

Planning applications committee

Date: Thursday, 02 October 2014

Time: 09:30

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

Committee members:

Councillors:

Gayton (chair)
Sands (M) (vice chair)
Ackroyd
Blunt
Boswell
Bradford
Button
Herries
Grahame
Jackson
Neale
Woollard

For further information please contact:

Committee officer: Jackie Rodger
t: (01603) 212033
e: jackierodger@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

- 1 **Apologies**
To receive apologies for absence
 - 2 **Declaration of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)
 - 3 **Minutes** 4 - 13

To approve the minutes of the meeting held on 4 September 2014.
 - 4 **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 10am 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 9.30am
 - 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 1pm and 2pm if there is any remaining business.
-
- | | |
|---|-------------|
| Summary of applications for consideration by the committee | 14 - 15 |
|
Standing duties |
16 - 17 |

4 A	Application no 1401288VC, land and rear of 293-293A Aylsham Road	18 - 37
4 B	Application no 1400892MA Happisburgh Building City College	38 - 49
4 C	Application no 1400801O 498-500 Earlham Road	50 - 65
4 D	Application no 1401134F 1 The Moorings	66 - 81
4 E	Application no 1400987MA and 1401077L Pigg Lane Palace Street Bedding Lane	82 - 95
4 F	Application no 1400683O 36 Broadhurst Road	96 - 119
4 G	Application no 1401004F 37 Clarendon Road	120 - 129
4 H	Application No 1401002F - 14 Mill Hill Road	130 - 139
4 I	Application 1202046O Section 106BA Starling Road	140 - 147
4 J	Application no 1102236F Land Adj to Novi Sad Bridge Wherry Road	148 - 155

Date of publication: **Wednesday, 24 September 2014**



Planning applications committee

9.30am to 12noon

4 September 2014

Present: Councillors Gayton (chair), Sands (M) (vice chair), Ackroyd, Blunt (not present for the informal briefing), Boswell, Bradford, Button, Grahame, Henderson (substitute for Councillor Neale), Herries, Jackson and Woollard

Apologies: Councillor Neale

1. Pre-application briefing

The committee received a presentation before the commencement of the committee meeting on proposals for residential development on the former site of the Ferry Boat Inn, King Street, Norwich.

2. Declaration of interests

There were no declarations of interest.

3. Minutes

RESOLVED to approve the minutes of the meeting held on 7 August 2014.

4. Application no 14/00911/F Former chapel to the rear of the Theatre Royal, Chantry Road

The senior planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which contained amendments that clarified information in the report and amended the proposed condition 21.

Discussion ensued in which the senior planner, together with the planning development manager, referred to the reports and answered members' questions. The retention of the south façade of the former chapel was not viable as the building was structurally unsound. During discussion members considered how the building would be used and the access arrangements. It was noted that the proposals did not affect the council car park in Chantry Road. Members also noted that it would be in the theatre company's interest to ensure that there was no delay between the demolition of the old building and the construction of the new one.

RESOLVED, unanimously, subject to the local authority not receiving any further letters of representation raising new or additional issues before 11 September 2014, to approve application no. 14/00911/F at former chapel to the rear of the Theatre

Royal, Chantry Road, Norwich, NR2 1RL, and grant planning permission, subject to the following conditions:-

