

**Report to** Planning applications committee

Item

13 January 2022

**Report of** Head of Planning and Regulatory Services

**Subject** Application no 21/01105/F – 81 Park Lane, Norwich, NR2  
3EL

4b

**Reason  
for referral** Objection

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<b>Ward</b>	Nelson
<b>Case officer</b>	Jacob Revell - 07741 103222 - <a href="mailto:jacobrevell@norwich.gov.uk">jacobrevell@norwich.gov.uk</a>
<b>Applicant</b>	Mr & Mrs R Spalding

<b>Development proposal</b>		
Demolition of existing garage and boundary wall. Construction of single storey detached commercial unit (Class E) with associated alterations.		
<b>Representations (Original Scheme)</b>		
Object	Comment	Support
12	0	7
<b>Representations (Re-consultation on the receipt of additional information)</b>		
Object	Comment	Support
0	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Principle of Development
2	Design and Heritage
3	Transport
4	Amenity
5	Other Matters
<b>Expiry date</b>	18 November 2021
<b>Recommendation</b>	Approve with conditions



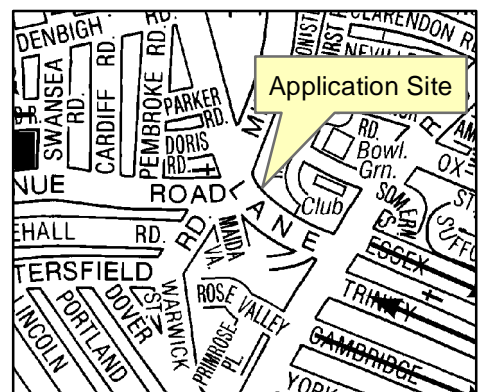
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Planning Application No 21/01105/F  
 Site Address 81 Park Lane

Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. 81 Park Lane is a mixed-use corner property located on the edge of Park Lane and Avenue Road. Maida Vale is a small residential cul-de-sac located southwards along the western boundary of the site.
2. The site is a two-storey red-brick corner property that appears to have been constructed in the early 20<sup>th</sup> century. The site has historically been used as a shop with associated accommodation above. The ground floor and basement of the property are still used for commercial purposes, but the first floor of the property is now used as separate residential accommodation. The current occupants of the ground floor of the property are 'Moorish Falafel'.
3. The courtyard to the rear of the property is currently used as additional space for users of the café, as well as providing refuse storage for both the residential and commercial uses on the site. Infilling much of this courtyard space is a garage structure, which appears to date from the 1950s. The garage is currently in a relatively poor state of repair. The courtyard space is bordered by two metal gates facing onto Avenue Road and a blank brick wall running along Maida Vale.
4. The property is located on the edge of the Heigham Grove Conservation Area. The entirety of Maida Vale is also included within the Conservation Area. Maida Vale itself is a quiet residential cul-de-sac mostly populated by early 20<sup>th</sup> century terraced properties of a relatively strong architectural character, although there are inconsistencies to the properties owing to various alterations and changes over the years.
5. The property is also located close to the locally listed St Peter's Methodist Church, which is currently being redeveloped as residential.

## Constraints

6. Heigham Grove Conservation Area

## Relevant planning history

7. The records held by the City Council show the following planning history for the site.

Reference	Proposal	Decision	Date
21/00333/F	Demolition of existing garage and erection of two storey dwelling.	Withdrawn	19/04/2021

## The proposal

8. Due to the steep topography of the site, the courtyard is located below the café use that faces onto Park Lane.
9. The proposal is to remove the existing garage structure to the rear of the courtyard and replace with a single storey unit of a larger size (existing = approximately 18m<sup>2</sup>, proposed = 29m<sup>2</sup>). The additional space will be made up by partially infilling

the space between the existing structure and the main building. A gap of 0.9m would be left to the existing building, with the existing covered area removed.

10. The newly created space would be used as a detached Class E unit. The applicant has specified that this is intended to be used as a small studio for either an artist or architectural practice. It is proposed to install a door and a window on the 'front elevation' of the structure, and two non-opening high-level windows on the flank elevation facing onto Maida Vale.
11. In order to construct the building, the applicant has suggested that the existing flank wall onto Maida Vale will need to be removed in order to construct the new building. The plans indicate that this flank wall will be rebuilt with matching bricks at a similar height of approximately 2.55m.
12. The applicant also proposed to reduce the height of the existing masonry wall to the courtyard to 1.1m. An opening approximately 1.2m wide would be opened onto Maida Vale, offering access to the front of the unit.
13. The applicant has indicated that secure cycle storage will be located to the side of the building, in between the flank wall and the main building. Bins will be stored underneath the existing metal staircase providing access to the café at ground floor level.

