

Planning applications committee

Date: Thursday, 14 April 2016

Time: 09:30

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

Committee members:

Councillors:

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

For further information please contact:

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Agenda

1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

5 - 12

To approve the accuracy of the minutes of the meeting held on 10 March 2016

4 Planning applications (including tree preservation order)

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

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

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

Please note:

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

Summary of planning applications (including tree preservation order) for consideration

13 - 14

Standing duties

15 - 16

4(a)	Application no 16/00021/F - Land adjacent to 23 and 25 Mornington Road, Norwich	17 - 26
4(b)	Application nos 15/01696/F and 15/01697/L - 8 Swan Lane, Norwich, NR2 1HZ	27 - 38
4(c)	Application no 16/00257/F - 55 Essex Street, Norwich, NR2 2BL	39 - 46
4(d)	Application no 16/00093/F - 53 Cunningham Road, Norwich, NR5 8HH	47 - 58
4(e)	Application no 16/00330/F - 134 Drayton Road, Norwich, NR3 2DX	59 - 66
4(f)	Tree Preservation Order [TPO], 2015. City of Norwich Number 493; north-east corner of the former playground adjoining the rear of 17, 19, 21 and 23 Rose Valley NR2 2PX	67 - 82

Date of publication: **Wednesday, 06 April 2016**

Planning applications committee**09:30 to 12:30****10 March 2016**

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

1. Membership

The chair pointed out that the list of members on the front of the agenda was incorrect as the template had not been amended since Councillor Maxwell had replaced Councillor Brociek-Coulton.

2. Declarations of interest

There were no declarations of interest.

3. Minutes

RESOLVED to agree the accuracy of the minutes of the meeting held on 11 February 2016.

4. Application nos 15/01810/F and 15/01811/L - 191 King Street, Norwich, NR1 2DF

The senior planner (development) gave a detailed presentation of the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting containing clarification of the points received from the Cannon Wharf Residents' Association and confirmation that the Environment Agency had no objections to the planning permission subject to conditions.

During discussion the senior planner, together with the planning team leader (development) (outer area), referred to the report and answered members' questions. This included confirmation that there would be public access to the river, although it would be limited to certain times to deter anti-social behaviour. Members also noted that the S106 legal agreement would include an affordable housing review clause. Members were advised that Historic England had changed its response and did not object to the revised proposal. Members noted that the arch would be retained and that planning permission was subject to archaeological conditions and historic recordings of the buildings to be demolished.

Discussion ensued in which a number of members commented on the revised scheme, which had improved the King Street frontage and reduced the bridge tower

by two storeys, as it either addressed their concerns about the previous application or in one member's case greatly improved on the previous scheme which he had considered to be acceptable. Members also welcomed the development of a site which had been vacant for about a decade and would permit access to the River Walk and staithe.

Councillor Carlo commented on the Broads Authority's objections to the scheme and said that whilst she welcomed the reduction in size to the tower, she was concerned that there had been no change to the relationship of the development with the river. King Street had been the most important street in the city in the Middle Ages because of its river frontage. She could not support the application because of the scale and mass of the buildings on the river front and with the other developments on each quadrant of the bridge, considered it would have a canonising effect on the river.

RESOLVED, with 11 members voting in favour (Councillors Sands, Herries, Blunt, Button, Jackson, Lubbock, Maxwell, Neale, Peek, Woollard and Bradford) and 1 member voting against (Councillor Carlo) to approve:

- (1) application no. 15/01810/F - 191 King Street Norwich NR1 2DF and grant planning permission subject to the completion of a satisfactory legal agreement to secure those items listed at paragraph 77 of the report and subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Construction Management Plan
 4. Standard contamination conditions - investigation/remediation and monitoring
 5. Standard archaeological conditions
 6. Prior to demolition historic recording of buildings - placed on the Heritage Environment Record (HER).
 7. Details of piling/foundation design.
 8. Details of river wall works.
 9. Full details of SUDs and long term management arrangements
 10. Conditions required by Environment Agency regarding flood risk management
 11. Detailed landscape scheme for all hard and soft /seating and planters etc – details to include biodiversity enhancements.
 12. Scheme for off-site improvements to adjacent highway land – including street trees.
 13. Scheme for de-masting -design and long term management.
 14. Materials.
 15. Details of; balconies, windows, external doors and gates, bonding, joint treatment, mortar mix, decorative/textured brick work, gates.
 16. Details of external lighting
 17. Completion of Ferry Boat Inn works prior to first occupation of any part of the development
 18. Details of heritage interpretation - public house/14th arch
 19. Compliance - lifetime homes

- 20. Compliance - water efficiency
- 21. Compliance - Energy strategy
- 22. Compliance - electric car charging ,cycle parking and refuse facilities

Note required by Anglian Water re assets, no parking permits.

- (2) application no 15/01811/L - 191 King Street Norwich NR1 2DF and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Prior to commencement full schedule of works including sound proofing/fire proofing measures, including method statements for opening up areas currently lined (ground floor back room and fireplaces)
4. Details of light-well lighting, method for blocking of stairs, where new openings full details of elevations, architrave/lining details
5. Record of building and provided to the HER.
6. All internal/external features shall be retained unless stated otherwise
7. Details of any replacement windows /doors/secondary glazing if proposed
8. Details of routes/specification and locations of all extracts; boiler flues, heating/hot water systems, plumbing.
9. External decoration.

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.

5. Application no 15/01921/F - 2 Upton Close, Norwich, NR4 7PD

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

The resident of no 2A Upton Close, addressed the committee and outlined her objections to the proposal. This included: concern about access to inspect the drains and sewers serving their properties; the proximity of the extension to her house and impact on the outlook from liveable rooms and that the walnut tree on the site had been removed. The resident of the other neighbouring property, at no 2B, referred to his letter of representation and outlined his objections which included concerns about water because the footprint of the proposed development would cover a greater percentage of the site than the previous application and asking for clarification of paragraph 34 of the officer's report.

The agent spoke on behalf of the applicant and said that although there was outline planning permission for a single storey dwelling on the site, this was a complete planning application and not a reserved matters application. The client had commissioned a one and a half storey building, designed to meet the site constraints and its scale and front elevation suited the character of the area. The application was compliant with the relevant planning policies.

The senior planner referred to the report and responded to the issues raised by the speakers. He said that the drainage issue was a separate matter and not material to planning permission. The site was not in a designated critical drainage area. He also apologised for using the phrase “not excessively imposing” and said that this was an unfortunate choice of language to explain that the extension would exceed the boundary fence by 45 cm.

Discussion ensued in which the senior planner and the planning team leader (development) (outer area) referred to the report and answered members’ questions. The committee was assured that although the right to access the drains/sewers was a legal agreement and not a planning consideration, the construction of the building would need to comply with building regulations. Members concurred that the applicant should be asked to use permeable hard standing to improve surface water drainage. A member suggested that as the walnut tree had been removed and to mitigate the loss of former garden space, the applicant should be asked to include the replacement of the tree. The committee agreed that the landscaping condition could be strengthened to mitigate the loss of vegetation. Officers said that there was no justification to require the applicant to install a green roof as the building was not in a critical drainage area and at risk of surface water flooding.

Discussion ensued in which members referred to the planning history of the site and noted that the principle of a single storey dwelling had been established.

RESOLVED, unanimously, to approve application no. 15/01921/F - 2 Upton Close Norwich NR4 7PD, and grant planning permission subject to the following conditions

1. Standard time limit;
2. In accordance with plans;
3. 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). No other operations shall commence on site in connection with the hereby-approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan included within Appendix 4 of the approved AIA. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.
4. All hard and soft landscaping works shall be carried out in accordance with the details as specified on this decision, including those detailed on the approved 'proposed site plan and street scene' (ref. 6336 SL01 G) and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. All hard and soft landscaping works shall thereafter be retained as such. No occupation of any part of the development shall take place until all landscaping works detailed within the approved plans have been carried out.
5. All bathroom and WC windows within the development hereby approved shall be:

- (a) obscure glazed to a specification of not less than the equivalent of classification 5 of Pilkington Glass; and
 - (b) non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed;
- The windows shall be retained as such.
- 6. The development hereby approved shall be designed and built to meet the regulation 36 2(b) requirement of 110 litres/person/day water efficiency set out in part G2 of the 2015 Building Regulations for water usage.
 - 7. Notwithstanding the provisions of Schedule 2, Part 1, Class A, Class B, Class D and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification), no part of the dwelling houses hereby permitted shall be enlarged and no garage, porch or garden building erected without express grant of permission by the Council as Local Planning Authority.
 - 8. Any hardstanding as part of the construction to be of porous material

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 the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

Informatives:

- 1. Vehicle crossovers;
- 2. Purchase of refuse and recycling bins;
- 3. Street naming and numbering;
- 4. Considerate construction.

6. Application no 16/00030/F - Orbit Housing Association, 14 - 16 St Matthews Road, Norwich, NR1 1SP

The planner (development) presented the report with the aid of plans and slides. He explained that this was a retrospective planning application and answered members' questions.

RESOLVED, unanimously, to approve application no. 16/00030/F - Orbit Housing Association 14 - 16 St Matthews Road, Norwich, NR1 1SP and grant planning permission subject to the following condition:

- 1. In accordance with plans.

Article 35(2) statement:

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

7. Application no 16/00040/F – 4 Dover Street, Norwich, NR2 3LQ

The planning assistant presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a correction to the recommendation and summarising a representation received from the Norwich Society regarding the stairwell window.

RESOLVED, unanimously, to approve application no 16/00040/F, 4 Dover Street, Norwich, NR2 3LQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. For the avoidance of doubt, all windows within the side elevation will be:
 - (a) obscure glazed
 - (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed.

8. Application no 15/01858/F - 24 Mile End Road, Norwich, NR4 7QY

The senior planning technical officer presented the report with the aid of plans and slides.

The committee heard the objections of two objectors who were immediate neighbours to the property and outlined their concerns about the height and mass of the extension; that it was too close to the boundary of no 26 Mile End Road; loss of privacy and overlooking, and concern that emergency services would not be able to access the rear of the property.

The senior planning technical officer referred to the report and, together with the planning team leader (development) (outer) addressed the issues raised by the speakers and members. He explained that the extension would be less than half a metre from the boundary and that under the current arrangements access to the rear of the property was restricted. Members sought clarification about the proposed window treatments. The committee was advised that the use of a dormer window was very common in a residential area and that there was no justification to require that it was obscure glazed or replaced by a Velux window. The chair said that he was sympathetic to the concerns raised by the neighbours about overlooking from the dormer window

Councillor Lubbock, as ward councillor for Eaton Ward. said that she had been contacted by the residents for advice but did not have a pre-determined view. She said that she considered that the extension, an already extended house, and reducing the gap between no 24 and the boundary with no 26 to less than a metre was unacceptable.

The committee then discussed the windows and noted that the windows on the extension would replicate the windows of the existing side elevation but would be 2 metres closer to no 26. A member said that he was concerned that the utility room window was a large window right on the boundary and should be obscure glazed or be redesigned as a high level vertical window. Councillor Lubbock moved and

Councillor Peek seconded that there should be an additional condition to require the window to the utility room to be obscure glazed or redesigned, and with 8 members voting in favour (Councillors Sands, Blunt, Carlo, Jackson, Lubbock, Maxwell, Peek and Woollard), 4 members voting against (Councillors Herries, Button, Neale and Bradford) the amendment carried.

RESOLVED with 10 members voting in favour (Councillors Herries, Blunt, Button, Carlo, Jackson, Maxwell, Neale, Peek, Woollard and Bradford), 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Lubbock), to approve application no. 15/01858/F – 24 Mile End Road, Norwich, NR4 7QY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.
3. Window to the utility room to be obscured glazed or redesigned to be high level vertical window.

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 above.

9. Enforcement Case 16/***/BPC/ENF – 128 Thorpe Road Norwich, NR1 1RJ**

The planning team leader (development) (outer) presented the report and explained that the materials to reinstate the wall were still on site.

Discussion ensued in which the planning team leader referred to the report and answered members' questions. The conservation and design officer would advise on the reinstatement of the wall and ensure that the correct mortar base was used.

The committee expressed concern that the demolition of part of the wall could have been prevented if highways officers had consulted planning services before giving permission for the dropped kerb.

The committee noted that the applicant would have the right of appeal against enforcement action.

RESOLVED, unanimously, to authorise enforcement action to secure the cessation of the unauthorised development of a new opening and forming of a new vehicular access to Cotman Road and return the wall back to its original condition; including the taking of direct action that may result in referring the matter for prosecution if necessary.

CHAIR

Summary of planning applications (including tree preservation order) for consideration**ITEM 4**

14 April 2016

Item no.	Application nos	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	16/00021/F	Land Adj. To 23 & 25 Mornington Road	Kian Saedi	Construction of 2 no. flats.	Objections	Approve
4(b)	15/01696/F 15/01697/L	8 Swan Lane	Sam Walker	Change of use of basement and ground floor to restaurant (Class A3) and first floor to office (Class B1) including alterations to shopfront and installation of extraction/air conditioning system.	Objections	Approve
4(c)	16/00257/F	55 Essex Street	Sam Walker	Rear extension, demolition and rebuilding of front dwarf wall	Objections	Approve
4(d)	16/00093/F	53 Cunningham Road	Stephen Polley	Two storey side and rear extension	Objections	Approve
4(e)	16/00330/F	134 Drayton Road	Stephen Polley	Single storey rear extension	Councillor application	Approve
4(f)	TPO493	Rear of 17, 19, 21 Rose Valley	Stephen Hayden	Confirmation of TPO no.493	Objections	Approve

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Application no 16/00021/F - Land adjacent to 23 and 25 Mornington Road, Norwich

Reason for referral Objection

4(a)

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

Development proposal		
Construction of 2 no. flats.		
Representations		
Object	Comment	Support
2	1	0

Main issues	Key considerations
1 Principle of development	Suitability of site for residential development, housing supply
2 Design	Scale, form, layout, choice of materials, impact on character of the surrounding area and adjacent conservation area, impact on landscape value
3 Amenity	Provision of external amenity space, internal living space for future residents, impact of the proposal upon outlook, overlooking, overshadowing and daylighting of neighbouring properties
4 Transport	Car/cycle parking provision, accessibility, highway safety, servicing
Expiry date	31 March 2016 extended to 21 April 2016
Recommendation	Approve subject to conditions



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Planning Application No 16/00021/F
 Site Address Land adjacent to
 23 and 25 Mornington Road

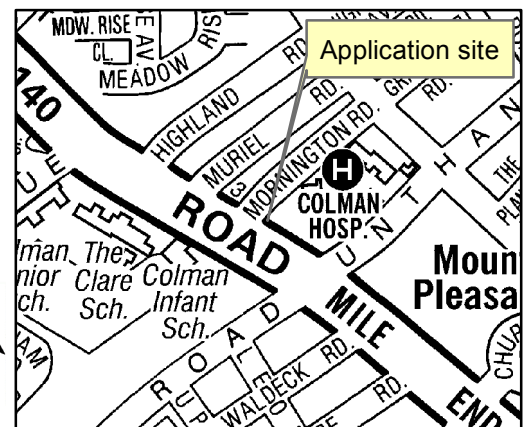
Scale 1:1,000



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PLANNING SERVICES

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The site and surroundings

1. The site sits at the end of a terrace of two-storey flats, adjacent to the corner of Mornington Road and Colman Road. To the north-east of the site are the buildings and grounds of Colman Hospital and to the west are the residential properties of Mornington Road.
2. The existing flats feature an area of landscaping at the front of the properties, servicing strip at the rear and a shared car parking/servicing forecourt is provided at the north end of the site. The proposed flats would connect to the south end of the terrace in an area which is currently hard-surfaced and enclosed by a 1.8 metre high brick wall.
3. The site is located just beyond the boundary of the Unthank and Christchurch Conservation Area to the east of the site.

