

Report to Planning applications committee

Item

03 September 2015

Report of Head of planning services

Subject Application no 15/00612/O - 85B Lawson Road,
Norwich, NR3 4LE

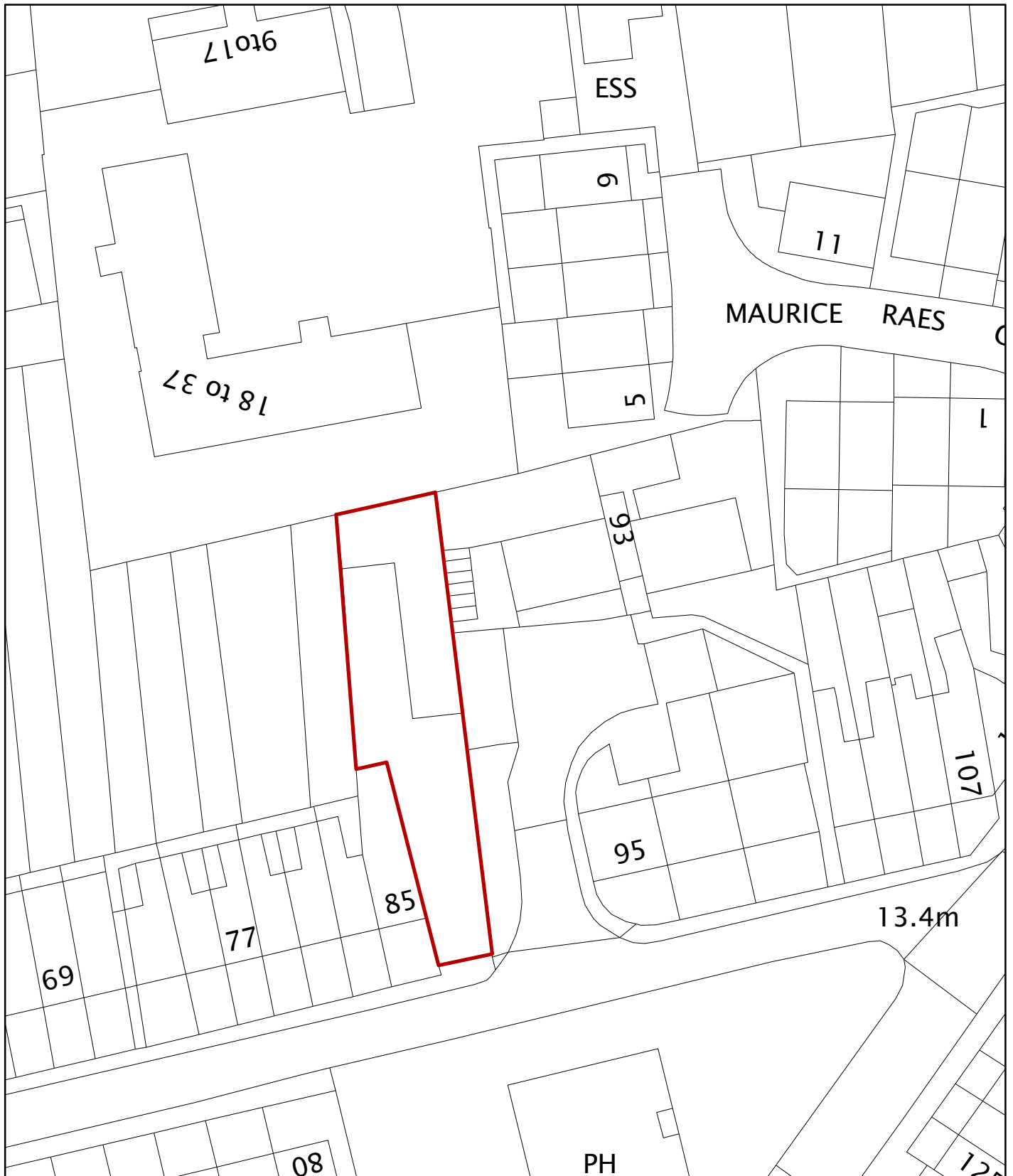
**Reason
for referral** Objection

4(E)