## Representations

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
15. During the first round of consultation, 12 letters of representation were received in objection. 7 letters of representation were received in support of the application.
16. Following the receipt of additional information relating to the storage of cycles and bins, an additional two-week consultation with neighbours was undertaken. No additional letters of representation have been received.
17. The representations received in opposition to the proposal are summarised in the table below.

Issues raised	Response
The impact of development to the nearby Methodist church has not been realised yet. Creation of additional uses will likely impact negatively on parking in the area.	See main issue 3.
There is not currently enough space in the area for residents of Maida Vale to park safely. Essential parking spaces would be lost through the creation of a new entrance onto Maida Vale. Development could lead to the loss of three parking spaces.	See main issue 3.

Issues raised	Response
<p>The application does not offer any solution to mitigate against parking concerns. The garage being replaced could be used as parking for this property. There is no mention of facility for parking of the staff of the unit.</p>	
<p>During construction, the only access to the site would be via Maida Vale, which would limit parking, entry and exit for residents. Parking outside the property in front of the gates blocks visibility when exiting Maida Vale. Maida Vale is narrow and there is little capacity for further comings and goings.</p>	<p>See main issue 3.</p>
<p>A 'class E' use is non-specific and could cover a wide range of uses, with varying degrees of impact. The inclusion of a shower room/kitchen and previous history suggests that a residential use could be put in place in the future.</p>	<p>See main issue 1.</p>
<p>The commercial unit is not in a style in keeping with the character of the Conservation Area – it would be damaging to the secluded nature of Maida Vale.</p>	<p>See main issue 2.</p>
<p>Maida Vale is flanked by red brick walls to either side of the entrance – modifying this would have a detrimental impact on the overall character of the area. The wall is a feature worthy of protection.</p>	<p>See main issue 2.</p>
<p>The materials indicated, including the PVC windows, are not in keeping with the overall character of the area. The modern character of the altered wall would not be in keeping.</p>	<p>See main issue 2.</p>
<p>It is not clear how this development will interact with the other uses: refuse, recycling, cycle storage, outdoor space etc. The outdoor space provides a valuable amenity for local residents as an extension of the café use. Concern about overdevelopment of the site/capability to sustain three uses.</p>	<p>See main issue 4.</p>

Issues raised	Response
Lowering the boundary wall will result in increased noise/odour impact on local residents. The plans do not show how the structure will link to 1 Maida Vale, or how noise transmission between the structures will be mitigated.	See main issue 4.
Details of the drainage system are not provided.	See other matters.
Restrictive covenants on the property require no alterations to the wall and limit the number of uses on the site.	See other matters.
There is no public benefit to the proposed use.	See other matters.
Concern regarding noise during construction.	See other matters.

18. The letters received in support of the application argue that the current structure is in dilapidated condition and is in need of modernisation. They argue that the proposal is a more effective utilisation of space than the existing use. The letters of support suggest that the proposal will improve employment opportunities, is of a suitable design and will have limited impact on the overall character of the area.

### Consultation responses

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

### Design and conservation

20. No comments received.

### Transport

21. (summarised) From a highway point of view, storage of bins should not be on the footway. Bike storage should be local plan policy compliant. Therefore I have no objection subject to consideration of the above matters by your authority.

### Strategic Housing

22. No comments received.

### Norwich Society

23. No comments received.

## **Assessment of planning considerations**

### **Relevant development plan policies**

24. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
25. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Other material considerations**

26. **Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):**
  - NPPF8 – Promoting healthy and safe communities
  - NPPF11 – Making effective use of land
  - NPPF12 – Achieving well designed places
  - NPPF16 – Conserving and enhancing the historic environment

### **Case Assessment**

27. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the 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**

