

**Report to** Planning applications committee

**Item**

03 September 2015

**Report of** Head of planning services

**Subject** Application no 15/00744/F - 24 Eaton Street,  
Norwich, NR4 7LD

**Reason  
for referral** Objection

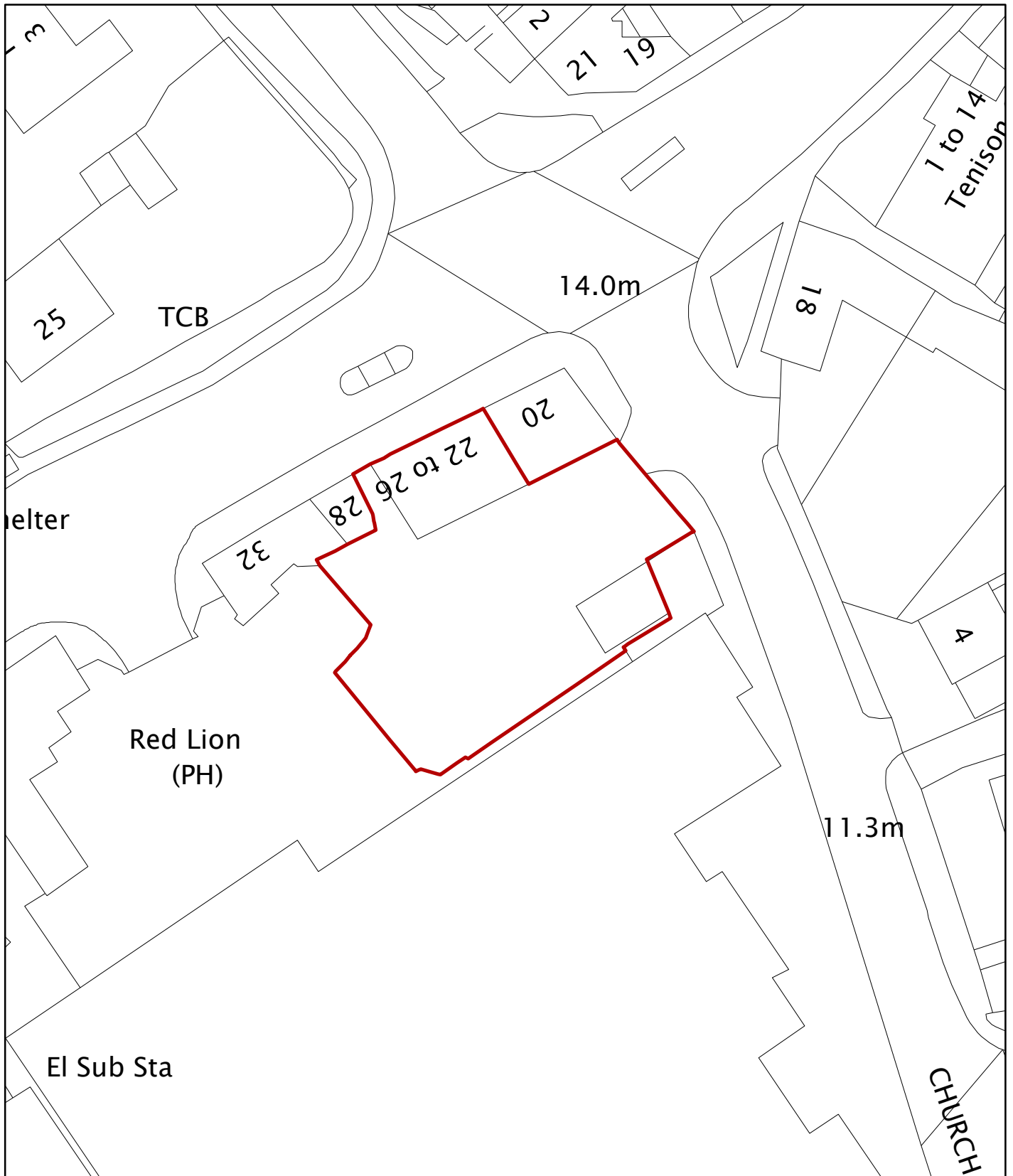
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<b>Ward:</b>	Eaton
<b>Case officer</b>	John Dougan - <a href="mailto: johndougan@norwich.gov.uk">johndougan@norwich.gov.uk</a>