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

Development proposal		
Outline application with all matters reserved for erection of two storey end terrace and one and a half storey dwelling, removal of temporary buildings and demolition of existing buildings.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Design	Impact on local distinctiveness and character
2 Amenity	Overshadowing, overlooking and overbearing
3 Arboricultural	Potential impact on trees located adjacent to the site
4 Transport/Highways	Parking provision
Expiry date	10 September 2015 (as extended)
Recommendation	Approve subject to conditions



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Planning Application No 15/00612/O

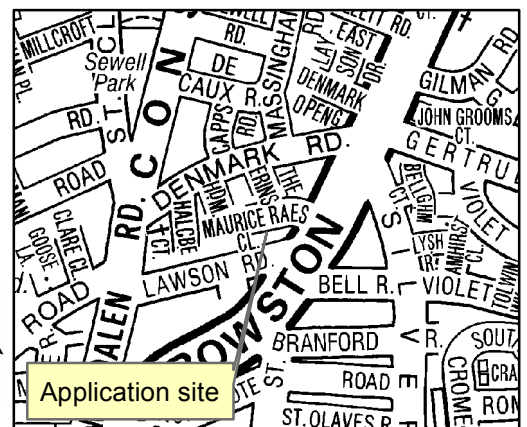
Site Address 85B Lawson Road

Scale 1:500



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The application site is located adjacent to number 85 Lawson Road, opposite the “Fat Cat Brewery House” pub, which is located on the corner of Sprowston Road and Lawson Road.
2. Several small outbuildings and a garage are located on the site which would be demolished as part of the proposal. 85 Lawson Road is operated as commercial premises although the exact nature of the business is unknown. The rear of the site appears to be in use as a builder’s yard.
3. Immediately east of the site are NCC flats and associated car parking.

Constraints

4. Critical Drainage Area (DM5)
5. Several trees are located on neighbouring sites to the east and west including a row of mature Lime trees in council ownership.

Relevant planning history

6.

Ref	Proposal	Decision	Date
14/00685/O	Outline application for the demolition of existing buildings on the site and erection of 1 No. three bed dwelling and 3 No. flats with all matters reserved.	Refused	18/08/2014

The proposal

7. The application seeks outline planning permission with all matters reserved for the erection of a two-storey end terrace and a 1.5-storey dwelling and the removal and demolition of existing buildings.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	2
No. of affordable dwellings	0
Total floor space	The application is for outline consent with all matters (including layout and scale) held back as reserved matters.

	Plans submitted with the current application therefore only provide an indicative representation of the final scheme.
No. of storeys	Two and 1.5.

Representations

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

Issues raised	Response
Loss of privacy	Main issue 2
Loss of light	Main issue 2
Impact upon trees located adjacent to the site	Main issue 3
Inadequate parking	Main issue 4
Potential damage to neighbouring property, especially the boundary wall and associated maintenance issues	See 'other matters'
Potential harm to surrounding cars during demolition works	Any damage to cars during the demolition process would constitute a civil offence and cannot be considered as part of the planning assessment.
Arrangements for removal of rainwater	See 'other matters'
What will happen to number 85 Lawson Road following the development?	The use of number 85 following the development is not a material planning consideration. If the use were to change it is likely that planning consent would be required.

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.

Highways (local)

10. No objection on transportation grounds. We do not wish there to be a new car parking space in the cul-de-sac

Housing (carried over from previous refusal 14/00685/O)

11. Any loss of car parking space for the existing NCC flats would be objected to.

Tree protection officer

12. Following the submission of the updated AMS it is considered that the dwelling can be constructed with minimal damage to the roots of the adjacent trees. Some concern with the prospect of the trees overhanging the dwelling and the issues this may cause with light levels. Given this consideration should be given to the fenestration and internal layout.