28. Key policies and NPPF paragraphs – JCS2, DM1, DM3, NPPF11, NPPF12, NPPF16.
29. The proposal involves the removal of the existing garage structure and its replacement with a structure of a similar height and larger footprint. The physical works to the property are acceptable in principle, and therefore the impact of the property should be assessed according to its impact on the immediate surroundings.
30. This structure would then operate under a 'Class E' usage. Due to the breadth of the use class, it is accepted that some uses under this class would be unsuitable in this location. The applicant has clarified that it is intended to use the unit as a

professional or artistic studio on a small scale. The out-of centre location is considered acceptable given the sustainable location close to public transport, small size of the unit, likely number of employees, and lack of visiting customers. It is therefore recommended that a condition is applied ensuring that the use is restricted to a small studio, in order to ensure that the other uses on the site are able to function properly. This includes ensuring that future use of the unit as residential is prohibited.

31. These points aside, the principle of the development is acceptable. The ability of the proposed unit to function with an acceptable impact alongside the existing uses on the site and surrounding area is assessed in the points below.

## **Main issue 2: Design and Heritage**

32. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12, NPPF16.
33. As noted above, the proposal is located within the Heigham Grove Conservation Area. Careful consideration must be given to the ways in which the development impacts upon the character of the Conservation Area, which is a heritage asset

### *Relevant Policy*

34. The development can be broadly characterised as the replacement of the existing garage structure. In terms of appearance, the proposal will appear similar from public viewpoints to existing structure, with some alterations to the flank wall facing onto Maida Vale. DM3 of the Local Plan identifies that development will only be acceptable where ‘appropriate attention has been given to the height, scale, massing and form of new development’, including ensuring that replacement buildings do not appear ‘dominant or incongruous’. DM3 also identifies that proposed developments should show that appropriate consideration has been given to materials and colour, showing ‘regard to the prevailing materials of the area’. Paragraph 134 of the NPPF states that development that ‘is not well designed should be refused’, especially where it does not reflect local design policies.
35. DM9 identifies that development should ‘maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets’. Paragraph 202 of the NPPF outlines that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’.

### *Context*

36. The proposal is located within the Heigham Grove Conservation Area. The property is located on the edge of the Conservation Area, the border of which runs alongside Maida Vale. The Conservation Area Appraisal locates 81 Park Lane within ‘Sub Area H’, which is predominantly characterised by Victorian era terraced housing. The site or surrounding properties are not specifically highlighted within the appraisal.
37. The comments received from objectors suggest that the main heritage concerns relate to impact on the historic wall, use of materials and wider impact on the Conservation Area.



### *Impact*

38. The brick wall facing onto Maida Vale is of a pleasant character and contributes positively to the secluded nature of Maida Vale. However, it is difficult to argue that alterations to the wall are unacceptable from a heritage perspective. There are no restrictions on the wall, beyond being located within the Conservation Area. Although it is old, the wall appears to have been rebuilt in several places and does not hold a large degree of historic value. It is considered that a reconstruction or alteration to this wall would be acceptable in terms of impact on the Conservation Area.
39. The wall is currently blank and unbroken, although there is some alteration in height where the wall steps up to accommodate the existing garage. It is difficult to argue that the marginal reduction in height of the wall adjacent to the courtyard and the creation of a new entrance on this elevation have an unacceptable impact on the character of the wider area in conservation terms. The alterations to the wall – including the additional windows - are considered acceptable if suitable materials are used to closely retain the character of the existing wall. A condition will be applied to any consent requiring details of the materials to be used notwithstanding any assessment these matters have been given within this submission.
40. Works to this elevation of the property are considered to be the only works which outwardly impact on the Conservation Area. All other details of the proposal are considered to have a similar impact to the existing property and therefore do not impact upon the Conservation Area either way. For these reasons and the above reasons highlighted, the proposal is considered acceptable in terms of impact upon the Conservation Area.

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

41. Key policies and NPPF paragraphs – JCS2, DM28, DM30, DM31, NPPF12.

### *Policy*

42. The assessment of transport impact of new proposals is dictated by the adherence of development to a number of key policies. DM28 looks to ensure that development adequately provides opportunities for sustainable travel, looking to ensure that ‘any anticipated increase in travel demand resulting from the development can be accommodated or diverted to non-car modes’. DM30 looks to ensure that development is safe in terms of access and highway safety, whilst DM31 looks to ensure that does not result in unsatisfactory alterations to on-street parking control and that there is satisfactory provision of bins and cycle storage.

