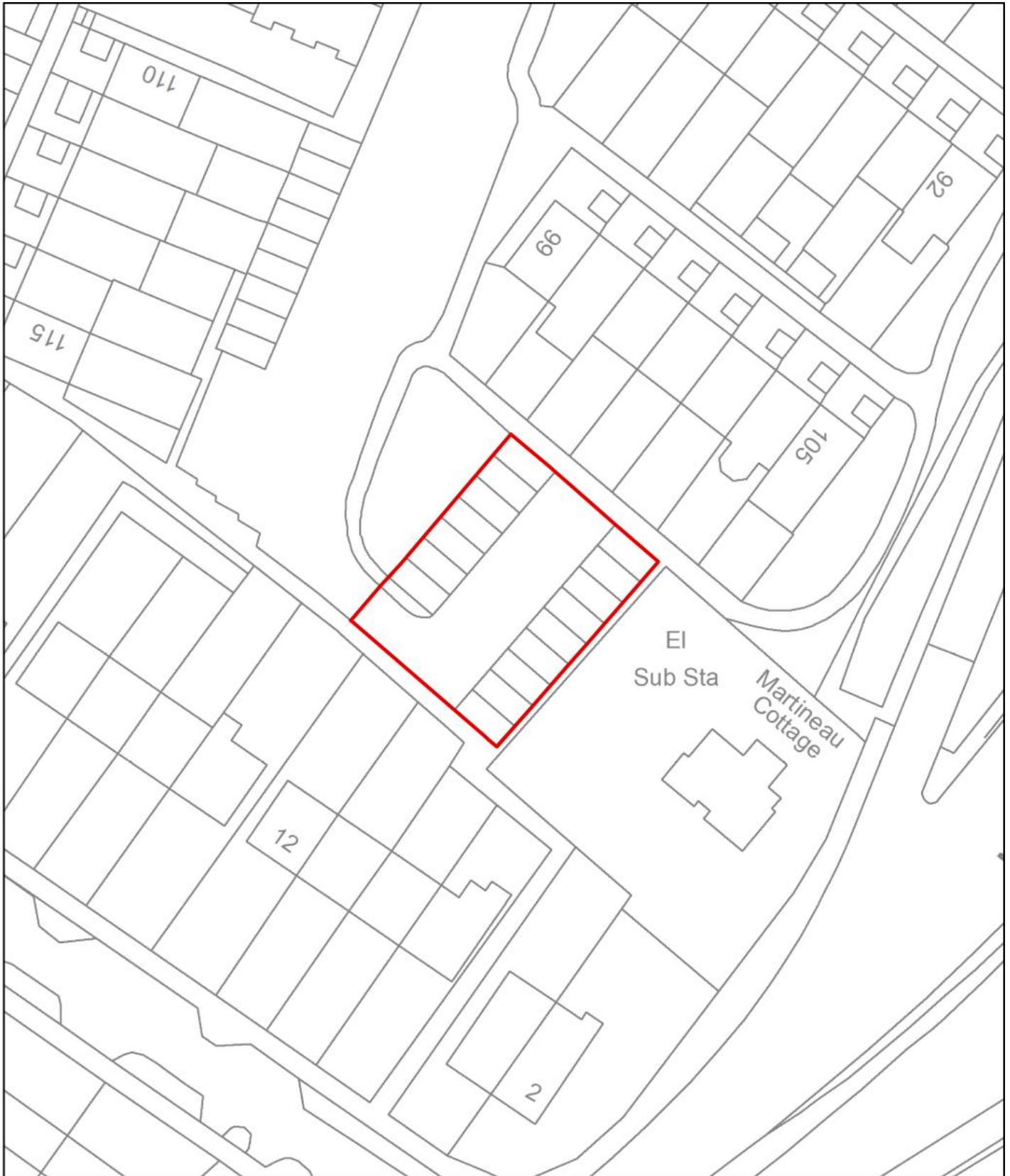
Ward: Lakenham

Case Officer: Robert Webb – robertwebb@norwich.gov.uk

Applicant: Dr. Jan Sheldon, St. Martin's Housing Trust

Reason at Committee: Objections

Recommendation: It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 82 of this report and grant planning permission.



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Planning Application No 22/00790/F
 Site Address Garage site adjacent to
 99-105 Netherwood Green
 Scale 1:500

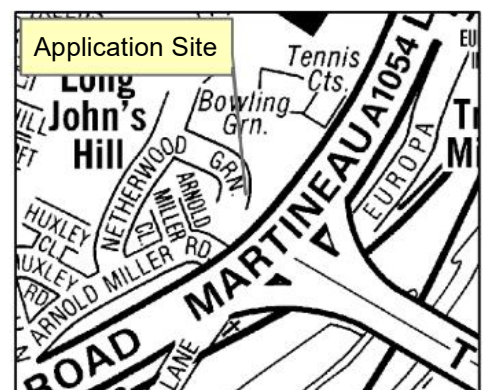


NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

Location and Context

1. The site is occupied by two blocks of garages and areas of hardstanding within the Netherwood Green estate, to the south of the city centre. Immediately to the north east is a small green with two mature trees. Further to the north-west and to the north-east, there are rows of two storey houses which are part of Netherwood Green. To the south-west, there are properties within Arnold Miller Road which back on to the site. To the south-east, is a detached dwelling (Martineau Cottage) which sits within a relatively large plot. The site slopes gently from the north-west to the south-east.

Constraints

2. The site is within 100m of a designated 'gateway' to the city (the approach of the Trowse by-pass).

Relevant planning history

3. There is no planning history for this site.

Equalities and diversity issues

4. There are no equality or diversity issues.

The proposal

5. Permission is sought for the demolition of the existing garages and the erection of 4 no. one bedroom flats, taking the form of a single two storey block. The intention is that the flats would be occupied by local people in vulnerable situations, with the development being run by St. Martins Housing Trust, an organisation who work to prevent homelessness and to support independent living. It is anticipated that each unit would typically be occupied by 6-12 months therefore the use class is C3 residential dwellings.
6. The buildings would be of modular construction with flat roofs, chalk colour render and silver grey composite cladding on the walls. External staircases would provide access to the flats on upper storeys. There would be separate bin and bike stores, and parking for one car. The remainder of the site would consist of pedestrian pathways and soft landscaping including lawn and planting.
7. The application is one of two proposals for similar housing on Netherwood Green. The other application for 8 dwellings is application reference 23/00790/F and is a separate item on the committee agenda. The application sites are approximately 80m apart. Each application must be determined individually and on its own merits.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 29 letters of objection 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
Concerns about increased crime, fear of crime and anti-social behaviour associated with the proposed type of development	See main issue 3.
High concentration of similar facilities within NR1 postcode area and associated impacts	See main issue 3.
Concerns about increased noise nuisance	See main issue 3.
Loss of parking spaces and increased parking pressure	See main issue 4.
Overlooking of Martineau Cottage leading to loss of privacy to house and garden	See main issue 3.
Excessive height and unsympathetic design	See main issue 2.
Proposed site was not identified in the Norwich site allocations plan and therefore contravenes agreed development sites.	See main issue 1.
Loss of value to existing houses	See main issue 3.
Impacts from demolition and construction	See main issue 3.

Consultation responses

9. 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.

Norwich City Council - Environmental protection

10. Conditions relating to land contamination site investigation, unexpected contamination and importation of soil required. Informatives for removal of asbestos and construction working hours recommended.

Norfolk County Council - Highways

11. The provision of additional housing of 4 flats represents a decrease in the number of potential vehicle trips to the site compared to a garage block of 17 vehicles, and that the new apartments would not be eligible for parking permits for the CPZ; for these reasons there is lesser highway impact and there is not an objection to the principle of residential use of the site.
12. The extant vehicle access and pedestrian routes to the site enable adequate means of access and the provision of an emergency vehicle route should enable adequate emergency access. The car parking provision is lower than Norfolk County Council parking guidelines, but not unacceptable.
13. The consequence of the development would be the loss of 16 garage spaces . There is a likely risk of loss of local parking amenity and nuisance parking on grassed areas. It is important for our assessment to note that the extant cul de sac road is not adopted and is in effect a privately owned road. For this reason the assessment of loss of vehicular access for extant dwellings is for the local planning authority to weigh up, and not for highway authority.
14. The highway assessment of local parking access concerns whether there is alternative parking provision available nearby, the parking survey has confirmed there

is adequate capacity for additional parking on-street. Highway safety risks are mitigated as there are double yellow lines and all local junctions.

15. The overall highway view is that in principle there is no objection to proposed residential use of the site, yet that there are negative impacts on parking amenity for extant residents of dwellings near to the site. Yet there is unlikely to be highway safety impacts arising.
16. Flyparking on the grassed areas may manifest as a consequence but can be mitigated with use of bollards that can be purchased and installed by the city council housing department at their discretion.
17. For this reason it is not considered that a recommendation of refusal can be justified on highway grounds. However it will be necessary for conditions to be imposed to mitigate risks identified. I am able to comment that in relation to highways issues only, that Norfolk County Council does not wish to restrict the grant of consent.

Norwich City Council - Tree protection officer

18. The proposal is in close proximity to existing trees. Some crown reduction will be required, but this is acceptable. There will be a need for ongoing monitoring and pruning of the trees because they have the potential to affect future occupiers. No objection subject to a condition ensuring suitable tree protection during development.

Natural England

19. No objection, subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- The Broads Special Area of Conservation (SAC)
- Broadland Ramsar
- European sites designated within the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) report.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required and should be secured:

- the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS) 9.04 x £761.83 for nitrates; and 0.33 x £21,161.84 for phosphates
- a contribution of £210.84 per dwelling (index-linked) towards the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant planning policies

20. **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
21. **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
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing

Other material considerations

22. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF4 Decision-making
 - NPPF5 Delivering a sufficient supply of homes
 - NPPF8 Promoting healthy and safe communities
 - NPPF11 Making effective use of land
 - NPPF12 Achieving well-designed places
 - NPPF14 Meeting the challenge of climate change, flooding and coastal change
 - NPPF15 Conserving and enhancing the natural environment

Case Assessment

23. 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

24. Key policies and NPPF paragraphs – JCS4, DM12, NPPF sections 2 and 5.
25. The site is within the urban area of Norwich within which new housing development is acceptable in principle in accordance with policy JCS4 and JCS12. The proposal represents the redevelopment of ‘brownfield’ land which is supported by the National Planning Policy Framework. Whilst the site is not an allocated site (as noted by an objector), there is a presumption in favour of development of previously developed land within settlements unless there is a specific policy preventing development.