Assessment of planning considerations

Relevant development plan policies

13. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - 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
14. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing

Other material considerations

15. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport

- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

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

Principle of development

17. Key policies and NPPF paragraphs – DM12, JCS4, NPPF paragraphs 49 and 14.
18. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the report below given that:
 - The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.

Main issue 1: Design

19. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
20. The application is for outline consent with all matters reserved. Details addressing appearance, scale and landscaping have therefore been withheld, although the application states that the end terrace will be two-storey, that the rear dwelling will be 1.5 storey and an indicative proposed site plan has been submitted showing a provisional layout for the site. The indicative layout demonstrates that two properties can be developed without leading to an overdevelopment of the site. The density would be in keeping with the existing character of the area.
21. In terms of respecting the existing streetscape, an end terrace in this location could be successful provided that the final design relates positively to the height, scale, form and materials of existing dwellings in the Lawson Road terrace. The site plan indicates that the building line of the row of terraces will be continued. The roof of the proposed end terrace property is also shown as hipped which will assist in minimising any harm to the row of mature Lime trees adjacent to the site.

22. An indicative drawing has been submitted to illustrate the scale of the proposed rear, 1.5-storey dwelling. The drawing shows eaves to the 1.5 storey element of three metres and eaves of the single-storey of 2.3 metres. The scale of the structure would not therefore be too dissimilar to the existing building on the site and would fit the same footprint, forming an 'L-shape' development along the rear and eastern boundary of the site. A contemporary design is likely to work well in this location.
23. The end terrace should be designed to respect the scale, form and appearance of the existing row of terraces to the west.

Main issue 2: Amenity

24. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
25. The proximity of the trees to the proposed end terrace would cause significant overshadowing, loss of light and potential overbearing to the east elevation of the proposed dwelling. However, provided that main habitable rooms are positioned to have their windows facing the front and rear, the proximity of the trees will not be excessively detrimental to the living conditions of future residents. Detail of the layout and appearance of the proposal will need to come forward at reserved matters stage.
26. Both properties will benefit from adequately sized private garden space.
27. Floor plans have not been provided but the internal space standards set out in the supporting text of DM2 of the local plan would need to be satisfied as part of any final scheme.
28. The presence of the mature Lime trees will mean that the rear garden of the end terrace dwelling would be significantly overshadowed. This is regrettable but would not represent a reason in itself to warrant refusal of the application and there is no feasible design solution that could otherwise rectify this matter.
29. The previous refusal included a three-storey block of flats at the rear of the site. The reason for refusal cited the effect that the block of flats would have upon neighbouring properties in terms of undermining privacy and having an overbearing and intrusive impact upon neighbouring properties. The rear dwelling proposed in the current scheme is 1.5 storeys and would not be much greater in scale than the existing building on site which is to be demolished. It is also stepped in from the boundary with number 83 which will mark an improvement from the existing outbuildings which are positioned hard up along almost the entire length of the garden boundary with number 83 Lawson Road. The proposed dwelling would not have an overbearing impact upon neighbouring properties therefore.
30. Provided that fenestration can be arranged considerably, the rear dwelling will not result in any significant overlooking or loss of privacy to neighbouring properties. The distance between rear facing habitable windows between the rear dwelling and numbers 83 and 85 Lawson Road is likely to be ~21 metres which would satisfy the recommended standards advised by the British Research Establishment (BRE).
31. Such is the scale (as per the indicative plan received 18 May 2015) and orientation, that the proposed rear dwelling will not result in any significant increase in

overshadowing to neighbouring properties above that already caused by the existing development on site.