Constraints

4. Critical Drainage Area (DM5).
5. The site is adjacent to the Unthank and Christchurch conservation area.

The proposal

6. The application is for the construction of two flats.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	2
No. of affordable dwellings	0
Total floor space	145 sq.metres
No. of storeys	2
Max. dimensions	~5.2 metres to eaves, ~7.8 metres to ridge, 10 metres wide and 8.5 metres deep.
Appearance	
Materials	Red multi brick to match existing, pantiles to match existing and uPVC windows/doors to match existing
Transport matters	
Vehicular access	Vehicular access as existing

Proposal	Key facts
No of car parking spaces	2 additional (the 8 spaces for the existing flats are to be retained)
No of cycle parking spaces	10
Servicing arrangements	Two 'euro' style bins to be located adjacent to site entrance and screened behind timber panel.

Representations

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

Issues raised	Response
Harm to character of area	Main issue 2
Overdevelopment of the site	Main issue 3
Loss of amenity space	Main issue 3
Reduction of daylighting to neighbouring properties	Main issue 3
Inadequate car parking/will increase parking congestion in the surrounding street	Main issue 4
Harm to highway safety	Main issue 4
Loss of view	The nearest opposing residential property is separated from the proposed block of flats by a distance of 21 metres and screened by a row of trees on the boundary of the application site. Any loss of view would be minimal and would not significantly harm residential amenity.

Consultation responses

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

Highways (local)

9. No objection on transportation grounds. The site can accommodate the additional development and the car parking can be successfully altered. The provision of cycle parking is very welcome. Bins should be stored adjacent to the vehicle access to the site from Mornington Road.

Assessment of planning considerations

Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - 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
 - JCS10 Locations for major new or expanded communities in the Norwich
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - 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

12. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

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

Main issue 1: Principle of development

14. Key policies and NPPF paragraphs – DM12, JCS4, NPPF paragraphs 49 and 14.
15. The site is located in an established residential area, within walking distance of a local retail centre which will provide shops and services for future residents and the site is also adjacent to a regular bus route serving the UEA and city centre.
16. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations discussed below given that:
- The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
17. The creation of two dwellings will contribute to an identified housing supply shortage in the city area.

Main issue 2: Design

18. Key policies and NPPF paragraphs – JCS2, DM3 and DM9 NPPF paragraphs 9, 17, 56 and 60-66.
19. The proposed block of two flats has been designed to assimilate sympathetically to the existing terrace in respect its layout, scale, form and choice of materials.
20. The only exception to the materials proposed for the construction of the new flats is with regard to the projecting copper coloured bay window located on the gable end fronting Colman Road. The design of this part of the building, with a projecting bay and recessed brick panels, is welcomed for creating a stronger frontage onto the street and marks an improvement from the blank gable of the existing development. The use of copper coloured cladding will also add visual interest to the street scene.
21. The proposal necessitates the loss of a very small patch of grass, but otherwise the existing vegetation on the site is to be retained, which will ensure that the landscape value of the site is protected.

22. The design of the scheme is therefore acceptable and relates positively to the character and distinctiveness of the local area. In turn, this will ensure that the significance of the adjacent conservation area is preserved and not harmed in any way.

Main issue 3: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. The proposal involves the loss of a small area of hard standing, which currently features a rotary dryer and is available to all residents as amenity space.
25. It is difficult to gauge the extent to which this area is utilised by residents, but the area does not benefit from any level of natural surveillance from the flats and is situated at the end of terrace as opposed to a more central and inviting location. It is not therefore considered that this area serves as an amenity space of significant quality. While the loss of this space is regrettable, the existing residents will still benefit from adequate remaining external amenity space both at the front and rear of the flats, which would offer low level recreational and clothes drying opportunities if required. The site is also located within close walking distance of Eaton Park which is located west of the application site and will provide additional recreational opportunities both for existing and future residents at the site. The loss of this space is therefore considered to be acceptable and given the external space that will remain following construction, the proposal is not considered to amount to an over-development of the site.
26. The proposal is for two 2-bed flats, one at ground floor and one at first-floor level. Both flats satisfy the internal spaces standards set out by Central Government and locally within the supporting text of DM2 of the *local plan*.
27. The proposal will not result in any significant harm to neighbouring amenity in terms of overshadowing, overlooking, overbearing or loss of outlook. The nearest residential property on the opposing side of Mornington Road is 21 metres from the development and this separating distance is sufficient for ensuring that any loss of daylighting would be minimal.
28. The existing trees provide screening between the application site and other properties along Mornington Road and these are to be retained. Even so, given the 21 metre separating distance between opposing dwellings there would be no significant issue of overlooking during autumn/winter months when leaves have fallen.

Main issue 4: Transport

29. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
30. Each of the flats is to be provided with one on-site parking space and all existing on-site parking spaces are to be retained. This level of provision accords with *local plan* standards and will avoid any significant additional pressure on parking availability in the surrounding street, which is not controlled by permit. The site is also highly accessible, within walking distance of a local retail centre and adjacent to regular bus services, which makes the site locationally sustainable and non-dependent on car ownership. The proposal also introduces secure and covered

cycle parking for both residents of the proposed flats and for the occupiers of the existing flats at the site.

31. The refuse storage has been moved adjacent to the vehicle access to the site and is to be screened with timber panels to minimise visual impact. This location is acceptable and will provide ease of collection from the highway. Servicing arrangements for the existing flats will remain unchanged.
32. The entrance to the site is splayed and provides adequate visibility onto the surrounding pavement for vehicles leaving the site to ensure that highway safety will not be harmed as a result of the scheme.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes. The scheme will result in only a minor increase in the non-permeable surfacing at the site and not to a level that will significantly increase the risk of surface water flooding to the surrounding area
Trees	DM7	Yes, subject to compliance with the arboricultural method statement and tree protection plan. The proposal will not involve the loss or harm to any of the trees on site.

Equalities and diversity issues

34. There are no significant equality or diversity issues.

Local finance considerations

35. 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.

36. 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.
37. In this case local finance considerations are not considered to be material to the case.

Conclusion

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

Recommendation

To approve application no. 16/00021/F - Land adjacent to 23 and 25 Mornington Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to match existing (bricks, roof tiles and windows);
4. Development to be carried out in accordance with the arboricultural impact assessment, method statement and tree protection plan;
5. No occupation until cycle parking has been provided in accordance with the approved plans;
6. Water efficiency.

Informatives:

- 1) Purchase of refuse and recycling bins;
- 2) Street naming and numbering;
- 3) Considerate construction;

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.



ACCOMMODATION SCHEDULE

PLOT NO.	ACCOMMODATION	TENURE	APPROX. G.I.A (m²)	Dwelling Type
P1	2b	private sale	70m²	flat
P2	2b	private sale	75m²	flat



CAR PARKING

- 1 Dwelling 1 spaces
- Total Parking 10 spaces (including 2 new spaces)

DRAWING LEGEND

- indicative soft landscaping scheme (subject to detail design)
- Existing Flats
- Proposed Flats

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
A	21.12.15	Issued floor plan.	DG	NM
B	04.01.16	Reconfiguration of new storage area.	DG	NM
C	02.02.16	Reduction of new storage area.	DG	
D	24.02.16	Reduction of new storage area following planning officer feedback.	DG	
E	11.03.16	Reduction of new storage area following planning officer feedback.	DG	

Planning

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Region Investment Management
Residential Development
Norwich

Proposed Site Plan

5042

052

E

Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Application nos 15/01696/F and 15/01697/L - 8 Swan Lane, Norwich, NR2 1HZ

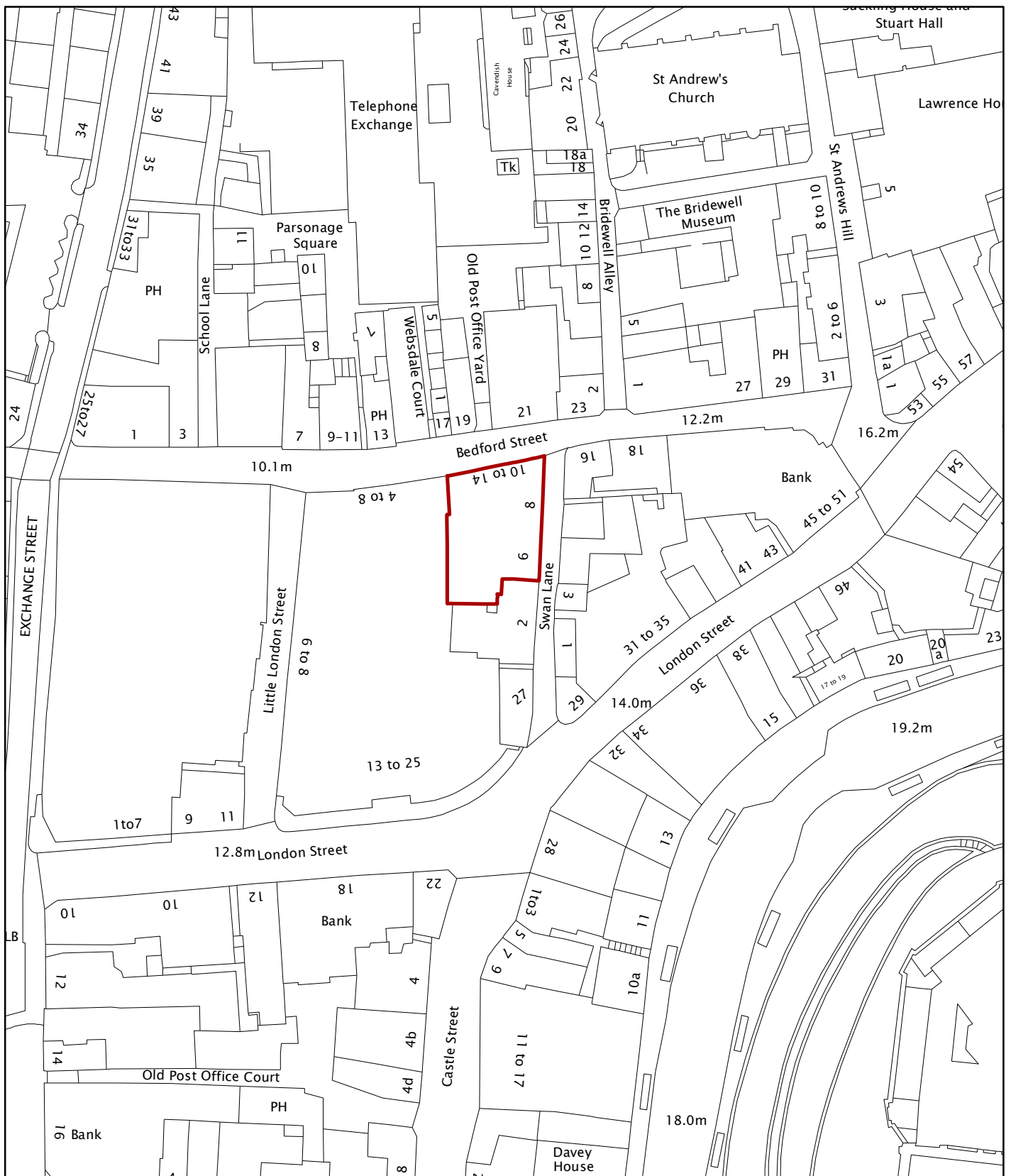
4(b)

Reason for referral Objections

Ward:	Mancroft
Case officer	Samuel Walker - samuelwalker@norwich.gov.uk

Development proposal		
Planning application Change of use of: 1) Basement and Ground Floor from shop (class A1) to restaurant (class A3) including alterations to shopfront and installation of extraction/air conditioning system. 2) First Floor from shop (class A1) to Office (B1) 3) Second Floor to be retained as residential (C3) Listed building application Internal alterations, alterations to shop front and installation of extraction/air conditioning system		
Representations		
Object	Comment	Support
4		

Main issues	Key considerations
1	Principle of development (Loss of retail in a primary retail centre (to A3 use))
2	Amenity (Opening hours/Anti-social behaviour caused by consumption of alcohol)
3	Vehicular traffic associated with refuse storage and collection & deliveries.
4	Design and Heritage – acceptability of alterations to listed building
Expiry date	6 January 2016
Recommendation	Approve



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Planning Application No 15/01696/F & 15/01697/L

Site Address 8 Swan Lane

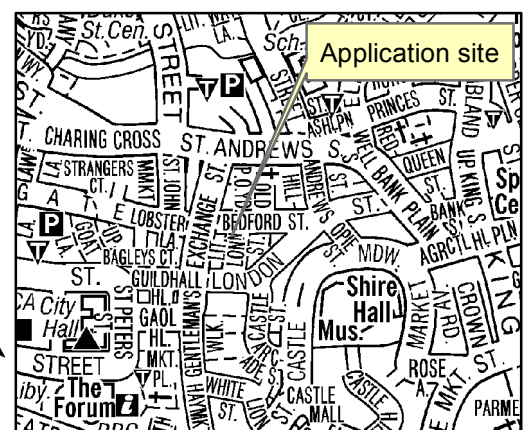
Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES

Page 28 of 82



The site and surroundings

1. 8 Swan Lane is on the west side of Swan Lane, on the corner of Bedford Street. It is a large retail unit (formerly occupied by Fabric Warehouse) on three floors (basement, ground and first) and separate residential accommodation on the second floor which is accessible from Bedford Street. The premises are currently vacant on all floors. It has a decorative timber shop front at street level; the upper levels are buff brick work with a tiled frieze and decorative window surrounds and brickworks details. The windows are 4 pane box sashes, all with curved arch heads.
2. It is grade II listed; Shop. Late C19 with C20 alterations to shop front. Brick with ceramic tile detail and slate roof. 3 storeyed corner site with 4 bays to Bedford Street and 5 bays to Swan Lane. The first floor sash windows have semi-circular top sashes and ceramic tile jambs which continue into the string course. The rubbed brick arches each have 3 extended pointed voussoirs with alternating red/grey bricks. Sash windows to second floor with rubbed brick semi-circular arches and raised surrounds. Thin entwined shaft with foliated capital set into corner. The cornice has red and blue brick corbelling alternating with ceramic tiles. Central and end rusticated pilasters with raised blue brick panels. Hipped roof.
3. There are a large number of statutory and locally listed buildings in the vicinity of the subject property.
4. The surrounding area is a mixture of independent retailers, department stores, cafes and bars.
5. Swan Lane is a pedestrianised street, Bedford Street is open to traffic for servicing of units in the vicinity, it is not used as a thoroughfare for vehicular traffic.