Main issue 2: Design

26. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
27. Netherwood Green is characterised by two storey houses featuring hanging tiles on the frontages and shallow pitched roofs formed of sheet cladding. The new flats proposed would diverge from this character, taking the form of two storey flat roof buildings with light render and cladding materials. They would therefore have a different appearance, however the scale would be similar to existing buildings.
28. The building would read as a later addition to the estate being of a modern design but would integrate reasonably well with the existing built form, in terms of its scale and bulk. The materials, whilst different, would also be complimentary and not appear incongruous. The existing substation would be enclosed with a new brick building and there is space for new planting and landscaping. Overall, the design is considered acceptable within this suburban locality. A condition requiring agreement to materials is recommended.
29. The site falls within 100m of a ‘gateway’ to the city, this being the Trowse by-pass from the A47. Only distant glimpsed views of the proposed development would be possible from this approach, and due to its relatively small scale there would be a negligible impact on the gateway.

Main issue 3: Amenity

30. Key policies and NPPF paragraphs – DM2, DM11, NPPF sections 2, 5 and 12.
31. Concerns have been raised by an objector about the loss of privacy to the house and garden at Martineau Cottage. The distance between directly facing windows would be approximately 21m. Such a distance has long been held to be an acceptable distance between residential properties therefore it is not considered material harm would occur. The distance from the proposed building to the boundary of the garden to Martineau Cottage would be approximately 8m. This would have an increased impact compared to the current situation, but the impact is partly mitigated by vegetation in the garden and the size of the garden itself, which is substantial. The new building would be orientated so as to ensure no directly

facing windows and consequent loss of privacy to existing properties on Netherwood Green or Arnold Miller Road. Overall, the impact on neighbouring properties is considered acceptable in this suburban location.

32. Concerns have been raised by an objector about increased noise nuisance, but the nature of the additional noise would be the comings and goings of the residents of the new properties within an existing residential area so there are no grounds to refuse the proposal for this reason.
33. Concerns have been raised by a number of objectors about the potential for an increase in crime, anti-social behaviour, fear of crime and safeguarding due to the fact the development is proposed to be occupied by people who may have experienced homelessness and/or are classified as vulnerable people. The design of the development provides an open layout around the building which ensures active surveillance of the surrounding area and good visibility in and around the new building. The layout and design therefore promote safety and security. The planning system is concerned with the use of land and buildings and not the identity of potential occupiers. The proposal is for C3 housing and must be treated the same as any other such application.
34. Notwithstanding this, the applicant has stated that the development will be managed by St. Martins Housing Trust who are experienced at working with vulnerable people.
35. Another issue raised is impacts on property value. This is not a planning matter and therefore cannot be taken into consideration when assessing the application. Concerns by some objectors have been raised about construction impacts on neighbours. Some impacts during the construction process are inevitable but would also not be a reason to refuse planning permission. Details of the boundary treatment with Martineau Cottage would be sought by condition.
36. In terms of amenity for proposed occupiers, each flat would meet the national minimum space standards for internal space, which for a 1-bedroom flat is 37 metres squared. Each flat would have a satisfactory level of outlook and privacy, and there is communal green space around the blocks which allows for some outdoor space.

Main issue 4: Transport

37. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
38. The application proposes the demolition of the existing garages which provide parking for 16 cars. 1 replacement parking space would be provided. This has resulted in concerns being raised by local residents that it will lead to increased parking pressure.
39. The Highway Authority has noted what it terms the loss of parking amenity for existing residents but has not raised an objection on the grounds that the garage site is not public highway and is land owned by the City Council. The applicant has submitted parking surveys of Netherwood Green and Arnold Miller Road. The surveys were carried out on three separate occasions during March and April 2023, including during the day-time and at night-time. The surveys show that at least 31 spaces were available at the time of the surveys. When the surveys were carried out there were

between 7 and 9 cars parked on the two garage sites which are the subject of planning applications. This would indicate that there is sufficient capacity to absorb the parking pressure caused by the redevelopment of the site.

40. Notwithstanding this, it is acknowledged that some harm would occur to the amenity of residents by the loss of convenient garage parking close to some of the houses. This must be weighed against the benefit of providing new housing. In this instance it is considered that the benefit of providing new housing outweighs the limited harm to parking amenity.
41. In terms of provision for the new dwellings, the site is within a controlled parking zone within the outer ring road where car free housing is acceptable in principle. Residents of the new dwellings would not be eligible for parking permits.
42. The proposal would provide sufficient and secure bike storage for the development and a bin store which can be serviced by bin lorries. A condition is recommended to secure the detail of off-site highways works such as pram drops which are necessary as part of the development.

Main issue 5: Flood risk

43. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.
44. The site is within flood zone 1 which is the lowest risk of flooding from rivers. It is currently very impermeable being surfaced with hardstanding and buildings. The application would improve the situation by significantly increasing the permeable surfacing, through increased areas of the site which are laid to lawn. The proposal would therefore improve the existing surface water flood risk situation. A condition is recommended to secure precise details of surface water drainage.

Main issue 6: Trees

45. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
46. There are no trees on the development site itself, however there are two mature Sycamore trees on the green space next to the site, which partly overhang the development area. Some pruning would be required to allow for development, the details of which have been approved by the Council's Tree Protection Officer. Tree protection measures have also been agreed and this should be conditioned.

Main issue 7: Landscaping and biodiversity

47. Key policies and NPPF paragraphs – JCS1, JCS2, DM3, DM6, DM8, NPPF section 15.
48. The proposal provides opportunities for new soft landscaping and biodiversity enhancement, the details of which will be sought by condition.

Main issue 8: Contamination

49. Key policies and NPPF paragraphs – DM11, NPPF section 15.
50. A phase 1 contamination assessment was submitted with the application which identifies a number of potential sources of pollution, including from asbestos on the

existing garages. A phase 2 site investigation is therefore required to better understand the risks and to ensure appropriate remediation can take place. This will be controlled by condition.

Compliance with other relevant development plan policies

51. 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
Refuse storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS1, JCS3 & DM3	Not applicable
Water efficiency	JCS1 & JCS3	Yes subject to condition

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Nutrient Neutrality – Impact upon water quality – Broads SAC

52. On the 16 March 2022 Natural England issued new guidance to a number of Local Authorities concerning nutrient enrichment and the role local authorities must play in preventing further adverse impacts to protected wetland habitats. The importance of achieving nutrient neutrality stems from evidence that large quantities of nitrogen and phosphorous entering water systems cause excessive growth of algae, a process called ‘eutrophication.’ This reduces the oxygen content of water impacting aquatic species; subsequently removing a food source for protected species.
53. The advice covered two catchments in Norfolk for the River Wensum SAC and the Broads SAC/Broadland Ramsar. The entirety of Norwich City Council’s administrative area is included in the Broads catchment, with a small part in the north-west covered by the Wensum catchment.
54. Based upon the identified catchment(s) that the development proposal falls within, there is potential adverse effect on the integrity of the Broads SAC by virtue of an increase in nitrate and phosphate loading.

Recreation Impact – Various Sites (see below)

55. The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) (2021) identifies that the level of growth outlined in the Local Plan is predicted to increase the recreational disturbance and pressure on Habitats Sites, disrupting the relevant protection objectives. The Norfolk GIRAMS establishes ‘Zones of Influence’ (ZOIs) representing the extent of land around Habitats Sites within which residents travel to relevant sites for recreational activities. New development that falls within any of the specified ZOIs is therefore required to mitigate against these identified resultant adverse effects.

56. Sites in Norwich City Council administrative area are within the ZOI(s) of the following Habitat Sites. There is consequently a potential adverse effect on the integrity of the Sites and an appropriate assessment of impacts is therefore necessary.

Wash ZOI

- The Wash SPA
- The Wash and North Norfolk Coast SAC
- The Wash Ramsar

Norfolk Coast ZOI

- North Norfolk Coast SAC
- North Norfolk Coast SPA
- North Norfolk Coast Ramsar

Valley Fens ZOI

- Norfolk Valley Fens SAC

East Coast ZOI

- Winterton – Horsey Dunes SAC
- Great Yarmouth North Denes SPA

Broads ZOI

- Broadland SPA
- Broadland Ramsar
- Breydon Water SPA

57. Due to both nutrient neutrality and recreational impact, an appropriate assessment of impacts is necessary.

Appropriate Assessment

58. The screening has identified that the development proposal is likely to have an adverse effect on the integrity of protected Habitats sites, when considered in combination with other housing and tourist developments. Measures are therefore needed to mitigate these negative recreational impacts.

Nutrient Neutrality

59. The impacts of the proposed development will be mitigated by the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS). This scheme has been the subject of its own HRA, which has been reviewed separately by Natural England. Natural England has advised that planning permissions may be issued that rely on the purchase of credits from NCC WURMS.

60. In order to mitigate the impacts of the proposal, credits will need to be purchased as follows:-

- 18.09 x £761.83 for nitrates; and
- 0.65 x £21,161.84 for phosphates.

61. A Section 106 will need to be completed in order to secure the credits as set out in the plan HRA for the NCC WURMS before planning permission is granted.

Recreational Impact

RAMS Tariff

62. The Norfolk GIRAMS identifies a detailed programme of County-wide measures to mitigate against the adverse implications of in-combination recreational impacts on the integrity of the Habitats Sites caused by new residential development and tourist accommodation.

63. The strategy introduces a per-dwelling tariff to ensure development is compliant with the Habitats Regulations; the collected tariff will fund a combination of hard and soft mitigation measures at the designated Habitats Sites to increase their resilience to greater visitor numbers. The tariff is calculated as a proportionate sum of the full costs of the Norfolk-wide RAMS mitigation package as apportioned to the predicted growth outlined in the Local Plan.

64. This cost is identified as £210.84 per dwelling (index-linked), and per bedspace equivalents for tourist accommodation or student accommodation units, secured as a planning obligation.

Green Infrastructure Contribution

65. As the RAMS tariff exists to specifically mitigate the in-combination effects of new development on protected sites, an additional Green Infrastructure contribution is also required under the Norfolk GIRAMS to deliver mitigation at a more local level by securing adequate provision to divert residents from regular visits to Habitats Sites.

