



## **Planning applications committee**

**Date:** Thursday, 09 June 2016

**Time:** 09:30

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

### **Committee members:**

#### **Councillors:**

Herries (chair)  
Bradford  
Button  
Carlo  
Driver  
Henderson  
Jackson  
Lubbock  
Malik  
Peek  
Sands (M)  
Woollard

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## **Agenda**

### **Page nos**

**1 Appointment of vice chair**

To appoint the vice chair for the ensuing civic year

**2 Apologies**

To receive apologies for absence

**3 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)

**4 Minutes**

**5 - 24**

**5 Planning applications**

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

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

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

Please note:

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

**Summary of planning applications for consideration**

**25 - 26**

**Standing duties**

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| <b>5(a)</b> | <b>Application no 15/00833/F - 28 Mousehold Lane,<br/>Norwich, NR7 8HE</b>          | <b>29 - 40</b> |
| <b>5(b)</b> | <b>Application no 16/00381/F – 67 Melrose Road, Norwich,<br/>NR4 7PW</b>            | <b>41 - 48</b> |
| <b>5(c)</b> | <b>Application no 16/00570/F - 106 Trafford Road, Norwich,<br/>NR1 2QR</b>          | <b>49 - 56</b> |
| <b>5(d)</b> | <b>Application no 16/00645/F - 1 Phillipa Flowerday Plain,<br/>Norwich, NR2 2TA</b> | <b>57 - 64</b> |
| <b>5(e)</b> | <b>Enforcement Case 16/00028/ENF – 34-40 King Street,<br/>Norwich, NR1 1PD</b>      | <b>65 - 68</b> |

Date of publication: **Wednesday, 01 June 2016**





**Planning applications committee****09:30 to 17:15****12 May 2016**

Present: Councillors Sands (M) (chair), Herries (vice-chair) (absent for items 8 to 11 below, on other council business), Bradford, Button, Carlo, Henderson (substitute for the vacant place on the committee), Jackson, Lubbock, Maxwell, Peek and Woollard

**1. Declarations of interest**

Councillor Lubbock declared a predetermined view in item 3 (below), Application no 15/01646/F – Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG. She stated that she would speak on the item and then withdraw from the meeting during the committee's deliberations.

Councillor Carlo declared an other interest in item 3 (below), Application no 15/01646/F – Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG.as a member of the Yare Valley Society.

Councillor Carlo also declared a predetermined view in item 11 (below), Application nos 15/01867/F - 145 & 147 Earham Road, Norwich, NR2 3RG. She stated that she would speak on the item and then withdraw from the meeting during the committee's deliberations.

**2. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 14 April 2016.

**3. Application no 15/01646/F - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG**

(Councillors Lubbock had declared a predetermined view in this item and left the room during the committee's deliberations and decision making. Councillor Carlo had declared an interest in this item.)

The planning team leader (development) (outer area) provided a detailed presentation of the report, with the aid of plans and slides. There had been two further representations objecting to the proposal which was summarised in the supplementary report of updates to reports that was circulated at the meeting.

A local resident addressed the committee on behalf of the Yare Valley Society. The society and residents considered that this first phase of the development was too

dense and that the design of the three blocks was inappropriate for the character of the area.

Councillor Lubbock, as ward councillor for Eaton ward, addressed the committee and set out her concerns about the development, which included concern about the massing and density of the development, lack of sensitivity to its unique location in the Yare Valley, and that there should be a single application for the whole site rather than a separate application for the first phase. She also said that she regretted that the committee had not undertaken a site visit.

(Councillor Lubbock left the meeting at this point.)

The agent responded on behalf of the applicant and spoke in support of the application. This was a high quality scheme which responded to the setting and allowed specific housing to be delivered, including affordable housing, and this released family size accommodation.. The scheme opened up access to the river and was in a sustainable location, for residents to access local shops in the village and the city by public transport.

During discussion the planning team leader referred to the report and answered members' questions. The committee was advised that the use of permeable surfaces; planting, including replacement planting; and, where practical, green roofs could be considered as part of the landscaping condition. Bat and bird boxes would be provided to retain biodiversity on the site. Members also sought clarification about the status of the master plan for the development of the wider site and were advised that this application for the first phase of the development followed its principles. The committee noted that there was an emerging market for housing for over 55s and that the applicants did not want to develop a large site in one phase. Members were also advised that the site allocation was for housing for over 55s and therefore proposals for the second phase of the development that did not meet this requirement would be contrary to policy. Other issues that the committee sought reassurance about were that the buggy recharging facilities were adequate and that the size of the individual accommodation units met minimum size standards.

Discussion ensued in which the committee considered that it had sufficient information to consider the application without a site visit, although another Councillor Henderson concurred with Councillor Lubbock's suggestion.

The committee commented on the density of the housing and suggested that in accordance with the masterplan, there was an expectation that the second phase of development would be lower density housing for over 55s.. Councillors Jackson and Carlo commented that they considered the density proposed for the first phase of development was too great and therefore the application was unacceptable. Lower density housing would have less impact on the natural environment.

Members welcomed the provision of affordable housing for people aged over 55 and the opening up the access to the Yare Valley.

**RESOLVED**, with 6 members voting in favour (Councillors Sands, Herries, Button, Maxwell, Peek and Woollard), 3 members voting against (Councillors Carlo, Henderson and Jackson) and 1 member abstaining (Councillor Bradford), to approve

application no. 15/01646/F - Bartram Mowers Ltd Bluebell Road Norwich NR4 7LG and grant planning permission subject to the completion of a satisfactory legal agreement with the following heads of terms:

1. Affordable housing;
2. Provision and maintenance of open space in perpetuity
3. Financial contribution of £25,000 towards pedestrian / cycle crossing on Bluebell Road.

And subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials;
4. S278 agreement in relation to design of accesses, details to be agreed;
5. Landscaping, including replacement tree planting, boundary treatments;
6. Details of SUDS;
7. Details of lighting;
8. Details of visitor cycle parking;
9. Car / cycle parking to be provided prior to commencement of the development, including one car club space;
10. AMS / TPP.
11. Details of enhancements to Yare Valley footpath.
12. Details of biodiversity enhancements, including bird / bat boxes on buildings.
13. Water efficiency.
14. Details of fire hydrants
15. Development not to be occupied by residents under 55 years of age.

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.

(Councillor Lubbock was readmitted to the meeting.)

#### **4. Application no 16/00426/VC - 286 Dereham Road, Norwich, NR2 3UU**

The planning team leader (development) (outer area) provided a detailed presentation of the report, with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained a summary of a further representation and the officer response and explanatory text to clarify paragraph 28. He also proposed an amendment to condition 3, to require the centre to close three hours after sundown during the Ramadan period.

Councillor Bogelein, ward councillor for Nelson ward, spoke on behalf of residents of Merton Road, Bond Street and Dereham Road., who had made representations as part of the planning application consultation and were concerned about the adequacy of the community centre's travel plan. There were no buses after 23:00

and therefore increasing the opening hours of the centre after 23:00 during Ramadan would exacerbate pressure on parking spaces in the area. Residents had also expressed concern about noise when people vacated the premises. There was also concern that the community centre had breached the conditions and that the centre had been used between 23:00 and 07:00.

A representative of the Norwich and Norfolk Muslim Association community centre attended the meeting and spoke in support of the application. He apologised for any disturbance that visitors to the centre had caused to neighbouring residents and said that the centre engaged with the local and wider community. Visitors to the centre could park at the community hospital after 20:00. He explained that the centre required the extended hours to provide communal meals after sundown and a second meal at 12:30. He said that the community centre would work hard to address the issues about parking and noise.

During discussion the planning team leader referred to the report and answered members' questions. A member suggested that there should have been a travel plan when planning permission for the change of use was made. The committee also noted that the community centre was held in a former public house and that residents had complained about noise from its patrons when the pub had been open to 00:30.

The chair said that Dereham Road was a busy road and said that in fairness to residents the applicant should ensure that noise was kept to a minimum.

**RESOLVED**, with 10 members voting in favour (Councillors Sands, Herries, Button, Carlo, Henderson, Lubbock, Maxwell, Peek, Woollard and Bradford) and 1 member abstaining (Councillor Jackson) to:

- (1) approve application no. 16/00426/VC - 286 Dereham Road Norwich NR2 3UU and grant planning permission subject to the following conditions, which have been reattached or modified from the previous permission:
  1. In accordance with plans;
  2. Use only as a community centre;
  3. Use not to take place between the hours of 2300 hours and 0700 hours on any day, except during Ramadan period, when it shall close 3 hours after sundown and not after 23:00 (if the three hour period elapses prior to 23:00) and not after 01:00 if the three hour period elapses after 23:00;
  4. No external amplified sound;
  5. No amplified sound internally outside of specified limits;
  6. Use to take place in accordance with travel plan;
  7. No external lighting or CCTV without written consent.
  8. No fixed plant or machinery;
  9. Management plan to be submitted within 3 months.
- (2) seek authority to undertake further formal enforcement action against any breaches of the opening hours approved within condition 3 above should any evidence in future be found that such breaches are taking place.

(The committee had a short adjournment at this point and reconvened with all members listed above as present.)

**5. Application no 15/00756/F - Land Adjacent 37 Bishop Bridge Road, Norwich**

(As this item was being filmed by Mustard Television, the chair advised the committee and members of the public of the council's procedures in relation to filming at public meetings.)

The senior planner (development) gave a detailed presentation of 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 summaries of additional representations (four in support of a new food store at this location and two further comments, one submitted by Councillor Price, ward councillor for Thorpe Hamlet Ward. The supplementary report also contained additional information submitted by the applicant, a consultation response from the Highways Authority and an update on the retail impact.

Discussion ensued in which the senior planner (development) and a transportation planner from the county council, together with the planning team leader (development) (inner), referred to the report and answered members' questions in relations to highways issues (particularly the prohibition of right turns when egressing the site), traffic congestion and pedestrian access; biodiversity and landscaping; sequential test for a food store at this location; the constraints on the site for housing development because of the adjacent gasometer (which would not be considered for decommissioning and revocation of its hazardous waste consent before 2021) and that access to site allocation site R15 was through site R14 and therefore the sites were interlinked.

During discussion a number of members referred to traffic congestion on Riverside Road and near the roundabout and pointed out that the air quality was compromised. Members considered that the prohibition of a right turn, when exiting the proposed store, would mean longer journeys for customers and was not a practical solution. Members also expressed concern about the loss of valuable housing allocation at this site. A member suggested that the decommissioning of the gasometer did not constrain the development of housing on the R15 site. Officers advised the committee that the applicant had provided a transport assessment which had been found acceptable by the county's highways planners. Members were also referred to paragraph 32 of the National Planning Policy Framework and were advised that it would be difficult to support their concerns about the transport issues in policy terms.

In reply to a question the senior planner referred to the planning history as set out in the report. The application for development in 2008 had been set Grampian conditions for development following decommissioning of the gasometer. She also pointed out that R14 and R15 were in separate ownership and allocated for housing. Members noted that both sites could be developed after 2021 if the gasometer was decommissioned. Members considered that the location of site was better suited for housing and that proposals coming forward for this site should comply with the site allocation.

Councillor Peek said that he supported the application which would provide 40 jobs.

Councillor Jackson moved and Councillor Lubbock seconded that the application be refused on the grounds that it was contrary to the site allocations plan, policies R15 and R14, and the relevant planning policies for the delivery of housing.

**RESOLVED**, with 8 members voting in favour (Councillors Herries, Button, Carlo, Henderson, Jackson, Lubbock, Woollard and Bradford) and 3 members voting against (Councillors Sands, Maxwell and Peek) to refuse application no. 15/00756/F - Land Adjacent 37 Bishop Bridge Road, Norwich on the grounds that the application was contrary to the site allocation policies for R14 and R15 and to ask the head of planning to provide reasons in planning policy terms.

(Reasons for refusal as subsequently provided by the head of planning services:

1. The development of the site for retail purposes would result in the loss of land allocated for housing development in the adopted Norwich Site Allocations and Site Specific Policies Local Plan (2014) under site specific policies R14 and R15. These two allocated sites are capable of delivering a minimum of 80 dwellings of which approximately 50 could be reasonably delivered on the application site which comprises site R15 and a major part of R14. The allocated housing sites form part of an identified supply of specific developable sites required to meet the allocation target of 3,000 homes in Norwich over the period 2008-2026.

Even if neither site is deliverable in five years, both sites are considered to be developable toward the end of the local plan period. The development of the sites for non-residential purposes would thus compromise the ability of the city council as local planning authority to meet the objectively identified need for new homes (including affordable homes) in Norwich over the entirety of the local plan period.

Furthermore the development does not meet any of the exception criteria set out in policy DM15 of the Norwich Development Management Policies Local Plan (2014) which would allow the development of land allocated for housing for other purposes. Specifically the development as a whole does not deliver exceptional benefits to sustainability which would clearly and justifiably outweigh the strong presumption in favour of retaining the land for housing.

On this basis the application is contrary to the following policies of the adopted development plan and in the absence of material considerations to indicate otherwise, permission must be refused.

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

- JCS4 Housing delivery
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes

Norwich Development Management Policies Local Plan adopted Dec. 2014

- DM1 Achieving and delivering sustainable development
- DM15 Safeguarding the city's housing stock

Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014

- R14 Land at Ketts Hill and Bishop Bridge Road
- R15 Land east of Bishop Bridge Road)

**6. Application no 15/01927/O - Barrack Street Development Site, Barrack Street, Norwich**

The planning policy team leader (projects) presented the report with the aid of plans and slides. The supplementary report of updates to report, circulated at the meeting, set out an erratum to the table of representations set out in the report to include 1 comment in addition to the four representation of objection. The issues raised in objection to the proposal were highlighted in the presentation.