1. Standard time limit for commencement of development (inc. demolition).
2. Development shall be in accordance with the approved plans and details.
3. There shall be no demolition until the contract for redevelopment has been secured.
4. No demolition until a full building record and photographic survey has been agreed and submitted to the Historic Environment Record.
5. No demolition until archaeological monitoring has been secured through an approved Written Scheme of Investigation to be first agreed, to include appropriate evaluation of any archaeological remains found at the site.
6. (a) If development does not commence by 1st April 2016 a further bat presence survey shall be undertaken and submitted to the LPA.
(b) If the further bat presence survey reveals bats use the site as a roosting location there shall be no commencement of demolition or construction until a scheme for appropriate mitigation has been agreed in writing by the LPA, and undertaken as per the approved details.
7. No construction works until details are agreed for external materials (including bricks, cladding, roofing, fascias, eaves, brise soleil and render) with samples, position and appearance of services, flues and vents, soil pipes and rainwater goods, glazing, doors, surrounds and reveals, and details that show internal services do not appear within views through the glazed areas.
8. Details of at least 4no. bird boxes to be provided within the new development for swifts, within the brickwork on either east, west or south-facing elevations, to be above 4m in height and ideally not above a window.
9. A landscaping scheme to be provided including planting and maintenance plan and pavement restoration including street lamp relocation.
10. Surface water drainage scheme to be agreed, and hard landscaping shall demonstrate the necessary permeability for surface water drainage based on the submitted report.
11. Car park pollution to be prevented through appropriately designed control measures.
12. Development to be as per the AIA and use tree protection fencing.
13. Precautionary contamination condition during development.
14. Date stone preservation details - extraction, cleaning, protection and relocation details to be agreed and carried out.
15. Heritage interpretation within the building or its external design, to record the significance of the site as a complex of former Victorian buildings and larger church, and to include the historic wall.
16. No use until the PV system and water efficiency measures have been installed and made operational as per the submitted energy efficiency report.
17. No use until cycle storage has been provided and the car park laid out in accordance with design / spec details and as per the revised site layout plan DR-A-0002 Rev P3, to provide 15 covered cycle stands and 12 car park spaces including disabled parking.
18. Details of amplified music noise limitations, to ensure music shall not exceed 91dB in the auditorium and 80dB in the rehearsal studio, and therefore avoid exceeding the Environmental Health noise limit criteria.
19. Details of noise attenuation on plant and machinery within the development, to keep plant noise below the lowest background noise levels during hours of operation.

20. Hours of use – no use during 0000 and 0800 hours on any day.
21. Servicing / loading shall not take place during 0000 and 0800 hours on any day and during such activities the HGV engines shall be turned off..
22. The building shall be used only as an auditorium and performance venue with education and skills training centre for the theatre (sui generis mixed use), with ancillary workshop, storage and office space and for no other use (except any ancillary use).
23. No installation of additional plant, machinery, extracts and ventilation gear without prior approval of the LPA.

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 at the pre-application stage the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report to planning committee.

Informative notes:

1. Bird protection advice.
2. Construction good practice.

5. Application no 14/00401/VC land and buildings rear of and including 293 - 293A Aylsham Road, Norwich

RESOLVED having considered the statement from the applicant, as set out in the supplementary report of updates to reports circulated at the meeting, to note that the applicant has withdrawn application no 14/00401/VC land and buildings rear of and including 293-293A Aylsham Road, Norwich.

6. Application no 14/00833/F 216 Unthank Road, Norwich, NR2 2AH

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

A resident of the property situated directly opposite to the site addressed the committee and highlighted her objections to the scheme. This included her concern that the application should not be determined until the council had conducted an appraisal of the Newmarket Road conservation area to preserve this unique, semi-rural and tranquil area of the city.

The agent on behalf of the applicant addressed the committee and said that the proposal sought to preserve the verdant nature of the road and would provide screening from the adjacent listing building.

Discussion ensued in which the planner and the planning development manager referred to the report and answered members' questions. Some members expressed concern that the conservation area appraisal had not been carried out and that this development of a garden could impact on the amenity of the area.

RESOLVED, with 7 members voting in favour (Councillors Gayton, Sands, Ackroyd, Button, Henderson, Woollard and Bradford), 2 members abstaining (Councillors Boswell and Jackson) and 3 members abstaining (Councillors Blunt, Grahame and

Henderson) to approve application no 14/00833/F, 216 Unthank Road, Norwich, NR2 2AH subject to the following conditions:

1. Standard time limit
2. Development in accordance with approved plans
3. Details to cover facing and roofing materials, external windows and doors and eaves details;
4. Details of hard and soft landscaping (to include supplementary planting, boundary treatments, driveway materials, any external lighting, levels to demonstrate how the bank will be profiled around the access point);
5. Development in accordance with the arboricultural report;
6. Scheme for SUDS at the site;
7. Development to be designed and built to achieve a water consumption rate of no more than 105 litres per person per day, equivalent to Level 4 of the Code for Sustainable Homes for water usage.

Informatives:

1. Construction working hours
2. Site clearance to have due regard to minimising the impact on wildlife.
3. Site management techniques to be followed to avoid harm to small animals that may be present on site.