Development proposal		
Two-storey rear extension.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle	Increase in size of the takeaway and loss of a dwelling
2 Scale, design and layout	Character of the conservation area, setting of listed building and appearance of the building group.
3 Amenity	Outlook, overlooking, overshadowing, provision of amenity space and nuisance.
4 Transportation	Provision of adequate access, parking and servicing
<b>Expiry date</b>	4 <sup>th</sup> September 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/00744/F

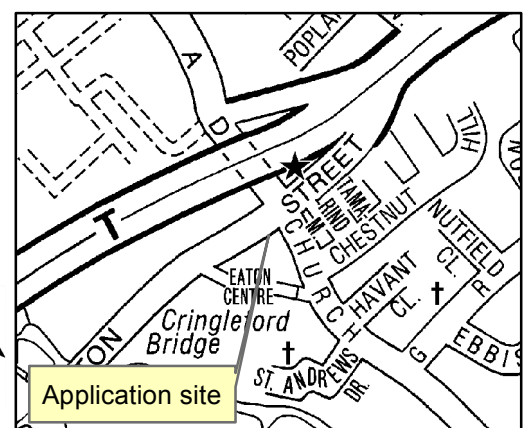
Site Address 24 Eaton Street

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The site is within a larger building group forming an undesignated heritage asset which is located within Eaton Village. It appears to be largely 19th century in date and has a typical plain frontage. It is located within the Eaton conservation area which is characterised by a semi-rural/urban development around a historic village core.
2. The site is set within this historic village core as outlined within the conservation area appraisal and is one of the most significant parts of the conservation area.
3. The building group contains a series of uses including wine merchants, estate agents, hair dressers, fast food takeaway and a pub all of which form part of a District retail centre. Many of the premises have residential properties on their upper floors. There is a parking area to the rear of the site for staff and customers and bin storage areas. Whilst this area has not been formally laid out, it is understood that it can accommodate 17 cars being accessed from Church Lane.
4. The application site contains 2no. fast food takeaways and is understood to have contained two flats on the upper floor. However prior to the current renovations the upper floors were used as a House in Multiple Occupation for workers at Planet Wok and a family. It is understood that the takeaway and residential accommodation was deemed to be in a very poor state of repair with extreme danger from fire, electrical hazards, excess cold and potential for falls on stairs.
5. The property was deemed an imminent risk of serious harm and an emergency prohibition order served. This order still applies and no one can live in the property until it is made safe.
6. Further to the west is the Red lion pub, a grade II star listed building, the Red Lion and the grade II listed number 32 Eaton Street which is directly adjacent to the development site. There are views of 32 and the Red Lion public house across the carpark when viewed from church lane. Although, directly to the south of the site is a commercial building comprising Waitrose and other retail operators.

## Constraints

7. Conservation Area
8. District retail centre

## Relevant planning history

9.

Ref	Proposal	Decision	Date
4/1993/0889	Details of car park layout & landscaping as required by conditions 2 & 3 of Approved number 4930145/U (Change of use from shop to hot food take-away	APPR	07/02/1995

4/1993/0926	Approval of details of extract ventilation system required by Condition 9 of previous permission no. 4930145/U "Change of use from shop (Class A1) to hot food takeaway (Class A3)".	APPR	07/12/1993
4/1993/0145	Change of use from shop (Class A1) to hot food takeaway (Class A3).	APCON	27/05/1993
4/1996/0340	Provision of fryer ventilation flue.	REF	27/06/1996
4/1999/0737	Condition 09: details of extract ventilation on fume extraction system.	APPR	27/09/1999

## The proposal

10. The proposal is for erection of a two-storey extension to increase the size of the existing takeaway and first floor residential accommodation. The extension to the ground floor will provide additional storage space, with the upper level providing further living space for the residential property. The reconfiguration of the residential accommodation will merge the two smaller flats into a single larger flat for the family whom operate the business.
11. The extension is 7.7 metres wide by 3 metres deep and of flat roof construction. Following discussions with officers a lean to roof was added with the brickwork painted to match the colour of the existing building.
12. The applicant has provided further clarification of the parking area serving the application site, providing a slightly reconfigured arranged for 18 cars and dedicated cycle and bin storage.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	19 sqm
No. of storeys	Two
Max. dimensions	Footprint - 7.7 x 3.0 metres
<b>Appearance</b>	
Materials	Painted brick work
Construction	Lean to
<b>Operation</b>	