66. The Norfolk GIRAMS concludes that Green Infrastructure can be delivered through existing strategic and local measures. The level of Green Infrastructure will be provided in accordance with the Council's existing Development Plan policies and subsequently in accordance with GNLP policy. This will be on-site or, if this is not appropriate, via a bespoke planning obligation commensurate with the scale of the development.

67. In this case, the need is met by the on-site provision of communal open space which is appropriate for the scale of development proposed.

Conclusion

68. Measures to address the potential adverse effects on integrity of the Broads SAC caused by increased nitrate and phosphate loading and a consequent degradation in water quality have been incorporated into the NCC WURMS through the purchase of credits.

69. Measures to address the potential adverse effects on integrity of protected Habitats Sites caused by increased recreational pressure have been incorporated into the adopted Norfolk GIRAMS. This strategy requires new development to provide twofold mitigation to be legally compliant with the Habitats Regulations: payment of the RAMS tariff and provision of Green Infrastructure relevant to the scale of the proposal.

70. Subject to these mitigation measures being secured via a planning obligation and conditions, this assessment is able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation.

71. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by NCC WURMS and Norfolk GIRAMS.

Equalities and diversity issues

72. There are no equality or diversity issues.

S106 Obligations

73. A Section 106 agreement is required to secure nutrient neutrality credits and the GIRAMS contribution.

Equalities and diversity issues

74. There are no equality or diversity issues.

Local finance considerations

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

Human Rights Act 1998

76. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998.

77. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Conclusion

78. The principle of development, design, layout and impact on neighbours is acceptable in planning terms. Whilst objections have been raised regarding the potential for an increase in crime and anti-social behaviour, the planning system is concerned with the use of land and buildings and not the identity of the occupiers. The application must therefore be treated in the same way as any other application for C3 residential dwellings.
79. The proposal would result in the loss of garages which results in the loss of some parking amenity for the existing residents. However, there is considered to be sufficient capacity within the wider estate to absorb overflow parking, and one new space would be provided which could be used by residents. On balance the benefits of the proposal in terms of delivering new housing are considered to outweigh the loss of parking.
80. The proposal would ensure suitable mitigation to ensure the development would be nutrient neutral.
81. 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

82. To approve application 22/00843/F and grant planning permission subject to the completion of a Section 106 legal agreement to secure nutrient neutrality mitigation and GIRAMS contributions and the following conditions and informatives:
1. Standard time limit;
 2. In accordance with plans;
 3. Materials details
 4. Landscaping details
 5. Ecology measures
 6. Cycle storage details
 7. Provision of parking and turning area
 8. Off-site highway works

9. Construction management plan
10. Contamination – site investigation and remediation
11. Unexpected contamination
12. Imported soil
13. Water efficiency
14. Tree protection

Informatives:

1. Construction working advice
2. Asbestos removal
3. No car parking permits

Appendices: None

Contact officer: Senior Planner

Name: Robert Webb

Telephone number: 01603989620

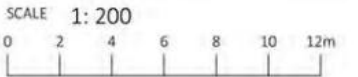
Email address: robertwebb@norwich.gov.uk



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REVISION LOG	
REV.	DESCRIPTION
P1	13/02/23 First Issue
P2	12/07/23 Cycle store added.
P3	04/10/23 Car parking space omitted and bin store amended.

DRAWING USE
FEASIBILITY

PROJECT
St Martins Housing Trust

ADDRESS
Netherwood Green, Norwich

STATUS
S2-FOR INFORMATION

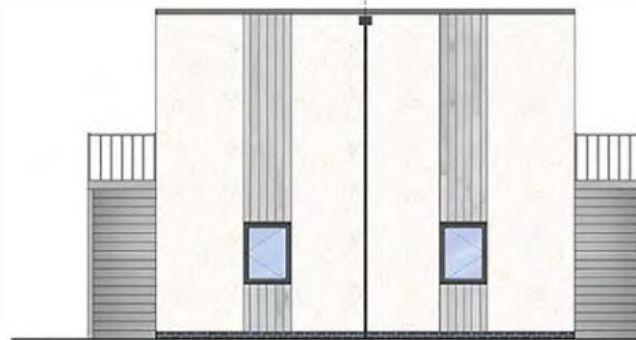
DRAWING TITLE		SIZE
Site Plan - Site 2		A3
DRAWING NO.		REVISION
0252		P3
CREATED BY	CHECKED BY	APPROVED BY
AVC	JAA	JAA

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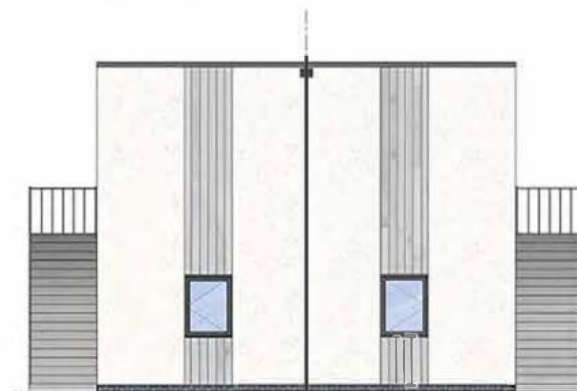
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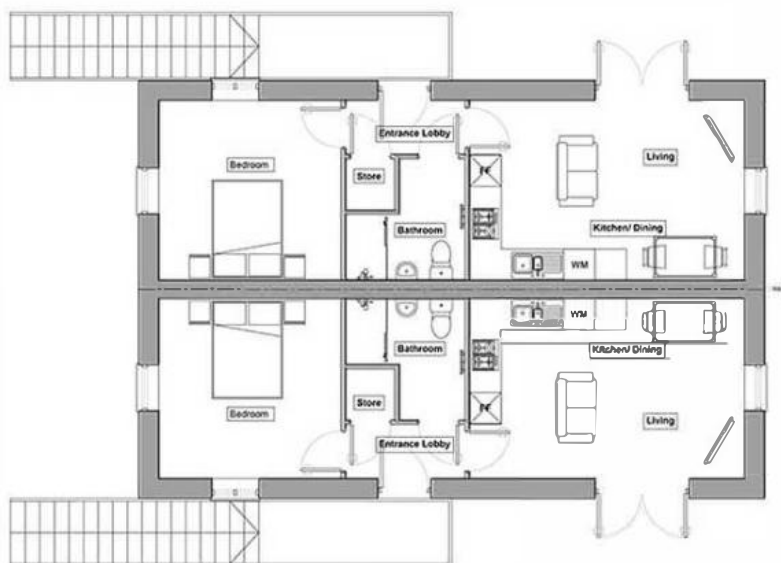
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

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SCALE 1:50
0 0.5 1.0 1.5 2.0 2.5 3.0m

Block 3

REVISIONS
REV DATE DESCRIPTION
P1 22/02/22 Final Issue
P2 26/02/22 Amended to Public Consultation

DRAWING USE
BRIEF

PROJECT
St Martins Housing Trust
ADDRESS
Nethenwood Green,
Norwich

TOWN
S2-FOR INFORMATION

DRAWING TITLE
BLOCK 3: One Bedroom Flat
Floor Plans and Elevations
DRAWING NO
1000

SHEET
A1
REVISION
P1

CREATED BY
AVC

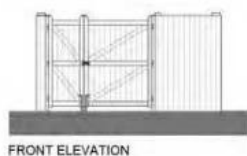
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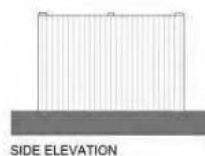
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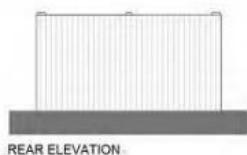
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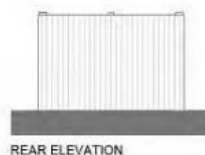
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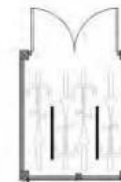
SIDE ELEVATION



REAR ELEVATION



REAR ELEVATION



PLAN



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

REVISION LOG	DESCRIPTION
REV. DATE	
P1 13/01/23	First Issue
P2 17/01/23	Amended to Public Comment

DRAWING USE
PLANNING

PROJECT
St Martins Housing Trust
ADDRESS
Netherwood Green,
Norwich

STATUS
A-APPROVED

DRAWING TITLE
Bin & Cycle Store Floor Plan &
Elevations

SUB
A3

DRAWING NO.
5000

REVISION
P2

CREATED BY
JMF

CHECKED BY
JAA

APPROVED BY
JAA

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Committee name: Planning applications

Committee date: 09/11/2023

Report title: Application no 23/00744/F 21 Upton Close, Norwich, NR4 7PD

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 23/00744/F

Site Address: 21 Upton Close, Norwich, NR4 7PD

Decision due by: 09/11/2023

Proposal: Demolition of existing 2 storey house and garage.
Replacement 2 storey dwelling and garage and
ancillary outbuildings

Key considerations:

- The overall design of the proposal, and the impact that the proposal will have on the character and appearance of the wider area
- The impact of the proposal on neighbouring residential amenity

Ward: Eaton

Case Officer: Daisy Hill

Applicant/agent: Steven Wade

Reason at Committee: Objections

Recommendation:

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 66 of this report, and grant planning permission.



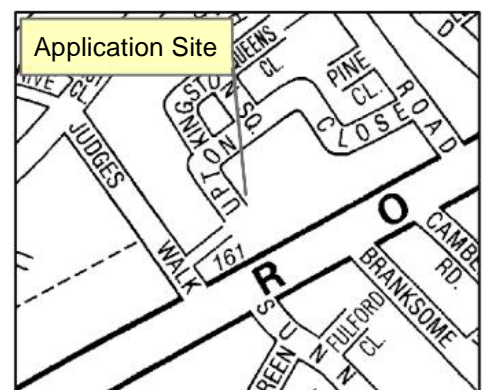
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Planning Application No 23/00744/F
 Site Address 21 Upton Close

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The application site sits within a residential area, southwest of the City Centre and north of Newmarket Road.
2. The application site is located at the southern end of Upton Close, at the end of the cul-de-sac. A pedestrian/cycle way links Upton Close to Newmarket Road.
3. The site features a detached, 2 storey, 4 bedroomed dwelling. The dwelling is of Modernist design and features a characteristic flat roof. It was designed by Norwich born Architect John Winter.
4. The main body of the dwelling features 2 storeys with a single storey extension to the rear creating a 'L-shaped' footprint.
5. Offroad parking is provided in the form of an 'in and out' driveway which spans across the front of the property along with an integral, tandem garage.
6. The property is of redbrick construction and features a rendered roof fascia and custom-made timber windows with timber infill panels.
7. The site includes a generous garden which links to a further parcel of land that features a large, open air swimming pool and wooden storage shed that holds the pool plant equipment.
8. The site is bounded in all directions, by other dwellings (and/or their associated gardens) along Upton Close and Newmarket Road.