### *Impact*

43. Concern has been raised by neighbours about the impact of parking following the redevelopment of St Peter’s Methodist Church, located further down Park Lane. An application for 20 new residential units was approved under 18/00962/F and is currently mid-development. The Committee Report for this case advises that beyond the 11 parking spaces on site, no parking permits will be issued and the remainder of the units will effectively be car free housing. Therefore, this scheme was considered to have an acceptable impact on parking in planning terms and is not considered to impact significantly on the acceptability of this proposal.

44. Objectors are concerned that the creation of an opening onto Maida Vale will remove space for permit parking on Maida Vale which is currently used by residents. The objections refer to a loss of three parking spaces caused by the development. Maida Vale is a relatively narrow road and permit parking tends to be on the curb alongside the boundary wall. The new opening/access would take up a stretch of approximately 1.2m on a stretch of pavement approximately 12.3m long. There would continue to be reasonable room to park two cars along this stretch, and three if parking in front of the entrance, which would not be obstructive in the evening or if sufficient space was left for access/egress. The demolition of a section of wall and insertion of a new entrance would not need planning permission in its own right and in any case it is not considered that the inclusion of a small entrance on this elevation is likely to cause traffic issues to the point in which the application could be refusable.
45. It should be noted that as a new build business premises in a controlled parking zone, the unit would not be eligible for any new parking permits in itself and is unlikely to contribute to parking issues in this regard.
46. Details of parking and cycling storage have been provided, which highways have suggested are acceptable. Full details of the cycle storage will be required by condition, to ensure that the cycle storage is policy compliant. A small office/professional space is not anticipated to produce a large amount of commercial waste, so the storage indicated appears adequate alongside waste from the other uses on site. It will be the applicant's responsibility to arrange for the private collection of this waste.
47. Concern has also been expressed over the impacts on transport during construction of the unit. Objectors have expressed concern about impacts on parking for contractors, as well as parking on the corner of Park Lane and Avenue Road, which impedes visibility when entering and exiting Maida Vale. A condition would be applied to the permission requiring the applicant to provide a construction management plan detailing how these concerns will be mitigated during construction.
48. Considering the above points, it is concluded that the transport impacts of the proposal will be acceptable on balance. Although there will be some impact generated by the new entrance onto Maida Vale, it is not considered that this warrants a refusal and the impact of this will be further mitigated through the implementation of conditions.

#### **Main Issue 4: Amenity.**

49. Key Policies and NPPF paragraphs: JCS2, DM2, DM3, DM11, NPPF 12.

#### *Policy*

50. Impacts on neighbouring properties are detailed in several planning policies. DM2 ensures that new development does not have an unacceptable impact on the living or working conditions of neighbouring occupants, including by means of noise and odour. DM2 also looks to ensure that all residential development has functional amenity space. DM11 looks to ensure that environmental noise does not impact upon the amenity of neighbouring properties.

51. Objections have raised concern that the development could lose to the loss of amenity space both for the residential flat above 81 Park Lane and the exterior space currently used by the café. Concern has also been raised regarding an increase of noise/odour emissions caused by the lowering of the height of the boundary wall. Finally, some concern has been raised regarding the potential increase in noise impact to 1 Maida Vale, which shares a boundary to the property to the south.

### *Impact*

52. It is acknowledged that the provision of an additional use on this site adds another layer of complexity to the effectiveness of the overall site. However, there is no reason to suggest that the existing uses cannot continue to function reasonably if a new unit is built in this location. The applicant has shown that there is sufficient space for bins and cycle storage, and the courtyard will remain for use by the café and should be unaffected by the location of the office at the rear of the courtyard. The first-floor residential use does not currently have use of the courtyard for amenity space so this use is unaffected. If the new commercial space is restricted to an appropriate use (office, with no visiting members of public), the uses are anticipated to function well together.
53. Some concern has been raised about the dropping of the boundary wall height, removing some of the existing enclosure around the courtyard space. It is suggested that the reduction of this wall to a height of 1.1m will result in increased odour and noise from the courtyard. The extraction for the café is located above eaves height on the main dwelling, so this situation is unaltered. The courtyard is open air and does not directly align to any noise sensitive receptors. It is not anticipated that the use of the courtyard with a marginally reduced wall will impact upon noise levels in the area in any noticeable way.
54. In terms of impact to 1 Maida Vale, it is not considered that activities associated with the anticipated use are likely to cause unreasonable noise levels. It is not anticipated that the Party Wall arrangement will be significantly different to the existing arrangement, but this is a civil matter and must be agreed between the owner of that property and the applicant.