Discussion ensued in which the planning policy team leader, together with the planning team leader (development) (inner area) referred to the report and answered members' questions. Members' questions included concern that this was an outline application. Some members expressed concern that affordable housing on the site had been cleared for development several years ago and then left undeveloped.

Members also objected to the indicative plans showing "eastern bloc" style housing and suggested that there was an expectation that at the reserved matters stage the design of housing would be more sympathetic to the river and adjacent conservation area.

**RESOLVED** with 9 members voting in favour (Councillors Sands, Herries, Button, Jackson, Lubbock, Maxwell, Peek, Woollard and Bradford) and 2 members abstaining from voting (Councillors Carlo and Henderson) to approve application No. 15/01927/O, Barrack Street Development Site, Barrack Street, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit and specification of reserved matters;
2. Reserved matters to be broadly in compliance with the parameters plan;
3. Reserved matters to include provision for 3,680sqm of public open space;
4. Reserved matters to include an energy statement;
5. Contamination risk assessment, site investigation, remediation and verification plan;
6. Contamination verification report;
7. Contamination monitoring, maintenance and contingency;
8. Contamination not previously found;
9. Certification of imported material;
10. Archaeology written scheme of investigation;
11. Finished floor level;
12. Sound insulation to habitable rooms facing Barrack Street;
13. Details and provision of fire hydrants;
14. Details of the surface water drainage scheme to be submitted;

15. Condition parking provision;
16. Surface car parking to cease on first use of the 127 space B1/Jarrold car park;
17. Restriction of 442 B1/Jarrold spaces across the wider site (both sides of the City Wall);
18. 10% of dwellings to be constructed to meeting M4(2) building regulations for accessible and adaptable dwellings;
19. Development to be constructed to achieve 110 litres/person/day water efficiency.

Informative Notes:

1. Construction working hours
2. Anglian Water assets close to site

Article 31(1)(cc) 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.

**7. Application no 16/00558/F - 14 Bland Road, Norwich, NR5 8SA**

(The chair said that he had called in this application as a ward councillor but did not have a predetermined view in determining this application.)

The senior planning technical officer presented the report with the aid of plans and slides. The application was recommended for refusal.

Discussion ensued in which the senior planning technical officer referred to the report and answered questions.

The applicant addressed the committee and said that the extension was required to provide two bedrooms and shower room at ground floor level to facilitate the care of her mother. She explained that the extension was to the front of the existing house because it was quieter than the rear, where there was noise from student lets from the neighbouring houses and streets.

During discussion members expressed support for the application and considered that the extension was not intrusive and that the applicant had exceptional circumstances to “need” the additional ground floor space. The planning team leader (development) (outer area) said that a previous application for this site had been refused. Members were minded to approve the application on the grounds that the personal circumstances of the applicant outweighed any harm to the character of the area, subject to conditions relating to materials and landscaping. Accordingly, Councillor Maxwell moved and Councillor Bradford seconded that the application be approved contrary to officer recommendation.

**RESOLVED** unanimously to approve application no 16/00558/F 14 Bland Road, Norwich, NR5 8SA, subject to the following conditions:



1. Standard time limit;
2. In accordance with plans'
3. Materials to be agreed prior to construction;
4. Landscaping to be agreed.

(The committee adjourned for lunch at 13:05. The committee reconvened at 13:55 with all members listed above as present, except Councillor Herries who was on other council business.)

**8. Application no 16/00408/U - 134 Unthank Road, Norwich, NR2 2RS**

The planner (development) presented the report with the aid of plans and slides. There were no further updates to the report.

**RESOLVED**, unanimously, to approve application no. 16/00408/U - 134 Unthank Road Norwich NR2 2RS 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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

**9. Application no 16/00300/U - 20 Elm Hill, Norwich, NR3 1HG**

The planner (development) presented the report with the aid of plans and slides. She also referred to a late submission from Councillor Grahame, ward councillor for Thorpe Hamlet ward, who had been unable to stay to speak at the meeting and had been submitted too late to be included in the supplementary report of updates to reports, circulated at the meeting. In her submission Councillor Grahame reiterated the objections she had raised previously and alluded to the rental value that the property had been marketed at. The planner said that the figures that had been provided to the councillor had been incorrect and that the property had been marketed for 9 months at £8,000 per annum.

The agent addressed the committee and explained that the property had been marketed as a retail unit for 9 months without success. The retail unit had no storage and the residents required access through the shop. There were no proposed changes to the front of the building. The windows were used to display local art work at no cost to the artists. Elm Hill was a vibrant street with a mix of commercial and residential units.

During discussion the committee considered whether the change of use of this building to residential use could set a precedent. The planner explained that this property was in a central location on Elm Hill and had not been used for commercial purposes, except for a short period, for over a decade. Approval of this application would not set a precedent. Members were advised that the property was privately

owned and that the applicant had tried to market it for retail use for an acceptable period of time (9 months) at £8,000 per annum, which was a reasonable figure. Some members considered that the loss of a retail unit would impact on the vitality of the street and not be reversed. Others considered that as the shop frontage would be retained, the property could be used for commercial use in the future.

**RESOLVED**, with 7 members voting in favour (Councillors Sands, Button, Lubbock, Maxwell, Peek, Woollard and Bradford), 3 members voting against (Councillors Carlo, Henderson and Jackson) to:

(1) approve application no. 16/00300/U - 20 Elm Hill Norwich NR3 1HG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use of two shop front windows for display space.

(2) subject to the granting of planning permission, agree the removal of the Enforcement Notice, which took effect on 13 January 2012.

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

#### **10. Application no 15/01837/F - 20 Cambridge Street, Norwich, NR2 2BB**

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

Residents addressed the committee and highlighted the objections to the scheme. They considered that the scheme was detrimental to the amenity of their property and expressed concern about the impact of the scheme in relation to air flow, daylight and direct overshadowing to their garden in particular. They believed that the stairwell which would cause this was unnecessary and would only enable subdivision in the future. They considered two single storey garages would be more appropriate in both design and parking terms.

Discussion ensued in which the planner explained that there was space in front of the garages for additional car parking and that two garages would exceed the parking thresholds in the local plan. He referred to the report and answered members' questions. He explained that the stairwell block provided visual screening and that a single storey development would not address the street as effectively, a concern raised by a different representation. In response to a member's suggestion, the planner said that a green roof could be conditioned if deemed necessary. The chair pointed out that a green roof would preclude the addition of solar panels. Members noted there had been previous contamination on the site and that the drainage condition should take account of the need to avoid a soakaway.

A member said that he considered that the application was unacceptable because of its impact on the amenity of the neighbouring properties and the character of the conservation area.

The chair moved the officer recommendations to approve the application and with 4 members voting in favour of approval (Councillors Sands, Maxwell, Peek and Woollard), 5 members voting against (Councillors Carlo, Henderson, Jackson, Lubbock and Bradford), with 1 member abstaining (Councillor Button) the motion was lost.

Discussion then ensued in which members who had voted against approval expressed their reasons for the refusal of this application. The massing of the stairwell structure was considered as being unnecessarily large and of an imposing form. Refusal would be consistent with policy DM3 in that the design was contrary to the positive characteristics of the area. The planning team leader (development) (inner area) said that the National Planning Policy Framework allowed for contemporary design in a conservation area. It was not always considered that a modern pastiche of the buildings in the area was the best solution. A member responded that design was critical in a conservation area and that the scheme should be more sympathetic to the surrounding development which made a positive contribution. Members were advised to take into account whether they considered that both this and the overshadowing of part of a garden outweighed the benefits of delivering a new dwelling.

Councillor Jackson moved and Councillor Lubbock seconded that the application be refused because the design of the proposed development was contrary to policy DM9 and did not draw on the positive references from the conservation area rather than the detrimental development to the west, and that combined with the loss of amenity to the neighbouring property, this outweighed the delivery of a new residential unit.

**RESOLVED** with 5 members voting in favour (Councillor Carlo, Henderson, Jackson, Lubbock and Bradford), 4 members voting against (Councillors Sands, Maxwell, Peek and Woollard) and 1 member abstaining (Councillor Button) to refuse application no 15/01837/F - 20 Cambridge Street, Norwich, NR2 2BB on the grounds that the design of the building was detrimental to the character of the area and amenity of the neighbouring garden, and to ask the head of planning services to provide reasons for refusal in planning policy terms.

(Reasons for refusal as subsequently provided by the head of planning services:

1. The area to the south and east of the site is characterised by terrace housing, which with their traditional form, detailing and materials, have a group value which significantly contributes to the character of the conservation area. The proposed development does not take reference from these positive characteristics and instead, by virtue of its form, massing and detailing, takes reference from the adjacent 'detrimental building' to the west (as identified in the Heigham Grove conservation area appraisal). This serves to detract from the established local distinctiveness and as such cannot be considered to preserve or enhance the character of the conservation area. This causes less than substantial harm to the heritage asset and the benefits of delivering an additional

dwelling are not considered to outweigh this. The proposal is therefore contrary to paragraph 134 of the National Planning Policy Framework, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policies DM3, DM9 and DM12 of the Norwich Development Management Policies Local Plan (adopted 2014).

2. Due to the elevated position of the garden of 5 Trinity Street the scale and form of the development presents itself as an overbearing structure which, alongside the direct overshadowing and loss of daylight, adversely affects the enjoyment of the garden and therefore the amenity of those occupiers. As mitigation of this harm is entirely unachievable through condition, the development is contrary to policy DM2 of the Norwich Development Management Policies Local Plan (adopted 2014) and the objectives of the National Planning Policy Framework.)

#### **11. Application no 16/00138/F - 1 Park Lane, Norwich, NR2 3EE**

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

**RESOLVED** unanimously to approve application no. 16/00138/F - 1 Park Lane Norwich NR2 3EE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials to be submitted;
4. In accordance with AIA and foundation proposal.

#### **12. Application no 15/01867/F - 145 & 147 Earlham Road, Norwich, NR2 3RG**

(Councillor Carlo had declared a pre-determined view in this item and left the room during the committee's deliberations and decision making. Councillor Herries was readmitted to the meeting during this item.)

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports circulated at the meeting and said that there had been three additional letters of objection. There had been 58 letters of objection and 1 letter of support.

Four local residents and Councillor Carlo, ward councillor for Nelson ward, addressed the committee and outlined their objections to the proposed change of use which included: concerns about the safety to other road users and pedestrians from vehicles access and egressing the site; concerns about the management of the property and fears of anti-social behaviour; that the facilities for cycle storage, parking and refuse were not adequate; that the visual appearance of the front garden would be out of character to the surrounding gardens; and, that there was a high density of houses in multiple occupation in the ward, and that the Norwich Society objected to the proposal.

The agent spoke in support of the application. He explained that this application would provide accommodation for fewer people than if the two properties were used as bed and breakfasts and a one bedroom flat (potentially 36 people). The properties would be marketed as an upper end HMO. He asked the committee to uphold the officer recommendation. Cycle parking would be provided. The car park would be shielded by landscaping. He pointed out that the same objections had been made to the previous planning consent and not considered of significance to refuse it. Refuse bins could be accommodated on the site.

(Councillor Carlo left the meeting at this point.)

Discussion ensued in which the senior planner, together with the planning team leader (development) (inner area) referred to the report and answered members' questions. Members noted that the proposal would not have an adverse impact on the critical drainage area. The senior planner confirmed that the private sector housing officer had been consulted and were satisfied with the fire escape route. The bin store was shown on the plans but there was a step and would be difficult to access.

During discussion members commented on the concern that the character of the area was being lost by converting large family homes into HMOs and the detrimental effect that this had on the amenity of the neighbourhood. Members stated that they were minded to refuse this application. The introduction of Article 4 Directions to control the growth of HMOs in certain parts of the city would assist the committee in determining applications for change of use. The committee was advised that if it was minded to refuse the application the relevant planning policies were DM3, DM13 and DM12, relating to the harmful impact of the development on the character of the area. The senior planner also stated that the current use of the buildings (one 9 bedroom bed and breakfast (B&B) and a five bedroom family house) and the proposed two HMOs would both accommodate 14 people. Members however considered that the intensity of the occupancy of the buildings as HMOS would be greater than a B&B and that there would be more opportunity for antisocial behaviour, nuisance to neighbours and problems with refuse and parking.

The chair moved the officer recommendations to approve the application, and with 1 member voting in favour (Councillor Sands) and 8 members voting against (Councillors Button, Henderson, Jackson, Lubbock, Maxwell, Peek, Woollard and Bradford) not to approve it.

Discussion then ensued on the reasons for refusal. Members considered the impact that a high density of HMOs had on the neighbourhood and the inappropriateness of the change of use on the surrounding properties. Members were advised that traffic management would not be sufficient grounds for refusal. These were larger semi-detached properties and over-occupancy was not an issue as for smaller terraced houses. Members considered that the scheme should be car free. The senior planner cautioned that the removal of car parking would result in increased parking on the highway and may increase local concern over the proposals. Further consultation would be required if car parking was removed.

The agent said that the applicant could remove the parking provision and reinstate the garden if members were minded to approve the application.

The chair moved and Councillor Bradford seconded that the committee deferred making a decision to allow for further consultation. This motion was then withdrawn when other members indicated that they were minded to determine the application.

Members considered that the impact of a HMO on the surrounding area should be considered as with any other change of use application, eg, for a shop or commercial use. This was a residential area and there would be more people coming and going than if the houses were used for a family home. Also there were concerns about the arrangements for storage and collection of refuse. The planning team leader advised that unlike retail units the council did not have a policy on the impact of HMOs on the character or vitality of an area.