Opening hours	As existing
Ancillary plant and equipment	None
<b>Transport matters</b>	
Vehicular access	As existing
No of car parking spaces	As existing plus one extra = 18 spaces
No of cycle parking spaces	Additional parking spaces
Servicing arrangements	Reconfiguration of existing bin storage area

## Representations

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

Issues raised	Response
The proposed extension will severely restrict car parking and obstruct access to the rear of the site potentially resulting in loss of business for other units	Main issue 3
The extension projects to far from the existing row and will be overly dominant.	Main issue 2
The extension will increase opportunities for anti-social behaviour and noise disturbance.	Main issue 4
Parking and access will be obstructed during the construction phase.	See other matters
We received no written notification of this nor did we see signage posted.	See other matters

## 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.

### Design and conservation

15. The proposals to add an extension to the rear could have an impact on the setting of the grade II\* listed building, the Red Lion and the grade II listed number 32 Eaton Street which is directly adjacent to the development site. Concerns were raised in relation to the original proposals that they related poorly with the parent building. However the revised proposals featuring a redesigned roof have addressed these concerns. The revised proposals will relate acceptably with the parent building and will no longer have a harmful impact upon the adjacent listed building or wider conservation area.

### Environmental protection

16. An acoustic consultant should survey/test the building and recommend any acoustic treatment that may be required overall. This could extend to any new plant or machinery that may be proposed.

### Private sector housing

17. The first floor rear living room will require egress windows to British standard. The first floor living room and second floor playroom must not be used for sleeping as this could result in the formation of an HMO. The conversion must be carried out to building regulations (especially approved document B –fire safety). Fire doors and fire alarms would need to be fitted if the property were to be used as an HMO.
18. If this application was approved and the conversion completed the current emergency prohibition order could be revoked meaning that the property could be lived in. Due to the recent history of this property the living room and playroom have the potential to be used for sleeping. A prohibition order preventing the use of these rooms for sleeping is therefore likely to be served. The site would be inspected at regular intervals to check that the order was not being breached.

### Relevant development plan policies

19. **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
  - JCS5 The economy
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM9 Safeguarding Norwich's heritage

- DM15 Safeguarding the city's housing stock
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM24 Managing the impacts of hot food takeaways
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **21. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF12 Conserving and enhancing the historic environment

### **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 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**

23. The principle of extending an existing takeaway and residential accommodation is acceptable as it will enhance the operational capability of the business within a local centre and provide improved residential accommodation on the upper floors
24. The loss of one of the flats is regrettable. However the conversion of two dwellings into a single unit would improve the current poor standard of accommodation within the property and provide a residential unit which would meet the council's minimum space standards.

#### **Main issue 2: Design**

25. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-14.
26. Whilst the proposal is located to the rear of the building group, it would still be visible from the public realm when viewed from Church Lane. It is also in close proximity to the nearby listed buildings. The originally proposed extension was considered to be of a scale and design, particularly the flat roof form, which would

compromise the visual amenities of the street scene and setting of the locally listed building.

27. However the application has been revised to address these concerns. Whilst the footprint of the extension remained unchanged, appearance of the extension has been improved with the introduction of a lean to roof and painted brickwork which is the same colour as the main building. These changes will ensure that the proposed extension can be clearly interpreted as a more recent and subservient addition to the parent building. It will not cause significant harm to the appearance of the parent building, character of the conservation area or setting of the nearby listed buildings.