7. Application no 14/00633/F Storage Land West of 27 Vulcan Road North, Norwich

The planner (development) presented 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 advised members that the applicant had agreed to submit a noise management plan and of changes to the recommended conditions

RESOLVED unanimously to approve application no 14/00633/F, storage land west of 27 Vulcan Road North, subject to the imposition of the following conditions:

1. Standard time limit -3 years
2. Shipping containers shall be installed and laid out in accordance with a site layout plan to be submitted to and approved by the local planning authority. Each shipping container is to be allocated a number corresponding to the provision of 24 access. The layout of the site shall not provide for the stacking of the storage containers and shall provide for landscaping along the western boundary of the site.
3. Landscaping scheme to include details of screening to the western boundary of the site.
4. Opening hours restricted so that the site is not open to the public or for trade deliveries or collections, between the hours of 9pm and 7am on any day, unless access relates to 24 hour storage unit as located on the layout plan approved under condition 2, or if access is pre-arranged and supervised in accordance with the management plan approved under condition 8..
5. No external lighting shall be installed unless in accordance with a lighting plan to first be submitted to and approved in writing by the local planning authority. The lighting plan will show how lighting will be minimised during the hours of closure from 8pm to 7am daily.

6. Any hard surfacing to be constructed of a porous material.
7. Development in accordance with plans (with the exception of the layout plan to be agreed under condition 2)
8. A noise management plan must be submitted to and agreed by the local planning authority prior to use of the site and not altered unless with agreement from the local planning authority.

Informatives:

1. The applicant is advised to contact Ken Willis for further advice on the installation of the vehicle crossover.
2. It is advised that the applicant installs the storage containers outside of the main operating hours of surrounding businesses in order to minimise any impact on the highway.

8. Application nos 14/00874/RM and 14/00850/F Three Score Site, Land South of Clover Hill Rd, Bowthorpe

The planning team leader (development) presented the report with the aid of plans and slides and answered members' questions.

During discussion members considered the safety aspects of the lagoon and noted that there had been no safety issues arising from the existing lagoons, south of Bowthorpe. Members were advised that there would be a fence around the new lagoon and that the south part of it would be a dry area unless there was heavy rainfall. In response to a question, the planning team leader said that the width of the path would be considered with the landscaping arrangements. A member suggested that officers consulted the Broads Authority and the Royal Society for the Protection of Birds for advice on wetlands.

RESOLVED unanimously to approve:

(1) application no 14/00874/RM Three Score Site Land South of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:

1. In accordance with submitted plans and details;
2. CEX fencing to be provided before commencement in accordance with 3.0 of AIA;
3. Works to be undertaken in full accordance with the arboricultural implications assessment, no services to be installed in CEZ's unless otherwise agreed and no storage in CEZ's;
4. Pre-construction meeting with the councils tree protection officer;
5. Turf, top soil and sub soil management strategy to be provided pre-commencement or in accordance with details if acceptable details are provided pre-determination;
6. Survey of the double hedgerow, consideration and details to re-establish the route between the rows, unless not considered feasible to do so, ongoing management and maintenance details;
7. Details for the cladding of the headwalls and materials for the railings above;
8. Management and maintenance to be undertaken in full accordance with submitted details;

9. Details of culvert under the spine road to provide for amphibian corridor and potential diversion of overland flows.
10. (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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.)

(2) application no 14/00850/F Three Score Site Land South of Clover Hill Road Norwich, and grant planning permission, subject to the following conditions:-

1. Standard time limit condition;
2. In accordance with submitted plans and details;
3. In accordance with arboricultural implications assessment, including provision of protective fencing;
4. Re-use of top soil from site above area cut and covered and to extended ditch.
5. (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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.)

9. Application no 14/01070/NF3 Heathgate Open Space, Heathgate, Norwich

The planning team leader (development) presented the report with the aid of plans and answered members' questions on the landscaping, the gradient and design. Members welcomed the use of low impact lighting to ensure that good views of the city at night were retained.

Councillor Bradford said that the Mousehold Heath Conservators had been consulted at an early stage and had welcomed the proposal.

RESOLVED, unanimously, to grant planning permission for application no 14/01070/NF3 Heathgate Open Space, Heathgate, Norwich, subject to the following conditions:

1. Standard time limit
2. Development in accordance with approved plans
3. Landscaping (to include details of paving materials, replacement tree planting)
4. Development in accordance with the AMS
5. Details of lighting to be submitted and agreed. The hereby approved lighting shall be retained and maintained on site unless otherwise agreed by the local planning authority.
6. No removal of trees and vegetation to be carried out outside of the main bird nesting season (March-September)
7. Trees to be felled to be inspected by licenced bat worker prior to felling.

10. Application no 14/00630/F Aldwych House, 57 Bethel Street Norwich NR2 1NR

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

During discussion the planning development manager referred to the report and answered members' questions.

Councillor Jackson said that the current application had resolved his concerns about the design and that he considered it was an acceptable proposal.