Constraints

9. Adjacent to Newmarket Road Conservation Area

Relevant Planning History

10. No relevant planning history.

The Proposal

11. The proposal seeks consent for the demolition of the existing detached, 2 storey, flat roofed, modernist dwelling, and its integral garage and for a replacement detached, 2 storey, hipped roof dwelling and double garage.
12. The proposal also seeks consent for the construction of some ancillary outbuildings on the rear part of the site. A garden store and a summerhouse/garden room are proposed with an external terrace linking them to the existing swimming pool.

Summary of Proposal – Key facts:

13. The key facts of the proposal is summarised in the tables below:

Scale	Key Facts
Total floorspace	Main Dwelling: 289.6m ² Summerhouse/Garden Room: 48.75m ² Garden Store: 37.25m ²

Scale	Key Facts
No. of storeys	Main Dwelling: 2 storeys Summerhouse/Garden Room: Single storey Garden Store: Single storey

Appearance	Key Facts
Materials	<p><u>Main Dwelling:</u> Walls = White smooth render over a grey brick plinth. Cladding to selected gables/elevations (vertical cedar boarding, natural finish). Roof = Pitched roof to main house, dark grey fibre cement tiles. Low pitch roofs to garage and kitchen, grey coloured metal roofing with standing seam jointing. Windows = UPVC (grey coloured). Doors = Aluminium Bi-Fold Patio doors (grey coloured). Coloured composite front door and garage door.</p> <p><u>Summerhouse/Garden Store:</u> Walls = White/grey smooth render over a grey brick plinth. Waney edge timber boarding to front. Roof = Standing seam metal roofing (grey coloured) with solar PV panels. Windows = UPVC (grey coloured). Doors = Aluminium Bi-Fold Patio doors (grey coloured).</p> <p><u>Boundary Treatments:</u> Mature hedges and timber fences to remain.</p> <p><u>Driveway:</u> Bonded gravel driveway.</p>
Energy and resource efficiency measures	Solar PV panels to roof of outbuildings

Transport Matters	Key Facts
Vehicular access	Driveway to front of property
No of car parking spaces	To be determined by condition
No of cycle parking spaces	3 cycle parking spaces required and as the site has accessible private amenity space and a range of outbuildings proposed, these requirements will be deemed to have been met
Servicing arrangements	Concealed refuse storage area provided at side of house

Consultation responses

14. 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.

Representations

15. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below:

Issues raised	Response
Use of outbuildings as overnight accommodation/short term lets	See main issue 3
Proximity of new dwelling to neighbouring boundary	See main issue 3
Outlook/aesthetics of new garage	See main issue 2
Use of pool as a commercial proposition	See main issue 3
Impact on residential amenity from use of swimming pool area	See main issue 3
Shading/sunlight impacts of proposal on neighbouring properties	See main issue 3

Statutory and non-statutory consultees

Ecology (Norwich City Council)

16. No comments received.

Tree Protection Officer (Norwich City Council)

17. No objections from an arboricultural perspective. (T1 has already been removed).

Assessment of Planning Considerations

Relevant Development Plan Policies

18. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS6 Access and transportation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions

- DM3 Delivering high quality design
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

20. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

21. Advice Notes and Guidance

- Water efficiency advice note October 2015
- Internal space standards information note March 2015

Case Assessment

22. 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 Policy Framework (NPPF), the council's 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

23. Key policies and NPPF paragraphs – JCS4, DM12, NPPF paragraphs 11 and 59.

24. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. Policies JCS 4 and DM12 are supportive of new dwellings which help to meet housing need in the city.

25. The existing and proposed use of the site (which are the same) are considered to form part of the mix of residential accommodation, contributing to the city's

housing stock. As this application is for a replacement dwelling, the principle of residential development on this site has already been established by virtue of the existing use of the site and therefore a '1 for 1' replacement, is acceptable under policy DM12.

Main Issue 2. Design & Heritage

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

27. In reference to policy, Local Plan Policy DM3 'Delivering High Quality Design' asks that design should "respect, enhance and respond to the character and local distinctiveness of the area."

28. The main element of the proposal involves the demolition of the existing 2 storey, flat roofed dwelling. Whilst the existing dwelling serves as a good example of modernist architecture, it very much stands alone in terms of its design when compared to the rest of the street. The site itself does not sit in a conservation area and the property is not locally or statutorily listed. The proposed replacement dwelling, when considering its height, scale, and form, features a design much more akin to the other properties along Upton Road. Therefore, the overall design appears much more sympathetic to its surroundings.

29. The materials proposed for the main dwelling have been carefully considered and feature a palette that will provide a fresh, modern look. The use of natural cladding in key areas will work well to balance the use of render and provide a sympathetic, warm aesthetic. The site is bounded by tall trees and established greenery and the natural cladding will complement these surroundings.

30. The proposed dwelling will take on a more sympathetic appearance, especially with regards to its height, scale, and form, in keeping with the prevailing residential character of the area.

31. The proposed garage section will sit further forward on the plot. By virtue of the location of the application site (at the end of the cul-de-sac) the visibility of the garage and the impact on the street scene is not considered to be unacceptable.

32. The outbuildings (summerhouse and garden store) are to be single storey in height and the scale and form sit comfortably within that area of the plot.

33. The materials proposed for the summerhouse and garden store will closely resemble those found on the main dwelling and therefore, a unified scheme will flow throughout the site.

34. In terms of impact on the wider setting in the context of the adjacent conservation area (Policy DM9), the site abuts the very edge of the Newmarket Road Conservation Area. Given its location, the proposal couldn't be said to have any notable impact on the conservation area.

35. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or

appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

Main Issue 3. Amenity

36. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

Existing occupiers

37. The main body of the proposed dwelling will sit slightly behind the current building line of the existing property.
38. The new dwelling will sit substantially further away from its northerly neighbour (number 19) and marginally closer to the boundary with 157 Newmarket Road.
39. The height of the proposed dwelling is taller than that of the existing (as the existing featured a flat roof) however the proposed roof height is akin to the neighbouring properties.
40. Careful consideration has been given to the placement of windows throughout the proposed dwelling. The windows featured on the side elevations at first floor level will serve bathrooms and will therefore feature obscured glass. A condition is recommended to ensure compliance.
41. By virtue of its positioning and design, the proposed dwelling is unlikely to cause a negative impact on existing occupiers with regards to overlooking and loss of privacy. The orientation of the site coupled with the positioning of the proposed dwelling further away from number 19, mean it's highly unlikely that any additional overshadowing, loss of light and outlook would impact any existing occupiers.
42. The garage's single storey nature and the overall orientation of the site, mean that it will not cause any harm to the amenity of neighbouring residential occupiers by way of overshadowing, outlook or by being overbearing. The garage will be visible from the street scene and from neighbouring properties but that does not constitute a reason for refusal.
43. With regards to the outbuildings, their single storey nature and their positioning on the site mean that they are highly unlikely to cause overshadowing, loss of light and outlook to any existing occupiers, nor could they appear overbearing. The buildings may be visible from neighbouring properties but that does not constitute a reason for refusal. A condition is recommended to ensure the outbuildings are retained for purposes ancillary to the residential use of the dwelling.
44. The use of the swimming pool in association with the host dwelling is unlikely to cause an unacceptable level of disturbance from noise, odour, vibration, air or artificial light that would negatively impact the existing occupiers. Many properties nearby feature private pools and therefore this use is not considered unacceptable in this location.

Future Occupiers

45. The proposed dwelling will provide approximately 289.6m² of internal living space, arranged over two floors. The overall provision therefore significantly exceeds the nationally described space standards for a dwelling of this type.
46. The site layout also includes the provision of a generous rear garden immediately to the rear of the property plus the additional, adjoined parcel of land which features the swimming pool.
47. The proposal demonstrates it can provide a good level of internal and external amenity space. As such, the proposal is considered to provide for a good standard of amenity for the future occupiers.

Main Issue 4. Transport

48. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
49. The proposed scheme proposes to retain the 3 existing parking spaces that the existing dwelling featured. The new scheme also features a double garage. Although the space provided satisfies the minimum requirement for parking provision within this location (which is 1 space per dwelling), it exceeds the maximum parking provision (which is 2 spaces per dwelling). Discussions with the applicant took place at an earlier stage and it was agreed that a landscaping plan would be required to demonstrate how the frontage could be reconfigured to provide more landscaping and less car parking. A condition is recommended to agree details, and it would be an aim of that condition to reduce available car parking to a policy compliant level in order to discourage unsustainable forms of transport.
50. The proposed double garage along with the secured rear garden and proposed outbuildings can provide covered and secure cycle parking. A concealed refuse storage area is provided down the side of house therefore the proposed cycle parking and refuse storage satisfy the requirements of policy DM31.

Main Issue 5. Water efficiency

51. Key policies and NPPF paragraphs – DM1, JCS3, NPPF paragraphs 8, 148, 151-154.
52. Requirement G2 and Regulations 36 and 37 of the Building Regulations 2010 – Water Efficiency stipulate a minimum water efficiency standard for new homes.
53. It requires that the average water usage of a new home (including those created by a change of use) is no more than 125 litres per person per day or 110 litres/person/day if required as part of the planning permission.
54. A condition is recommended to ensure compliance with these regulations.

Main Issue 6. Biodiversity

55. Key policies and NPPF paragraphs – JCS1, DM6, NPPF section 15.
56. An ecological survey of the site and its buildings has been carried out by a recognised professional. Their findings and recommendations have been submitted as an ecological assessment. Their survey found no evidence of bat

roosting or bat activity. The assessment determined the current situation as negligible and therefore no enhancement measures have been recommended.

Main Issue 7. Trees

57. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
58. The site is bounded by other dwellings and/or their associated gardens in all directions and therefore, the site features many established trees and bushes.
59. The proposal will see the removal of one Category U tree (T1) with all other vegetation retained. T1 is in poor condition and therefore has less than 10 years useful life expectancy and would not constitute a constraint. Upon consultation, our Tree Officer was satisfied with the proposals and no objections were raised from an arboricultural perspective. A condition is recommended to ensure compliance with the Arboricultural Impact Assessment (AIA).