### **Main issue 3: Transport**

28. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
29. The site is located in a district centre, an accessible location with many customers having the option of visiting the centre via sustainable alternatives to the car.
30. The existing site contains a series of uses fronting Eaton Street, many of the uses having access to the private car park to the rear for staff or visiting customers. It is understood that the parking area has the capacity to accommodate 17 cars. However there is no formalised layout with allocation of spaces between the landowner and leaseholders determined privately by relevant businesses and occupiers.
31. Nevertheless, as the extension projects into the parking area by 3 metres, officers sought clarification that this would not result in a significant erosion of the parking capacity. The applicant agreed to submit a revised plan indicating that 18 spaces could be accommodated and that they would be willing to formally mark out the spaces to aid safe operation by customers and staff.
32. It is acknowledged that the access to the site is located next to a traffic lighted intersection. Whilst, the development is not of a scale which would intensify the use of the access to any great degree, the reconfiguration of the parking and positioning of any landscaping will need further consideration to ensure that sight lines are not obscured. The exact layout of the parking / servicing area, method of marking and landscaping can be secured by condition.
33. In addition to the above, formal bin storage and collection area is proposed arrangements so that this would not conflict with manoeuvring and parking with the site. The provision of cycle parking facilities would also enhance access to the site by encouraging sustainable alternatives to the car.
34. The development will not result in any significant harm to highway safety or parking / manoeuvring within the site subject to a condition which clarifies the above matters. In light of the above, there are no reasonable grounds to indicate that the reconfiguration of parking area would significantly compromise the efficient operation of surrounding businesses that use the car park.

### **Main issue 4: Amenity**



35. Key policies and NPPF paragraphs – DM2, DM24, DM11, NPPF paragraphs 9 and 17.
36. The provision of a storeroom to the rear of each of the takeaways will enhance the operation of the existing business on site and in part address the concerns raised by the council's private sector housing team with regard to housing on upper floors. However, many of the unresolved issues such as the upgrading of the electrical system and fire safety will have to be resolved by the building regulations process. Given the concern raised by the council's private sector housing team, it is recommended that an informative be added reminding the applicant of the need to contact CNC Building Control so that the unresolved issues are addressed in accordance with Building Regulations.
37. The increase in floor area of the takeaway may also intensify use, potentially causing disturbance to surrounding properties. However the proposals would result in only a small increase in floor area. Kitchen, preparation areas and serving areas are of the same position and size. As such the additional space will allow for a qualitative improvement in the operation of the business rather than allow for a significant increase in customers to the site and intensity of the use. As such the proposals would not cause any significant harm to the amenities of the area in terms of noise, odour or anti-social behaviour.
38. The movement of customers is unlikely to change. Parking at the frontage of the site is restricted by double yellow lines so customers would have to use the parking area to the rear accessing the alleyway to the side of the premises. On the basis of the response from the Environmental protection team, it is recommended that a noise insulation condition be imposed to ensure that any additional noise generated does not cause harm to the amenity of the residential property on the first floor and surrounding properties.
39. The provision of a formalised bin storage compound to the rear of the site will help mitigate any waste storage issues. It is acknowledged that location is not ideal for collection purposes as it is in excess of 5 metres from the public highway. However, in light of the relatively small scale nature of the extension and constraints of the site, such an arrangement is deemed to be an improvement. Details of the compound and waste storage / collection protocol can be secured by condition.
40. As previously indicated, the renovations to the sub-standard residential accommodation will need to be resolved in accordance with Building Regulations. The increase in size of the residential accommodation will improve the internal living space for the occupants. However the concerns of the private sector housing team in relation to the likely use of the residential accommodation as a HMO are noted. Therefore for the avoidance of doubt a condition is recommended stating the residential accommodation can only be used within the C3 or C4 (large family or up to six unrelated individuals) use classes.

### **Other matters**

41. It is acknowledged that the erection of scaffolding may result in some temporary inconvenience during the construction of the extension. However, as the extension is relatively small scale it is not anticipated that surrounding properties or users of the site will experience inconvenience for a prolonged period of time.

42. The application has been subject to standard consultation procedures including the erection of a site notice. The applicant has been made aware of the need to notify all persons whom have a freehold or leaseholder interest in any part of the application site.