(The committee had a short adjournment at this point. All members listed as present were readmitted with the exception of Councillor Carlo.)

Councillor Lubbock moved and Councillor Woollard seconded that the application be refused on the grounds that the changes to the front of the building would be detrimental to the residential character of the area and that the plans for the storage and collection of refuse were inadequate. The planning team leader said that these grounds were linked to policies DM3, DM13 and DM12.

**RESOLVED**, with 6 members voting in favour (Councillors Henderson, Jackson, Lubbock, Maxwell, Peek and Woollard), 1 member voting against (Councillor Sands), and two members abstaining (Councillors Bradford and Button, and Councillor Herries not participating in voting because she had been absent for part of the item) to refuse application no 15/01867/F - 145 and 147 Earlham Road, Norwich, NR2 3RG on the grounds that the changes to the front garden would be detrimental to the residential character of the surrounding area and that there was inadequate provision been made for the storage and collection of refuse, and to ask the head of planning services to provide reasons for refusal in planning terms:

(Reasons for refusal as subsequently provided by the head of planning services:

1. The removal of the front gardens and creation of an area of hardstanding for car parking will be out of keeping with the residential character of the surrounding area and harmful to the appearance of the site. As such the proposal is contrary to paragraphs 58 and 64 of the NPPF, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 as amended 2014, and policies DM3, DM12 and DM13 of the Development Management Policies Local Plan 2014.
2. Inadequate provision has been made for the storage and collection of refuse and as such the proposal will increase the potential for waste receptacles to be left out on the street or adjacent to the site entrance. Such a scenario would be harmful to the appearance of the site, be detrimental to the character of the surrounding area and potentially create obstacles in the highway. The proposal is therefore considered contrary to paragraphs 58 and 64 of the NPPF, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 as amended 2014 and policies DM3, DM12, DM13 and DM31 of the Development Management Policies Local Plan 2014.

**13. Application no 15/01875/F - Little Timbers, 2 South Park Avenue, Norwich, NR4 7AU**

(Councillor Carlo re-entered the meeting during this item and therefore did not participate in the determination of this item.)

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

During discussion the senior planner referred to the report and answered members' questions. He confirmed that the communal areas were adequate and that there had been no objections from private sector housing to the scheme.

Discussion ensued in which members noted that this application was acceptable as there were not many houses in multiple- occupation (HMO) in the area and this HMO did not have a detrimental impact on the area. Councillor Lubbock concurred with this but considered that the proposal was too intense for the size of the site.

**RESOLVED** with 9 members voting in favour (Councillors Sands, Herries, Button, Henderson, Jackson, Maxwell, Peek, Woollard and Bradford), and 1 member voting abstaining (Councillor Lubbock) and 1 member not voting (Councillor Carlo who had been absent for part of the item) to approve application no. 15/01875/F - Little Timbers, 2 South Park Avenue, Norwich, NR4 7AU and grant planning permission subject to the following conditions:

1. Standard time limit;
1. In accordance with plans;
2. With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place in pursuance of this permission until details (including manufacturer, product, colour finish and samples where required) of the materials to be used in the external construction of the [insert relevant materials i.e. walls, roof, windows, doors, gutters, downpipes, fascias, bargeboards etc] of the development hereby permitted have been submitted to and approved in writing by the local planning authority. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application. The development shall be carried out in accordance with the materials as approved.
3. With the exception of any site clearance works, archaeological work, tree protection works and ground investigations, no development shall take place in pursuance of this permission until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include the following information:

Existing landscape details:

- (a) location, spread and levels of existing trees, hedgerows and other significant areas of vegetation on or adjoining the site;
- (b) details of existing boundary treatments and forms of enclosure;

Hard landscape details:

- (c) details of the materials for paved areas, parking area and low level terrace including manufacturer, product type and colour;
- (d) proposed and existing functional services above and below ground (e.g. power and communication cables, pipelines, indicating manholes, supports etc.);
- (e) details of all new boundary treatments at the site, including the material and colour finish of any walls, fences or railings;
- (f) details of new external lighting;
- (g) details of vehicle and pedestrian access and circulation areas;
- (h) details of car parking layouts, cycle store and bin stores;
- (i) proposed finished levels or contours;

Soft landscape details:

- (j) planting plans showing the location, species and numbers of proposed new trees, hedging, shrubs and other planting on the site;
- (k) planting schedules, noting species, planting sizes (at time of planting) and proposed numbers and densities where appropriate;
- (l) written specifications (including cultivation and other operations associated with plant and grass establishment).

Implementation and management details:

- (m) an implementation programme clearly indicating a timescale for the completion of all landscaping works;
- (n) a landscape management plan, including management responsibilities and a schedule of maintenance operations for all landscaped areas for a minimum period of five years following implementation.

The development shall be carried out in full accordance with the agreed details and implementation programme and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. Management of the landscaping shall commence immediately after planting in accordance with the agreed details. All hard and soft landscaping works shall thereafter be retained as such.

If within a period of FIVE years from the date of planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted or is destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant or similar.

4. SUDS Details submission and implementation
5. No development shall take place until details of the proposed finished floor levels of the building and the existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these agreed details.
6. 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 in Appendix 4 of the above document. 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.

7. The development hereby approved shall be carried in out in full accordance with the 'HMO Management Policy' [received 22 March 2016].
8. 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.
9. Notwithstanding the provisions 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 extensions or ancillary building shall be erected unless an appropriate planning application is first submitted to and approved in writing by the local planning authority.

Informatives:

- 1) Considerate construction;
- 2) Refuse and recycling bins;
- 3) Vehicle crossovers;
- 4) Permeable hardstanding;
- 5) Street naming/numbering;

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.

**14. Application no 16/00283/F - 1 Hanover Court, Norwich, NR2 2HE**

The planning assistant presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, circulated at the meeting, and said that the tree protection officer required condition 3 to be amended to require an amended arboricultural statement to be submitted. He explained that the initial proposal had been slightly larger and that this had required the impact assessment to be amended.

Two of the immediate neighbours addressed the committee and said that several neighbours also objected to this proposal to extend a bungalow which would alter the

appearance of the adjacent bungalows, that it was over development of the site and that it would be difficult for the future owner to access or egress the site.

During discussion members asked to view the slides to compare the ridge height of the proposed two storey building with adjacent buildings.

**RESOLVED** with 6 members voting in favour (Councillors Herries, Button, Carlo, Jackson, Lubbock and Peek), 4 members voting against (Councillors Sands, Maxwell, Woollard and Bradford) and 1 member abstaining (Councillor Henderson) to approve application no. 16/00283/F - 1 Hanover Court Norwich NR2 2HE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with a revised arboricultural method statement (to be submitted)
4. Details of proposed materials for horizontal boarding and window joinery.

#### 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.

#### **15. Application no 16/00223/F - YMCA 10 Winalls Yard, Norwich, NR1 3GX**

The planning assistant presented the report with the aid of plans and slides. He explained that this was a retrospective application.

The planning team leader (development) (outer) advised the committee of an erratum in the report and that the policy references in the reasons for refusal were DM30 and DM9.

**RESOLVED**, unanimously, to:

- (1) refuse application no. 16/00223/F - YMCA 10 Winalls Yard Norwich NR1 3GX for the following reasons:
  - (a) The ATM by virtue of its location and freestanding nature would be an incongruous feature which in combination with the advertising on it would detract from the surrounding area and fail to enhance this recently regenerated part of the City Centre and as such would be contrary to policy DM9 of the adopted City of Norwich Replacement Local Plan and contrary to paragraph 64 of the NPPF.
  - (b) The applicant has failed to demonstrate that the ATM can be serviced in a safe manner which would ensure the prevention of crime in accordance with the Council's duties under section 17 of the Crime and Disorder Act 1998 and policy DM30 of the adopted City of Norwich Replacement Local Plan.

- (2) authorise enforcement action under section 172 of the Town and Country Planning Act 1990 (as amended) to secure the cessation of the unauthorised structure, the replacement of landscaping and the taking of legal proceedings, including prosecution if necessary.

**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. The local planning authority has sought to negotiate amendments to the scheme in order to overcome the reasons for refusal outlined above, however the applicant has not been able to make the amendments in order to ensure the development complies with national policy and the development plan as such the application has been refused for the reasons outlined above.

**16. Application no 16/00122/F - 5 Wordsworth Road, Norwich, NR5 8LN and Application no 16/00135/F - 7 Wordsworth Road, Norwich, NR5 8LN**

(The chair agreed that application no 16/00122/F - 5 Wordsworth Road, Norwich, NR5 8LN and application no 16/00135/F - 7 Wordsworth Road, Norwich, NR5 8LN, could be considered as a joint presentation.)

The senior planning technical officer presented both reports on the separate applications with the aid of plans and slides. He pointed out that that the application for no 7 was no longer for a change of use as the number of residents had been reduced from 6 which was within permitted development rights.

Discussion ensued in which the senior planning technical officer answered questions, about parking and refuse storage and collection.

**Application no 16/00122/F - 5 Wordsworth Road, Norwich, NR5 8LN**

**RESOLVED**, with 9 members voting in favour (Councillors Sands, Herries, Button, Carlo, Henderson, Maxwell, Peek, Woollard and Bradford) and 2 members abstaining (Councillors Jackson and Lubbock), to approve application no. 16/00122/F - 5 Wordsworth Road Norwich NR5 8LN and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of cycle / refuse storage to be submitted and agreed.
4. No occupation until car parking is provided.
5. Details of hard / soft landscaping.
6. No more than 7 occupants

**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.

**Application no 16/00135/F - 7 Wordsworth Road, Norwich, NR5 8LN**

**RESOLVED**, with 10 members voting in favour (Councillors Sands, Herries, Button, Carlo, Henderson, Jackson, Maxwell, Peek, Woollard and Bradford) and 1 members abstaining (Councillor Lubbock), to approve application no. 16/00135/F - 7 Wordsworth Road Norwich NR5 8LN and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Informative advising that occupation by 7 or unrelated individuals will require a separate application for planning permission.

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.

**17. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 4, 2015-16 (1 January to 31 March 2016)**

**RESOLVED** to note the report.

CHAIR

## Summary of planning applications for consideration

## ITEM 5

9 June 2016

| Item no | Application no | Location                                      | Case Officer       | Proposal   | Reason for consideration at Committee | Recommendation |
|---------|----------------|---|--------------------|--|---------------------------------------|----------------|
| 5(a)    | 15/00833/F     | 28 Mousehold Lane (former Start Rite factory) | Kian Saedi         | Changes to ground levels to prepare site for future development. | Objections                            | Approve        |
| 5(b)    | 16/00381/F     | 67 Melrose Road                               | Charlotte Hounsell | Two storey side extension  | Objections                            | Approve        |
| 5(c )   | 16/00570/F     | 106 Trafford Road                             | Sam Walker         | Single storey rear extension                                     | Objections                            | Approve        |
| 5(d)    | 16/00645/F     | 1 Phillipa Flowerday Plain                    | Sam Walker         | Single storey side extension                                     | Objections                            | Approve        |
| 5(e)    | 16/00028/EN F  | 34-40 King Street                             | Sam Walker         | White upvc windows installed without consent                     | Enforcement Action                    | Serve notice   |



## **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**

09 June 2016

**Report of** Head of planning services

**Subject** Application no 15/00833/F - 28 Mousehold Lane,  
Norwich, NR7 8HE

**Reason for  
referral** Objection

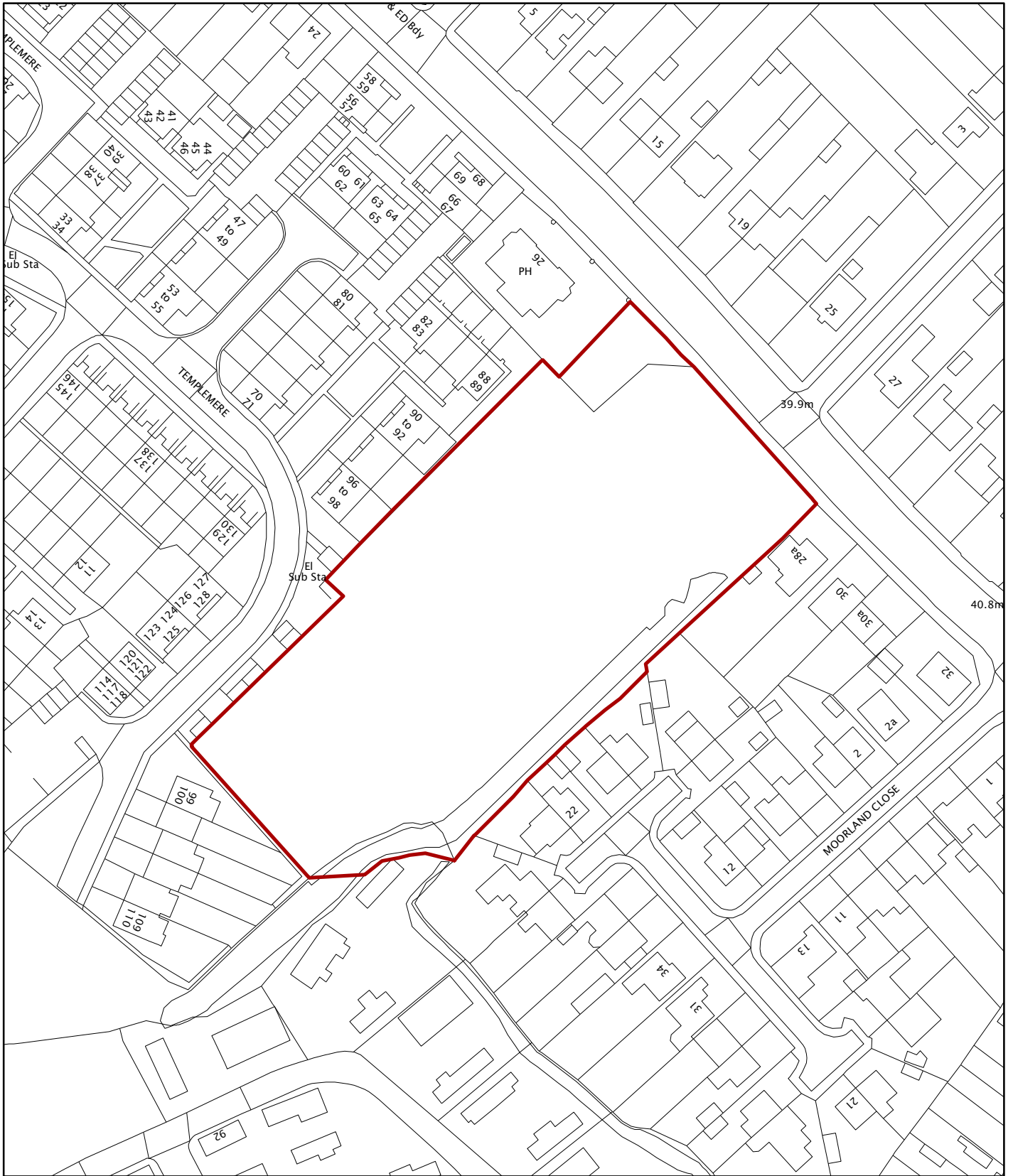
5(a)