Main Issue 8. Nutrient Neutrality

60. Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar
 (b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading
 (b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC

- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

61. There are no equality or diversity issues.

Local finance considerations

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

Human Rights Act 1998

63. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998.

64. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Planning Balance and Conclusion

65. 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. The recommendation is to approve the application subject to the conditions listed below.

Recommendation

66. To approve application 23/00744/F 21 Upton Close, Norwich, NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works in accordance with AIA, AMS, TPP;
4. Landscaping details;
5. Residential Ancillary Accommodation;
6. Water Efficiency – Residential;
7. Obscure glazing – side windows

Appendices: None

Contact officer: Planning Officer

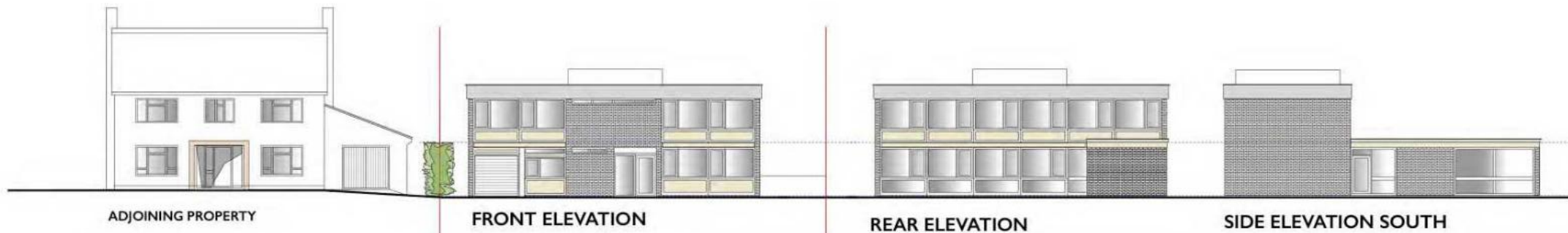
Name: Daisy Hill

Telephone number: 01603 987566

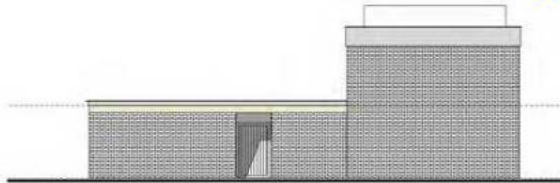
Email address: daisyhill@norwich.gov.uk



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.



STREET VIEW

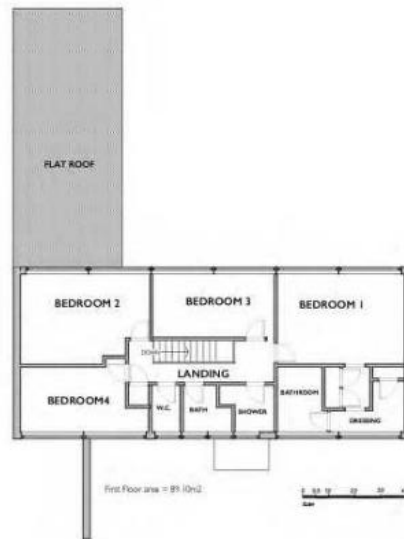


SIDE ELEVATION NORTH

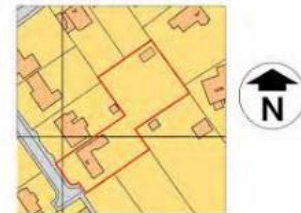
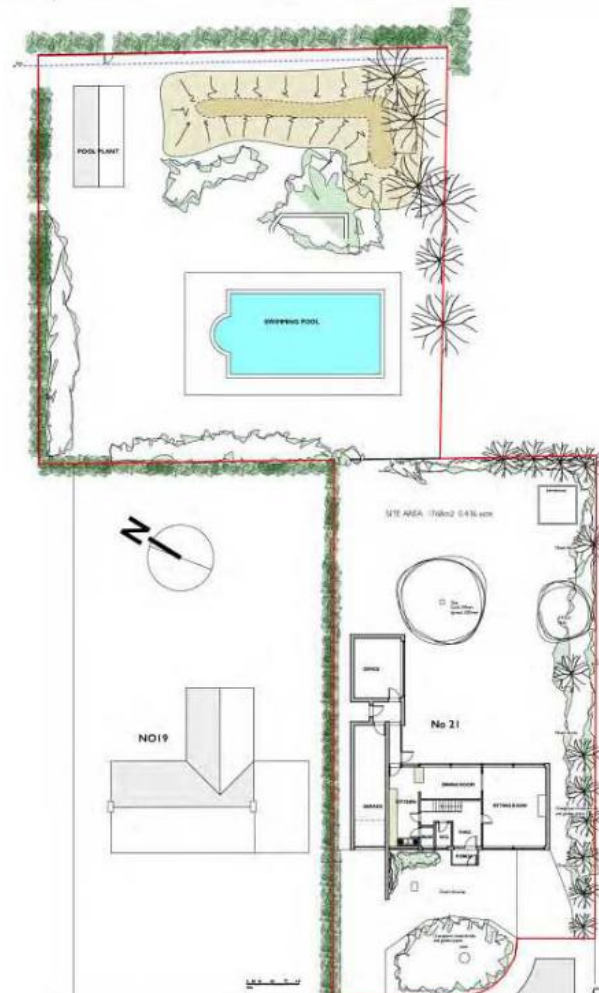
EXISTING MATERIALS
 WALLS Red Brick
 WINDOWS Timber with timber infill panels
 MAIN ROOF FASCIA Render
 ROOF Flat built up felt
 ROOF Raised Screen for Plant & Equip Timber



GROUND FLOOR PLAN Scale 1:100



FIRST FLOOR PLAN Scale 1:100



LOCATION PLAN Scale 1:1250

SITE SURVEY 21 UPTON CLOSE NORWICH NR4 7PD

Scale 1:200 & 1:100 Date April 2023 Drawing 2251/01

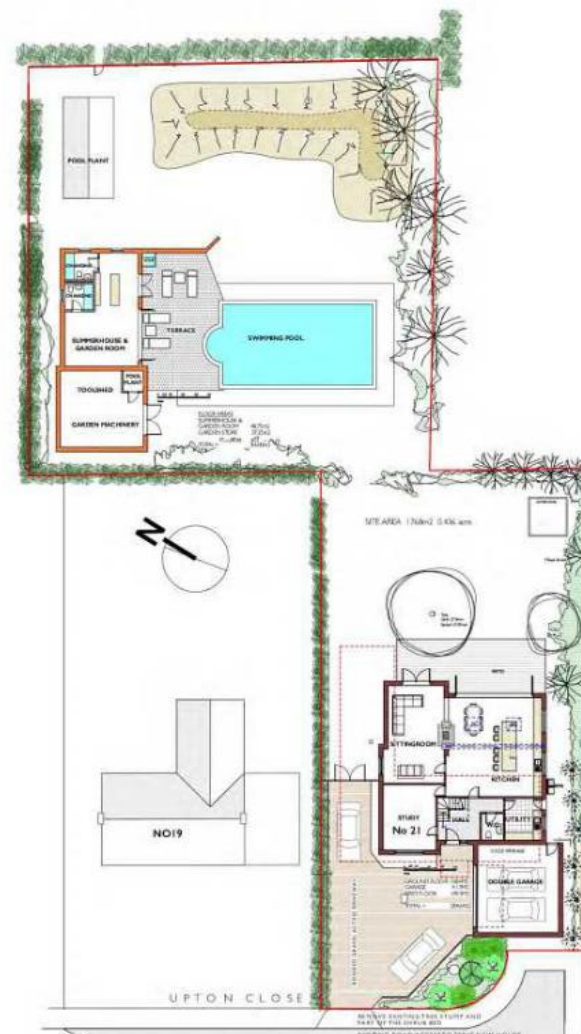


REAR ELEVATION

This architectural drawing shows the front elevation of a house. It features a gabled roof with a chimney on the right side. The main body of the house is white, with a dark roofline. There are several windows: a small square window above the chimney, a larger rectangular window to the left of the chimney, and two sets of double windows on the ground floor. A covered porch area is visible on the left side of the house, supported by a dark frame. The drawing is a simple line art style with some shading to indicate depth.

SIDE ELEVATION SOUTH

PROPOSED MATERIALS
WALLS White Render, Grey brick plinth
CLADDING Vertical Cedar boarding
WINDOWS UPVC Grey
ROOF Dark Grey fibre cement slates
ROOF GARAGE & KITCHEN Grey colour metal sheeting
 with standing seams



LOCATION PLAN Scale 1:1250



GROUND FLOOR PLAN Scale 1:100



FIRST FLOOR PLAN Scale 1:100

Page 58 of 76
BLOCK PLAN SCALE 1:200

PROPOSED REPLACEMENT DWELLING
21 UPTON CLOSE
NORWICH NR4 7PD

Scale 1:200 & 1:100 Date June 2023 Drawing 2251/02

STEVEN WADE
Architectural Design



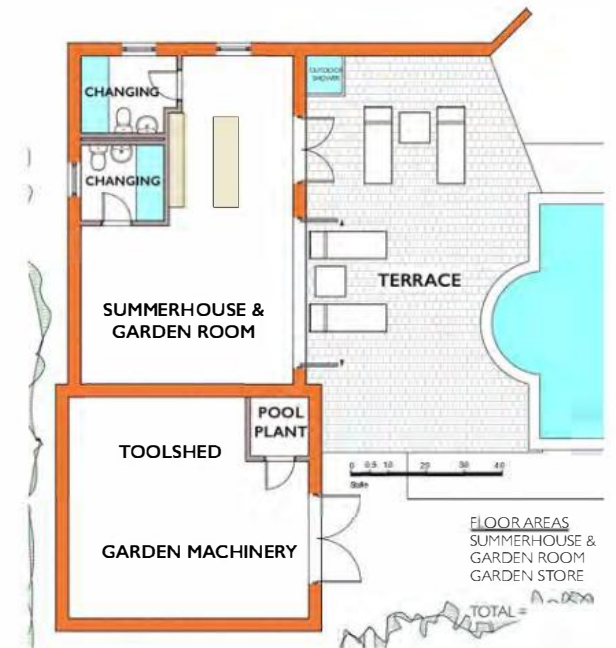
Gosse Lane Farmhouse
Theale Common Eppingham
Norwich NR11 7QG
01263 768538

SOUTH ELEVATION

EAST ELEVATION

NORTH ELEVATION

WEST ELEVATION



**SUMMERHOUSE & GARDEN ROOM
WITH GARDEN MACHINERY STORE
PLAN Scale 1:100**

SITE LAYOUT AS PROPOSED



Committee name: Planning applications

Committee date: 09/11/2023

Report title: Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 23/00926/F

Site Address: 152A Unthank Road, Norwich, NR2 2RS

Decision due by: 16/11/2023

Proposal: Change of use from class E to Public House/bar
(Sui Generis) and erection of cooling unit

Key considerations:

- Loss of class E floorspace
- The impact that the proposal will have on the character and appearance of the building and wider area
- The impact of the proposal on neighbouring residential amenity
- The acceptability of the proposed change of use in terms of accessibility and storage

Ward: Town Close

Case Officer: Nyasha Dzwowa

Applicant/agent: Mark White (The Fat Cat Brewery Tap Limited)

Reason at Committee: Objections

Recommendation:

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 69 of this report, and grant planning permission.