Constraints

6. City Centre Conservation Area
7. Grade II Statutory Listed Building

Relevant planning history

8.

Ref	Proposal	Decision	Date
4/2002/0486	Change of use of second floor from retail to residential flat, new entrance doors and entrance ramp replaced by steps.	Approved	22/07/2002

The proposal

The proposal is for the change of use of the basement and ground floor from A1 (Retail) to A3 (Cafes & Restaurants). The first floor is proposed to be a change of use from A1

(Retail) to B1 (Office). The second/third floor is to be retained as residential accommodation.

Summary information

Proposal	Key facts
Appearance	
Materials	To be reserved by condition
Operation	
Opening hours	Restricted to midnight on any day in accordance with Norfolk Constabulary consultation & Planning Policy DM23
Ancillary plant and equipment	Extract, ventilation and air conditioning plant on roof of subject property.

Representations

9. 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
Principle of Development (Loss of retail in a primary retail centre (to A3 use))	Paragraphs 23-28
Amenity – (Opening hours/ Anti-social behaviour caused by consumption of alcohol)	Paragraphs 29-33
Transport (Vehicular traffic associated with refuse storage and collection & deliveries.)	Paragraph 34-36

Consultation responses

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

Design and conservation

11. The principle of changing the use of the building into a restaurant is acceptable in conservation and design terms. The building appears to have received extensive internal works during the last 20 years or so and much of the interior has been changed. This means however that more emphasis should be placed on the historic

areas which are still remaining within the building such as masonry walls, floor boards and any areas of original stair.

12. The revised floorplans for 8 Swan Lane are much improved from the original submission. There will now only be a small section of wall which is to be removed on the ground floor.

The new entrance door will be relocated on the Bedford Street façade. This will be located within a single bay so the architectural rhythm of the frontage will be retained. The revised drawings are satisfactory. The proposed doors and associated joinery are acceptable and won't have a harmful impact on the historic building. Clarification on what shade of colour is proposed for the shopfront is required as well as internal finishes – plaster, exposed brick etc.? A condition should be imposed to clarify this.

Environmental protection

13. No comments.

Highways (local)

14. No objections to this application. Various information is suggested as informative (included in the recommendation).

Norfolk police (architectural liaison)

15. **Hours of opening** - In seeking to police areas of the City Centre, that cater for the late night economy, in an efficient and effective manner Norfolk Constabulary has to take into account the size of the patrol area and recent history with regard to public disorder, which may include crime figures relating to the night time economy. Given these requirements, I request that the Planning Permission for late night use be restricted by conditions so that premises outside *the Late Night Activity Zone* are not permitted to open past 0000hrs (midnight) on any day, unless it can be clearly demonstrated that there would be no detrimental impact on the living conditions of nearby residents or that there is no potential threat of crime and disorder to the public. *Late Night Activity Zone: as defined by Policy DM23 of the Development management policies local plan (Adopted December 2014).*
16. **Recessed Doorways** – Where possible recessed doorways should be avoided as they provide opportunities for crime and anti-social behaviour i.e. graffiti, arson, begging, burglary. Efforts should be made to minimise negative consequences by bringing doors forward, increasing surveillance opportunities, protecting doorways with roller shutters, etc.

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS5 The economy
 - JCS8 Culture, leisure and entertainment
 - JCS11 Norwich city centre

18. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
 - Insert any relevant site specific of area policies
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
 - DM9 Safeguarding Norwich's heritage
 - DM16 Supporting the needs of business
 - DM18 Promoting and supporting centres
 - DM20 Protecting and supporting city centre shopping
 - DM21 Protecting and supporting district and local centres
 - DM23 Supporting and managing the evening and late night economy

Other material considerations

20. **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
 - NPPF7 Requiring good design
 - NPPF12 Conserving and enhancing the historic environment
21. **Supplementary Planning Documents (SPD)**
 - Main town centre uses and retail frontages SPD adopted December 2014

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 (Loss of retail in a primary retail centre (to A3 use))

23. Key policies and NPPF paragraphs - DM20, Main town centre uses and retail frontages SPD.
24. The site falls within the defined retail area PR02 – The Lanes East of the retail frontages SPD (adopted December 2014) seeks to maintain an indicative minimum of 70% of defined retail frontage in A1 retail use. An up to date survey was carried out in respect of this application; the loss of 8 Swan Lane retail frontage A1 would result in a retained retail frontage of 72.6%, this is within the parameters required by the policy.

25. In order to maintain and support the vitality, viability and shopping character of zone **PR02**, decisions on planning applications for new development and change of use will support the further expansion of cafes and restaurants, particularly in London Street and Bedford Street, where this can be achieved without harmful impact on historic character, ease of access for pedestrians or servicing requirements.
26. The SPD also states: support complementary uses in upper floors, including further expansion of visitor accommodation and educational and leisure uses where appropriate and consistent with other local plan policies. The first floor is proposed to be sub-let as B1 office space alternative use.
27. Discourage concentrations of non-retail uses which would result in continuous runs of inactive ground floor frontage – Turtle bay has a very active frontage and is open throughout the day – with lunchtime menus promoted on the website.
28. The revised proposals retain the existing residential accommodation at second floor in accordance with policy DM15.

Main issue 2: Amenity (Opening hours/Anti-social behaviour caused by consumption of alcohol)

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
30. The proposed development is not considered to have any impact with regards to overlooking or privacy. It will not cause any overshadowing or loss of light or impacts on outlook. The specifications of ventilation equipment have been reviewed by environmental protection and are considered acceptable – as such odour, vibration and air quality are considered to be acceptable.
31. In relation to noise the proposed use is A3 café/restaurant rather than an A4 drinking establishment or A5 hot food takeaway use. A3 use is considered to be consistent with this part of the City which has an established level of background noise from similar premises and would not normally be expected to create unsatisfactory noise issues. There is no immediately adjacent residential, the nearest residential dwelling is on the third floor of the application premises but separated by second floor office space. As such it is not considered that noise would be a significant issue in this case.
32. In response to Norfolk Constabulary consultation and in accordance with policy DM23, the applicant has agreed to restricting the opening hours to Midnight on any night; as this is outside of the designated late night activity zone.

Main issue 3: Transport

33. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
34. The proposed development is not considered to have any impacts on the site with regards to transport relative to visiting members of the public. There is existing car parking, cycle parking, public transport links within the city centre which can be made use of. There is no private arrangement or facility associated with this premises or application.

35. Representation has been received from a nearby trader regarding increased vehicular traffic associated with deliveries and refuse collection. This premises is within a commercial part of the city and as discussed above there is no in principal objection to A3 use in this area. This matter has been discussed with highways who have advised that vehicle access to Bedford Street is limited to access for loading. At times Bedford Street can become congested and this may be a nuisance for some traders. However the only way the highway authority can control this nuisance is to restrict access to certain times of day e.g. 10am to 4pm on any day (as is the case on The Walk). This would affect many traders across this area of The Lanes. The highway authority has no specific plans to make such changes, but as part of the Pedalways project the highway authority is looking at loading and access controls in the city centre and could review it then if there was local demand to do so. It is considered that subject to a condition seeking information on refuse storage and collection arrangements the application is acceptable.

Main issue 4: Design & Heritage

36. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
37. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
38. The development does not propose significant changes to the exterior of the building. The exterior of the first and second floors are not being altered under these proposals. An additional entrance door is being proposed to the Bedford Street elevation to serve as a fire exit. The door is in proportion with the adjacent entrance doors to the second floor residential.
39. The exterior shop front is to be re-decorated – colours should be reserved by condition.
40. The internal layout and alterations are acceptable in principle, details of materials and finishes to be detailed by condition.
41. The revised proposals have been submitted following discussions and negotiation with the Design and Conservation Officer, they are considered to be acceptable in principle – with details of colours, materials and finishes to be reserved by condition.

Compliance with other relevant development plan policies

42. 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
Refuse Storage/servicing	DM31	No – details subject to condition

Other matters

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

Equalities and diversity issues

44. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

48. 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:

- (1) application no. 15/01696/F - 8 Swan Lane Norwich NR2 1HZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restrictions on hours of use
4. Details of refuse storage and collection.

- (2) application no. 15/01697/L - 8 Swan Lane Norwich NR2 1HZ and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of colour schemes, internal materials and finishes.

Informative.

1. The local highway authority advises:

- Tables and Chairs License would not be considered for Swan Lane or Bedford Street;
- A boards; the highway authority will not want to see numerous or large A boards in the local area;
- Overhead signs may get hit and additional ones should be avoided.

Article 35(2) Statement

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

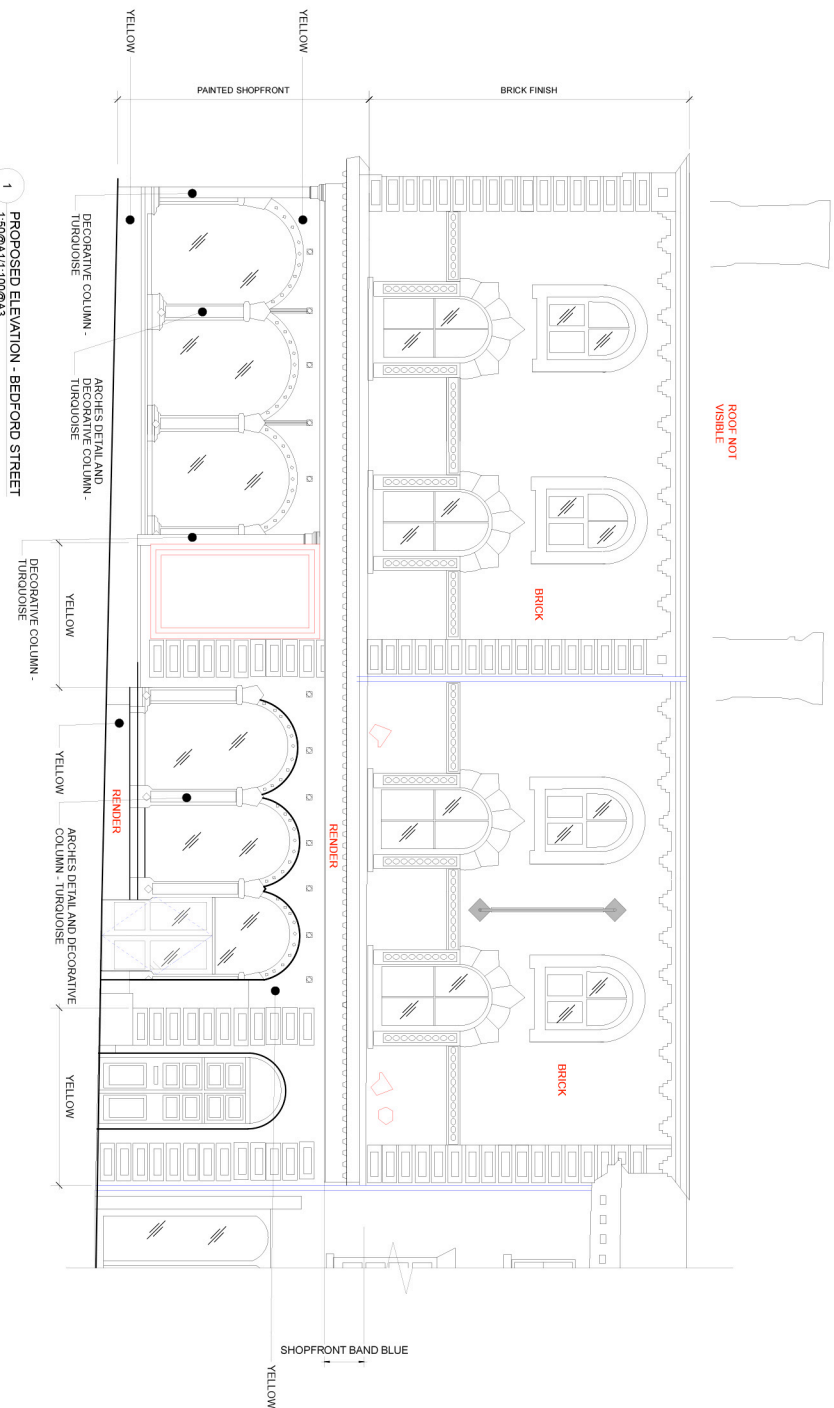
GROSS INTERNAL AREAS:
BASEMENT - 3717 SQ FOO
GROUND FLOOR - 4287 SQ
FIRST FLOOR - 4072 SQ FC
SECOND FLOOR - 4132 SQ
THIRD FLOOR - 344 SQ FO



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METRES



NOTES
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COLOR CODES -
CROWN PAINTS, NORWICH CITY COUNCIL
BLUE - 48071J
YELLOW - 08091J
TURQUOISE - 12450R

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Job Name
**TURTLE BAY
NORWICH**

Site Address
**8 SWAN LANE,
NORWICH,
NORFOLK,
NR2 1HZ**

Project Name
**PROPOSED EXTERNAL
ELEVATION - BEDFORD STREET**

Scale
1:500@A1/1:100@A3

Date
SEPT 2015

Drawn By
VR

Checked By
VR

For Approval
FOR APPROVAL

110-55 / 601_C

Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Application no 16/00257/F - 55 Essex Street
Norwich NR2 2BL

**Reason
for referral** Objection

4(c)

Ward:	Town Close
Case officer	Samuel Walker - samuelwalker@norwich.gov.uk

Development proposal		
Rear extension, demolition and rebuilding of front dwarf wall.		
Representations		
Object	Comment	Support
4 (1 objection received by Councillor representing 3 members of his constituency)		

Main issues	Key considerations
1	Principle of development – (Overdevelopment /Precedent for future development)
2	Loss of Amenity
3	Impact on Conservation area.
4	Trees and Shrubs
Expiry date	12 April 2016
Recommendation	Approve

The site and surroundings

1. 55 Essex Street is on the south elevation of Essex Street, close to the junction with Rupert Street. It is a two storey Victorian Terrace house, typical of the area. The front elevation is constructed from (greyed) buff bricks, with white 4 pane windows (ground floor window appears to be original). There are rubbed brick lintels and masonry cills to the structural openings. The roof is finished with concrete roof tiles.
2. The rear elevation is red facing bricks with red pantile roof coverings, the joinery is white painted 4 pane windows which are not original features.
3. The existing single storey out-shut appears to be of a later construction to the main dwelling.