### **Other Matters**

55. Several letters of objection refer there being a lack of capacity for additional strain of the existing drainage system in the area. Given the fact that the proposed building is to be built in the location of an existing building and over handstanding, there is not anticipated to be any additional impact on surface water drainage.
56. Several letters of objection refer to restrictive covenants on the site that prohibit multiple uses on the site and control maintenance of the boundary walls. This is a civil matter and not a material planning concern. As such, this has not influenced this recommendation.
57. One letter of objection has suggested that the works are not acceptable due to there being no public benefit to the development. In this instance, there is little requirement for public benefit given the lack of identified harm caused by the development. There is some minor public benefit to be gained from the provision of a new commercial unit and associated employment.

58. One letter of objection has expressed concern over noise during construction. This is not a planning concern although this could be reasonably controlled through the Construction Management Plan.

### **Equalities and diversity issues**

59. There are no significant equality or diversity issues.

### **Local finance considerations**

60. 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.
61. 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.
62. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

63. 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.
64. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the Heigham Conservation Area.
65. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
66. The amenity impact of the proposal is considered to be acceptable.
67. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

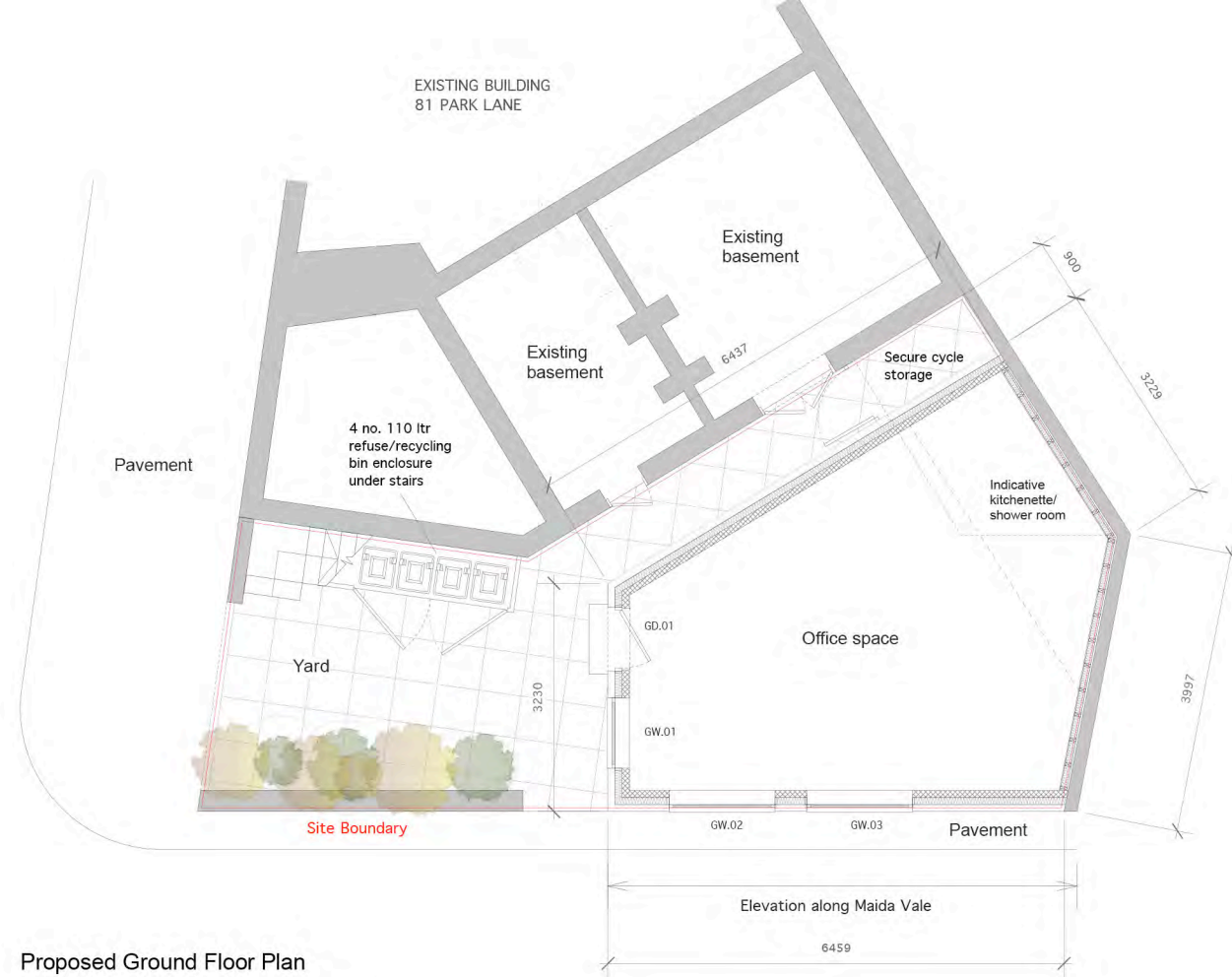
### **Recommendation**

To approve application no. 21/01105/F – 81 Park Lane, Norwich NR2 3EL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials to be agreed;
4. Construction management plan to be agreed;
5. Water efficiency measures to be agreed;
6. Full details of cycle storage to be agreed;
7. Restriction on uses (Office; Class E (g) (i) only);
8. Under no circumstances should this property be used for residential purposes.