The site and surroundings

1. The site comprises part of the ground floor and the basement of a late Victorian end terraced building located on the corner of Unthank Road and Onley Street. The property has a somewhat modern shopfront facing Unthank Road and there is a small front courtyard. The rear of the site was converted into residential use in 2018 and the first floor of the building was also converted from ancillary retail storage to residential use. The ground floor is currently vacant and the lawful use is retail (Class E), although the most recent use was an unauthorised bar.
2. The surrounding area is predominantly residential with other commercial uses nearby such as convenience stores, pharmacy, café and takeaway premises. There are a number of public houses within several hundred metres from the site. The site is located within a local centre with a mixture of commercial uses.

Constraints

3. Local Centre
4. Critical Drainage Catchment

Relevant Planning History

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

Case no	Proposal	Decision	Date
26403	Enlargement of shop and staircase flat over	APPR	25 June 1962
4810103/F	Extension to shop	APPR	27 March 1981
4950259/A	Installation of external trough lights	APPR	28 April 1995
17/01472/F	Demolition of ancillary storage and kitchen areas to the rear of the existing retail unit and the construction of 1 No. residential dwelling (Class C3), together with the physical upgrade of the existing retail unit, the removal of extraction units and provision of a new roof covering to the retained flat roof elements and associated landscaping.	APPR	27 November 2017
18/00124/NMA	Amendment to planning permission 17/01472/F.	APPR	8 February 2018

The Proposal

6. Change of use from Class E (retail) to Public House (sui generis) and installation of a cooling unit.

7. The proposed change of use includes internal and external works to the existing ground floor unit. The change of use will result in the corner unit turned into a public house with a front courtyard. There will be internal changes to the layout of the unit.
8. The front of the Property faces northwest. It has a frontage to Unthank Road of about 6.5 metres and a gross external area of about 110 square metres. External works will also include changes to the shop front and the front courtyard. A cooler unit will be installed within the north east of the courtyard and will be positioned adjacent to the 1800mm timber fence. Additionally, 1 no Sheffield cycle stand will be installed adjacent to the cooler unit. Lastly a bin store for 2 no 240 litre wheelie bins will be installed northwest of the courtyard.
9. The courtyard will be bordered by a timber fence, the boundary between 152 and the subject property will be 1.8m high timber fence. Along the front and side of Onley Street the fence will be a timber picket fence at 900mm high and a metal gate will be the point of access onto the site.

Summary of Proposal – Key facts:

10. The key facts of the proposal is summarised in the tables below:

Operation	Key Facts
Opening hours	12:00 till 00:00 Monday to Thursday 12:00 till 01:00 Friday and Saturday 12:00 till 23:30 Sunday
Ancillary plant and equipment	1 Cooling unit

Transport Matters	Key Facts
Vehicular access	None
No of car parking spaces	0
No of cycle parking spaces	1 Sheffield Stand
Servicing arrangements	Bin storage is provided to the front of the site. Servicing and deliveries can be carried out from Unthank Road or Onley Street

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.

Representations

12. Adjacent and neighbouring properties have been notified in writing. 19 letters of representation have been received in total, 6 of which objected to the proposal and 13 of which supported the proposed. The letters of objection and support cited the issues summarised in the table below:

Issues raised	Response
Objections	
Noise caused by the proposed use	See main issue 3
Anti-social behaviour	See main issue 3

Issues raised	Response
Increased competition between pubs	This is not a planning material consideration
Late opening hours not in keeping with residential surroundings	See main issue 3
Parking shortages within the area	See main issue 4
Unthank Road local retail centre will become a drinking zone	See main issue 3
The premises is small with a small outdoor area, this will create over crowding	See main issue 2
Support	
The operators are reliable and they have a sustainable business	See main issue 1
The supplier can co operate with the operators so there would be no breach of planning guidance	See main issue 3
The proposed would bring a dilapidated building back into use. It would be good to see the building in a consistent use	See main issue 1
The business supports local suppliers which is economically beneficial	See main issue 1
This is a local business bringing employment opportunities to the area	See main issue 1
The operators have a good reputation across Norwich are committed to the local environment and local community	See main issue 2
The pub would be a hub for the local community and owners have always ensured good relationships with residents	See main issue 1
There is need for more employment in the area.	See main issue 1
The proposed offering would be something unique to Unthank Road	See main issue 1
The use of the pub would complement other local businesses in the surrounding area.	See main issue 1

Statutory and non-statutory consultees

Environmental Protection (Norwich City Council)

13. I've had a look at the above planning application and in principle we have no objections to the change of use.

14. We would however request that the following conditions are included as per the provided Noise Impact Assessment;

15. No installation of any amplified sound equipment shall take place within the application premises until details of the amplification equipment have been submitted to and agreed in writing by the local planning authority. The submitted details shall include:

16. (a) specification for all amplification equipment and speakers;

17. (b) the location of all proposed speakers;
18. (c) the maximum noise levels expressed in dB LAeq (5 mins), measured at a point 2 metres from any loudspeaker forming part of the amplification system; and
19. (d) measures to be put in place to ensure that the amplification system cannot be adjusted beyond the maximum permitted noise levels agreed in (c) above.
20. No use of the premises as a drinking establishment shall take place until the amplification system and any sound proofing measures as agreed have been installed and thereafter the agreed permitted maximum noise levels shall not be exceeded at any time.
21. No amplified music shall be played in the premises the subject of this permission other than through the permanently installed amplification system as agreed under this condition and no alteration of this system shall take place without the prior written agreement of the local planning authority.
22. No trade deliveries or collections, including trade waste or clinical waste shall take place before 07:00 hours and after 19:00 hours Monday to Saturday. There shall be no trade deliveries or collections, including trade waste or clinical waste, on Sunday or Bank or Public Holidays.
23. We would also request that a noise management plan is provided to us prior to the premises opening.

Highways (local highways authority) (Norfolk County Council)

24. As this is a relatively small premises and the nature of trip generation is broadly similar to the previous use there is no objection in principle.
25. Deliveries can be made from either Unthank Road or Onley Street.
26. The provision of bin storage on the forecourt will remove the need for bins to be stored on the footway and the cycle stand will be useful for staff or customers.
27. There are no recommended conditions, as presumably the provision of the cycle stand will be included in reference to implementation of the approved plan.

Citywide Services (Norwich City Council)

28. I have assessed the planning application 23/00926/F and seeing as this is a business my only concern is the proposed establishment ensures they have a suitable place to store their commercial waste and not place their bins out on the highway.

Assessment of Planning Considerations

Relevant Development Plan Policies

29. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS5 The economy
- JCS6 Access and transportation

30. 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
- DM11 Protecting against environmental hazards
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

31. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF6 Building a strong, competitive economy
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change

Case Assessment

32. 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 Policy Framework (NPPF), the council's 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

33. Key policies and NPPF paragraphs – DM16, DM17, DM18, DM21, JCS1 JCS2, JCS5, JCS6, NPPF paragraphs 9.
34. The site is located within Unthank Road local retail centre. The site is currently Class E retail use and the proposed change is for a Public house which is Sui Generis (a use falling outside of the Use Classes). The proposed change of use will result in the loss of a Class E unit which has been vacant since February 2023.
35. The unit has had several uses over the years, since the 1970s till 2016 the site operated as a bakery. From 2018 to October 2021 the unit was operated as bookshop. From October 2021 till February 2023 Olivers, a public house/bar (which operated without the benefit of planning permission). The proposed pub will be operated by The Fat Cat Brewery Tap are a locally run business with several pubs across the City. The proposed change of use would be catered to offering a unique pub experience specialising in Craft beers and Ales from local suppliers therefore only attracts a small segment of the population.
36. The proposed change of use would also result in employment opportunities for the area, operating the pub would result in creating 2 full time employment positions and 3 part time positions. The creation of jobs is supported as it contributes to boosting the local economy.
37. Public houses are viewed as community assets under the DM Plan, and as such are discussed in policy DM22. The policy is supportive of the protection of pubs, and recognises the community benefits they can bring. Elsewhere within the DM Plan (to include DM16) proposals which allow for the expansion of local firms are supported in principle. The principle is therefore considered acceptable in principle.
38. According to the Annual Retail Monitoring Report 2022, Unthank Road Local Centre has 53.5% of non-retail units. Local policy DM21 requires that retail floor space in local centres should not fall below 50%. Although the local centre is below the retail floor space policy target it is considered that the proposed change of use would be beneficial to the local retail centre as it will continue to bring people into the area and this will have added benefits for other nearby businesses within the local centre.
39. It is considered that the proposed change of use satisfies the criteria outlined in DM21 and is generally supported by DM22. As such the principle of development is considered acceptable.

Main Issue 2. Design

40. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
41. The proposed development will have only a limited impact on the overall appearance of the unit and the character of the wider area. The retention of the shopfront will ensure that the appearance remains consistent with the prevailing character.
42. The front of the Property faces northwest. It has a frontage to Unthank Road of about 6.5 metres and a gross external area of about 110 square metres. The

front courtyard (garden) is the only external space available to the site. This area will be used for several uses including storage for cooler unit, cycle parking and bin store. The site is constrained by the amount of outdoor space available at the site. It is not ideal to have the front elevation as storage and seating area as this has some impact on the street scene, however the impact is considered to be minimal and it is the only option available to the operators.