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|                     |   |
|---------------------|---|
| <b>Ward:</b>        | Catton Grove  |
| <b>Case officer</b> | Kian Saedi - <a href="mailto:kiansaedi@norwich.gov.uk">kiansaedi@norwich.gov.uk</a> |

| Development proposal   |         |         |
|--|---------|---------|
| Works including changes to ground levels to prepare site for future development. |         |         |
| Representations  |         |         |
| Object   | Comment | Support |
| 1 (on behalf of the<br>Templemere Residents'<br>Association)                     | 2       | 0       |

| Main issues                | Key considerations                                     |
|----------------------------|--|
| 1 Principle of development | Compatibility of the proposal with site allocation R18 |
| 2 Flood risk/drainage      | Impact of the development upon surface water flooding  |
| 3 Amenity                  | Noise and disturbance                                  |
| <b>Expiry date</b>         | 2 March 2016 extended to 15 June 2016                  |
| <b>Recommendation</b>      | Approve  |



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Planning Application No 15/00833/F

Site Address 28 Moushold Lane  
Former Start Rite Factory

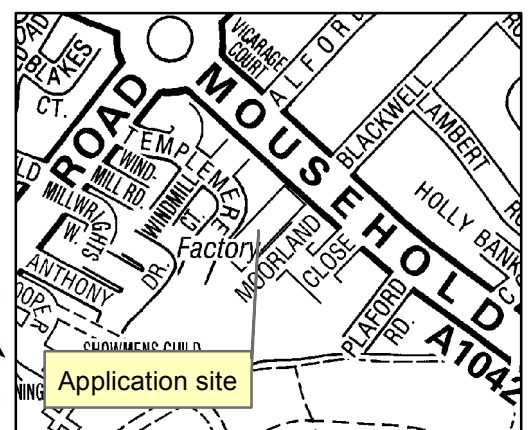
Scale 1:1,250



**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The site is located on the south-west side of Mousehold Lane (the A1042) between Sprowston Road and Moorland Close. Mousehold Lane forms part of the Norwich outer ring road and is on a principal distributor route serving the northern and eastern suburbs and major employment areas around the airport and Sprowston.
2. The site extends to 0.87 hectares and slopes down from north-east to south-west. It is currently cleared and vacant, having previously been occupied by the Start Rite shoe factory.
3. The surrounding area is predominantly residential with low and medium density housing areas adjoining the site on three sides. Further housing on the opposite frontage to Mousehold Lane on its north-east side is within Sprowston in Broadland district. Immediately adjoining the site to the north-west is a former 1930s pub, the Duke of Norfolk, now converted to a restaurant.
4. The site is allocated under policy R18 of the *local plan*. The site is allocated for housing development in the region of 40 dwellings.

## Constraints

5. Critical Drainage Area (DM5).

## Relevant planning history

- 6.

| Ref         | Proposal  | Decision | Date       |
|-------------|---|----------|------------|
| 4/1997/0237 | Redevelopment of site with A1 retail food store and A1 non-food units, with associated access, including improvements to Mousehold Lane | REF      | 30/10/1997 |
| 07/01116/F  | Residential redevelopment comprising 39 dwellings with associated access, parking and landscaping (Revised Proposal).                   | WITHDN   | 11/02/2008 |
| 08/00271/F  | Residential redevelopment comprising 39 dwellings with associated parking and landscaping.  | WITHDN   | 28/10/2008 |
| 10/01816/O  | Erection of residential care home with associated car parking and landscaping.  | WITHDN   | 04/04/2011 |
| 10/01817/O  | Erection of discount food retail store with associated car parking and landscaping.   | WITHDN   | 04/04/2011 |

## The proposal

7. The application seeks consent for works to the site including changes to ground levels in preparation for future development. It should be noted that the works have already been substantially undertaken. This was brought to the attention of the council's planning enforcement team who advised the site owners that either the site is returned to its original condition or the owners attempt to regularise the situation through the submission of a retrospective planning application. This current application has been submitted in an attempt to address the above enforcement concerns.

## Representations

8. 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. One of the letters has been submitted on behalf of Templemere Residents' Association Ltd which owns the freehold to the 162 flats and maisonettes of Templemere. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

| Issues raised   | Response     |
|---|--------------|
| Surface drainage at the site, especially with regards to the potential for run-off to the rear gardens of those properties adjacent to the site at Templemere.  | Main issue 2 |
| Impact on foul drainage from the Rishi Indian Restaurant.   | Main issue 2 |
| Objection to the provision of a pedestrian and cycle access link to Templemere. The link which is indicated as a kink in the plan submitted 12/11/15 is also adjacent to a tree which is on a higher part of the Templemere boundary and no steps are indicated on the plans which again throw the issue of levels into question. | Main issue 1 |
| The proposed indicative layout does not seem to be in line with the 40 dwellings envisaged in the <i>local plan</i> .   | Main issue 1 |
| Prevention of any further harm to existing boundary fences.   | Main issue 3 |
| Dust and noise disturbance.   | Main issue 3 |
| Works are continuing without planning permission.   | Other issues |

| Issues raised  | Response     |
|--|--------------|
| The plans do not seem to address the unsightly and dangerous boundary to the Showman's Guild Site where materials have been deposited into the application site, covering the existing trees and shrubs. Earth is held into place by insignificant undergrowth and shrubs which belie the height of the embankment, which will presumably not be undermined. | Main issue 3 |
| Uncertainty regarding proposed levels on site  | Other issues |
| Uncertainty over what coloured lines mean on the submitted plans. The plan has the entrance squared off to the Ring Road, which is an alteration to the existing Rishi car park and alters the access to this site.  | Other issues |
| Will something be done to the mounds to prevent collapse?  | Other issues |

## Consultation responses

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

### Environmental protection

10. The proposed drainage solution is considered appropriate to the application being considered. Clearly, detailed information on surface and foul water drainage is not appropriate for this application, and preventing run off from the site by the means described will enable the site to be prepared as per the application.

## 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
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation

12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM11 Protecting against environmental hazards
13. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
- R18: Former Start Rite Factory Site, 28 Mousehold Lane

#### **Other material considerations**

14. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design
  - NPPF10 Meeting the challenge of climate change, flooding and coastal change
  - NPPF11 Conserving and enhancing the natural environment

#### **Case Assessment**

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

#### **Main issue 1: Principle of development**

16. Key policies and NPPF paragraphs – R18 : Former Start Rite Factory Site, 28 Mousehold Lane.
17. The site is allocated for residential development under site allocation policy R18 of the *local plan*. The proposal involves ground levelling works to ready the site for future development, much of which have already been undertaken. Further works to remove the mounds and provide bunds adjacent to the boundary of the site with Templemere will be completed as part of the proposal.
18. The current application involves no works that will prejudice the future development of the site in respect of R18. The applicants have stated that the site levelling and preparation works will make the site more attractive to potential housing developers.
19. An indicative plan (WM-01) has been submitted with the application and shows a mix of retail, residential and nursing home development on site. The current

application in no way represents consent for any such development, which would have to be assessed separately and comprehensively within a separate application. The ground levelling works which are proposed as part of this application would not restrict the design and layout of future applications for development at the site.

20. The indicative plan also illustrates a link which appears to lead to Templemere in the north west corner of the site. An objection to any pedestrian/cycle link from the site to Templemere has been submitted by the Templemere Residents' Association. It is important to again stress the non-binding status of this plan and that the current application involves levelling works only. It does not therefore provide consent for a pedestrian/cycle link from the site to Templemere. However, part of R18 does require a pedestrian/cycle link to Templemere and the Council would therefore expect to see such provision within any future redevelopment proposals at the site, where the design and precise location of the link would then also be assessed.
21. The council would also expect to see any future development scheme satisfy R18 in terms of providing approximately 40 dwellings at the site.

## **Main issue 2: Flood risk and drainage**

22. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
23. There is understood to be some history of flooding at the site and the Templemere Residents' Association have made reference to a flooding event which took place in February 2014. The application includes an engineering report which states that during this event Mousehold Lane became inundated and that the excess flowed overland down the existing access and across the site to the rear gardens of the properties on Templemere. The residents' association have raised concern with the potential for future flooding to the rear gardens of no's 80 and 90-98 Templemere with reference to the height of the 'made ground' and what this means for the levels on the site.
24. The applicant has confirmed that the areas of 'made ground' refer to works in the past where low areas of the site were raised to current levels with waste material and that for the preparation of the site for development these areas will be investigated by an engineer and remediated where necessary.
25. The engineers report proposes a 0.5 metre bund around the south west and north west boundaries to prevent any surface water inundating the gardens adjoining the site and impound any water on the site. This solution is stated as being suitable for this stage of the works on site in preparation for future development. The report goes on to say that the design of any future development proposal on site will need to incorporate a scheme for the disposal for foul and surface water to prevent site flooding.
26. The solutions proposed to address flooding for the preparation of the site are considered to be acceptable and have been recommended by a qualified engineer. Adequate flood management will need to be incorporated into any future scheme for development at the site.
27. The residents' association also reference the foul drain of the Rishi Restaurant and how it has caused blockages for the nearby residents. The applicant states that this

drain is the responsibility of the owners of the restaurant site (which is not included within this application). This position is accepted.

### **Main issue 3: Amenity**

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
29. Contributor representation indicates that there may have been disturbances from noise and dust resulting from recent works. Any planning consent will be conditioned to ensure that any further construction works are time restricted to prevent any significant harm to the residential amenities of the surrounding area. An informative will also be added recommending the applicant to sign up to a considerate constructor's scheme.
30. It is understood that some damage to existing boundary fences may have occurred during the construction works to date. The applicant has been made aware of this and has noted the concern. It is hoped therefore that no further damage will occur, which in any event would amount to damage to private property and would be a civil matter between adjacent land owners and not something that the Council can be involved in.
31. There have been reports that materials have been deposited onto the application site from the adjacent Showmen's Guild site. The issue of fly tipping is not a material matter in the consideration of the current application. The applicant has noted the issue and has confirmed that there is no intention to remove any shrubs or vegetation. This position is considered to be acceptable. The applicants are also aware that any processing of building material from the previous buildings on the site (such as crushing of concrete) or import of materials from other sites for processing would require permission from the County Council as Minerals and Waste Authority. They have stated that no such works have or will take place.

### **Other issues**

32. The residents' association have indicated that works to prepare the site have continued in the absence of planning permission being granted. The application states that works had already begun on site when the site owners were advised that the works would require planning consent. It is hoped that no further works to prepare the site will take place without the necessary planning consent in place. The applicant is aware of the need for planning consent and would run the risk of enforcement action being taken should any works be carried out which were deemed harmful to the amenities of the surrounding area in the event that planning consent were subsequently refused.
33. It is considered that sufficient information has been submitted with the application to assess the impact of the proposed levels and works to prepare the site, many of which have already taken place. The mounds that are on site are to be removed as part of the works and the references to 'made ground' refer to previous works that have taken place to use waste materials to raise to the current levels. An assessment of contamination on site would be undertaken as part of any future development proposal on site. The proposed bunds are considered to provide adequate protection to neighbouring properties from surface water flooding in the interim.



34. The applicant has confirmed that the red line indicated on the site plan illustrates the site boundary and does not infer any access arrangement off Mousehold Lane, the yellow line indicates areas of the site requiring further investigation and possibly remediation works and the green line indicates the extent of transition between the two proposed site development plateaus.

### **Equalities and diversity issues**

35. There are no significant equality or diversity issues.

### **Local finance considerations**

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

### **Conclusion**

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

### **Recommendation**

To approve application no. 15/00833/F - 28 Mousehold Lane Norwich NR7 8HE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No development activities shall be carried out at the application premises without express consent from the local planning authority outside of the following hours:

-before 07:00 hours and after 18:00 hours Mondays - Fridays;  
-before 08:00 hours and after 17:00 hours on Saturdays; and  
-not at all on Sundays or Public Holidays.

