

Report to Planning applications committee

Item

09 March 2017

Report of Head of planning services

Subject Application no 17/00130/F - Land South of 37 - 51
Howard Mews, Norwich

4(b)

**Reason
for referral** Objection

| | |
|---------------------|---|
| Ward: | Sewell |
| Case officer | Kian Saedi – kiansaedi@norwich.gov.uk |

| Development proposal | | |
|---|---------|---------|
| Erection of 1 No. dwellinghouse, accessed from Howard Mews. | | |
| Representations | | |
| Object | Comment | Support |
| 4 | 0 | 0 |

| Main issues | Key considerations |
|--------------------------------|---|
| 1 Principle of the development | Five year housing land supply, contribution towards housing stock, garden development, existing planning consent for the site |
| 2 Design | Density, local character, appearance |
| 3 Transport | Car parking, cycle parking, highway safety, accessibility |
| 4 Amenity | Outlook, overshadowing/loss of daylight, overlooking/loss of privacy, noise and disturbance, living conditions for future occupiers |
| 5 Flood risk | Surface water flooding, drainage |
| Expiry date | 20 March 2017 |
| Recommendation | Approve |

The site and surroundings

1. The site is located to the rear of 37 – 51 Howard Mews forming part of the rear garden of those garden properties. The site would be accessed from and directly adjacent to Howard Mews which is a development of 1970's three storey flats in eight blocks (although 2 pairs are linked) with associated parking. 10 parking spaces are located immediately to the west of the site, with two proposed to be removed to enable access into the application site. Part of the west boundary of the site is also adjacent to the health centre car park.
2. The site is surrounded by a mixture of 1.8m fencing and mature hedging. To the east of the site are two rear gardens of other properties on Lawson Road, these gardens are occupied by a number of Ash, Elder and Sycamore trees, beyond this is a four storey block of flats at The Erins.

Constraints

3. Heritage designations/article 4 directions/natural environment designations/environmental constraints/topography/ground stability/development plan designations

Relevant planning history

| Ref | Proposal | Decision | Date |
|------------|---|------------------------------|-----------------------------|
| 11/02009/F | Erection of 2 No. new dwellings with integral parking. | Refused | March 2012 |
| 13/00406/F | Erection of 1 no. dwelling with associated parking. | Refused. Appeal dismissed | April 2013 February 2014 |
| 14/01286/F | Erection of 1 No. dwellinghouse, accessed from Howard Mews. | Approved | 04 December 2014 |

The proposal

4. Erection of 1 No. dwellinghouse, accessed from Howard Mews.

Summary information

| Proposal | Key facts |
|------------------------|-----------|
| Scale | |
| Total no. of dwellings | 1 |

| Proposal | Key facts |
|---|---|
| No. of affordable dwellings | N/A |
| Total floorspace | 92.5 sq.m |
| No. of storeys | 1 |
| Max. dimensions | 10.95 metres, 10.8 metres in width, 2.35 metres to the eaves and 4.25 metres to the ridge (hipped roof) |
| Appearance | |
| Materials | Clay brickwork (walls), eternity PV tiles (roof), grey painted timber windows |
| Energy and resource efficiency measures | PV tiles |
| Transport matters | |
| No of car parking spaces | 2 |
| No of cycle parking spaces | Cycle store to be provided in the garden |
| Servicing arrangements | Adequate refuse storage is provided on site. Residents would be required to present bins at the front of the property. |

Representations

5. Adjacent and neighbouring properties have been notified in writing. Four 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 privacy/overlooking | Main issue 4 |
| Noise disturbance during construction | Main issue 4 |
| Inadequate parking | Main issue 3 |
| Parking spaces at the Mews should be allocated one per flat | Main issue 3 |

| Issues raised | Response |
|---|--|
| Space for manoeuvring is already tight in the rear car park area adjacent to the application site | Main issue 3 |
| Highway safety | Main issue 3 |
| Potential for damage to residents' vehicles from construction vehicles | Not a material planning consideration |
| Where will site huts and temporary buildings be located | The proposal is for one dwelling only and it is not anticipated that there will be any need for significant huts or buildings to facilitate the development. There would be space on site to store construction materials and deliveries could be made through the car park. |
| Where will connection to the main sewage system be taken from and likewise for other utilities? | The connection of new development to the main sewer and other services would be a civil matter outside of planning, and subject to consents under other legislation. Therefore it is not reasonable to request this information through a planning application. |

Consultation responses

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

Highways (local)

7. No objection in principle for the proposed dwelling.

Norfolk county Lead Local Flood Authority (LLFA)

8. Referred to standing advice as proposal relates to minor development.

Tree protection officer

9. No objections to the proposal provided the recommendations within the arboricultural assessment are fully implemented.