RESOLVED, unanimously, to approve application no 14/00630/F Aldwych House, 57 Bethel Street Norwich NR2 1NR and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials; external decoration to render, joinery and metalwork; eaves and verges; joinery; roof lights; external lighting;
4. Details of cycle storage, bin stores provision;
5. Details of landscaping, planting, biodiversity enhancements, site treatment works, boundary treatments, gates, walls and fences and landscape maintenance;
6. Details of water efficiency measures;
7. Details of external flues, background and mechanical ventilation, service routes, soil/vent pipes and their exits to the open air;
8. Archaeological site monitoring.

Informatives

1. Community infrastructure levy.
2. Considerate Constructors
3. Asbestos
4. Protection of wildlife
5. Refuse and recycling bins
6. Parking permits
7. Address naming and numbering

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 at the application stage the application has been approved for the reasons outlined within the Officers committee report with the application.

11. Application no 4/01120/F Land adjacent 240 Hall Road, Norwich NR1 2PW

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

A member commented that he considered the need for housing outweighed the loss of the alleyway.

RESOLVED, with 11 members voting in favour (Councillors Gayton, Sands, Ackroyd, Blunt, Boswell, Bradford, Button, Herries, Grahame, Henderson and Woollard) and 1 member abstaining (Councillor Jackson) to approve application no 14/00269/F (240 Hall Road) and grant planning permission, subject to the following conditions:

1. Standard time limit (3 years)
2. In accordance with plans
3. Details of external facing materials
4. Details of:
 - a) Car parking
 - b) Bin store
 - c) Cycle store
 - d) External amenity areasProvision prior to occupation
5. Water conservation

Informatives

1. Community infrastructure levy.
2. Refuse and recycling bins
3. Vehicle crossover
4. Permeable hardstanding to parking forecourt
5. Street naming and numbering

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

12. Application no 14/00840/F Rear of 25 Clabon Road, Norwich NR3 4HG

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

Discussion ensued in which members expressed concern about the overbearing nature of the proposed dwelling on the site, its impact on neighbouring properties in terms and that it was out of character for the area. Members were advised that a flat roofed garage could be constructed on the site under development rights and that the application was for a one storey property. A member expressed concern about the proximity to the adjacent property would make it difficult to access the walls of the property. Members were advised that the Party Wall Act covered the easements between adjacent properties. Several members considered that the footprint for the building was too large for the site.

During discussion the committee considered that the council should develop a policy to provide members with criteria to gauge the cumulative effect of development on garden land and ensure that decisions were made that were compliant with the National planning policy framework. Members were concerned about the impact of setting a precedent for garden development in areas where it would be detrimental to the local distinctiveness of an area.

RESOLVED with 3 members voting in favour (Councillors Herries, Woollard and Bradford), 7 members voting against (Councillors Gayton, Sands, Ackroyd, Boswell, Blunt, Button and Jackson) and 2 members abstaining (Councillors Grahame and Henderson) not to approve application no 14/00840/F at 25 Clabon Road and following discussion confirm that the reasons for refusal are as follows: the development is detrimental to the character of the area being a single storey dwelling in an area of predominantly two storey dwellings which was detrimental to the local distinctiveness of the area and that the proposed dwelling is overdevelopment of the site, covering 40% of it, and to ask the head of planning services to provide the reasons for refusal in planning terms.

(Reasons for refusal as subsequently provided by the head of planning services: The development of a single storey flat roof dwelling, is of a scale, design and layout which would result in a cramped form of development which would relate poorly to the style and layout of the majority of the other properties in the area. The proposal would therefore have a detrimental impact on the character and local distinctiveness of the area. It is therefore contrary to paragraphs 58 and 64 of the NPPF, policy 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies HOU13 and HBE12 of the City of Norwich Replacement Local Plan 2004 and emerging policies DM3 and DM12 of the emerging Development Management Policies April 2013.)

(Councillor Grahame left the room and returned during the discussion on the reasons for refusal.)

13. Application no 14/01002/F 14 Mill Hill Road, Norwich NR2 3DP

The planning team leader (development) presented the report with the aid of plans and slides.