Informative:

- 1) Considerate construction;
- 2) The applicant is advised that contamination will be assessed as part of any future development proposal on site.
- 3) Proper care and consideration should be given to avoiding any harm to the existing boundary fences on the site during the works proposed as part of the current application.

**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.



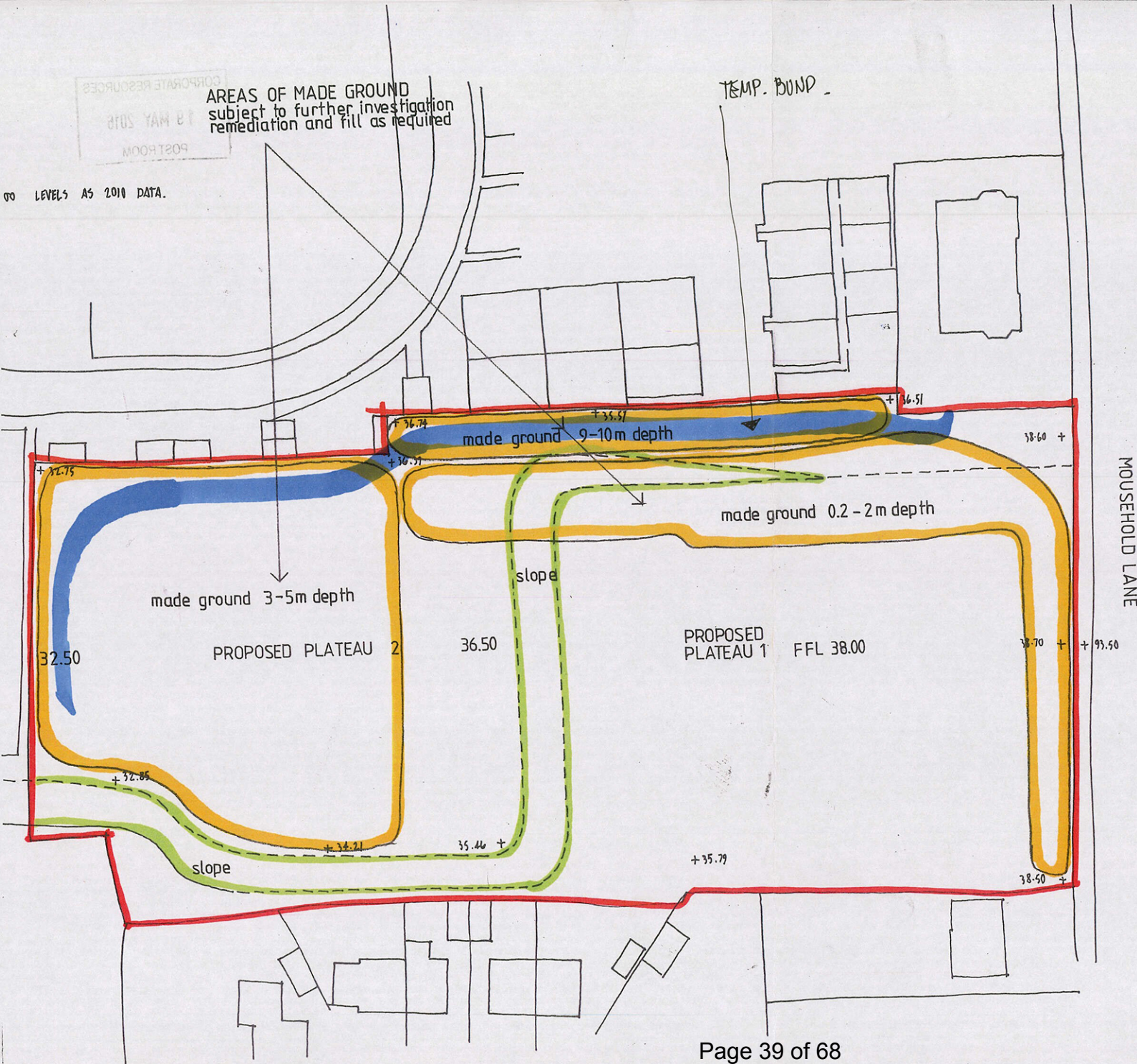
CORPORATE RESOURCES  
19 MAY 2016  
POST ROOM

AREAS OF MADE GROUND  
subject to further investigation  
remediation and fill as required

TEMP. BUND

CORPORATE RESOURCES  
19 MAY 2016  
POST ROOM

LEVELS AS 2010 DATA.



PETER COLBY COMMERCIALS LTD.

SCHOOL LANE, SPROWSTON, NORWICH NR7 8TL  
TELEPHONE 01603 253855

MOUSEHOLD LANE NORICH  
PROPOSED SITE LEVELS

1:500 PCC/ML/L1. 10.15.





**Report to** Planning applications committee

**Item**

9 June 2016

**Report of** Head of planning services

**Subject** Application no 16/00381/F – 67 Melrose Road,  
Norwich, NR4 7PW

**Reason  
for referral** Objections

5(b)

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|                     |   |
|---------------------|---|
| <b>Ward:</b>        | Eaton   |
| <b>Case officer</b> | Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a> |

| Development proposal      |         |         |
|---------------------------|---------|---------|
| Two storey side extension |         |         |
| Representations           |         |         |
| Object                    | Comment | Support |
| 4                         | 0       | 0       |

| Main issues           | Key considerations   |
|-----------------------|--|
| 1 Design              | Not in keeping with the surrounding area and style of original house<br>Disproportionate scale and overdevelopment of plot |
| 2 Amenity             | Impact on overlooking and views<br>Overbearing presence along boundary   |
| <b>Expiry date</b>    | 14 June 2016   |
| <b>Recommendation</b> | Approve  |



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Planning Application No 16/00381/F

Site Address 67 Melrose Road

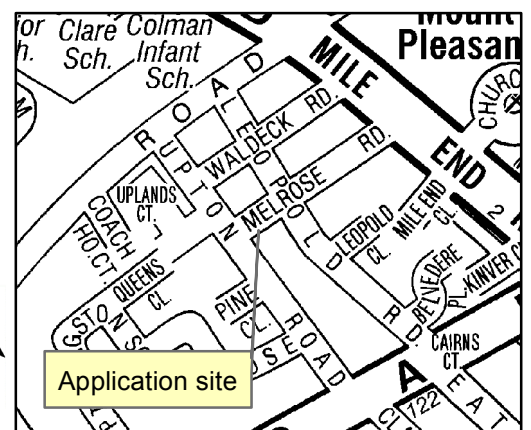
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The site is located on the South side of Melrose Road, South West of the City Centre. The subject property, built circa 1930, is a two storey detached house constructed of facing brick, render and clay pantiles. There is a garden to the rear and a garage set back from the front of the house which separates Nos. 67 and 69.

## Constraints

2. The property is located within a Critical Drainage Area

## Relevant planning history

- 3.

| Ref          | Proposal   | Decision | Date       |
|--------------|--|----------|------------|
| 12/00225/CLP | Certificate of Lawfulness for proposed single storey rear extension. | APPR     | 06/02/2012 |

## The proposal

4. The proposal is for a two storey side extension which extends slightly to the rear as a single storey element. The maximum dimensions are as follows:
5. 10.20m x 3.50m, 5.50m at the eaves and 6.80m at its maximum height

## Representations

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

| Issues raised   | Response         |
|---|------------------|
| Out of character with the original house and surrounding area | See main issue 1 |
| The extension is of a disproportionate scale                  | See main issue 1 |
| The extension will result in an overdevelopment of the plot   | See main issue 1 |
| There will be a loss of privacy from the extension            | See main issue 2 |

| Issues raised  | Response         |
|--|------------------|
| Loss of views  | See main issue 2 |
| The extension will be an overbearing presence along the boundary | See main issue 2 |

## Consultation responses

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

### The Norwich Society

8. The proposed extension should be in keeping with the existing extensions of adjoining properties.

### Relevant development plan policies

9. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
10. **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

### Other material considerations

11. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design

### Case Assessment

12. 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.



13. The principle of residential extensions is acceptable with the main issues to assess in this case being design and amenity.

### **Main issue 1: Design**

14. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56, and 60-66.
15. Concerns were raised that the extension would be out of character with the main dwelling and surrounding area. The extension is to be constructed of materials to match those used in the original house and has roof slopes and window design that compliment those in the main house. There are four properties along this part of Melrose Road that are detached 1930's dwellings. Amendments were made to the original scheme to address issues of creating a "terracing" effect. The revised plans show a distance of approximately 0.70m to the boundary with No. 69 and the pitch of the roof slope should ensure that sufficient space remains between the properties to maintain their detached character. It should also be noted that the properties in the surrounding area are of mixed age and design and therefore the character of the area is considered mixed.
16. Concerns were raised that the extension is of a disproportionate scale to the main dwelling. While it is noted that the extension is quite large, it has been designed so it remains subservient to the house by being set back from the front elevation, having a lower roof height and being less than half the width of the main house.
17. Concerns were raised that the extension would result in an overdevelopment of the plot. Although the extension is quite large, it is considered that an acceptable amount of garden space will remain to the rear and the amendments to the scheme will result in an adequate gap to the neighbouring property.

### **Main issue 2: Amenity**

18. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 9 and 17.
19. Concerns were raised that the extension would result in a loss of view from the rear windows at No. 69. Loss of view in this instance is not considered to be a material planning consideration and an assessment has been undertaken to show that there is unlikely to be a significant loss of light to the neighbouring windows.
20. Concerns were raised that the extension would be an overbearing presence along the boundary with No. 69. The side elevation of No. 69 has only one ground floor secondary window located within it and therefore the development is unlikely to impact this part of the house. The projection of the extension is minimised to 1.70m at the second storey and the single storey extension projection is unlikely to differ significantly from the current situation with the garage. Therefore while there will be a noticeable change in the rear building line this is not considered to be significantly detrimental to neighbouring amenity.
21. Concerns were also raised that the extension would result in a loss of privacy to the neighbouring garden. Whilst it is noted that there will be additional windows at closer proximity to the neighbouring house, this is not considered to differ significantly from the current situation.

## **Equalities and diversity issues**

22. There are no significant equality or diversity issues.

## **Local finance considerations**

23. 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.
24. 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.
25. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

26. The proposed development is considered to be acceptable in terms of design, scale and amenity. The amendments made to the extension have resulted in a larger gap to the neighbouring property that helps to reduce the impacts upon the neighbours as well as maintaining the detached character of the house. Therefore the proposal is considered acceptable.
27. 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.

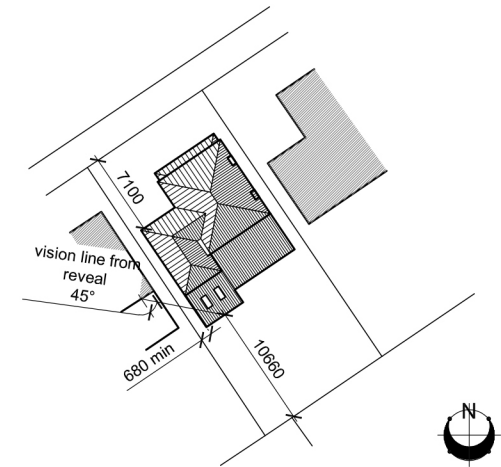
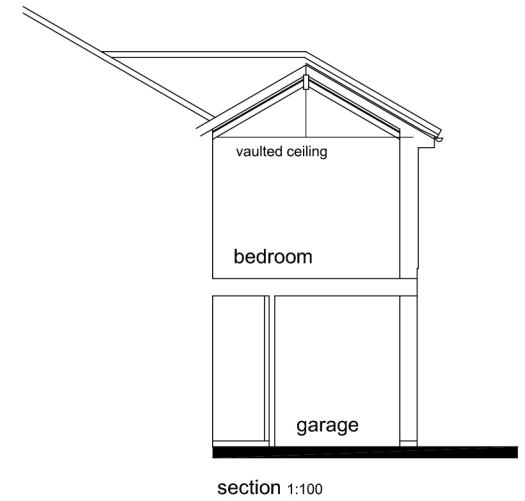
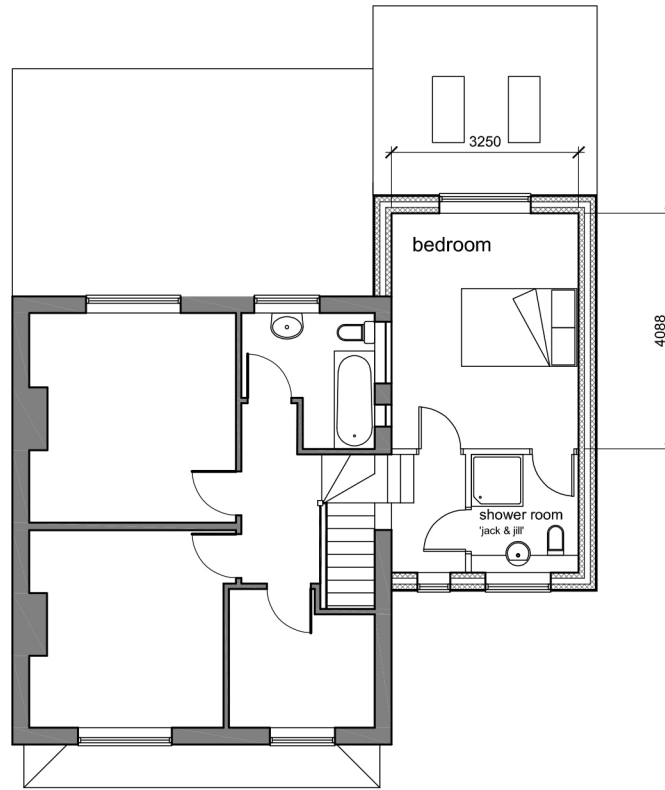
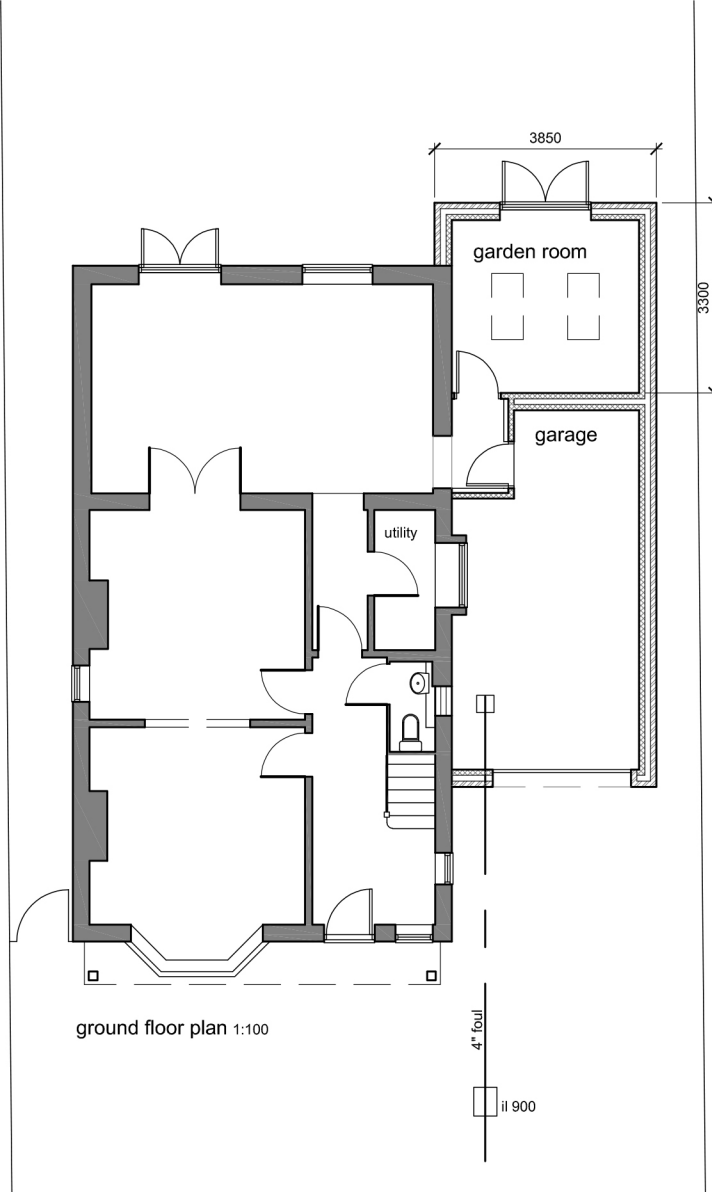
## **Recommendation**