43. Immediately adjacent to the shopfront glazing there will be a cooler unit positioned adjacent to the boundary fence with the neighbouring property 152. A Sheffield cycle stand will also be located within the front courtyard and this will be positioned towards the glazed shop front. A bin store is also to be located within the front courtyard, the bin store will be located away from the shopfront and would be sited against the boundary fence along Unthank Road. The bin store will accommodate 2 240 litres householder bins.
44. The site will be bordered by timber fencing. On the shared boundary with no152 a 1800mm high timber fence is proposed. To the front of the property a 900mm high timber picket fence is proposed along with a metal gate, the fence will extend to the southwest elevation on Onley Street.
45. The proposed fencing is considered to be acceptable as it also has other additional benefits such as providing additional security to the site to stop people from going on the site outside of the opening hours. Furthermore it is considered that a picket fence is not out of keeping for the area as comparable fences can be seen on other properties on Unthank Road. Additionally the use a natural timber fence at the proposed height is not considered to result in a harsh barrier along Unthank Road but rather creates a pleasant and secure frontage along Unthank Road.
46. The proposed fencing will also have benefits that include acting as screening for the courtyard thus reducing the visibility of the cooling unit, cycle stand and bins which are further obscured by being in a timber bin store. Consideration has also been given to the fact that some of the residential properties within the surrounding area store their bins in the front garden and given that the bins that will be used at the site are also householder size bins, this is not considered to be causing significant harm.
47. The equipment within the courtyard will have some visibility from Unthank Road however it is considered that this will not be detrimental to the character of the area. Further consideration has been given to the constraints of the site and it is considered that the proposed fencing is an acceptable measure to minimise visual harm. Therefore it is considered that sufficient measures have been taken to reduce the impact on the street character.

Main Issue 3. Amenity

48. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
49. The site is located within an area of mixed character. The closest residential use is the neighbouring property at no 152 Unthank Road. The first floor of the site also serves as residential accommodation and the rear of the site: 2 Onley Street is also in residential use. Given the limited amount of space at the site the proposed would be operated as a Micro pub providing services to a smaller

number of locals. The limited size of the pub will naturally limit the number of customers and therefore noise experienced by neighbours.

50. Policies DM2 and DM11 seek to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution. In this case noise is the biggest potential impact from the use of the site and from visitors using the business late at night.
51. The proposed change of use will include installing a cooler unit. A Noise Impact Assessment has been submitted and considered by the Council's Environmental Protection Officer. No objections have been raised in regards to this.
52. In terms of hours of use, the proposal seeks consent to open between the hours of 12:00 till 00:00 Monday to Thursday. On Friday and Saturday the proposed opening hours are 12:00 till 01:00. On Sunday the opening hours proposed are 12:00 till 23:30. No objections were raised regarding the proposed opening hours. The proposed operating hours are the same as those which are already approved for the operating licence which was held for the former use as Oliver's wine bar. It is understood that the applicant has submitted an application to vary premises licence and permission was granted for the proposed opening hours.
53. It is considered that the proposed opening hours are acceptable, however it is considered that a condition should be applied to limit the hours of use of the outdoor sitting area as the noise from the outdoor sitting area is most likely to impact the neighbouring residential properties. It is considered that the outdoor sitting area should be clear of customers by 11pm on any day of the week. This will help to reduce the level of noise experienced by the neighbouring residential properties.
54. Further considerations have been given to noise which would result from deliveries and waste collection. A condition has been recommended by the council's Environmental Protection Officer for delivery hours. The proposed condition limits delivery and collection hours to hours between 07:00 and 19:00 Monday to Saturday. The noise management plan states that deliveries would typically take place between 07:30 and 12:00. The applicant is able to make the deliveries themselves therefore they are able to restrict and control deliveries to the times proposed by the condition.
55. Delivery vehicles would only park on Onley Street and considering the adjacent Co-operative store already has daily deliveries from Onley Street it is considered that this type of noise is already established within the local environment and would not significantly increase. It is not expected that there will be any significant disturbance to nearby noise-sensitive properties due to deliveries or servicing of the bar.
56. To further mitigate any impact on residential amenity, Environmental Protection colleagues have recommended a condition that restricts the use of amplified sound equipment at the site. The applicant has submitted details of the proposed amplified sound, which includes small loudspeakers. The proposed speakers are surface mounted. To manage air borne noise transfer a noise limiting device will be installed and be in use at all times when the system is in use. The proposed electronic noise limiter uses a traffic light alert system which

will alert staff members when noise levels are close to or exceed the preset limit so that music can be turned down. The system would be mounted on the wall. The background music is likely to be played at a lower level than the general level of ambient noise from people talking. The Council's Environmental Protection Officer is satisfied with the proposed noise limiter device.

57. As for managing noise resulting from people at the site, a noise management plan has been submitted. The management plan includes details of signage that would be placed at the premises to remind visitors they are in a residential area and to act in consideration to this. A formal complaints procedure will be implemented. This will allow all formal complaints received to be logged and the management would respond to rectify the issues raised immediately. If complaints are received despite the noise management measures being adhered to the management would look to find other adjustments that can be made to address the issues raised in the complaints so the situation is improved. Furthermore, it is viewed that the proposed fencing will assist with reducing anti social behaviour by stopping access into the site outside of the opening hours.
58. Overall in regard to residential amenity, it is considered that the existing noise environment in the area is characterised primarily by traffic noise and noise from deliveries to the adjacent Co-operative convenience store. It is considered that noise from people at the premises is unlikely to adversely affect amenity and it can be reasonably managed in accordance with the submitted noise management plan. Music noise will be controlled through the use of a traffic light noise limiter, and delivery hours would be restricted. As for the cooler unit which will be turned off between 23:00 and 07:00, this would have less than significant harm.

Main Issue 4. Transport

59. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
60. The site is located in a highly sustainable location, Unthank Road serves as one of the main routes into the city centre and is served by several bus lines. The site is considered to be in a highly sustainable location being within close proximity to bus stops.
61. There is no car parking provision at the site. However there is street parking within proximity to the site which is controlled via a Controlled Parking Zone (CPZ). The proposed change of use does not increase the scale of the site. The provision of a Sheffield cycle stand is welcome as this encourages the use of sustainable transport for staff and customers. There are additional cycle stands available at the adjacent Co-op store.

Main Issue 5. Nutrient Neutrality

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar
(b) River Wensum SAC

- Potential effect:
- (a) Increased nitrogen and phosphorus loading
 - (b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16 March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC

- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

Other matters

62. The site is located within flood zone 1, within a critical drainage catchment. Consideration is given to the fact that the proposed change of use will not result in an increase of hardstanding surfaces, therefore, it is considered that the proposed change of use will not result in increased surface water runoff thus no increase to flooding.

Equalities and diversity issues

63. There are no equality or diversity issues.

Local finance considerations

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

Human Rights Act 1998

66. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998.

67. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider

that the proposal will not undermine crime prevention or the promotion of community.

Planning Balance and Conclusion

68. 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

69. To approve application no. 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Delivery hours to be limited to between 07:00 and 19:00 Monday to Saturday
4. Cycle stand to be installed.
5. In accordance with noise management plan.
6. Noise limiter to be installed.
7. Outside seating shall not be used between 11pm-12pm on any day.
8. Opening hours limited to 12:00 till 00:00 Monday to Thursday; 12:00 till 01:00 Friday and Saturday; 12:00 till 23:30 Sunday
9. Cooler unit not be used between 11pm-7am on any day

Informative

The proposed hanging sign shown in the drawings will require a separate advertisement consent permission. The hanging sign has not been considered in assessing this application.

Appendices: None

Contact officer: Planner

Name: Nyasha Dzwowa

Telephone number: 01603987998

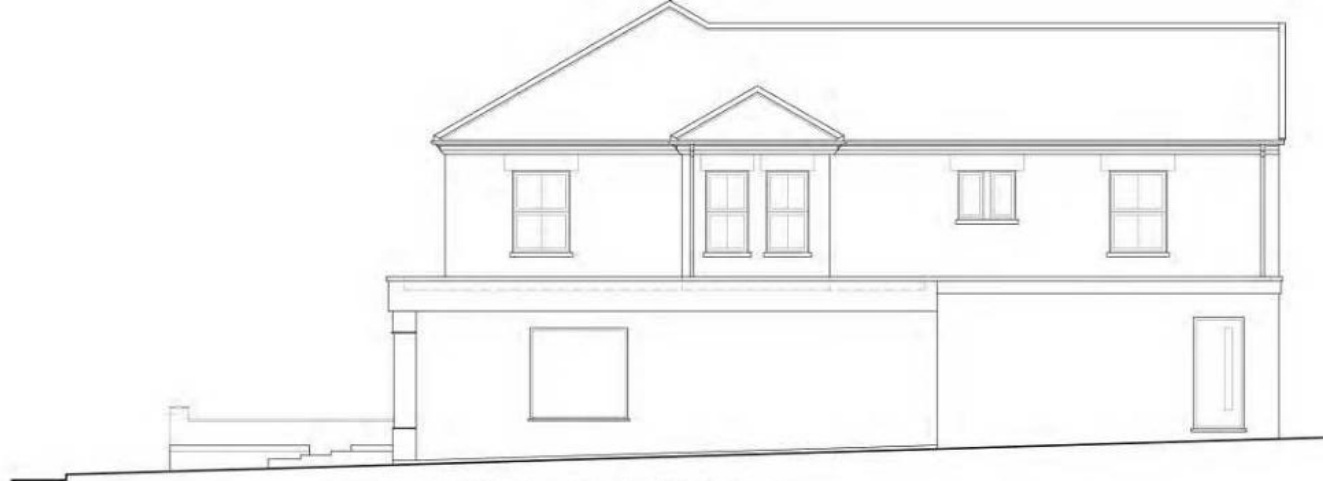
Email address: nyashadzwowa@norwich.gov.uk