Constraints

4. Heigham Grove conservation area – subject to article 4 direction.
5. Critical Drainage catchment area.

Relevant planning history

6. There is no recent planning history relevant to this application.

The proposal

7. The proposal is to reinstate the dwarf wall between the boundaries of 55/57 Essex Street to the front of the property. There is evidence that there has been an existing boundary wall in this location, which has been reduced to 2 bricks high.
8. To the rear, the proposal is to extend the existing out-shut up to the boundary (between 55 & 57) and a further 1.2m to the south. The verge/ridge height is proposed to be retained the same as the existing mono-pitch roof. The eaves is proposed to be 2.150m to gutter height.
9. The windows at first floor level are proposed to be re-arranged, with the addition of a small obscure glazed window, this would be permitted development.

Summary information

Appearance	
Materials	The proposed materials are specified to be in keeping with the subject dwelling

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view

in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Principle of development (Overdevelopment – precedent for future development)	19-22
Amenity (Loss of light/outlook/tunnelling effect/noise)	23-26
Heritage - Impact on conservation area – (Not original footprint)	27-30
Trees & Shrubs	31

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.

Design and conservation

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

Highways (local)

13. No comments received.

Assessment of planning considerations

Relevant development plan policies

14. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
15. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development

- DM9 Safeguarding Norwich's heritage
- DM15 Safeguarding the city's housing stock
- DM33 Planning obligations and development viability

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

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

Main issue 1: Principle of development (Overdevelopment – precedent for future development)

18. Key policies and NPPF paragraphs – DM12, SAXX, NPPF paragraphs 49 and 14.
19. The principle of residential extensions is acceptable and there is no policy objection to them in principal. They should be assessed against the material considerations of design, heritage and neighbour amenity as well as impact on trees where relevant.
20. The proposed development is considered to have been designed to tight tolerances to achieve extra living area in keeping with 21st Century expectations with minimal impact on neighbouring residences. The ridge/verge height has been retained in line with the ridge height of the existing single storey out-shut. The wall at the boundary is specified at 2.150m to underside of gutter, details have been provided for this design specification. Under permitted development rights, a wall of 2.0m height is allowed without requiring permission – this additional height is not considered to be of significant impact.
21. The additional 1.2m extension to the rear of the garden is not considered to have significant impact, being a single storey extension to the rear of the property. The proposed extension retains a significant area of South facing external amenity/ garden space.
22. The proposed roof is 15° slope which is considered to be of low visual impact.

Main issue 2: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. The proposed extension is designed to reduce the impact on neighbouring occupiers; the eaves have been specified to 2.150m which is an intentionally low workable eaves height which enables suitable internal headspace with minimal external impact.
25. The ridge height of the proposed extension is to be retained at the existing height, so does not increase the impact of visual amenity. The impact of the additional 1.20m extension to the South is felt to be of limited impact to neighbouring occupiers.
26. The existing lounge window, side access door and kitchen and bathroom windows in this area are being substituted with the proposed extension with velux rooflights and French doors, this is not considered to increase impact with regards to noise pollution over and above those experienced as an existing domestic residential dwelling house.

Main issue 3: Heritage

27. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
28. The article four direction for the Heigham Grove conservation area is relevant to works to the front of the property. The proposed dwarf wall is in keeping with the historical context of the dwellings, the proposal is for the replacement of a wall previously in this location which has been partially demolished at an unknown time in the past.
29. The proposed dwarf wall between 55 & 57 Essex Street is proposed to provide additional visual screening from items discarded in the neighbouring garden.
30. The proposed development to the rear of the property is not controlled under the article 4 direction, and is not considered to have significant impact to an unlisted building in the conservation area. There are no wider or public views available of this development.

Main issue 4: Trees and shrubs

31. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109-118.
32. There are some shrubs to both the rear and front of the site which may require cutting back or pruning as part of the proposals. They are not significant enough to warrant an arboricultural impact assessment or to warrant protection via the planning application process.

Equalities and diversity issues

33. There are no significant equality or diversity issues.

Local finance considerations

34. 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.
35. 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.
36. In this case local finance considerations are not considered to be material to the case.

Conclusion

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

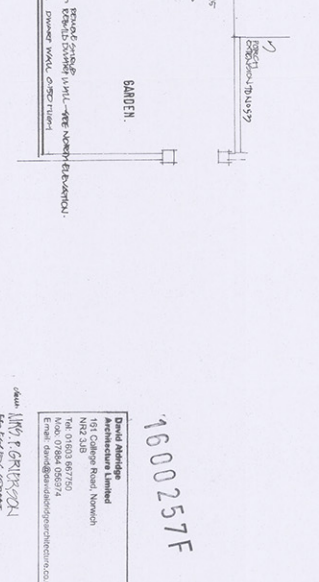
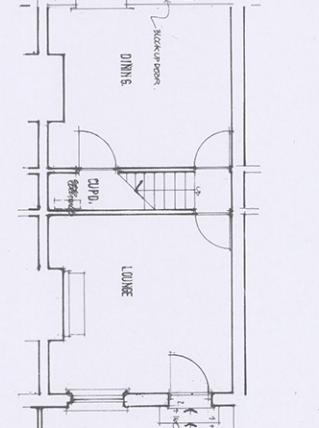
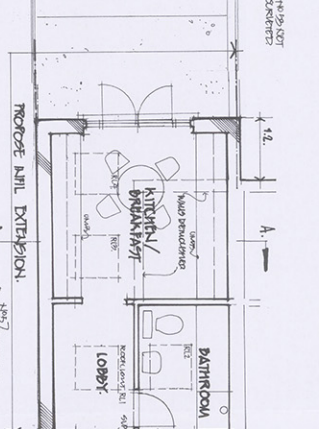
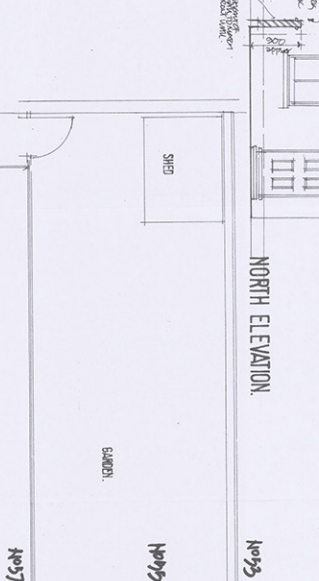
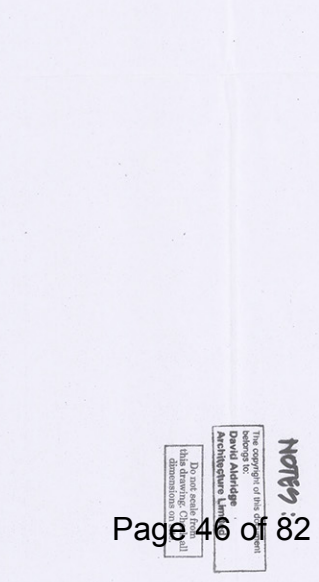
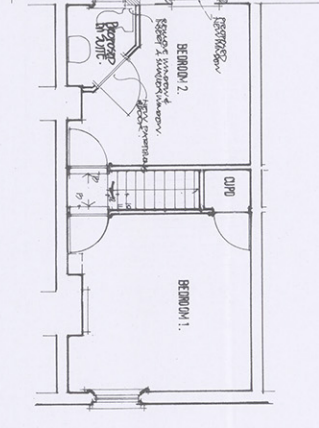
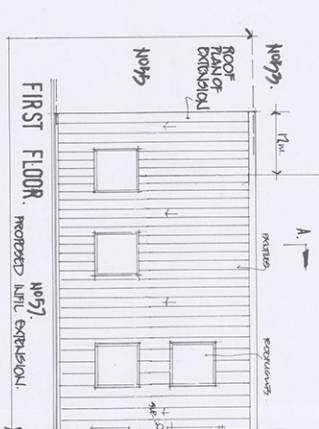
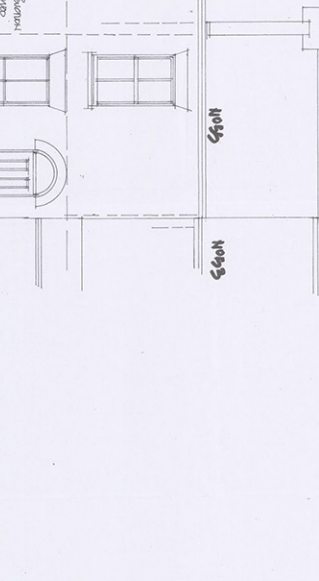
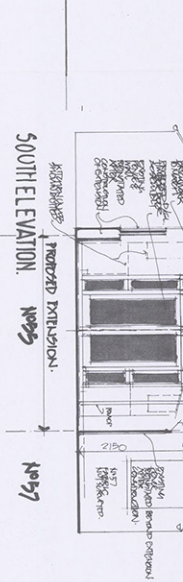
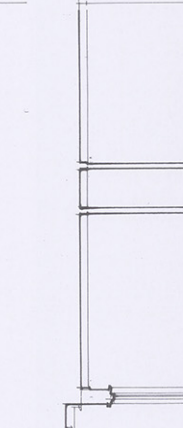
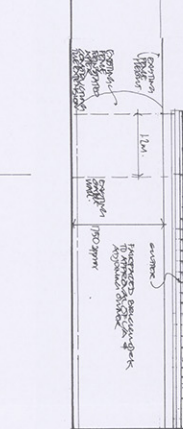
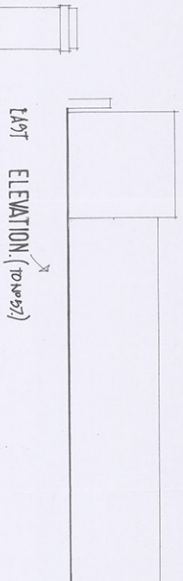
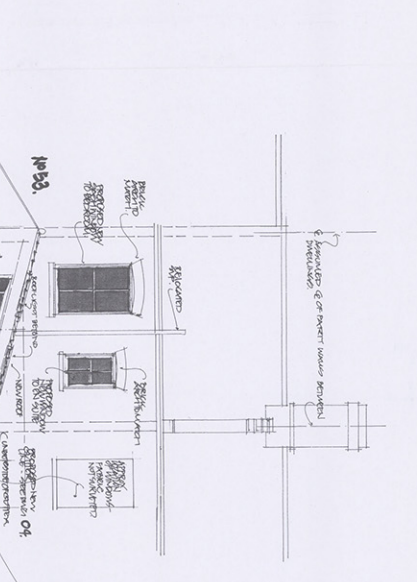
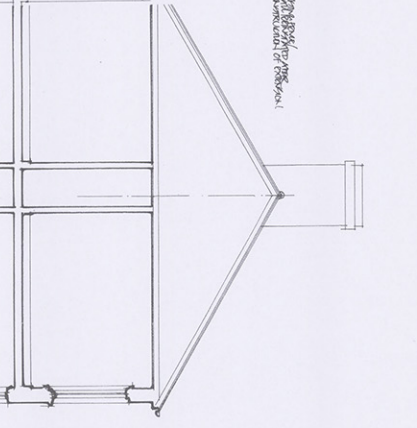
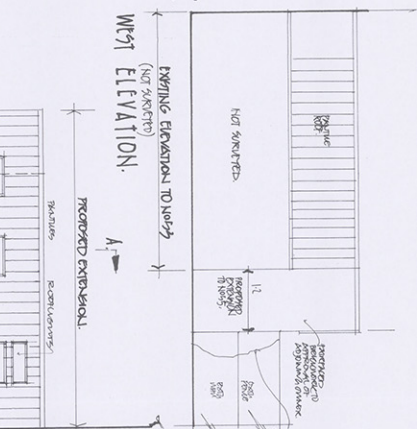
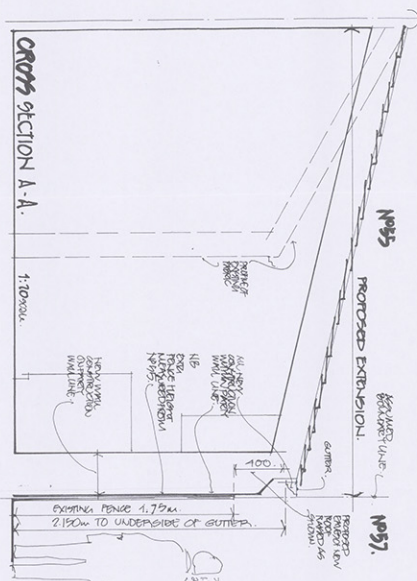
Recommendation

To approve application no. 16/00257/F - 55 Essex Street Norwich NR2 2BL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of proposed materials

Article 35(2) Statement

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



Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Application no 16/00093/F - 53 Cunningham Road,
Norwich, NR5 8HH

4(d)