To approve application no. 16/00381/F – 67 Melrose Road Norwich NR4 7PW 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 in the officer report.

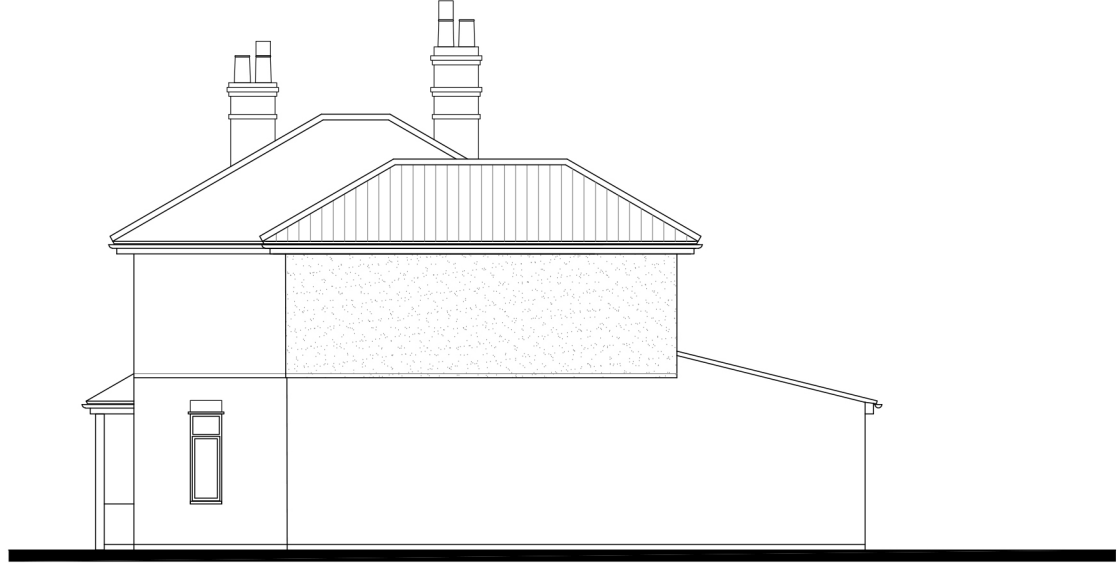


## block & roof plan 1:500

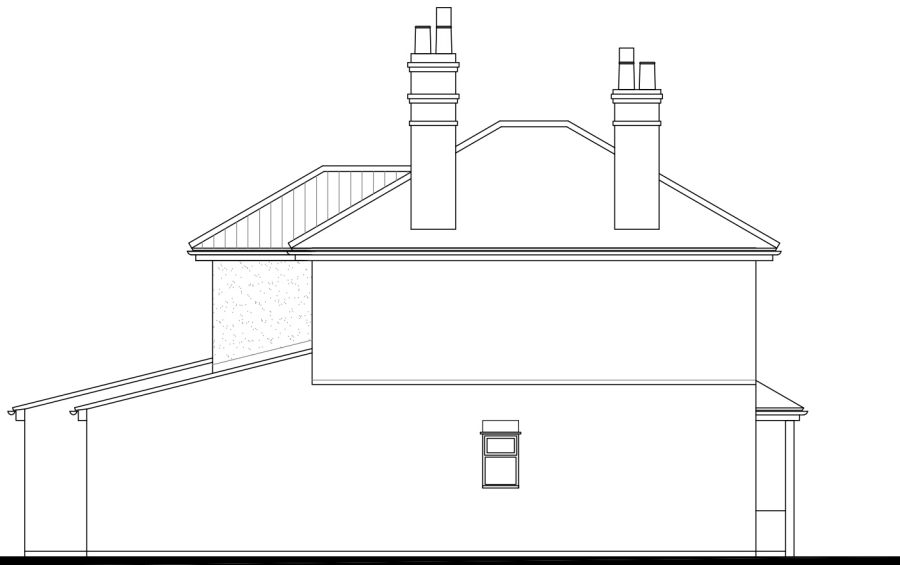
This drawing has been based on Ordnance Survey data and may duplicate errors thereon & is for planning purposes only. Dimensions not to be used for setting out



north elevation



west elevation



east elevation



south elevation

**Report to** Planning applications committee

**Item**

9 June 2016

**Report of** Head of planning services

**Subject** Application no 16/00570/F - 106 Trafford Road, Norwich,  
NR1 2QR

**Reason  
for referral** Objection

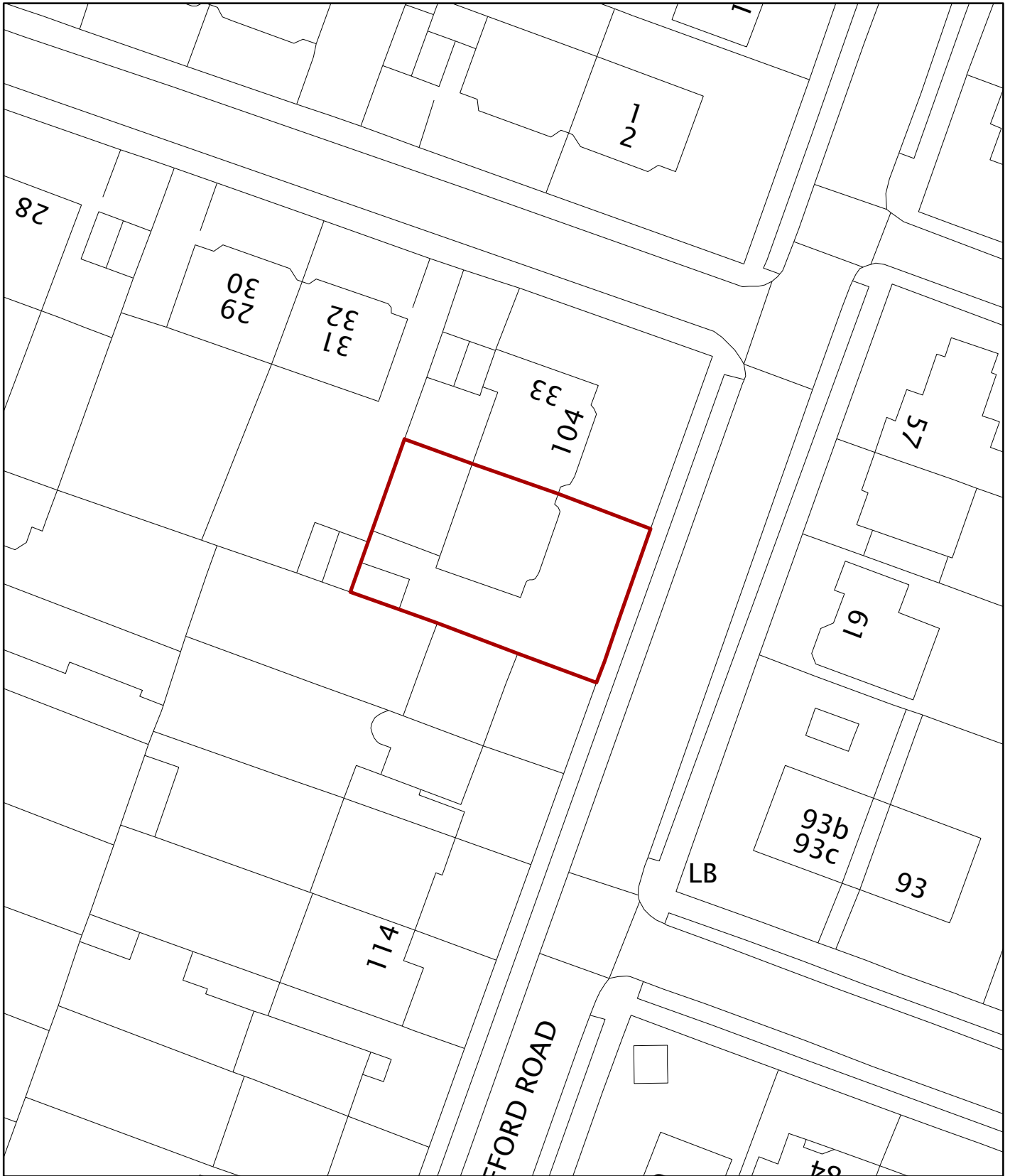
**5(c)**

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|                     |  |
|---------------------|--|
| <b>Ward:</b>        | Town Close   |
| <b>Case officer</b> | Samuel Walker - <a href="mailto:samuelwalker@norwich.gov.uk">samuelwalker@norwich.gov.uk</a> |

| Development proposal          |         |         |
|-------------------------------|---------|---------|
| Single storey rear extension. |         |         |
| Representations               |         |         |
| Object                        | Comment | Support |
| 2                             |         |         |

| Main issues           | Key considerations   |
|-----------------------|--|
| 1 Design              | Acceptability of design in relation to the original property |
| 2 Amenity             | Impact in terms of overshadowing to neighbour.               |
| <b>Expiry date</b>    | 7 June 2016  |
| <b>Recommendation</b> | Approve  |



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Planning Application No 16/00570/F

Site Address 106 Trafford Road

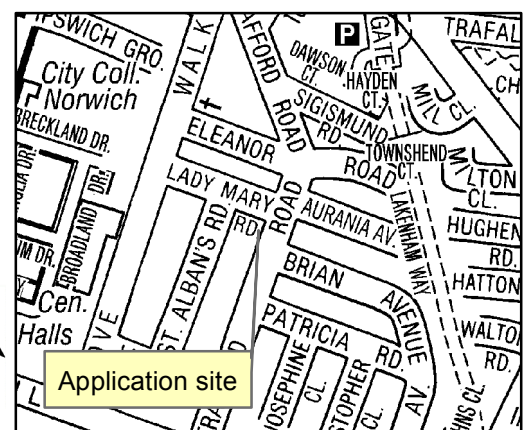
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City Council

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## The site and surroundings

1. The subject property is on the east elevation of Trafford Road between the junctions with Aurania Avenue and Brian Avenue – to the south of Norwich City centre. It is a primarily residential area.
2. The subject property is on the ground floor of a two storey development consisting of four number self-contained flats. (two ground floor, two first floor) with addresses on Trafford Road and Lady Mary Road. It is a 1930s construction, red facing brick walls, white render plinth, white pvc windows, pan-tiled hipped roof.