RESOLVED unanimously to grant planning permission for application no 14/01002/F at 14 Mill Hill Road, subject to the following conditions:

1. Time limit.
2. In accordance with plans.
3. Materials to match existing.

CHAIR

Summary of applications for consideration

Item 4

2 October 2014

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4A	14/01288/VC	293-293A Aylsham Road	Rob Parkinson	Variation of condition 8, condition 12 and condition 34 of permission 13/01928/F to: extend the approved store opening hours and allow unrestricted deliveries. Variation of car parking restrictions to allow free short-term use.	Objections	Approve
4B	14/00892/MA	City College, Ipswich Road	Rob Parkinson	Retrospective minor amendments to permission 11/01356/F: 'Erection of single and two storey modular buildings on derelict site adjacent to the Norfolk Building.'	Objections	Approve
4C	14/00801/O	498-500 Earlham Road	Kian Saedi	Outline application for the sub division of rear curtilage to erect 4 dwellings with all matters reserved.	Objections	Approve
4D	14/01134/F	1 The Moorings	James Bonner	Extension at first floor level to side elevation	Objections	Approve
4E	14/00987/MA and 14/01077/L	Pigg Lane/ Palace Street / Bedding Lane Including 1- 2 St Martin At Palace Plain	James Bonner	Material amendments to permission 08/00712/F 'Demolition of workshops and redevelopment to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); and 2 storey side extension	Objections	Approve

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4F	14/00683/F	36 Broadhurst Rd	John Dougan	Dwelling	Previously referred to committee	Approve
4G	14/01004/F	37 Clarendon Road	Joy Brown	External alterations and extensions to facilitate conversion to a residential annex.	Objections	Approve
4H	14/01002/F	14 Mill Hill Rd	Lara Emerson	Replacement of flat roof with pitched roof, demolition of chimney, rear pedestrian gate from Heigham Grove.	Objections and previously referred to committee	Approve
4I	12/02046/O Application under Section 106BA	Enterprise Garage Starling Road	Lee Cook	Previous scheme for demolition of existing light industrial premises, erection of 6 flats and 8 houses	Obligation Requirements and previously referred to committee	Refuse the variation.
4J	11/02236/F Application under Section 106A(1)(a)	Adjacent Novi Sad Bridge, Wherry Road	Mark Brown	Previous scheme for 66 flats. Revision to planning obligation.	Obligation Requirements and previously referred to committee	Agree the variation

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
Date 2 October 2014
Report of Head of planning services
Subject Application no 14/01288/VC Land And Buildings rear of
and including 293 - 293A Aylsham Road, Norwich

Item
4A

SUMMARY

Description:	<p>Variation of condition 8, condition 12 and condition 34 of planning permission 13/01928/F to: extend the approved store opening hours from 0700-2300 Monday to Friday, 0900-1800 Saturdays and 1000-1700 Sundays and public holidays, to 0400-2300 Monday to Saturday and 1000-1700 Sundays and public holidays; and to vary the approved store delivery hours from 0700-2000 Monday to Saturday and 1000-1700 Sundays and public holidays, to allow unrestricted (24hr) deliveries on any day. Variation of store's car parking restrictions to allow free use on short-term basis (not necessarily 3 hours minimum).</p> <ul style="list-style-type: none"> - Variation of the approved permission for a supermarket: permission 13/01928/F: Demolition of existing buildings and redevelopment of site to construct a new foodstore with associated landscaping and car parking. Reconfiguration of site access and highway works to accommodate.
Reason for consideration at Committee:	<p>Objections Major Development</p>
Recommendation:	Approved
Ward:	Catton Grove
Contact Officer:	<p>Rob Parkinson Senior Planning Officer 01603 212765</p>
Valid Date:	3 September 2014
Applicant:	Mr Michael Goff
Agent:	Mr Mark Camidge

INTRODUCTION

The Site

1. The application is a slightly-amended proposal of the extant permission for a supermarket development on the Goff Petroleum site on the east side of Aylsham Road, south of the Woodcock Road / Mile Cross Road / Aylsham Road junction. The supermarket will have an internal net trading floorspace of 2,117sq.m. and has a car park with 200 car parking spaces behind (east) and to the south of the store, with delivery access to the north.

2. All site descriptions, constraints and contextual information can be seen in the appended committee report from 06 February 2014 (reference application 13/01928/F). Subsequent to 06 February 2014 some technical amendments including to contamination requirements were agreed by planning committee on 08 May 2014. The section 106 agreement and decision were issued on 12 June; the scheme should be commenced by 12 June 2017.
3. The full report and meeting minutes from original permission 13/01928/F are available at:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=168>

4. Neighbouring uses include both existing and anticipated residential development.

Planning History

See report referred to in para 3 above.