### **Equalities and diversity issues**

43. There are no significant equality or diversity issues.

### **Local finance considerations**

44. 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.
45. 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.
46. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

47. The proposed extension will not cause significant harm to the appearance of the building and setting of the nearby listed buildings and character of the conservation area.
48. The proposal is of a scale which will not result in any significant additional vehicular movements to the site. The reconfigured parking and servicing area is deemed appropriate for its users subject to condition.
49. Given the unsafe state of the property, the proposal would improve the operation of the takeaway and the living standards of the flat above, subject to conditions and adherence to other regulations outside the planning process. Similarly, the development is of a scale which will not cause any significant harm to the amenities of the wider area subject to conditions.
50. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

To approve application no. 15/00744/F - 24 Eaton Street Norwich NR4 7LD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. For the avoidance of doubt – the residential accommodation shall only be used within the C3 and C4 use classes.

4. Details of materials and paint.
5. Details of the following:
  - Layout of the parking and turning and method of marking
  - Cycle and bin storage compound
  - Bin collection area
  - Hard and soft landscaping
6. Details of noise insulation
7. Details of noise and litter mitigation strategy

#### Informative

1. Use of the premises within the C3 and C4 use classes
2. Alterations in accordance with Building regulations
3. The Council's private Sector Housing team have stated that the areas identified as living room and playroom shall not be used as sleeping accommodation. Should, this be the case it is likely that a prohibition order may have to be served preventing the use of these rooms for sleeping. Given the previous poor management of the property the private sector housing team would also need to make regular unannounced inspections to make sure that the property was being managed in accordance with the management regulations.

#### Article 35(2) Statement

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

IMPORTANT NOTES

DO NOT SCALE FROM THIS DRAWING  
All dimensions must be checked on site  
All work must comply with the Building Regulations