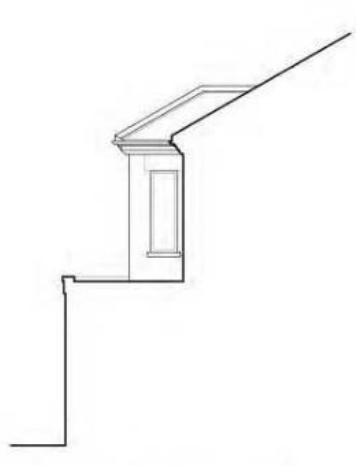
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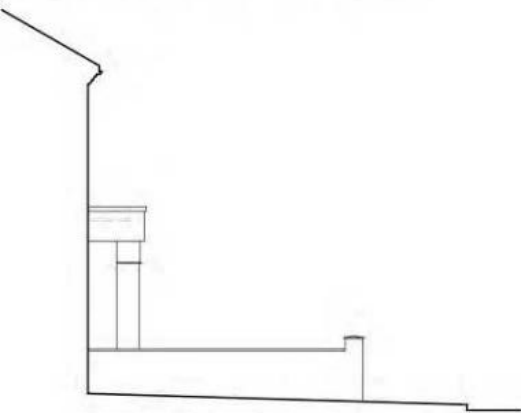
North West Elevation to Unthank Road



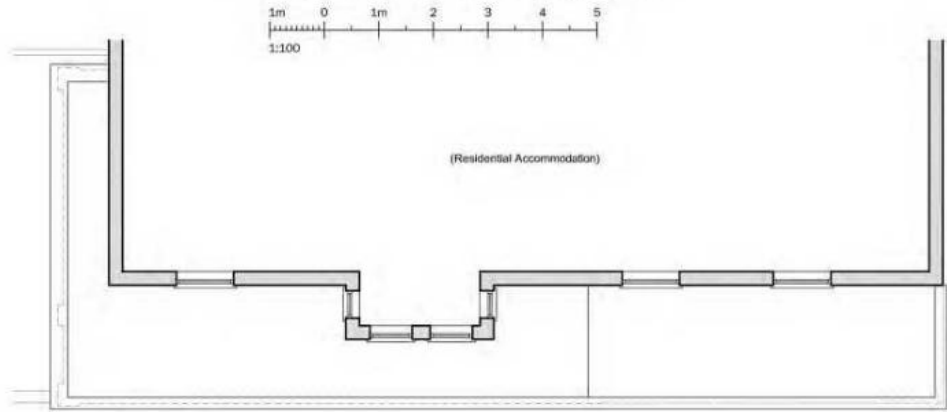
South West Elevation to Onley Street



South East Elevation



North East Elevation

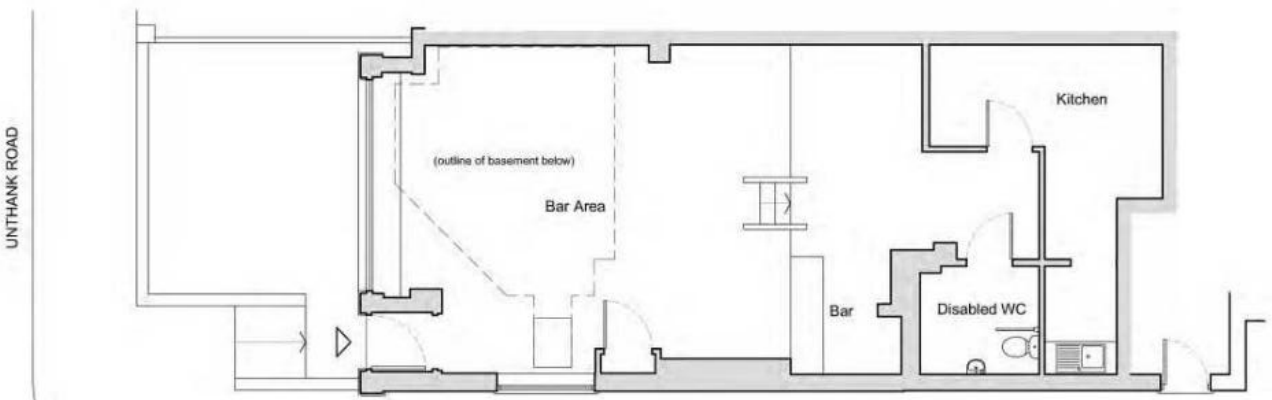
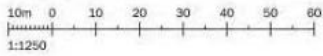


First Floor Plan



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Location Plan



Ground Floor Plan

ONLEY STREET



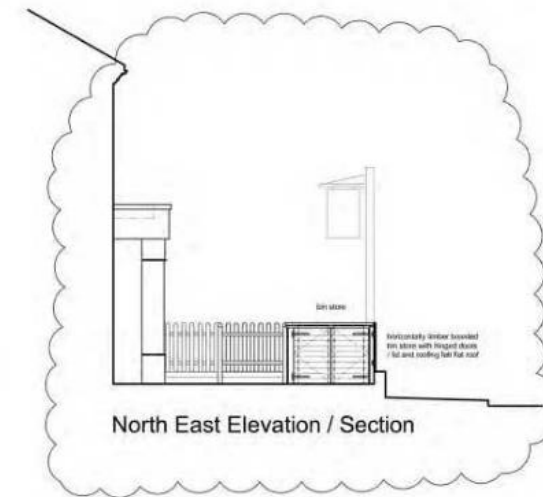
Roger Adcock Architectural Design Ltd. Sycamore House, The Street, Filton, Norwich, Norfolk, NR15 2QT. T: 01508 218248 M: 07747 000343 E: rogeradcock@btinternet.com	client: The Fat Cat Brewery Tap Ltd. project: 152a Unthank Road, Norwich. Norfolk, NR2 2RS. drawing: Existing Plans & Elevations. scale 9-A3: 1:100 & 1:1250. drawing number: 2315 - 01.
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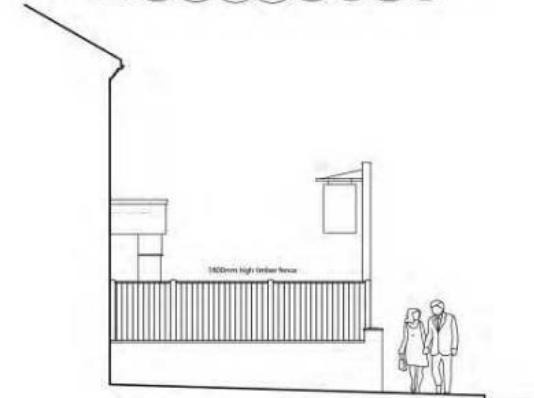
North West Elevation to Unthank Road



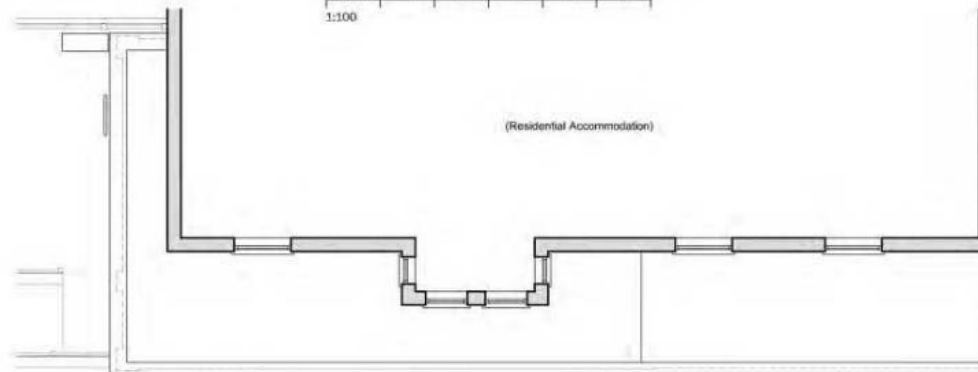
South West Elevation to Onley Street



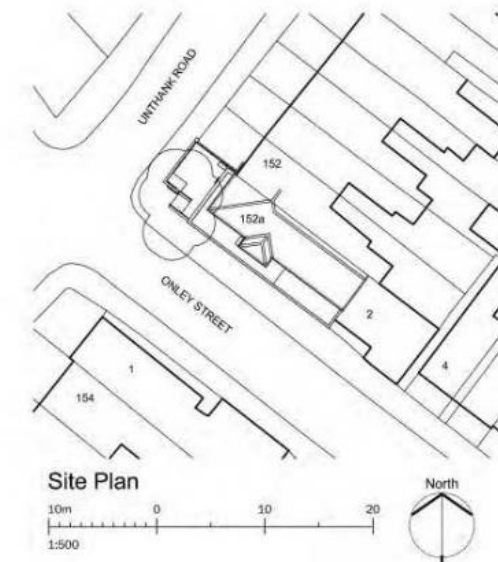
North East Elevation / Section



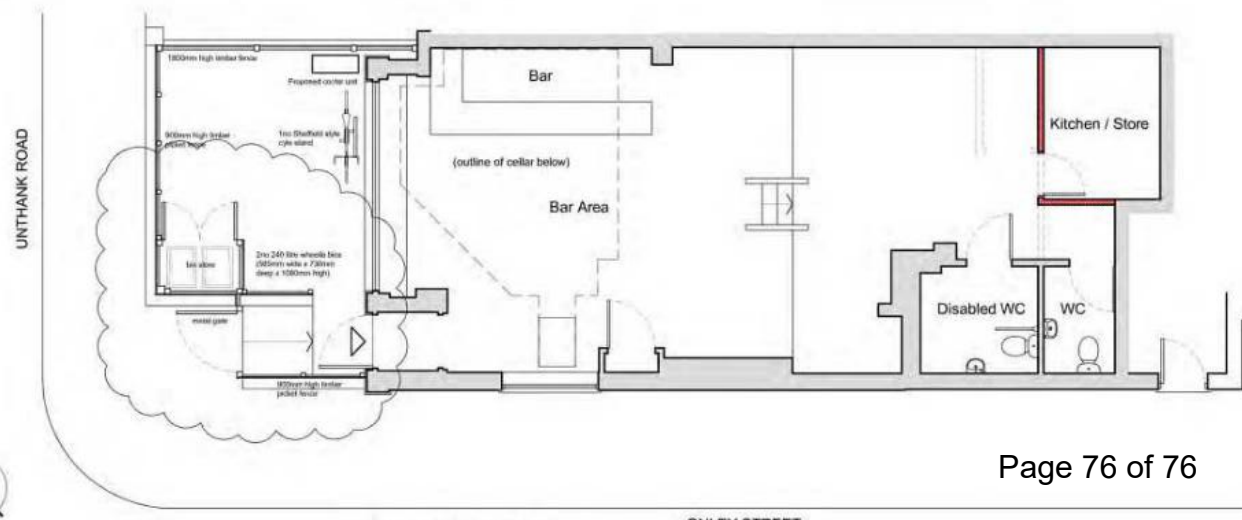
North East Elevation



First Floor Plan



Site Plan



Ground Floor Plan

ONLEY STREET