**Reason
for referral** Objections

Ward:	University
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Two storey side and rear extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Residential amenity	The impact of the development on the adjoining property (no. 55) and the neighbouring property (no.51) – daylight, visual amenity and overlooking / privacy
2 Scale and design	The impact of the development on local character because of large scale
Expiry date	23 March 2016
Recommendation	Approve



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Planning Application No 16/00093/F

Site Address 53 Cunningham Road

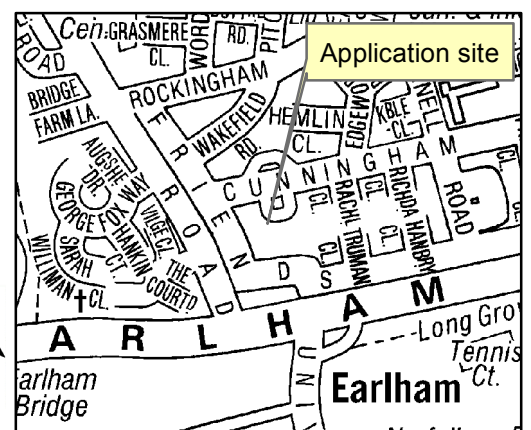
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NORWICH
City Council

PLANNING SERVICES

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The site and surroundings

1. The site is located to the south of Cunningham Road, forming part of a horse-shoe shaped arrangement of dwellings, to the west of the city. Cunningham Road forms part of a wider estate type development in West Earlham constructed circa 1950 in a number of different house types. The predominant character of the area is residential, comprising 2 storey semi-detached dwellings constructed either using brick or steel frame. The majority of dwellings benefit from front gardens with off street parking and larger, mature rear gardens.
2. The subject property a 2-storey semi-detached dwelling constructed circa 1950 using a steel frame, metal cladding and concrete roof tiles. The property was built on larger than typical wedge shaped plot facing a green to the front. The property features a small concrete parking area to the front, a single storey utility space to the side and a large rear garden. The rear garden is primarily lawn with a patio area located to the rear of the dwelling, 2 no. temporary storage structures and a recently constructed timber framed out house in the furthest (south-west) corner.
3. The site is bordered by the adjoining semi-detached dwelling no. 55 to the west which has been significantly extended by way of a lean-to extension and further, much larger flat roof extension. To the east is a similar semi-detached dwelling which because of the horse-shoe layout of the street has been constructed with a different orientation to the subject property, creating a larger than typical gap between the 2 dwellings.

Constraints

4. There are no particular constraints.

Relevant planning history

5. There is no relevant planning history.

The proposal

6. The proposal is for the construction of a 2 storey side and rear extension to be constructed in a staggered form. At the front a 2m wide side extension will be visible featuring a pitched roof with an eaves height of 4.2m and a maximum height of 6.1m, lower than the original roof which measures 5m and 6.6m respectively. This section is to extend by 5m to the rear where the first stagger in the extension is to appear with the extension becoming 1.3m wider, which then extends a further 3.4m to the rear. An increase of 2m in width then commences the final section which extends by 6.5m to the rear. The final section then extends by 4.4m across the rear garden where it then angle back towards the original rear. The widest part of the side extension is 6.1m. The highest part of the side extension is to measure 6.1m, 4.3m back from the front elevation. At this point the roof gradually reduces in height to 4.7m at the rear.
7. A single extension is proposed to the rear of the original dwelling, effectively in filling the gap between the neighbouring (no. 55) extension and the proposed side extension. The extension measures 3.8m to the rear and 6.3m wide and will feature a butterfly roof with a maximum height of 2.9m. Part of the roof of the single storey

extension is to be used as a terrace, accessed via a new master bedroom and an existing bedroom. The terrace features a 2m high screen on the shared boundary with no. 55 and a 1m glazed screen to the rear.

8. To the front, the original entrance is to be enlarged to include a glazed strip alongside a new front door. The first section of the side extension is to include 2 no. narrow vertical windows and a roof light serving the stairwell, entrance lobby and landing. The second section of the side extension is to include a door providing access to a new utility room and a vertical window serving a new en-suite bathroom. To the side are a first floor window serving the landing and a small window at ground floor level serving a bathroom. The second section of the side extension features a window serving a utility room. To the rear the side extension includes windows serving a new master bedroom at first floor level and kitchen on the ground floor level facing to the rear and across the garden. The rear extension includes patio doors at ground floor level and allows for 2 no. doors providing access to the terrace at first floor level.

Summary information

Proposal	Key facts
Scale	
No. of storeys	2 storeys
Max. dimensions	See attached composite plans
Appearance	
Materials	<p>All to match existing finishes;</p> <p>Metal clad roof</p> <p>Brick and render</p> <p>UPVC windows and doors</p>

Representations

9. Adjacent and neighbouring properties have been notified in writing. 2 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
Loss of light (no. 51 & no. 55) Loss of privacy / overlooking (no. 51 & no. 55) Overbearing outlook (no. 51)	See main issue 1
Out of scale development / occupies more than half of the garden (no. 55) Too close to the boundary Application form states bricks are to be used, an incorrect statement.	See main issue 2
Existing out building does not have permission / being used as a dwelling Site plan does not accurately correspond with Title Plan Sewage / drainage	See other matters

Consultation responses

10. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM7 Trees and development

Other material considerations

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

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

Case Assessment

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

Main issue 1: Amenity

15. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
16. The key areas for consideration in this application are the potential impacts in terms of overlooking and loss of privacy, overshadowing of gardens and loss of daylight, to windows of adjoining properties. The nearest potentially affected properties in relation to these issues are no.65 to the east and no.69 to the west.

Loss of Daylight / Sunlight / Overshadowing:

17. Particular concern was raised that the side extension would result in a restriction in the amount of daylight reaching the neighbouring property, no. 51 to the east. It is accepted that the proposal will result in a significantly altered property when viewed from the neighbouring site, it is not considered that the proposal will cause significant harm. The orientation of the street ensures that there is a relatively large gap between the 2 dwellings with the closest point between the two being 4m at the front. The side of no. 51 has a concrete utility area and a single storey utility room with only a single obscure glazed window at first floor level. As such, any overshadowing occurring will not affect primary living spaces, nor the most used parts of the rear garden.
18. Similar concern has been raised that the height of the proposal will cause a loss of light to no. 55 to the west. It is not considered that the proposal will result in significant harm being caused in respect of the amount of light reaching the property as the 2 storey part of the proposal is to be 6m from the boundary at the closest point. The neighbouring property has recently constructed an 8m deep flat roof rear extension with only 1 no. roof light serving a lobby. As such, any shadowing will be in line with the flat roof, causing no harm to any living spaces.

Overlooking and Privacy:

19. Particular concern has been raised by no. 51 to the east that a proposed window on the new side elevation at first floor level will result in a loss of privacy. The comments also suggest that the window should be obscure glazed. The proposed window facing east and a smaller window facing north, serving a landing and en suite bathroom respectively will allow for occasional views across the neighbouring

garden. As such, it is considered reasonable to condition that the windows should be obscure glazed to protect the privacy of no. 51.

20. Concern has also been raised that the proposal will result in a loss of privacy to no. 55 to the west as there are first floor windows providing views across the neighbouring property. Whilst it is accepted that there is a window serving the proposed master bedroom that will provide views that are currently not possible, it is not considered that a significant loss of privacy will occur. The window has been angled so that it looks toward the rear of the garden, without providing any views directly into any primary living spaces. As such, the view possible is typical of properties in the area where first floor bedrooms have views of neighbouring gardens.
21. The proposal includes a terrace to be added above the single storey rear extension, accessed via 2 of the proposed bedrooms. It is not considered that the terrace will result in a significant loss of privacy as it includes a 2m tall partition between the neighbouring property, which will aid in lessening noise impacts as well as preventing views into neighbouring rooms. The terrace will primarily provide views into the rear garden of the subject property only as the 2 storey extension will prevent views across to no. 51 and much of the view across to no. 55 will be of the flat roof only.

Loss of Outlook / Overbearing Presence

22. Particular concern has been raised that the 2 storey side extension will result in a loss of outlook as a result of its scale for occupiers of no. 51 to the east. It is accepted that the side extension will appear as a large structure where there were previously open views across gardens, is it not considered that the proposal will be particularly overbearing. This is a result of the orientation of the 2 dwellings and the design of the side extension. The extension will be 4m from the neighbouring boundary at its closest points and 8m at its furthest. The orientation of the properties means that the main views from the rear of no. 51 will remain uninterrupted with the only views being those to the east beyond a 30 degree angle of interjection. The highest part of the side extension at 6.1m is to be built in line with the side of the neighbouring property with the rest of the extension sloping down in height to 4.7m. As such, it is not considered that the proposal will be oppressively overbearing as a sufficient visual gap is to be maintained.

Main issue 2: Design

23. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF paragraphs 9, 17, 56 and 60-66 and 128-141

Out of Scale Development / Occupies More Than Half of the Garden

24. Particular concern has been raised that the proposal is out of scale for the area as it will result in more than half of the site being occupied by buildings. Whilst the proposal will result in a significantly large amount of the site having been developed, it will not result in more than half being occupied by buildings. The site is particularly large for the area as a result of its wedge shape and the orientation within the neighbourhood. As such, the site allows for a larger than typical extension. The bulk of the proposal is to be located within the rear of the site, with only small portion being particularly visible from the front. The 2 storey side

extension will alter the appearance of the property, however it is to be built in place of an existing single storey element. As such, the scale of the proposal will not have a significant impact on the overall appearance of the property, or street scene.

25. Concern was also raised that the proposal is too close to the shared boundary with no. 55 to the west. It is not considered that the proposal is too close to the boundary with only the single storey rear extension being built up to the boundary where a large, single storey extension is present. The 2 storey elements of the proposal are a minimum of 6m from the boundary.
26. Concern was raised that the application form submitted contains incorrect information as it states that the existing dwelling has been constructed using brick. It is accepted that this is incorrect as the property has been constructed from a metal frame, originally clad in metal sheeting externally. The property has since been altered to include external wall insulation finished in a white render. The proposal is to be finished to match the existing dwelling, ensuring that the extension will fit in well with the existing character.

Other Matters

27. One letter of objection stated that there is currently an outbuilding located at the bottom of the garden that has been constructed without planning permission, being used as a separate dwelling. Having inspected the outbuilding, I can confirm that it is being used as a studio / workspace by the applicant and does not include any sleeping spaces. It does include a small kitchenette area for the purpose of providing hot drinks. The age and scale of the outbuilding would suggest that the structure does not require planning permission as it appears to have been constructed using the subject property's permitted development rights.
28. Concern was raised that the site plan submitted does not accurately correspond with title plans. It is common for alternative types of plans to appear with differences within them. As part of the consideration of the application the accuracy of the plans was considered closely. It is not considered that the plans were in any way misleading or containing significantly misleading information.
29. Concern has been raised that the proposal is to be built close to or on existing drainage and sewage systems. Such issues are not considered as material planning considerations and as such will be more relevant to building regulations applications.

Equalities and diversity issues

30. There are no significant equality or diversity issues.

Local finance considerations

31. 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.
32. 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.

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

Conclusion

34. The proposal will have a very limited impact upon the amount of daylight and sunlight reaching the living spaces and garden areas of the neighbouring properties.
35. The potential for an increase in overlooking is minimal as a result of the orientation of the site, distance between properties and angle of proposed windows. Conditioning those windows on the first floor of side elevations will ensure that the subject property will not have views across neighbouring rooms or gardens.
36. The proposal will result in an extended dwelling which is of a large but appropriate scale and design, which will assist in enhancing the character of the original dwelling and that of the surrounding area.
37. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

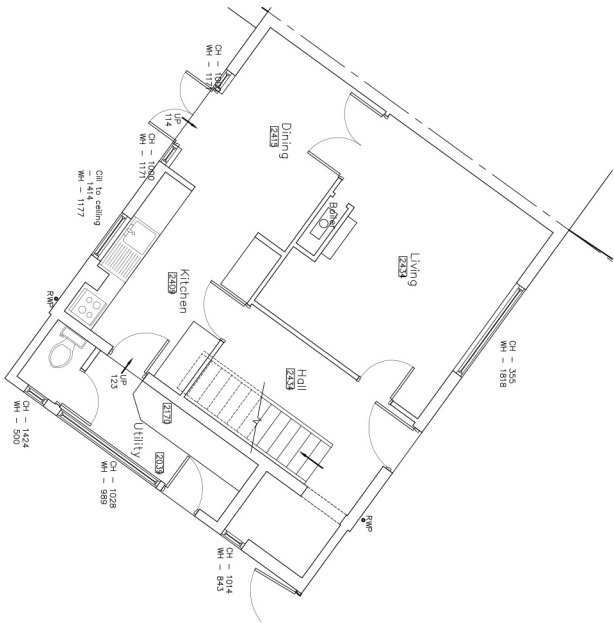
Recommendation

To approve application no 16/00093/F - 53 Cunningham Road, Norwich, NR5 8HH and grant planning permission subject to the following conditions:

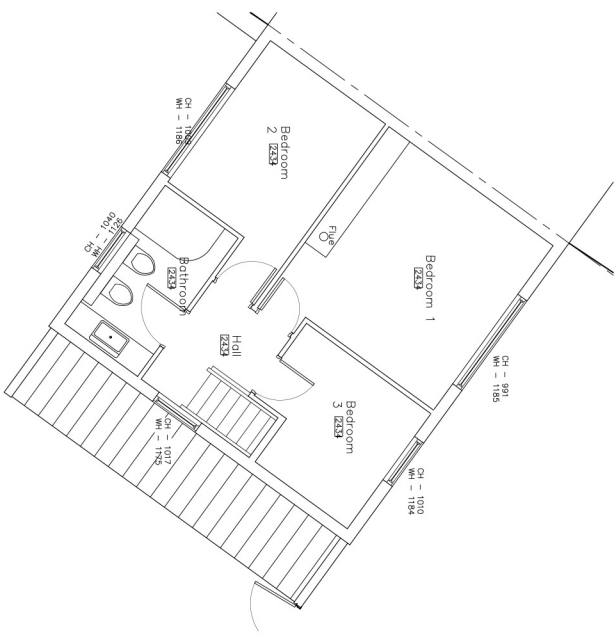
1. Standard time limit;
2. In accordance with plans;
3. Obscure glaze first floor windows on side elevations;