Informative notes:

1. The applicant is advised of the benefit of reworking the vehicle crossover to standard asphalt.
2. Works to the highway require separate consent.



Proposed Ground Floor Plan

Area Schedule:

Ground Floor (GIA): 28.78 sqm/310 sq ft

<b>Client</b>	Mr & Mrs Spalding	<b>Scale</b>	1:75 @ A3	<b>Status</b>	PLANNING	<small>NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. THE CONTRACTOR / MANUFACTURER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND QUERYING ANY DISCREPANCIES. THIS DRAWING IS THE PROPERTY OF ARCHITECTURAL DESIGN &amp; PLANNING PARTNERSHIP. COPYRIGHT IS RESERVED BY THEM AND THE DRAWING IS ISSUED ON CONDITION THAT IT IS NOT COPIED, REPRODUCED, RETAINED OR DISCLOSED TO ANY UNAUTHORISED PERSON, EITHER WHOLLY OR IN PART, WITHOUT WRITTEN CONSENT.</small>		<b>architecture design planning</b> 73 Yarmouth Road Thorpe St Andrew Norwich NR7 0AA archdppartnership@gmail.com T: 07419 750098
<b>Project</b>	Park Lane, Norwich	<b>Date</b>	Oct 2020	<b>Drawn By</b>	DJ			
<b>Drawing</b>	Proposed Floor Plan	<b>Project N°</b>	020/27	<b>Drawing N°</b>	0200			



Proposed Front (Maida Vale) Elevation



Proposed Floor Plan



Proposed Side (Park Lane) Elevation

<b>Client</b>	Mr & Mrs Spalding	<b>Scale</b>	1:100 @ A3	<b>Status</b>	PLANNING	<small>NO DIMENSIONS ARE TO BE SCALED FROM THIS DRAWING. THE CONTRACTOR / MANUFACTURER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND QUERYING ANY DISCREPANCIES. THIS DRAWING IS THE PROPERTY OF ARCHITECTURAL DESIGN &amp; PLANNING PARTNERSHIP. COPYRIGHT IS RESERVED BY THEM AND THE DRAWING IS ISSUED ON CONDITION THAT IT IS NOT COPIED, REPRODUCED, RETAINED OR DISCLOSED TO ANY UNAUTHORISED PERSON, EITHER WHOLLY OR IN PART, WITHOUT WRITTEN CONSENT.</small>
<b>Project</b>	Park Lane, Norwich	<b>Date</b>	APR 2021	<b>Drawn By</b>	DJ	
<b>Drawing</b>	Proposed Elevations/Floor Plan	<b>Project N°</b>	021/14	<b>Drawing N°</b>	0270	
		<b>Revision</b>			A	



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 archdppartnership@gmail.com  
 T: 07419 750098

81, Park Lane, Norwich, Norfolk, NR2 3EL



Block Plan shows area bounded by: 621830.92, 308141.02 621920.92, 308231.02 (at a scale of 1:500), OSGridRef: TG2187 818. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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