32. Due to the drop in land levels between the application site and number 83 Lawson Road it will be important to understand the relationship between the proposed rear dwelling and garden area of the neighbouring property in to ensure that the proposed dwelling is not domineering. A condition will be added to the planning consent to require sectional drawings illustrating finished floor levels of the proposed dwellings in the context of the surrounding natural and built environment. This will enable an assessment to be made to ensure that the finished floor levels do not result in any significant harm to the amenity of neighbouring properties.

Main issue 3: Trees

33. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
34. A row of mature lime trees are located along the eastern boundary of the site on land owned by the council. To the north of the site a boundary wall separates the builder's yard area from the garden of no.87 Lawson Road. There are two small trees in the neighbouring garden (Apple and Ash).
35. The lime trees are of high amenity value and are considered to be worthy of a Tree Preservation Order. The application includes an AIA which has been informed by consultation with a structural engineer.
36. An amended AIA has been submitted with the application to address concerns that the construction of foundations for the end terrace would be likely to necessitate considerable excavation within the RPA of the mature Lime trees.
37. Additional arboricultural information has been submitted which sets out detail for a cantilevered floor with piles set back to the western side of the existing footings. This will avoid any need for invasive foundations adjacent to the row of mature Lime trees and will minimise any impact upon the roots.
38. The proposed scheme of crown lifting and reduction is relatively minor and will not result in any significant harm to the amenity value of the trees.
39. The arboricultural report also identifies potential future conflicts between the trees and the proposed end terrace property, but sets out methods of mitigation to prevent such issues such as the blocking of gutters from falling debris. It may be necessary to re-consider the use of render on the gable end of the property which may be affected by falling detritus and bird droppings, which would then raise maintenance issues. This can be considered at reserved matters stage of any future application.
40. The trees will result in overshadowing to the east elevation of the end terrace. It will be important that matters of layout and appearance are considered with respect to ensuring main habitable rooms are positioned to face the rear and front of the property, where they will benefit from a good level of outlook and where they will receive adequate daylighting.
41. Provided that the tree protection measures and AMS are adhered to there are no additional concerns regarding the wellbeing of trees located adjacent to the site. Any departure from the tree protection measures outlined in the report would

require the written consent from the local planning authority. A condition will be added to require the development to be carried out in accordance with the AIA, AMS and Tree Protection Plan.

Main issue 4: Transport

42. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
43. While layout and access are reserved matters the application originally included a site plan denoting a car parking space within the adjacent cul-de-sac. The car parking in this area is provided for the NCC flats to the east of the site and the council would not accept the loss of any of the parking spaces as part of the current proposal.
44. The original site plan also proposed the removal of existing double yellow lines in the cul-de-sac to provide a parking space for the proposed development. The cul-de-sac provides an important turning head and the creation of additional car parking in this area would not be accepted. An amended indicative site plan has now been submitted which removes any additional car parking from the cul-de-sac area. Car free housing is acceptable in this location which is within the outer ring road and adjacent to frequent bus services connecting to the city centre and wider area. The end terrace would be provided with on parking space at the front where there is already vehicular access from Lawson Road.
45. The new dwellings would not be eligible to receive on-street parking entitlement.
46. Access remains a reserved matter.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Other matters

48. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.
49. **Ground stability:** Reference has been made to the council's 'Environmental Protection Document (Safety of Ground Conditions for Development)' – this document is referenced in the supporting text of policy EP2 of the now superseded *local plan*. Ground stability is covered in the current local plan under policy DM11. It is the responsibility of the developer to determine whether land is suitable for a particular purpose. The adopted local plan only covers consideration of ground stability in situations where the viability of a scheme may be affected. Advancements in construction techniques generally mean that issues of ground stability can be overcome, albeit with varying construction costs. Rather than requiring a planning assessment, issues of ground stability would form part of building regulations assessment of the scheme.
50. The application includes a structural engineering report which is intended to demonstrate the construction techniques of the proposed development in respect of the potential implications for the wellbeing of the trees located adjacent to the site. While not forming part of the planning consideration, the report sets out a cantilevered ground beam/slab situation which will avoid the need for deep excavations. It is not therefore anticipated that the scheme will produce any significant implications in terms of the ground stability of the site.
51. **Landscaping:** Landscaping makes up a reserved matter, details of which must be agreed at a future date.
52. **Drainage:** The site is located within a critical drainage area and there is a need to ensure that the development will not increase the vulnerability of the site, or wider catchment area to flooding from surface water run-off. It is relevant to point out that the site currently features several buildings as well as a substantial hard-surfacing coverage. The proposal represents a reduction in the building footprint at the rear of the site and replaces much of the hard surfacing with grassed lawns which will increase the infiltration capacity of the site on the whole. The applicant has also indicated the intention to install a soakaway in the rear garden area to channel rainwater from the roofs of the new dwellings, the design of which will be informed by the advice of the arboriculturalist and structural engineer that have been involved with the project. A condition will be added to any permission requiring a detailed scheme for the management of surface water run-off.
53. **Removal of permitted development rights:** Any greater size of development to that proposed on the indicative plans may lead to implications in respect of the amenity of neighbouring properties as well as potential harm to the trees adjacent to the site from further encroachment within the root protection area. A condition will therefore be imposed upon any permission to remove permitted development rights to extend the properties the subject of this application.
54. **Potential damage to neighbouring property, especially the boundary wall and associated maintenance issues:** The applicant has stated that there is no intention to remove the boundary wall between numbers 83 and 85 Lawson Road.

Any proposed works would need to be subject to a Party Wall Agreement which is separate from planning control.

Equalities and diversity issues

55. There are no significant equality or diversity issues.

Local finance considerations

56. 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.
57. 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.
58. In this case local finance considerations are not considered to be material to the case.

Conclusion

59. The principle of creating two dwellings in this location is acceptable. Subject to agreement of reserved matters relating to appearance, landscaping, layout, access and scale, and conditions relating to finished floor levels, a scheme for surface water run-off, cycle/refuse storage, tree protection, water conservation and restricted permitted development rights, the development is considered acceptable and 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. 15/00612/O - 85B Lawson Road Norwich NR3 4LE and grant planning permission subject to the following conditions:

1. Standard time limit for outline application;
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale;
3. No development shall take place in pursuance of this permission until sectional drawings illustrating finished floor levels of the proposed dwellings in the context of the surrounding natural and built environment have been submitted to and agreed in writing by the local planning authority. The development shall then be carried out in accordance with the details as approved;
4. Detailed scheme to manage surface water run-off;
5. Details of secure cycling storage and refuse storage;
6. Development to be carried out in accordance with the submitted arboricultural information;
7. Water conservation;
8. Removal of permitted development rights.

Informatives:

- 1) Construction working hours
- 2) Neither dwelling will have entitlement to on street parking permits
- 3) The applicant is reminded of the mitigation measures set out in section 3.6.9 of the approved AIA to improve the liveability of the terraced property.

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.

Note: proposed unit a to include specialist foundations (refer to Structural Engineer's Report) to ensure root protection to existing trees (refer to Arboriculturalist's Report)

new gravel pedestrian path to unit b

broken line denotes line of existing building to be demolished
garden,
cycle store
new garden to No 85
existing parking spaces to remain

Unit b
proposed new 2 bed 1.5 storey unit built on footprint of existing single storey building to be demolished.
Note: cycle store for new unit located within curtilage of new building.

existing 3 storey residential unit

Unit a
proposed new 3 bed 2 storey unit

parking space for new 2 storey unit

4500

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Project: proposed residential development of 2 storey end terrace & 1.5 storey unit at 85 Lawson Road, Norwich

Client: Mr R. Eldridge

Date: Feb 15

scales: 1:200

Drawing: proposed site plan

Dwg. No: 02a

Sheet size: A3

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site plan

1:200

existing 3 storey residential unit