A recent proposal to amend the opening and delivery hours was made in June 2014, but the application was withdrawn immediately prior to its consideration by planning committee on 4 September 2014 (application 14/00401/VC). The applicant provided detailed reasons for withdrawing the application at that planning committee meeting; essentially the variations applied for at the time did not meet the changed requirements of their intended supermarket operator and the applicant did not want to confuse matters or take up Members' time with an application that would not be implemented. The committee report for 4th September can be viewed at:

<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=177>

Equality and Diversity Issues

There are no significant equality or diversity issues arising from the proposed amendments.

The Proposal

5. To extend both the opening hours of the store, and the delivery / servicing hours, of the approved store, from those already approved by permission 13/01928/F, as below.

<i>Variations proposed</i>	FROM existing hours:	TO proposed hours:
Public Opening Hours <i>(Condition 8 of permission 13/01928/F)</i>	Mon – Fri: 07:00 – 23:00 Sat: 09:00 – 18:00 Sun & Public Holidays: 10:00 – 17:00	Mon – Fri: 04:00 – 23:00 Sat: 04:00 – 23:00 Sun & Public Holidays: 10:00 – 17:00 (no change)
Delivery / Servicing Hours <i>(Condition 12 of permission 13/01928/F)</i>	Mon – Fri: 07:00 – 20:00 Sat: 07:00 – 20:00 Sun & Public Holidays:	Mon – Fri: unrestricted (24hr) Sat: unrestricted (24hr) Sun & Public Holidays:

<i>permission 13/01928/F)</i>	10:00 – 17:00	unrestricted (24hr)
-------------------------------	---------------	----------------------------

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing, as have all previous members of the public who commented on the former applications 13/01928/F and 14/00401/VC.

The public consultation period ends on 1st October. At the time of writing, one letter of representation for this application (14/01288/VC) had been received, although two letters had previously been received for previous amendments to hours of use (application 14/00401/VC), all citing the issues as summarised in the table below.

Issues Raised	Response
A first floor flat in an adjoining premises will be affected by noise, especially when windows are opened for ventilation and background noise levels are lower in the evenings. 4am deliveries are too early.	See paragraph 21-37.
The noise created by extended opening hours and 24hr deliveries will adversely affect residents in Palmer Road.	See paragraph 21-37.
Extended hours on Saturday will lead to additional traffic congestion and increase noise levels in the area.	See paragraphs 11-20.
Deliveries before 7am are unacceptable in a residential area and 4am is unacceptable and between 8pm-11pm are disruptive to residents.	See table at paragraph 10 and paragraphs 21-37.

Consultation Responses

Environmental health – no objections.

7. The noise from extended opening hours will not be inconsistent with the character of the area. The predicted noise levels from customers' use of the store takes into account the noise of trolleys relating to the individual trolleys used by each customer, rather than the noise generated by store personnel rounding up and returning large volumes of trolleys from around the car park. If the variation is granted the resultant condition 8 should be altered to restrict the trolley collection/car park servicing such that it is prevented during the night time hours of 2300-0700, so protecting residential amenity.
8. The predicted noise generated by the unloading activities is low and certainly well below the level likely to cause any discernable disturbance. The predicted noise generated by the HGV delivery lorries is a little higher, and slightly higher than existing environmental / background noise, but is unlikely to be noticeable as the noise is not intrusive and is very short-lived. All noise created will still be within World Health Organisation guidelines.

Strategic highway authority – no objections.

9. **Local Highway Authority:** No objections. The deliveries will ease congestion on the major road network if they can operate further outside peak hours, and extended opening hours will ease traffic flows at peak times. The potential to vary the allowable duration of free parking can be discussed through the car parking management plan when agreeing the details of conditions; so long as the free parking applied to all irrespective of patronage, the highways authority would be happy with free parking being for only 2 hours maximum.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The proposed amendments concern issues that were considered through the original planning committee meeting, and the development plan and national guidance have not altered since. All relevant policies pursuant to the permission are detailed within the former planning committee report. The most relevant policies related to the proposed change in operating hours and car park stay duration / management only are:

National Planning Policy Framework (NPPF) (March 2012):

Section 1 – Building a strong, competitive economy
Section 2 – Ensuring the vitality of town centres
Section 4 – Promoting sustainable transport
Section 8 – Promoting healthy communities

Policies of the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted January 2014*) (*previous interim adoption March 2011)

Policy 5 – The economy
Policy 6 – Access and transportation
Policy 7 – Supporting communities and protecting quality of life
Policy 9 – Strategy for growth in the Norwich Policy Area
Policy 12 – Remainder of Norwich area
Policy 19 – The hierarchy of centres

Saved Policies of the Adopted City of Norwich Replacement Local Plan (November 2004):

EP22 - High standard of amenity for residential occupiers
EP5 – Air pollution emissions and sensitive uses
SHO12 – Retail development in District or Local Centres
TRA3 – Modal shift measures in support of NATS
TRA6 - Parking standards - maxima
TRA8 - Servicing provision

Impact on Neighbours

10. Distances from the main points of noise are shown in the table below. None of the distances shown are considered so close as to make extended opening hours or unrestricted delivery hours become detrimental to the amenity of occupants,

provided that controls on trolley use are used.