Revisions  
UPDATED FOR PLANNING APPLICATION 29/05/15  
UPDATED FOR PLANNING APPLICATION 26/07/15

Client  
PLANET WOK

Job Title  
EXTENSION

Address  
24 EATON STREET  
NORWICH  
NORFOLK  
NR4 7LD

Drawing Title  
BLOCK AND SITE  
LOCATION PLANS

Scales  
BLOCK PLAN 1:200  
SITE LOCATION PLAN 1:1250

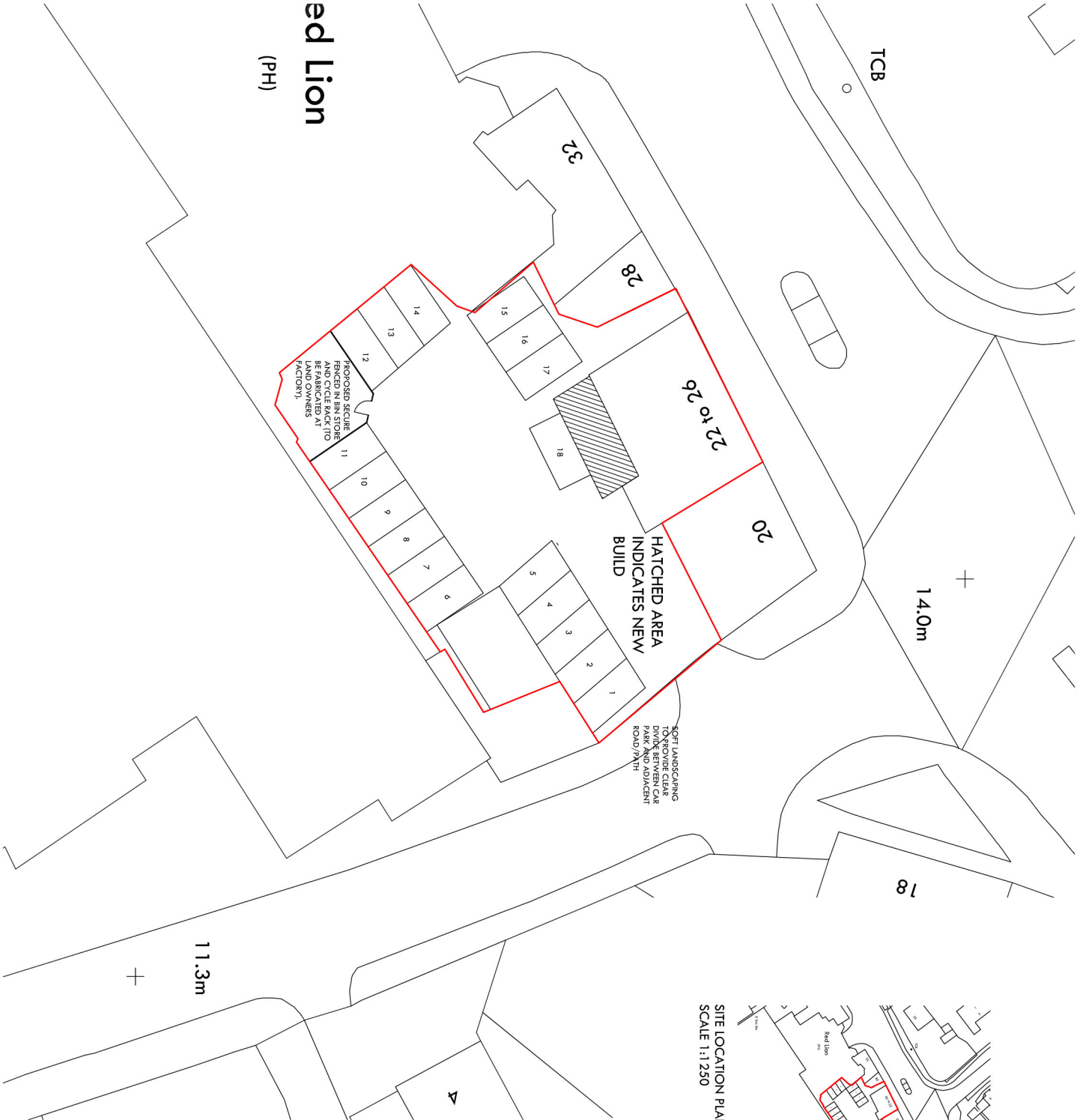
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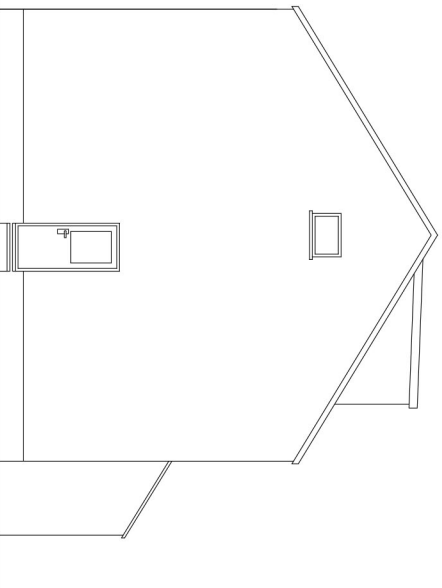
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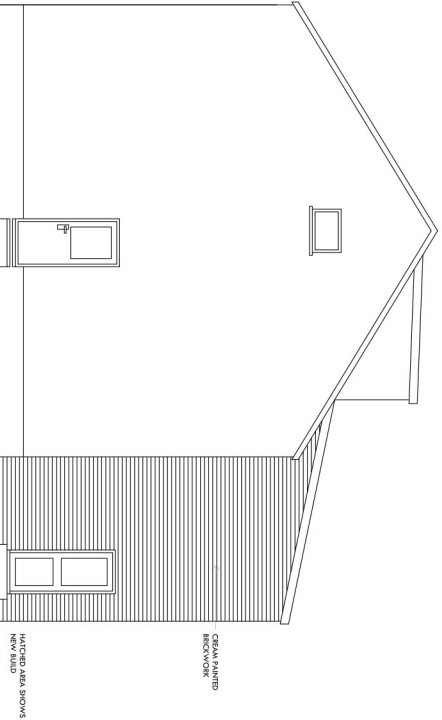
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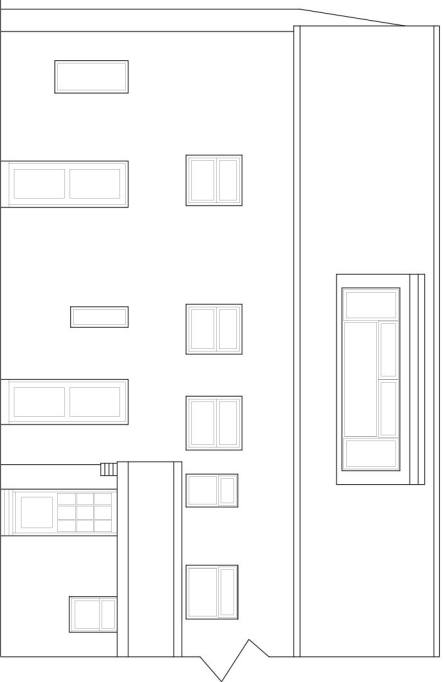
Revision  
UPDATED FOR PLANNING APPLICATION  
UPDATED FOR PLANNING APPLICATION 26/07/15