Article 35(2) statement

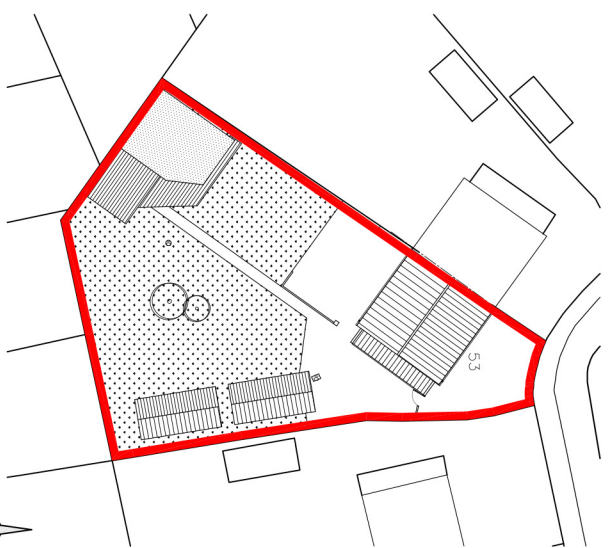
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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



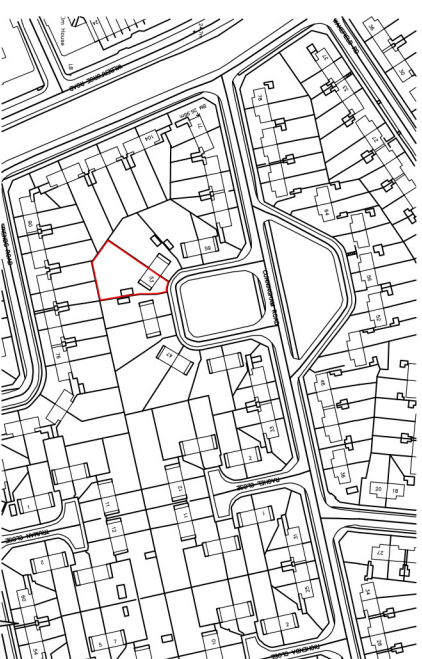
GROUND FLOOR PLAN 1:50



GROUND FLOOR PLAN 1:50

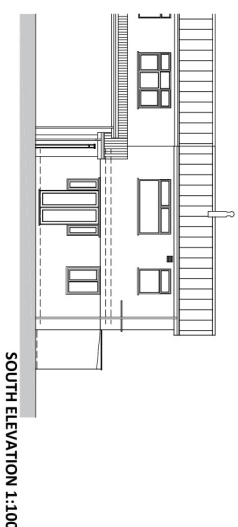


ROOF/SITE PLAN 1:200

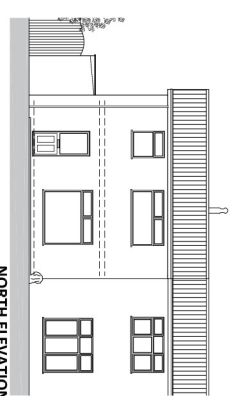


SITE LOCATION PLAN 1:1250

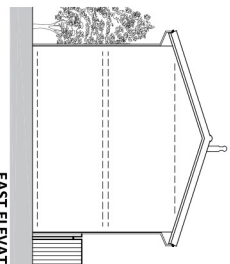
- 1.0 GENERAL NOTES
- 1.1 For setting out dimensions & general construction details refer to Architectural drawings.
- 1.2 This drawing must not be scaled and if in doubt ask.
- 1.3 Any construction or fabrication carried out prior to obtaining all necessary statutory and other approvals is at the client's risk.
- 1.4 All Contractors are to check all dimensions and levels on site prior to commencing any construction or fabrication.
- 1.5 This drawing is to be checked and used in conjunction with all relevant Engineering, Architectural, Service Engineers and any specialist drawings, together with Title, Allen Jones Structural Specifications.
- 1.6 Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
- 1.7 The Engineer is not responsible for the stability of each element and the stability of the overall construction until the construction is complete.
- 1.8 All designs, connections, workmanship and materials are to comply with the current Building Regulations and the latest relevant British Standard Specification and Codes of Practice or otherwise be to the specific satisfaction of the Engineer.
- 1.9 No structural members are to be cut, notched or jointed unless shown on the Engineers details.



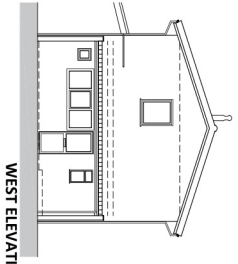
SOUTH ELEVATION 1:100



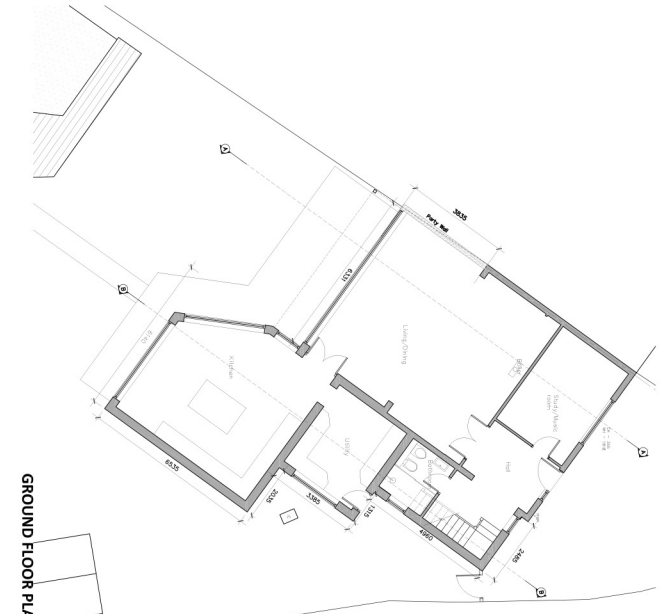
NORTH ELEVATION 1:100



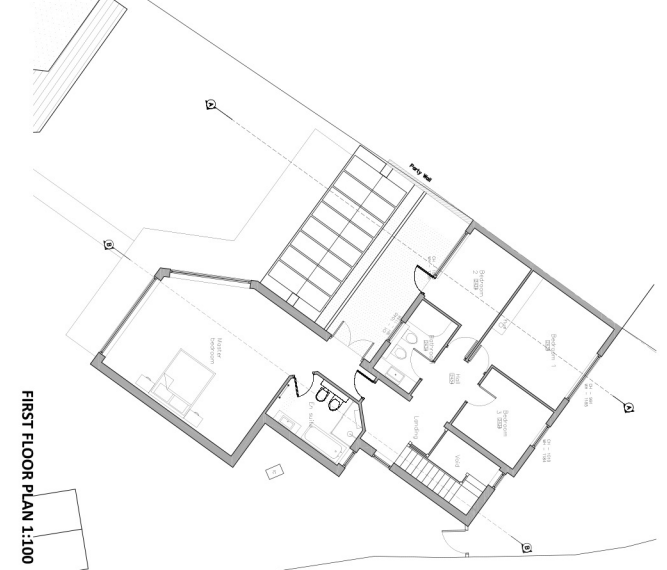
EAST ELEVATION 1:100



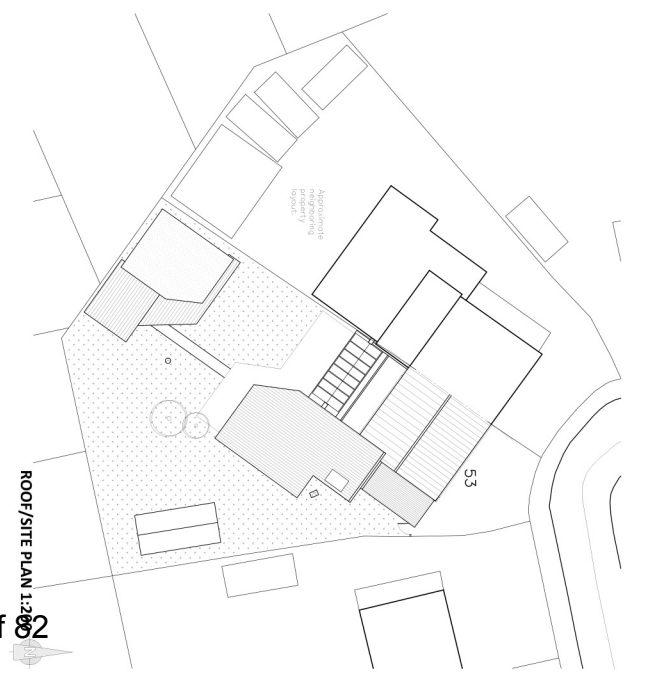
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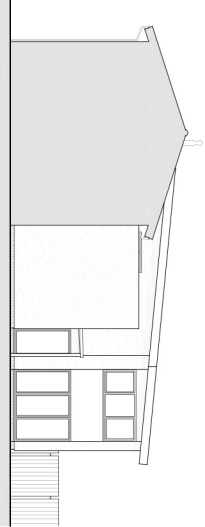
GROUND FLOOR PLAN 1:100



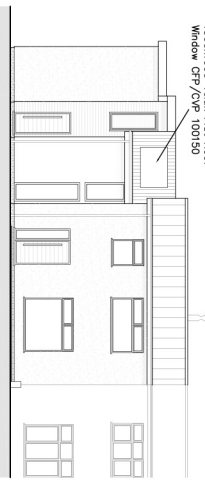
FIRST FLOOR PLAN 1:100



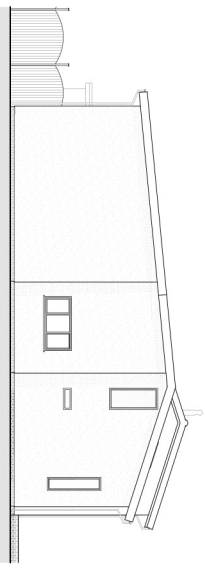
ROOF/SITE PLAN 1:200



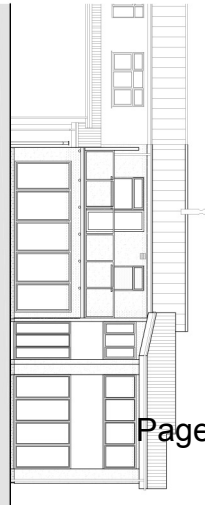
NORTH WEST ELEVATION 1:100



NORTH EAST ELEVATION 1:100

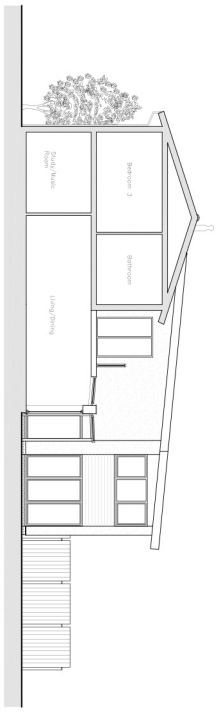


SOUTH EAST ELEVATION 1:100

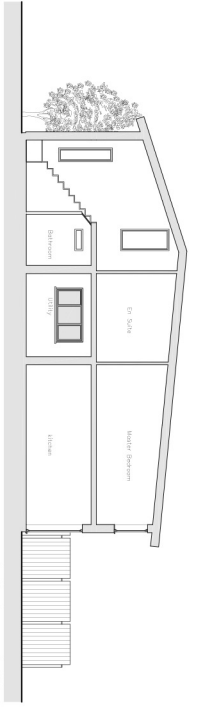


SOUTH WEST ELEVATION 1:100

FOR PLANNING
APPROVAL ONLY



SECTION A-A 1:100



SECTION B-B 1:100



Consulting Structural Civil & Highway Engineers
Planning Supervisors
8 Oak Hill House 19 Bossey Road Norwich, NR1 1ST
Telephone: 01603 864646 Facsimile: 01603 614749
Email: info@haleallenjones.co.uk

Client / Project
Mr Morris Madure
53 Cunningham Road, Norwich, NR5 8HH

Drawing
Proposed Extension To Rear Of Dwelling
Plans, Sections & Elevations

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Scale	At	Ver.	Date	Oct 15
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1:4034/201	Checked By	DHC		
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1:4034/201	Description			

Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Application no 16/00330/F - 134 Drayton Road,
Norwich, NR3 2DX

**Reason
for referral** Member application

4(e)

Ward:	Mile Cross
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
Single storey rear extension.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1 Design	The impact of the proposal on the character and appearance of the subject property, and that of the surrounding conservation area.
2 Residential amenity	The impact of the proposal on adjoining and neighbouring properties.
Expiry date	4 May 2016
Recommendation	Approve



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Planning Application No 16/00330/F

Site Address 134 Drayton Road

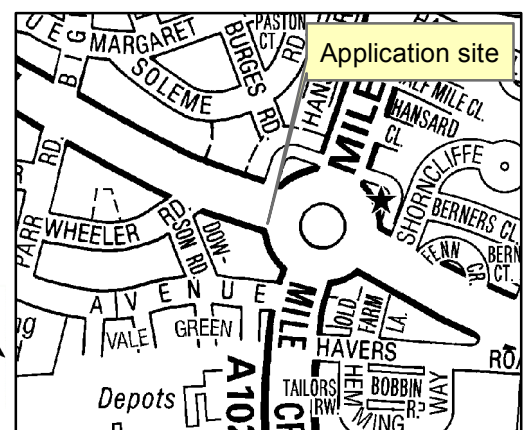
Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES

Page 60 of 82



The site and surroundings

1. The site is located on the south side of Drayton Road to the west of the city, within the Mile Cross Conservation Area. The subject property is a 2 storey end of terrace constructed circa 1930 using red bricks, clay pantiles and wooden framed windows.
2. The prevailing character of the surrounding area is predominantly residential with most properties also forming part of the original Mile Cross development. To the north of the site is the busy Drayton Road which leads to the Mile Cross roundabout.
3. The site is bordered by the adjoining terrace property, no. 132, to the east which shares a rear access by way of a bisected garden. To the west is no. 136., a similar end of terrace dwelling which has been extended to the rear. To the rear of the dwelling is a small garden area containing a dilapidated timber lean-to extension and a lawn garden beyond, leading towards further houses. Tall mature planting and timber fencing marks the boundaries to the rear.

Constraints

4. Mile Cross Conservation Area

Relevant planning history

5. There is no relevant planning history.

The proposal

6. The proposal is for the demolition of the existing single storey rear lean-to extension and for the construction of single storey rear extension.
7. The extension is to be constructed across the entirety of the rear of the original dwelling with a width of 8m, a depth 4m to cover an area of 32m².
8. The extension is to feature a sloping roof with a height of 3.3m where it adjoins the rear wall and a height of 2.1m at its lowest point.
9. A resident of the subject property and also the agent for this application is an elected member of the city council.