The locations described are marked on a layout plan attached to this report at Appendix 1. Locations D, E and F are considered the noisiest areas of the new development, where vehicles are manoeuvring, idling or opening / shutting car doors.

<i>Locations identified on the plan at Appendix 1.</i>	Distance from centre of proposed delivery yard on N. side of the store. <i>Location D.</i>	Distance from south access into the site, at the egress point of cars having to wait. <i>Location E.</i>	Distance from centre aisles of car park at rear. <i>Location F.</i>
Flats above shops to the south (291 Aylsham Road). <i>Location A.</i>	Approximately 90m, and the store stands between the yard and neighbours.	Approximately 27m, from central egress line to centre of building.	Approximately 75m.
Houses on Palmer Road (not gardens) facing towards the site from the east. <i>Location B.</i>	Approximately 85m at the closest point.	Approximately 152m at the closest point.	Approximately 55m at the closest point.
Proposed residential development site to north, from Arminghall Close (proposed site allocation R23). <i>Location C.</i>	Adjacent.	Approximately 105m.	Approximately 75m.

Transport and highway capacity

- The proposed amended opening hours (to allow opening between 04:00 – 23:00 Monday-Saturday) are not incompatible with the activities of the area and this is a major trunk road which such development and traffic should be using. As traffic loads will potentially be dispersed for longer throughout the day rather than being concentrated in peak hours, the risk of congestion is lower and thus the general flow of traffic will improve.

12. The former planning committee report discussed how most of the trips made to the supermarket will be from 'diverted' journeys drawn away from the existing trade of the Hellesdon Asda and Sprowston Tesco, most of which are made at peak hours anyway. There is no reason to believe that extending the store opening hours will bring so many additional journeys to the site at a time which the highway network could not accommodate.
13. The applicant has provided a noise assessment linked to a transport assessment that has accounted for traffic movements, taking base data from the national TRICS traffic flow database as used for the original Transport Assessment, and taking derived car parking figures accordingly, to create an average value based over several days of survey data at similar stores.
14. In effect, the additional 3no. earlier public opening hours on weekday mornings between 4am - 7am will be largely unnoticed; whilst the number of shoppers using the site would be increased, the applicant's submission predicts only 17 vehicle movements per hour between 4am - 7am. Activity increases from 7am, with the trips to the store numbering 195 vehicle movements during the general peak hour traffic flow between 0800-0900, rising to 398 vehicle movements between 1200-1300, before dropping slightly and then rising again to 399 vehicle movements between 1700-1800.
15. Whilst the earlier Saturday morning hours and later Saturday evening hours (04:00 – 23:00) will in theory bring people into the site at quieter periods, it is in practice unlikely to create a noticeable impact as the great majority of shopping events will still occur within the already-permitted hours anyway. Although some car visits could be noticeable to neighbouring residents if using their gardens, the proposals would not change shopping patterns to such an extent as to cause an unacceptable change to living conditions or highway safety.
16. In terms of amending the permitted hours of free use of the car park, there are no highways concerns to allow this to be varied. Highways officers would prefer to see a cap on the maximum length of free parking (which is expected) to prevent long-stay events, which would be in the interests of the developer anyway; the highways authority recommends a maximum two hours free parking. However, this approach is concerned only with traffic flows, and a balance must be struck with ensuring that shoppers to the wider district centre are encouraged to make convenient linked trips, which was a core element of the original permission. This will still be possible if a revised condition retains the requirement that free parking be available "irrespective of a shoppers' patronage", and that parking shall not be used for non-district centre shopping purposes. It is considered suitable to agree the final arrangements for parking through conditions to agree the car parking management plan
17. Delivery frequencies and number of movements will be low and not create a detrimental impact on residential amenity as a result of servicing / delivery vehicles accessing the site.
18. As the size of the store remains unaltered, and in all respects the design is the

same as the original permission, there can be no expectation of the number of deliveries increasing, so highway impact should be lessened by the wider spread of possible delivery periods.