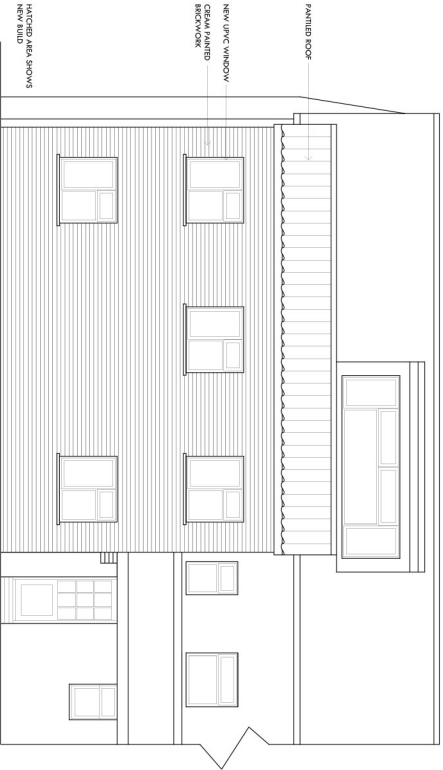
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SCALE 1:50



PROPOSED SIDE ELEVATION  
SCALE 1:50



EXISTING REAR ELEVATION  
SCALE 1:50



PROPOSED REAR ELEVATION  
SCALE 1:50

Address  
24-26 ELTON STREET  
NORWICH  
NORFOLK  
NR4 7JD

Client  
PLANET WOK  
Job Title  
EXTENSION

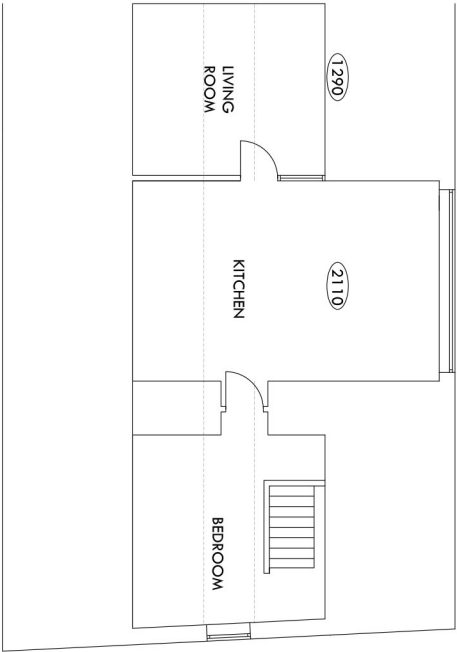
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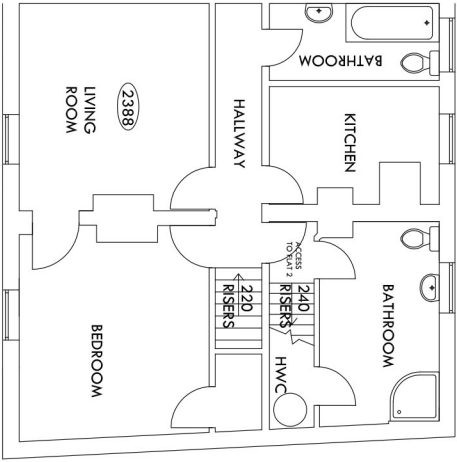
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APRIL 2015

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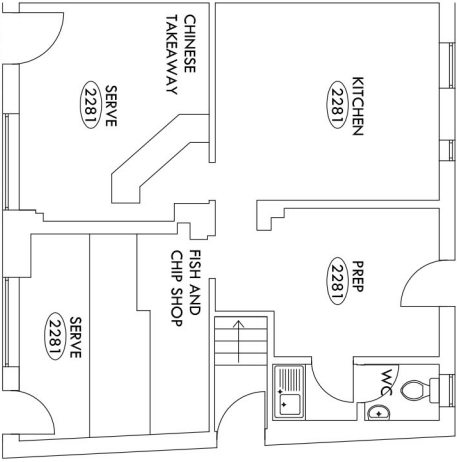
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UPDATED FOR PLANNING APPLICATION