## Constraints

3. The application site falls just within the boundary of the critical drainage catchment area.

## Relevant planning history

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

## The proposal

5. Single storey rear extension and new bathroom window adjacent to the extension.

### Summary information

| Proposal          | Key facts  |
|-------------------|--|
| <b>Scale</b>      |  |
| Max. dimensions   | <b>4950x3500mm</b><br><b>2500mm FFL to top of flat roof</b><br><b>3100mm FFL to top of glazed roof</b>   |
| <b>Appearance</b> |  |
| Materials         | <b>Walls – red brickwork to match existing. painted white above fence level at boundary to 33 Lady Mary Road.</b><br><br><b>Upvc joinery</b><br><br><b>Flat roof with glazed lantern</b> |

## Representations

6. 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/outlook | See main issue 3 |

## Consultation responses

7. No consultations have been carried out for this application.

## Assessment of planning considerations

### Relevant development plan policies

8. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
9. **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

### Other material considerations

10. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design

### Case Assessment

11. 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.
12. The principle of residential extensions is acceptable with the main issues to assess in this case being design and amenity.



### **Main issue 1: Design**

13. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
14. The proposed extension has been designed to have a relatively low eaves height whilst still achieving a suitable internal head height, this is assisted by the proposal of a glazed lantern roof, the scale and form is considered to be appropriate in relation to the subject property.
15. The proposed materials are considered an appropriate specification relative to the subject property.
16. The design has elements of period aesthetic which are of an earlier style than the 1930s property, however, there are no wider views of the proposed extension and this is not considered to impact the local distinctiveness of the area.

### **Main issue 2: Amenity**

17. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
18. The proposed extension lies to the south/south west of the boundary with 33 Lady Mary Road, concern has been raised by the occupant of the ground floor flat with regards to loss of light to the room in this location, the proposed development is not considered to be a significant increase in height to the existing fence/ trellis on this boundary and is not considered to have a significant impact.
19. Following discussions, the applicant has amended the proposal to include re-instating fence and trellis on this boundary to mask the brick wall and facilitate plant growth at the boundary. It has been requested that the brickwork is painted white in this location, which the applicant has agreed to. This is considered to be a suitable approach to the relative outlook for neighbouring residents.
20. The extension is relatively minor in nature and sensitively designed and it is not considered that it would lead to any significant loss of amenity to the neighbouring resident.
21. There are not considered to be any issues in relation to overlooking caused by this proposal.

### **Equalities and diversity issues**

22. There are no significant equality or diversity issues.

### **Local finance considerations**

23. 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.
24. 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.

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

## **Conclusion**

26. 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. 16/00570/F - 106 Trafford Road Norwich NR1 2QR 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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.





**Report to** Planning applications committee

**Item**

9 June 2016

**Report of** Head of planning services

**Subject** Application no 16/00645/F - 1 Phillipa Flowerday  
Plain, Norwich, NR2 2TA

5(d)

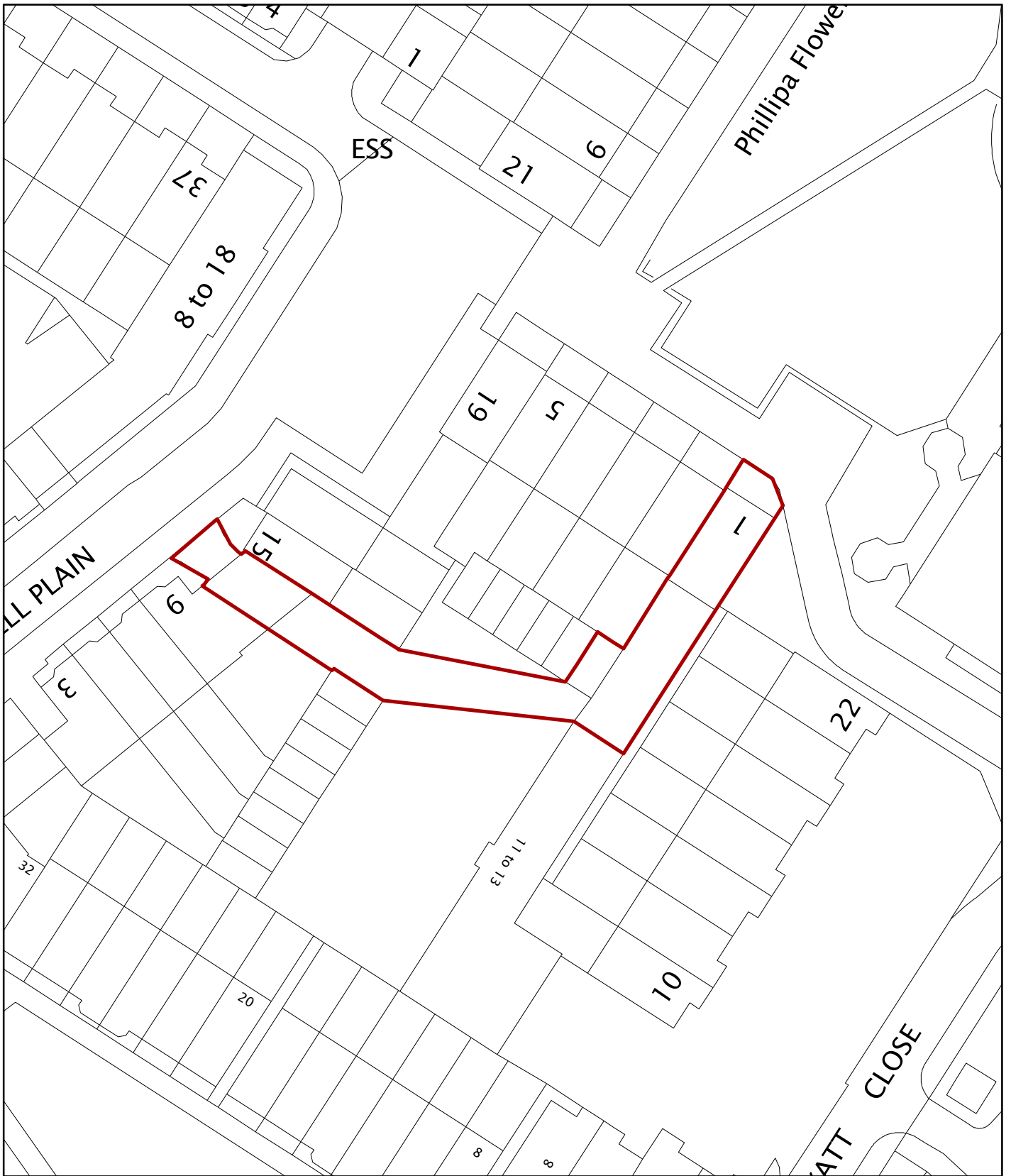
**Reason  
for referral** Objection

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|                     |  |
|---------------------|--|
| <b>Ward:</b>        | Town Close   |
| <b>Case officer</b> | Samuel Walker - <a href="mailto:samuelwalker@norwich.gov.uk">samuelwalker@norwich.gov.uk</a> |

| Development proposal          |         |         |
|-------------------------------|---------|---------|
| Single storey side extension. |         |         |
| Representations               |         |         |
| Object                        | Comment | Support |
| 2                             |         |         |

| Main issues           | Key considerations  |
|-----------------------|---|
| 1 Design              | Acceptability of design in relation to existing dwelling and form of the development. |
| 2 Amenity             | Impact on neighbours in terms of overshadowing and outlook.                           |
| <b>Expiry date</b>    | 20 June 2016  |
| <b>Recommendation</b> | Approve   |



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Planning Application No 16/00645/F

Site Address 1 Phyllipa Flowerday Plain

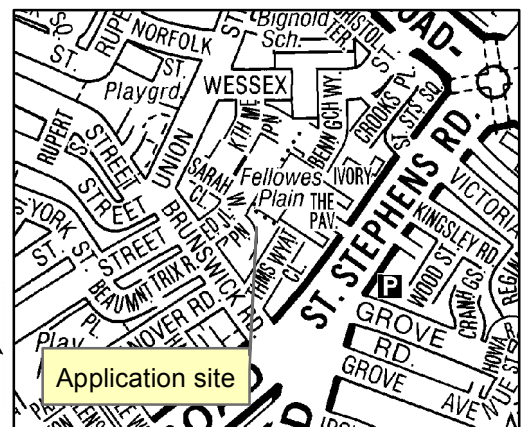
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City Council

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## The site and surroundings

1. The application site is a 4 storey residential property on the old Norfolk and Norwich Hospital site in Norwich, the property is part of the 21<sup>st</sup> century residential development.
2. The application site is the end property of a terrace of six, the end ones being perpendicular orientation to the central properties. The ground floor is constructed from Buff brick work the upper floors from red brickwork, the joinery is white uPVC mock sash style casement windows.

## Constraints

3. The application site is just within the critical drainage catchment area.
4. The application site is just outside the boundary of the Newmarket Road conservation area.

## Relevant planning history

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

## The proposal

6. The proposal is for a single storey side extension to the kitchen.

### Summary information

| Proposal          | Key facts  |
|-------------------|--|
| <b>Scale</b>      |  |
| No. of storeys    | <b>1</b>   |
| Max. dimensions   | <b>5062x4970mm plan<br/>3250mm ridge height<br/>2500mm eaves height</b>  |
| <b>Appearance</b> |  |
| Materials         | <b>Buff brick work to match ground floor<br/>Black pan tiles to match primary dwelling &amp; glazed panels.<br/>White aluminium joinery.</b> |

## Representations

7. Advertised on site and in the press. 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         |
|---------------------------------|------------------|
| Out of context/over development | See main issue 2 |
| Overshadowing/outlook           | See main issue 3 |
| Light pollution                 | See main issue 3 |

## Consultation responses

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

### Norwich Society

9. This application is completely out of character, upsetting the symmetry of the existing development.

## Assessment of planning considerations

### Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
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

### Other material considerations

12. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design

### 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.

14. The principle of residential extensions is acceptable with the main issues to assess in this case being design and amenity.

### **Main issue 1: Design**

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. The height has been kept down to be of low impact. The heights used in this design are in accordance with those set out for permitted development.
17. The scale of the development is appropriate to the primary dwelling, being clearly subservient, the eaves height has been designed to sit below the cornice which separates the ground floor from the first floor. The ridge height sits below the existing first floor window cill.
18. The proposed materials are buff brickwork to match existing at ground floor level, pantiles to match existing roof.
19. It has been suggested that the roof gable should be a hipped design, however, it is felt that the gable is in keeping with the detail to the mews building directly opposite the proposed extension.

### **Main issue 2: Amenity**

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
21. The scale of surrounding development is dense three storey development, the impact of the proposed extension is not considered to significantly increase the impact with regards to loss of light, outlook or overshadowing.
22. The potential light pollution from the proposed roof-lights and glazed panels are not considered to be significant in the context of the development.
23. Extraction and ventilation would be considered under Building Regulations requirements.

### **Equalities and diversity issues**

24. There are no significant equality or diversity issues.

### **Local finance considerations**

25. 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.
26. 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.

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

## **Conclusion**

28. 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. 16/00645/F - 1 Phillipa Flowerday Plain Norwich NR2 2TA and grant planning permission subject to the following conditions:

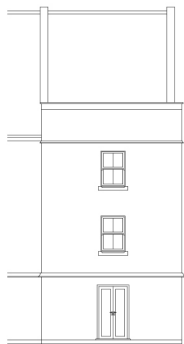
1. Standard time limit;
2. In accordance with plans;

### **Article 35(2) Statement**

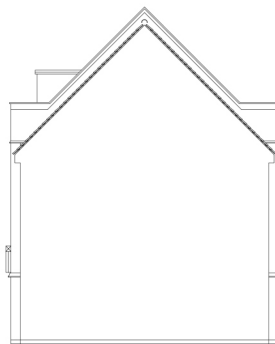
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the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



EXISTING SOUTH EAST ELEVATION



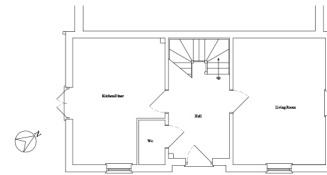
EXISTING SOUTH WEST ELEVATION



EXISTING NORTH WEST ELEVATION



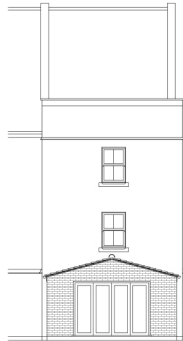
EXISTING NORTH EAST ELEVATION



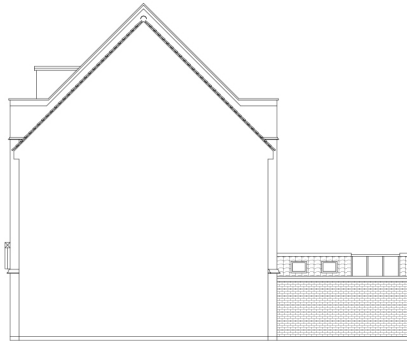
EXISTING GROUND FLOOR PLAN



PROPOSED SOUTH EAST ELEVATION



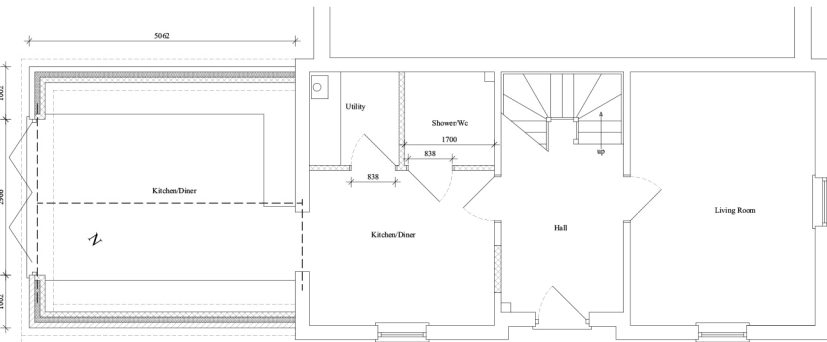
PROPOSED SOUTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION



PROPOSED NORTH EAST ELEVATION



PROPOSED GROUND FLOOR PLAN



Foul drainage is to be 50mmØ wastes to shower, sinks and baths and 1100 to w.c's, all connecting to 110mmØ below ground drainage laid at 1:60 falls and bedded 100mm all round in 100mm pea stone and connecting to a new package treatment plant. Upvc inspection chambers are to be provided at each junction and change of direction, where drains pass into the building they are to be overtopped with pre cast concrete lintels and have 50mm clear space all around, all wastes are to be provided with 75mm deep water traps to prevent the ingress of drain smells, external gulleys are to be the rotatable bottle type, a concrete gully kerb is to be provided around. The SVP shall terminate at least 900mm above any openable windows within 3.0m horizontally.