Citywide services

10. No objections raised.

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
 - JCS3 Energy and water
 - 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
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF2 Ensuring the vitality of town centres
 - NPPF3 Supporting a prosperous rural economy
 - NPPF4 Promoting sustainable transport
 - NPPF6 Delivering a wide choice of high quality homes
 - NPPF7 Requiring good design
 -
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment

14. **Supplementary Planning Documents (SPD)**
 - Landscape and trees SPD adopted June 2016

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 council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

16. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
17. Housing applications should be considered in the context of the presumption of sustainable development.
18. The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:
 - (a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or
 - (b) Specific policies in the NPPF indicate development should be restricted.
19. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM 3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
20. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the city housing stock. In addition it is noted that the site is situated within an established residential area with easy access to public transport and services such as the health centre on Lawson road or the local retail centre on Magdalen Road.
21. When assessing the merits of the proposal against the following issues, significant weight must also be given to the existing consent for the site approved under application 14/01286/F. The approved scheme was similar to that currently under assessment but for a slightly reduced footprint and featuring a flat roof. The principle of residential development on the site is therefore accepted subject to other policy and material considerations discussed below.

Main issue 2: Design

22. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
23. The size of the development site reflects the mixed density / character evident in the area comprising flats and terraced properties with long gardens.
24. The proposed dwelling to some degree would appear in isolation to the surrounding development, but there is no strong urban form characteristic of the area that would lead to this alone being a sufficient reason to refuse the scheme. In fact, the site's relative isolation is an opportunity to deliver a dwelling which is distinctive in its own right. The site is screened from views from the public highway by existing buildings and fences, and the adoption of a contrasting design approach is considered appropriate in this instance.
25. The brick type has not been specified but will be controlled by condition. The roof will be constructed of 'eternit' tiles which provide integral PV technology removing the requirement for a bolt-on approach for securing renewable energy supply. Given its relative isolation and subservient relationship to surrounding development, the proposed dwelling is considered to be acceptable in design terms.

Main issue 3: Transport

26. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
27. The scheme provides vehicular access and two on-site car parking spaces leading from an adjacent car park. This will involve the relocation of two existing car parking spaces, but following construction all flats in the Mews will be provided with car parking on a 1:1 basis. The application includes a site plan illustrating the proposed parking layout and a condition will be imposed requiring the parking spaces to be provided in accordance with the site plan to ensure adequate parking provision for existing residents. The agent has also confirmed that subject to consent being granted, the car parking will be marked out in accordance with the site plan.
28. The proposed car parking provision satisfies the standards set out in Appendix 3 of the local plan and adequate space exists in the parking area to enable cars to safely manoeuvre in and out of the site. As such, and bearing in mind that the proposal will provide only one additional dwelling, any impact upon highway safety will be minimal.
29. Secure and covered cycle parking will be provided within the rear garden of the proposed dwelling and details will be secured by condition to ensure adequate specification and capacity.
30. The site is otherwise in an accessible location with easy access to public transport and within walking distance of the local retail centre on Magdalen Road.

Main issue 4: Amenity

31. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

32. Previous application 13/00406/F proposed a two-storey dwelling of 8.7 metres in height with the gable end fronting 37-51 Howard Mews. This application was refused and the associated appeal subsequently dismissed with the inspector concluding that the proposal would have an adverse impact upon the neighbouring block of flats in terms of loss of overlooking, loss of privacy, overshadowing, loss of light and outlook.
33. Planning application 14/01286/F was subsequently submitted for a single-storey dwelling on the application site, which received approval at the planning committee of 04 December 2014. This was assessed to have adequately addressed the amenity concerns raised in the inspector's decision for 13/00406/F.
34. The current proposal is also single-storey, but instead of a flat roof (as featured in permission 14/01286/F), the roof is to be hipped and the width of the dwelling has been increased by approximately 3 metres. The amenity considerations of the current application are discussed below.