Summary information

Proposal	Key facts
Scale	
No. of storeys	Single storey
Max. dimensions	See attached proposed composite plans
Appearance	

Proposal	Key facts
Materials	<p>Matching materials;</p> <p>Red brick;</p> <p>Clay pantiles;</p> <p>Aluminium sliding doors</p>

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

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.

Design and conservation

12. No comments submitted.

Assessment of planning considerations

Relevant development plan policies

13. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
14. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM7 Trees and development

Other material considerations

15. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design

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

Case Assessment

16. 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: Design and heritage

17. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF paragraphs 9, 17, 56 and 60-66 and 128-141.
18. The proposal will have very little impact on the overall character and appearance of the subject property and conservation area as a result of its location to the rear of the original dwelling. As such, the proposal will not be visible from the front of the site, or public areas beyond.
19. The choice of matching materials ensures that the proposal will fit in well with the appearance of the original dwelling. The scale and design is considered to be appropriate, with the original character and features remaining intact.

Main issue 2: Amenity

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
21. The proposal will have no impact on the amenities of neighbouring properties as a result of its scale. Only no. 132 to the east will experience any noticeable difference as the side wall of the proposal will be visible along the shared boundary. The extension will not cause any loss of light or overshadowing.
22. The proposal will similarly not result in any loss of privacy as the only windows and doors are to be rear facing directly onto the rear garden.
23. The proposal ensures that the existing shared access to the neighbouring property is maintained.
24. The proposal will assist in enhancing both the internal and external spaces for the occupiers of the subject property.

Equalities and diversity issues

25. There are no significant equality or diversity issues.

Local finance considerations

26. 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.
27. 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.
28. In this case local finance considerations are not considered to be material to the case.

Conclusion

29. The proposal is considered to be of an appropriate scale and design, causing no harm to the character and appearance of the conservation area.
30. The proposal will not cause any harm to the amenities of neighbouring properties as a result of its scale.
31. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 16/00330/F - 134 Drayton Road, Norwich, NR3 2DX and grant planning permission subject to the following conditions:

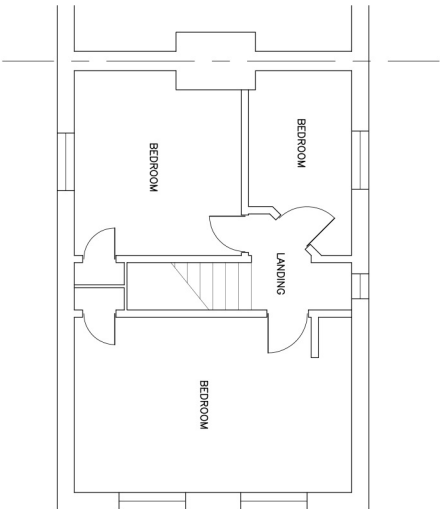
1. Standard time limit;
2. In accordance with plans;

Article 35(2) statement

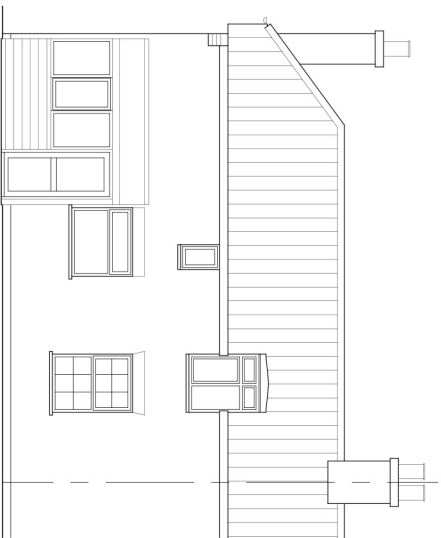
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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



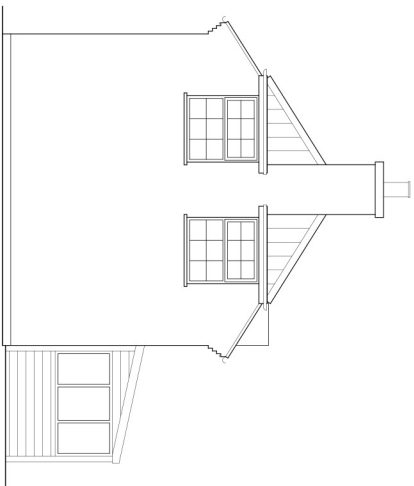
EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



EXISTING REAR ELEVATION



EXISTING SIDE ELEVATION

NOTES

This drawing to be read in conjunction with drawing no. 02.
All materials to match existing.

JSCE 3 Wood Close, Norwich, Norfolk, NR3 2DX

134 DRAYTON ROAD
NORWICH
NR3 2DX

PROPOSED REAR
EXTENSION – EXISTING
PLANS & ELEVATIONS

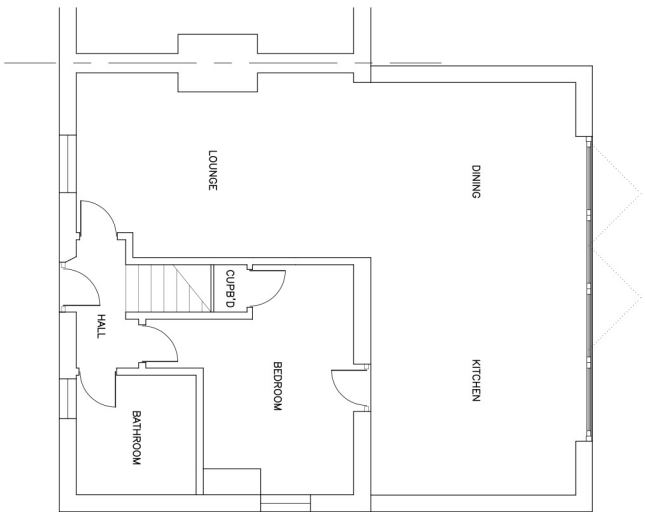
Client
Mr Ed Coleshill

Scale 1:50 @ A1 Drawn JS Date Feb 2016

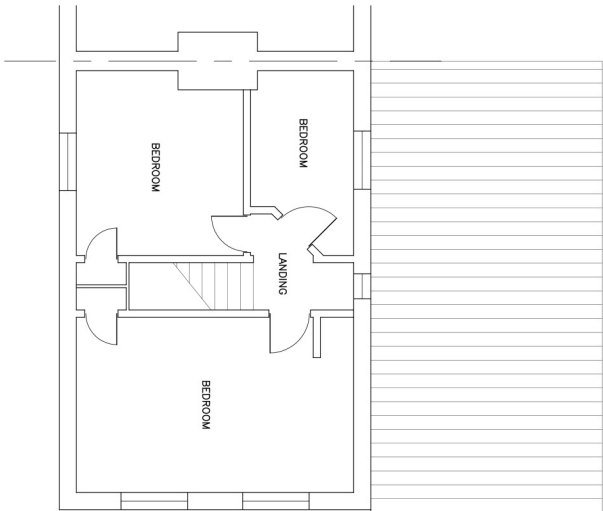
REVISIONS

REV	DATE	DESCRIPTION
1	28.02.16	PLANNING ISSUE

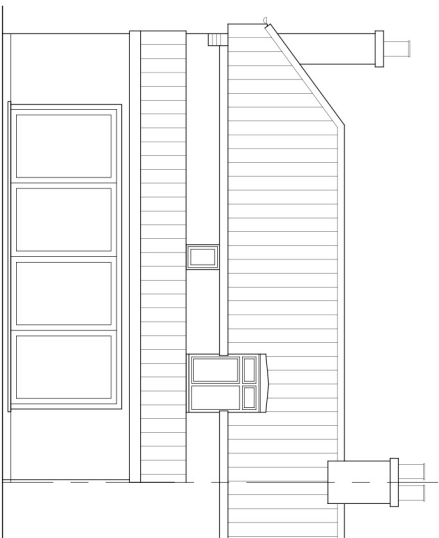
Drawing No. JSCE 282/01



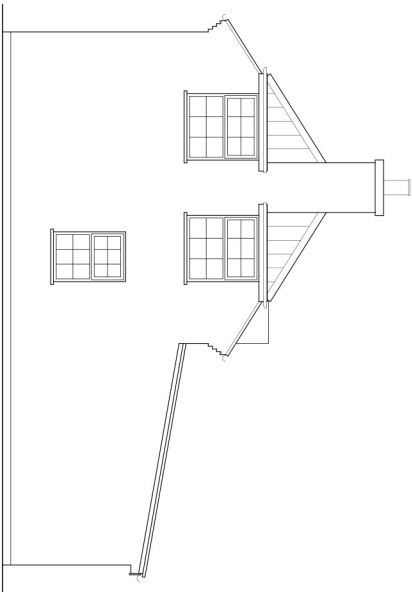
PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

NOTES

This drawing to be read in conjunction with drawing no. 01.
All materials to match existing.

Job
134 DRAYTON ROAD
NORWICH
NR3 2DX

Title
PROPOSED REAR
EXTENSION – PROPOSED
PLANS & ELEVATIONS

Client
Mr Ed Coleshill

Scale 1:50 @ A1 Drawn JS Date Feb 2016

REVISIONS

REV	DATE	DESCRIPTION
–	28.02.16	PLANNING ISSUE

Drawing No. JSCE 282/02

Report to Planning applications committee

Item

14 April 2016

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2015. City of Norwich
Number 493; north-east corner of the former
playground adjoining the rear of 17, 19, 21 and 23
Rose Valley NR2 2PX

**Reason
for referral** Representations for and objections to confirmation of
Tree Preservation Order 493

4(f)

Ward:	Nelson
Case officer	Stephen Hayden – tree consultant for Norwich City Council t: 07850 167400

Proposal		
To confirm Tree Preservation Order 2014, City of Norwich Number 493, In the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23 Rose Valley NR2 2PX without modifications		
Representations		
Object	Comment	Support
2		2

Main issues:	Key considerations:
1 Amenity	Impact on local residents Level of amenity for future occupiers
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
3 Biodiversity & wildlife	Trees aid biodiversity and wildlife
4 Development of the site	Impact of proposed development and the associated visual amenity of the site and surrounding area
TPO Expiry date	29 July 2016
Recommendation	Confirm TPO 493 without modifications

Introduction

1. The mature Red Oak tree is situated in the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23 Rose Valley NR2 2PX. The tree is visible from Unthank Road and Rose Valley.
2. The location of the trees is shown on the attached plan
3. The tree is owned by Norwich City Council
4. Tree Preservation Order No 476 was served on the tree on 6 August 2015. This Order was revoked and replaced by Tree Preservation Order No 493 on the 29 January 2016

The site, surroundings and content

5. A local resident contacted the council in June 2015 requesting the tree be protected because of concerns about its retention with the proposal for housing development on the adjacent car park. The Chair of the Rose Valley Residents Association also telephoned to express concerns about the impact of the proposed development on the tree.
6. The council's tree consultant assessed the tree using the Tree Evaluation Method for Preservation Orders (TEMPO). The assessment has the following classifications:

TEMPO score:	TEMPO Decision guide
0 – 11	Does not merit a TPO
12 -15	TPO defensible
16 – 25	Merits a TPO

The assessment resulted in a score of 17 for T1 the Red Oak which indicated that a Tree Preservation Order was defensible.

7. Tree Preservation Order 2015. City of Norwich Number 476: Immediately to the East of the entrance to the Norwich City Council play area, Rose Valley, NR2 2PX was served on the Red Oak (T1 of the Order) on 6 August 2015. The Order was provisionally in effect for 6 months from the date on which it was served.
8. On 18 September 2015 an application (15/01411/TPO) was registered from DN Grady and Sons Ltd the owners of the adjacent car park, to fell the tree. The application was for:

Non-native Red Oak(T1) - fell due to the development of adjacent land and replace it with 2 No trees, either alnus glutinosa, or broad cockspur thorn. The tree displays signs of structural instability on its major limbs and would require significant pruning in the future. The tree is of limited ecological value.

The application included an arboricultural impact assessment that formed part of an associated planning application (15/01410/F) for the erection of 3 dwellings

on the car park. The application also included a copy of the response of the senior planner (development) to an informal planning enquiry (13/00569/I) on the development of the car park which had been submitted by Hudsons Architects on 30 April 2013 and made reference to the tree protection officer's comments:

"I inspected the two main trees that are potentially impacted by the proposal. I have to concur with Tony Sorenson's findings at 2.2 of his Arb. feasibility study. In regard to T2 Red Oak I think the option of factoring in its removal, but with allowance on site to provide a significant replacement, may be the best and most sustainable way forward. The tree looks fine now from an amenity perspective but its existing physiological problems can only store up potential failure problems for the future. Better to gain a substantial replacement that will attain the same sort of significance in the landscape. *Alnus rubra* or *Alnus glutinosa* 'laciniata' would be quick to grow but the provision of adequate root soil volume will need to be factored in to any planting scheme and the scheme should account for its mature spread and height in the overall layout (the designers should take arboricultural or landscape advice on this aspect).

This potentially provides greater scope for adaptation of the layout of the site, however in order to provide a similar level of amenity value it is likely that any replacement would need to be located to the northern side."

9. Subsequently a report was submitted by Ravencroft Arboricultural Services on behalf of Adnams PLC dated 07.03.2015 with a drawing showing the removal of the tree and the planting of 2 12-14cm girth Broad Cockspur Thorn (Drawing No 070314/01) tight up against the northern aspect of the proposed dwelling.
10. The application to fell the tree was refused on 8 October 2015. The reasons for refusal were:

"Early mature tree with considerable visual amenity as local landscape feature, whilst there are some minor defects these are not sufficient to necessitate its removal. The tree has been categorised as a BS5837:2012 Category B2 as part of the submitted tree survey and therefore should be considered a constraint to planning

Remedial tree works such as crown lifting may be necessary to manage the tree to prevent conflict with access and parking."

The tree consultant's site notes included alternative options considered:

"Removal and replanting was proposed, however the proposed planting of two smaller trees in a cramped space at the end of a proposed dwelling, with limited space for growth, is not considered an appropriate replacement for this significant landscape feature."