Mechanical extraction is to be provided in the kitchen to 60lt/sec and in the utility and w.c./shower equal to 30lt/sec, both room being windowless the fans are to be wired through the light switch and run on for 15 minutes after the light has been extinguished, a 10mm gap is to be maintained under the doors to allow for a make up air supply to the rooms.

Surface water drainage is to be White Upvc gutters discharging to 68mmØ downpipes connecting to 1100 below ground drainage and discharging to the existing surface water drainage system.

The electrical installation is to be carried out by a Part P registered installer who will provide certification showing compliance with Part P prior to completion, 100% of all light fittings are to be energy efficient providing at least 45 lumens per circuit watt.

Heating and hot water are to be from extensions of the existing systems, any new radiators are to be fitted with Trv's.

The Bi-fold doors doors are to be white powder coated aluminium framed with 28mm double glazed sealed units, all glazing is to be safety glass, all frames are to be set back 30mm over the cavity, all reveals are to be closed with thermabate cavity closers or returned in block work onto 1 layer of Dancor insulated DPC, background ventilation equal to at least 5000mm² is to be provided to each room by trickle ventilator strips in the window and door head.

EXISTING AND PROPOSED  
PLANS, ELEVATIONS AND  
SECTIONS FOR A  
SINGLE STROEY  
SIDE EXTENSION  
AT  
1 PHILLIPA FLOWERDAY PLAIN  
NORWICH  
FOR  
Mr WATTS

SCALE: 1:50, 1:100 & 1:200  
dwg no: 364, 26th MAY 2016  
REV: A

MICHAEL RAYNER  
ARCHITECTURAL  
01508 536 669  
07900 431 431  
mike.raynerbco@googlemail.com

Foundations are to be min 600mm wide x 450mm thick Gen 1 strip foundations min 750mm deep onto an undisturbed subsoil layer. Foundation depths to be taken from the NHBC Table 4.2 where trees and clay subsoils are found.

Masonry below ground is to be 302mm overall thickness with an outer skin of 102mm facing bricks, 100mm cavity filled to ground level with lean mix concrete and an inner skin of 100mm fletton brickwork, all bedded in 4:1 sand and portland cement mortar.

Ground floor is to be 75mm of sand and cement screed on 75mm of Celotex F15000 Insulation on a Block and Beam floor system designed by a specialist manufacturer. Periscope ventilators are to be provided at max 1800mm c/c around the perimeter of the building to ventilate the sub floor void

Masonry above Dpc is to be an outer skin of facing bricks, a 100mm cavity full filled with Crown Dri-therm cavity batts and an inner skin of 100mm Durox super blocks, all bedded in 6:1 sand and portland cement mortar. Ancor stainless steel wall ties are to be provided at 900mm c/c horizontally and 450mm c/c vertically, the ties are to be sufficiently long to cross each skin by 75mm, Fur fix wall starters are to be provided at the junctions with the existing walls, the inner face is to be provided with 12mm thick render and set plaster coats. The lintel over the bi-fold doors, the ridge beam and the beam over the enlarged opening are to be designed by a structural engineer.

The roof is to be tiles to match the existing which are suitable to be laid at 20 degrees on 25mm x 50mm tanalised soft wood battens on 2 staggered layers of Tyvek Supro vapour permeable parking felt on 50x170mm C24 Rafters on 100mm x 50mm softwood wall plates bedded onto the inner masonry skin and a ridge beam at high level, wall plate and gable restraint straps are to be 30mm x 30mm x 1500mm galvanised steel positioned at max 1500mm C/C, gable straps are to be installed across at least 3no solid rafter. Insulation is to be 120mm of Celotex GA4000 between the rafters with an additional 30mm continuous layer to the underside, flat ceilings are to be insulated with 400mm of crown lift roll between and over the joists. Code 4 lead stepped flashings are to be connected to in accordance with the Lead Sheet Assoc Technical Details, the glazed section of roof is to be a proprietary system fixed in accordance with the manufacturers details, double rafters are to be provided to support the roof light trimming.

Internal partition walls are to be 50x100mm studwork with studs at 400mm c/c, stud walls are to be clad either side with 1 thickness of 12.5mm plasterboard and skim plaster, partitions separating the shower w/c from the habitable space is to be sound insulated with 75mm of sound deadening quilt suspended in the stud cavity with a min density of 10kg/m².



**Report to date:** Planning Applications Committee

**Item**

**Report of:** Head of planning services

**Subject:** Enforcement Case 16/00028/ENF – 34-40  
King Street, Norwich, NR1 1PD

**5(e)**

| SUMMARY                                       |  |
|---|--|
| <b>Description:</b>                           | Unauthorised replacement of 18 windows to front elevation with unsuitable windows  |
| <b>Reason for consideration at Committee:</b> | Enforcement action recommended.  |
| <b>Recommendation:</b>                        | Authorise enforcement action to remove unauthorised windows and replace with windows approved under application ref: 16/00358/F. |
| <b>Ward:</b>                                  | Thorpe Hamlet  |
| <b>Contact Officer:</b>                       | Samuel Walker – <a href="mailto:samuelwalker@norwich.gov.uk">samuelwalker@norwich.gov.uk</a>                                     |

### The Site

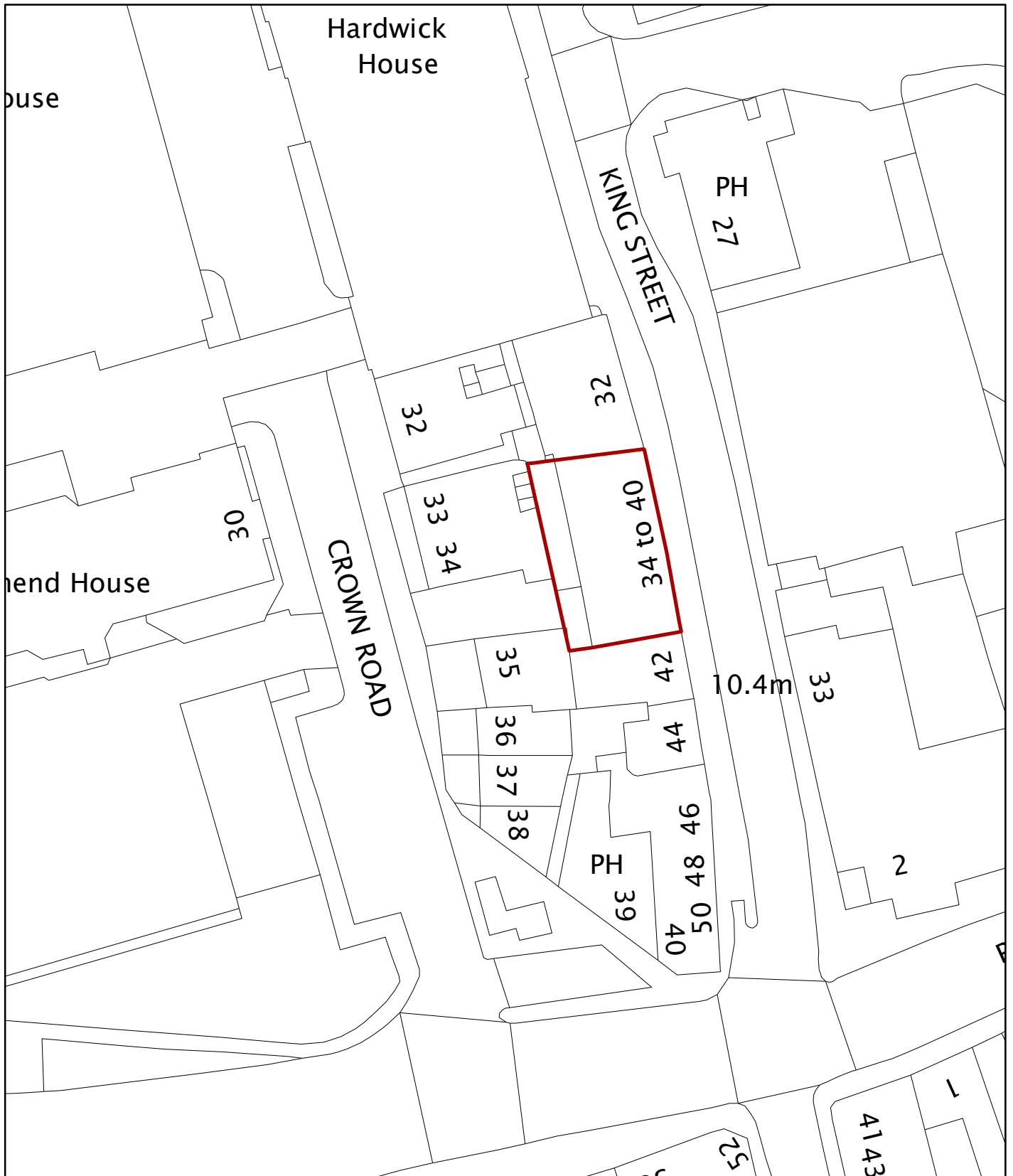
1. 34-40 King Street is located on the West of King Street, to the North of the junction with Rose Lane, it is within City Centre Conservation area with a large street frontage. The building itself is a 20<sup>th</sup> century development, but is neighbouring statutory listed and locally listed buildings.
2. The property is a 3 storey red brick property, originally constructed as an office building, but currently undergoing conversion into residential flats.

### Relevant planning history

3. 15/00718/PDD – prior approval for change of use to 6 residential units.
4. 16/00358/F - consent was given for the replacement of the windows with a more acceptable alternative.

### Purpose

5. The owner of 34 King Street applied for and was given consent (prior approval) for conversion of the building to 6 residential units, but advised that any changes to the external facades would require a planning permission. The original grey aluminium windows were replaced with white PVCu without permission. The enforcement case was raised by a member of the public on 16 February 2016. A separate planning application (ref: 16/00358/F) was made for approval of these windows. The windows as installed were not considered acceptable in this location and following negotiation the proposals were revised to a more acceptable grey aluminium framed, top hung casement design. This was approved on 24<sup>th</sup> May 2016.



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Planning Application No 16/00028/ENF

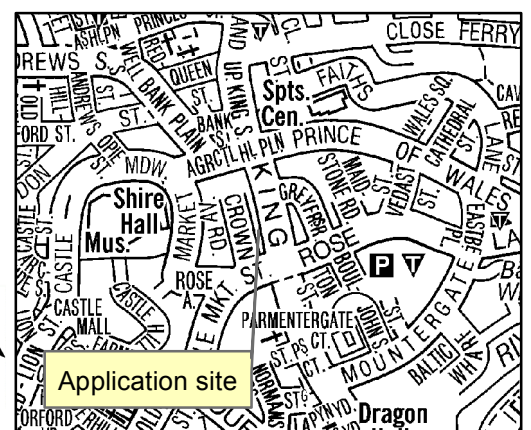
Site Address 34-40 King Street

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



6. Authority is sought from the planning applications committee for enforcement action to secure the removal of the unauthorised white PVCu windows and replacement with grey aluminium windows approved under application reference 16/00358/F. Enforcement action to include direct action and prosecution if necessary.

### **Breach**

7. The replacement without consent of grey aluminium windows to white PVCu. The replacement of the windows constitutes development and no permitted development rights would apply in this case. No planning consent has been granted for the works and it appears that the breach of planning control has occurred within the last four years and is not therefore immune from enforcement action.
8. The unauthorised white PVCu windows have caused harm to the conservation area.

### **Policies and Planning Assessment**

National Planning Policy Framework:

- Statement 1 Building a strong and competitive economy
- Statement 7 Requiring good design

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

- JCS2 Promoting good design

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

- DM1 Achieving and delivering sustainable development
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage

### **Justification for Enforcement**

9. The unauthorised development by virtue of the windows design, frame dimensions and colour would result in less than substantial harm to the character of the City Centre Conservation area and the setting of adjacent Grade II statutory Listed Buildings, contrary to policies DM3 and DM9 and paragraph 134 of the National Planning Policy Framework.

### **Equality and Diversity Issues**

10. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - (a) Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of

the unauthorised building works in the interests of amenity is proportionate to the breach in question.

- (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the committee as necessary. This could be in person, through a representative or in writing.

## **Conclusions**

11. It is considered that the unauthorised replacement of the windows with white PVCu is out of character for the subject property, the wider setting of the city centre conservation area and setting of nearby Grade II listed and locally listed buildings. The development is not considered acceptable.
12. The alternative grey aluminium replacement windows as approved under application reference 16/00358/F are considered acceptable.
13. It is therefore necessary to ask for authorisation from the planning applications committee to serve an enforcement notice to secure the replacement of the unauthorised windows with those approved under 16/00358/F and therefore remedy the breach of planning control.

## **Recommendations**

That the committee authorises enforcement action to secure the removal of the unauthorised white PVCu windows and replacement with windows approved under application no 16/00358/F; including the taking of direct action that may result in referring the matter for prosecution if necessary.