Impact on amenity of neighbouring properties:

35. At its closest point the proposed dwelling is 12 metres from 37-51 Howard Mews, which is screened from the ground floor by an existing mature hedge. Given its single-storey height, separating distance and existing screening, the proposal will not result in any loss of outlook to neighbouring properties.
36. The proposal will not result in any significant overshadowing or loss of daylight to neighbouring properties.
37. Such is the single-storey height of the proposed dwelling and presence of the mature hedge along the north boundary of the application site that there will be no opportunity for overlooking/loss of privacy to numbers 37-51 Howard Mews.
38. The potential impact of an additional residential dwelling upon the amenity of neighbouring occupiers in terms of noise nuisance has also been considered. The likely noise from one additional dwelling is of a scale and intensity of use which could not be considered significant in the context of the existing residential environment in terms of extent and the type of noise generated is not alien in a residential environment.
39. It is acknowledged that there may be some disturbance to nearby residents during the construction. However, in light of the small scale nature of the development such impacts are likely to be temporary and not untypical of construction activities that are experienced in an urban residential environment.
40. Due to the limited available space on site and proximity of neighbouring residential plots, a condition will be imposed upon any planning permission restricting the scope of permitted development rights to enable the local planning authority to control certain types of future development which may carry amenity implications for neighbouring and future residents.

Future residents:

41. The proposal provides for ample living space to serve the two-bedroom property both in terms of the internal living area and the external garden space. Whilst outlook from the two bedrooms will be restricted due to facing onto the parking

area, outlook from the main living/dining area is good and the standard of living for future occupants will be satisfactory.

42. Landscape details will be secured by condition to ensure a high standard of appearance and amenity for the external areas.

Main issue 5: Flood risk

43. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
44. The site is located within a critical drainage area and is identified as being at risk from surface water flooding both in the 1 in 30 and 1 in 100 flood events. Ordinarily, more vulnerable development would be steered away from such areas of risk, but in this instance weight needs to be given to existing planning permission 14/01286/F which can still be implemented and therefore represents a material planning consideration in the assessment of the current application.
45. Given that the existing site is currently undeveloped, the proposal will introduce a greater coverage of hard surfacing at the site with the potential to exacerbate surface water flooding in the surrounding area. A surface water drainage scheme will be secured by condition, which will require an assessment of the potential for disposing of surface water by means of a sustainable drainage system. The scheme will also need to identify the net change in impermeable surfacing at the site and provide details of measures to mitigate any increase in surface water run-off. The landscaping scheme should also maximise opportunities for permeable surfacing at the site.
46. A condition will also be added requiring a scheme for flood-proofing measures to be submitted to and agreed with the local planning authority. These might include the use of flood resistant building materials and the raising of electrical wiring and appliances above flood levels.
47. Subject to conditions therefore, and in consideration of the weight that needs to be given to the existing planning consent for the site, the proposal is considered to be acceptable with regards to flood risk.

Compliance with other relevant development plan policies

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

| Requirement | Relevant policy | Compliance |
|--------------------------|------------------------|--|
| Cycle storage | DM31 | Yes subject to condition |
| Car parking provision | DM31 | Yes subject to condition |
| Refuse Storage/servicing | DM31 | Yes |
| Energy efficiency | JCS 1 & 3 | Not applicable although the dwelling will |

| Requirement | Relevant policy | Compliance |
|----------------------------|------------------------|--|
| | DM3 | be constructed with PV 'eternit' tiles |
| Water efficiency | JCS 1 & 3 | Yes subject to condition |
| Sustainable urban drainage | DM3/5 | Yes subject to condition |
| Trees | DM7 | Yes subject to condition |
| Biodiversity | DM6 | It is noted that since the assessment of 14/01286/F, much of the vegetation on site has been cleared. The site is therefore considered to be of low biodiversity value. Biodiversity enhancements in the form of replacement planting will be sought as part of the landscape details to be secured by condition. |

Equalities and diversity issues

49. There are no significant equality or diversity issues.

Local finance considerations

50. 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.

51. 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.

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

Conclusion

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

Recommendation

To approve application no. 17/00130/F - Land South of 37 - 51 Howard Mews, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials to be used in the construction of the building;
4. Landscape details to include permeable paving and details of cycle storage and ecological enhancements;
5. Sustainable drainage scheme;
6. Scheme demonstrating flood resilient construction;
7. Development to be carried out in accordance with the approved Arboricultural Impact Assessment, method statement and Tree Protection Plan;
8. Parking to be laid out and provided in accordance with site plan and retained as such thereafter;
9. Removal of p.d rights for extensions or enlargements;
10. Water efficiency.

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.