11. On 11 November planning application 15/01410/F for the erection of 3 dwellings on the car park was withdrawn.

12. Tree Preservation Order No 476 was provisionally in effect from 6th August 2015 until the 5 February 2016, 6 months from the date on which it was served.

During this period the council gives consideration as to whether the Order should be confirmed that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any trees covered by the Order. The Council received two objections to TPO 476

The council's standing orders require that when an objection to an Order is received a report must be presented to planning applications committee before the Order is confirmed. Due to an administrative oversight the submission deadline for the January 2016 Planning Committee was missed. When this omission was noted TPO 476 was revoked and a replacement Order was served on 29 January 2016:

Tree Preservation Order 2016. City of Norwich Number 493: In the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23 Rose Valley NR2 2PX

This Order was served to ensure that the matter could be presented to planning committee in the correct manner.

13. Notice of the new Order (along with a letter of explanation) was served on the owner of the property, on the neighbouring properties and on interested parties.

Representations

14. Four letters of representation have been received in response to the serving of Order No 493:

- Two letters object to the Order; one from Jenny Harvey of Hudson Architects representing Adnams PLC and one from Justin Grady of DN Grady & Sons the owners of the car park adjacent to the tree and the adjoining property 107 & 109 Unthank Road, Norwich.
- Two letters of support for the Order have been received from the Rose Valley Residents' Association which represents the 42 local residents who are members of the Association.

Full details of these letters are available on request. The issues set out in the letters and the responses from the tree consultant are summarised below:

Representation	Response
<p>The tree is a poor quality tree with a limited lifespan. It is a non-native Red Oak which displays signs of structural instability on the major limbs and is of insignificant ecological value. Ravenscroft Arboricultural Services have advised that in order to prevent major branch failure, the tree will require significant pruning and will reach the end of its useful life within the next couple of decades.</p>	<p>It is the councils opinion that the tree is a semi-mature specimen that has minor defects but nothing that will compromise the long-term health or visual amenity of the tree. The tree has outstanding public visual amenity. Whilst some minor remedial tree works may be necessary in the future, this will not necessitate the removal of the tree.</p> <p>The tree has been categorised as a BS5837:2012 Category B2 tree by Ravenscroft Arboricultural Services</p> <p><i>A tree of moderate quality with an estimated remaining life expectancy of at least 20 years.</i></p> <p>Within the British Standard for Trees in relation to design, demolition & construction (BS5837:2012) Category B trees are deemed to be of sufficient quality to be considered a constraint on any prospective development and should be retained where possible.</p>
<p>Ravenscroft Arboricultural Services have suggested that it is reasonable to consider the removal of the tree as part of any future development provided that a replacement tree to reach similar size at maturity is planted</p>	<p>It has been suggested previously by the council's tree protection officer, that it is reasonable to consider the removal of the tree as part of future development, provided that a replacement tree is planted that can reach a similar size at maturity. This is something that was considered and reiterated by the tree protection officer during the pre-application discussions with the Lee Cook and the applicant. This is correct and it is reasonable to consider it. However the submitted plans (Ravenscroft Drawing No 070314/01 dated 07.03.2014) showed the trees being removed and replaced with 2 12-14cm girth Broad Cockspur Thorns planted in a small planting bed, tight against the northern aspect of the proposed dwellings. It is the councils opinion that the trees proposed are not suitable for the position proposed. They will, almost immediately, be in conflict with the dwelling and there is not enough room for the trees to grow to maturity. Given the limited space given for the</p>

Representation	Response
	<p>proposed replacement trees and their limited size at maturity the proposed replacement cannot replace the visual amenity provided by the Oak. Therefore it is clearly contrary to the previous advice given by the council's tree protection officer which requested <i>"allowance on site to provide a significant replacement..."</i> and <i>" Better to gain a substantial replacement that will attain the same sort of significance in the landscape"</i>, neither of which are or will be achieved by the proposed. I would suggest that if consideration were to be given to the removal of the tree a similar amount of space already used by the tree needs to be allocated to allow any new tree to grow to maturity and maintain the present visual amenity provided by the Red Oak.</p>
<p>Comments from senior planner (development) pre-application comments support the potential removal of the tree as long as an allowance is made for a significant replacement</p>	<p>See above</p>
<p>The removal and replacement of the Red Oak with a native tree of equal size at maturity will better enhance the local amenity.</p>	<p>This is considered a rather unusual notion, as the existing tree provides outstanding amenity for the site and surrounding area. No benefit would be achieved by the removal of a tree of such standing just to replace with another smaller tree of, at best, similar amenity that may never reach the size of the existing. Especially if it is in close proximity to new dwellings.</p>
<p>The council has received considerable support from numerous residents surrounding the site and The Rose Valley Residents Association whose support can be summarised as follows</p> <ul style="list-style-type: none"> • The tree affords an exceptional amenity to the local community 	<p>All the points raised are considered pertinent and relevant to the preservation of the tree.</p>

Representation	Response
<ul style="list-style-type: none"> • The removal of the tree would have a significant negative impact on the local environment and its enjoyment by the public, and a significantly impact on the amenity of the area(as defined by the Planning Practice Guidelines) • The tree is an important landscape feature • The tree cannot be adequately replaced • The fact that the tree is non native is irrelevant • Previous pruning has already been undertaken reduce likelihood of failure • The retention of the tree is not an absolute bar to development of the adjacent property • The tree is an aid to environmental air quality 	

Main issues

Issue 1

15. The loss of a large, mature tree which is in good condition and visible from Rose Valley and the Unthank Road would impact on the amenity of the area for local residents and for future occupiers. Considerable concern has been raised by Rose Valley Residents Association, all detailed in their written representation supporting the Preservation of the tree.

Issue 2

16. The loss of this tree would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO₂ a key greenhouse gas and act as a carbon sink by sequestering it. Also, by a combination of reflecting sunlight, providing shade and evaporating water through transpiration trees moderate the local microclimate and temperature.

Issue 3

17. The tree has a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

Issue 4

18. The tree enhances biodiversity by providing habitats for a variety of species and thereby contributes to providing a healthy food chain that is of benefit to birds and mammals.

Issue 4

19. The loss of the tree due to proposed development. Previous pre-application consultation with the council's tree preservation officer with regard to the proposed development on the site recommended the following:

“ I inspected the two main trees that are potentially impacted by the proposal. I have to concur with Tony Sorenson's findings at 2.2 of his Arb. feasibility study. In regard to T2 Red Oak I think the option of factoring in its removal, but with allowance on site to provide a significant replacement, may be the best and most sustainable way forward. The tree looks fine now from an amenity perspective but its existing physiological problems can only store up potential failure problems for the future. Better to gain a substantial replacement that will attain the same sort of significance in the landscape. *Alnus rubra* or *Alnus glutinosa* 'laciniata' would be quick to grow but the provision of adequate root soil volume will need to be factored in to any planting scheme and the scheme should account for its mature spread and height in the overall layout (the designers should take arboricultural or landscape advise on this aspect).

This potentially provides greater scope for adaptation of the layout of the site, however in order to provide a similar level of amenity value it is likely that any replacement would need to be location to the northern side.”

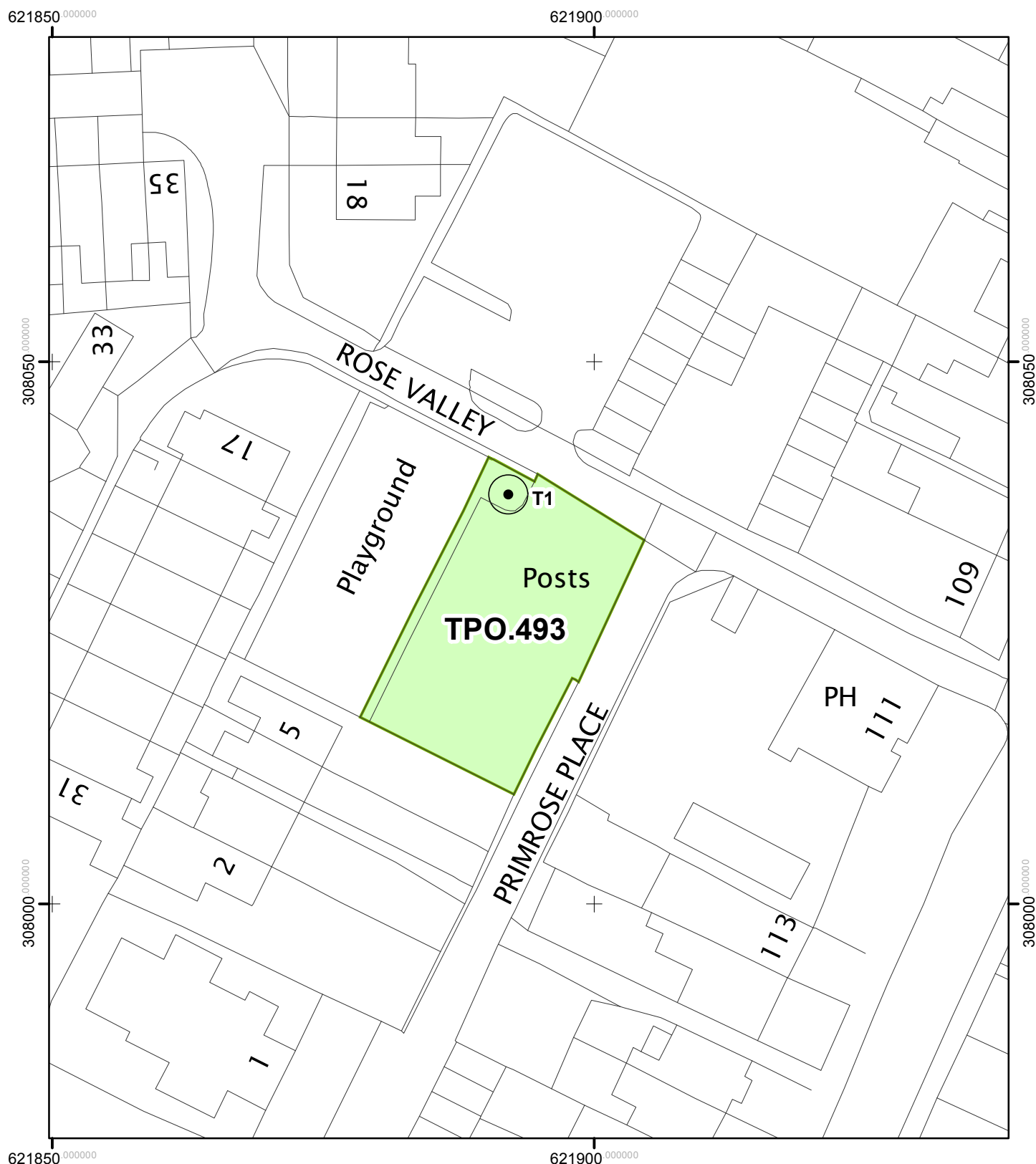
20. Having subsequently received a report from Ravenscroft Arboricultural Services (drawing No.070314/01 dated 07.03.2014) showing the removal and replacement of the Red Oak with 2 , 12-14cm girth, Broad Cockspur thorns, it is clear that the proposed tree replacement does not in any way provide “substantial replacement that will attain the same sort of significance in the landscape” as recommended in the pre-application advice. The proposed trees, Broad Cockspur Thorns, are medium sized species with a broad crowns planted in a small planting bed, tight up against the northern aspect of the proposed dwelling. This will create immediate conflict between the trees and dwelling and will prevent the trees growing to maturity. The size and position of the trees is such that they will never be able to provide the level of visual amenity provided by the existing tree and therefore it was the council’s opinion that the existing Red Oak should be protected.

Conclusion

21. Objections to the Order have been noted and whilst officers appreciate the concerns raised, it is their opinion that the tree in question makes a positive environmental contribution and has sufficient amenity value to validate its continued protection by the confirming of the Tree Preservation Order. However officers do appreciate the wish to develop the adjacent site and are willing to work with the owner of the site to secure an appropriate solution to the development of the site while retaining the tree.

Recommendation

22. To confirm Tree Preservation Order [TPO], 2015. City of Norwich Number 493; In the north-east corner of the former playground adjoining the rear of 17, 19, 21 and 23 Rose Valley NR2 2PX without modifications.



PLANNING SERVICES

Norwich City Council, City Hall,
Norwich, NR2 1NH
Telephone 0344 980 3333

Date : 26 January 2016

Scale : 1:500

Drawn by : SRB



THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 493, 2016

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

Citation

1. This Order may be cited as **Tree Preservation Order, 2016 City of Norwich Number 493. In the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23 Rose Valley NR2 2PX**

Interpretation

2. 1. In this Order “the authority” means the City Council of Norwich
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

TREE PRESERVATION ORDER 2016

THE CITY COUNCIL OF NORWICH NUMBER 493

**ADDRESS: In the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23
Rose Valley NR2 2PX**

DATED this 29th day of January
two thousand and sixteen.

THE CORPORATE SEAL of THE)
CITY COUNCIL of NORWICH)
Was hereunto affixed in the)
Presence of)

.....

Authorised by the Council

SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Oak	In the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23 Rose Valley NR2 2PX Grid Ref – 621895 : 308042

Groups of Trees
(within a broken black line on the map)

Reference on Map	Description	Situation
None.		

Trees specified by reference to an area
(within a black dotted line on the map)

Reference on Map	Description	Situation
None.		

Woodlands
(within a continuous black line on the map)

Reference on Map	Description	Situation
None		

**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY
TOWN AND COUNTRY PLANNING ACT 1990**

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

TREE PRESERVATION ORDER 2016

THE CITY COUNCIL OF NORWICH NUMBER 493

**ADDRESS: In the north-east corner of the former playground adjoining the rear of 17, 19, 21 & 23
Rose Valley NR2 2PX**

THIS IS A FORMAL NOTICE to let you know that on **29 January 2016**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *in order to secure the retention and future preservation of the tree as there may be the threat of its removal once the property is sold on. The tree is an amenity to the Rose Valley area*

[The Order took effect, on a provisional basis, on **29 January 2016**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.] The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **2nd March 2016**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact: **The Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546)**.

DATED this **29 January 2016**.

Signed



Stephen Hayden
Acting Tree Protection Officer
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Objections and representations

6.—(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/3/15	Surveyor: [Redacted]
Tree details TPO Ref (if applicable): Owner (if known):	Tree/Group No: 11 Species: Red Oak Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes

5

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|------------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes

1 |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes

5 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

17

Decision:

TPO.

12