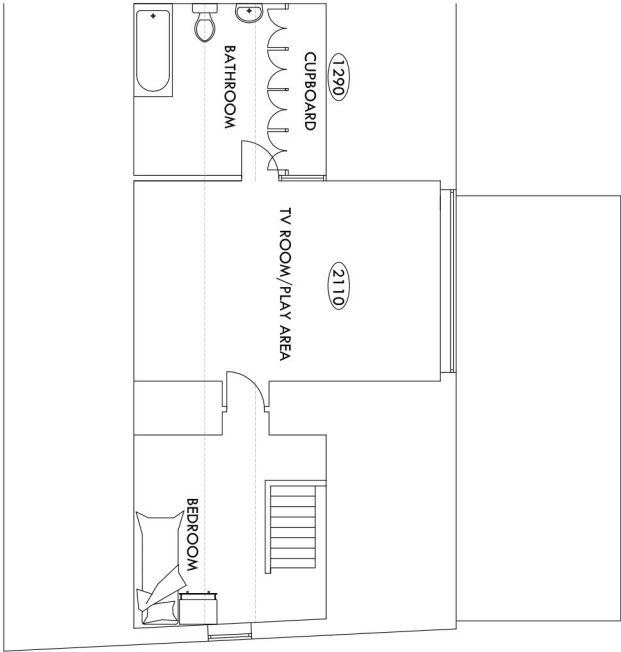
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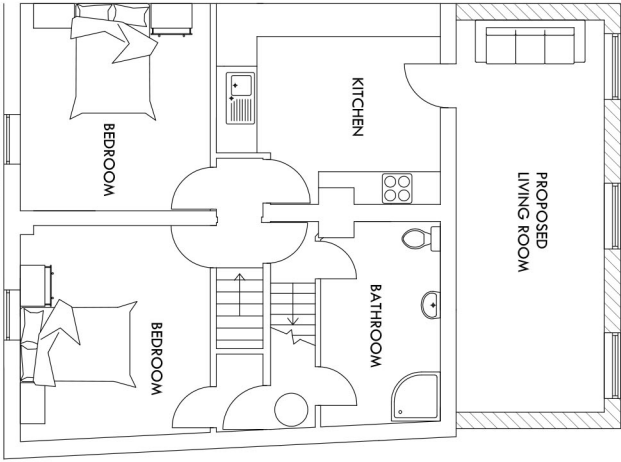
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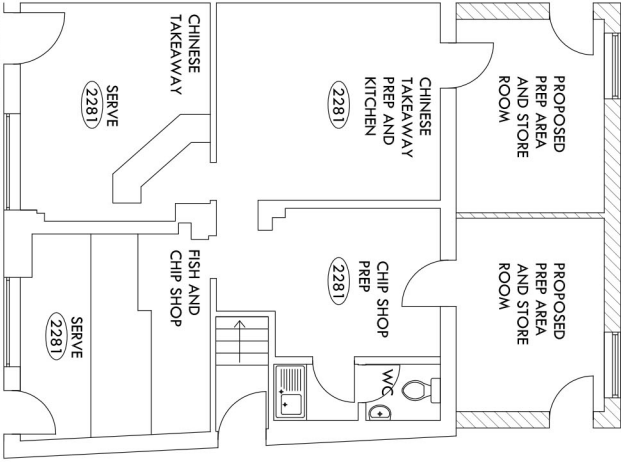
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SCALE 1:50



PROPOSED SECOND FLOOR PLAN  
SCALE 1:50



PROPOSED FIRST FLOOR PLAN  
SCALE 1:50



PROPOSED GROUND FLOOR PLAN  
SCALE 1:50

Client

PLANET WOK

Job Title

EXTENSION

Address

2A-2A ELTON STREET  
NORWICH  
NORFOLK  
NR4 7JD

Drawing Title

FLOOR PLANS

Scales

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APRIL 2015

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