19. The applicant has provided a description of current activity on the site for the purposes of comparison, and has outlined how operations may need to change if the site was not developed for the supermarket and Goff Petroleum remained in situ.
20. At present the existing Goff Petroleum site does not have any planning restrictions on its allowable delivery hours, so could receive deliveries throughout the night. The depot would need to become more active and brought back into full operational use if Goff remains on site, in order to serve north Norfolk. Articulated tankers would be required to deliver fuel into the site during the night, ready for distribution during the day, estimated to be 10 deliveries per night (20 movements), plus associated movement of staff and ancillary vehicles. This would potentially be much more intense than would be expected for the supermarket.

Environmental Issues

Noise

21. **Noise assessment** - The applicant has submitted a prediction as to the noise levels that might be expected. Background noise was assessed in the original application from various points in and around the site, and was made overnight for 13 hours (1900 – 0800 on a Tuesday night in September). The predicted noise impacts on 'sensitive receptors' included a forecast of impacts at a point next to the houses on Palmer Road to the east, 30m from the site, considering noise at first floor height to represent impact on bedroom windows.
22. The subsequent predictions of what level of noise would be generated have been calculated for its impact on the Palmer Road houses, taking into account the number of car parking spaces, the hourly number of vehicle movements per space, and the car park being for use as a 'shopping centre', which factors-in additional noise from shoppers' trolleys and car doors and boots being slammed. By using figures based on the original 2013 Transport Assessment informed by the TRICS database, a store of this size, with 200-space car park, in this location, was expected to generate between 395 and 402 movements in the Friday PM peak hour, and 432 in the Saturday peak hour.
23. The noise assessed now has included assessing the peak traffic period 12:00-13:00 when 398 vehicle movements are expected. The peak of background noise was actually experienced at 06:00-07:00 (56dB), which may have been due to current activities on the site and some traffic close to rush hour. Morning 'rush hour' periods produced 54-55dB maximum between 07:00 and 09:00, falling to 41-46dB between 19:00-23:00. Night time readings between 23:00 and 06:00 were between 40-52dB background noise.
24. **The existing and alternative use** – The existing Goff Petroleum operations do not have any planning restrictions on its activity or delivery hours. Currently the site's workshop services all the business's diesel-engine 100 HGVs and 25 cars and

vans, and these could be worked on overnight if needed. The site is still capable of operating as a fuel distribution depot, despite the company relocating that part of its business to Wymondham temporarily whilst the site is treated for its contamination. Goff believe the site will have to revert to the former use again as a depot to serve North Norfolk if Morrisons do not progress this scheme. In such a scenario, articulated tankers could arrive at the site overnight ready to allow distribution from 6am. There would be 20 tanker movements throughout the night, and fuel pumping would be necessary, during which time the loud diesel engines have to run for at least 40 minutes at a time as pumps are engine-driven at high revs. Across the day, all vehicle movements from a resumption of normal business would be at least 386 (as was last recorded in 2008). In addition, all HGVs are required to test their horns and reversing alarms at the depot daily. Therefore, the alternative 24-hour use, potentially 7 days a week, without restrictions, would be significantly more noticeable and probably detrimental to residential amenity than either the current activity or certainly the Morrisons activities against which planning controls will be in place.

25. Existing site characteristics – Even the current operations on site are potentially very noisy in themselves. There are no noise barriers between activity and the nearest sensitive receptors; staff parking and HGV manoeuvring in the east of the site is next to residential gardens and is not contained by buildings as would be the case with the delivery yard and superstore building.

26. Operational restrictions on permitted superstore activity – The existing permission 13/01928/F has certain planning controls imposed on its servicing and deliveries anyway, all of which are proposed to remain in place despite any possible extension of opening or delivery / servicing hours. These are:

- Condition 5 and 7 – trading floorspace remains restricted, so deliveries and customer numbers should not effectively / significantly increase due to retailing 'attraction'.
- Condition 6 – the store shall remain only as one unit and with one trader.
- Condition 9 – there shall be no use of reversing alarms for deliveries / servicing.
- Condition 10 – delivery vehicle engines and refrigeration units shall be turned off.

27. Extended opening hours – There are no environmental health nor transport objections to the variation of condition 8 (public opening hours of the store), and no additional changes are proposed to Sunday or Public Holiday trading, which is still also subject to non-planning Sunday trading laws of a maximum of 6 hours (between the approved 1000-1700 window).

28. As stated at paragraph 14, the additional weekday morning hours (0400-0700) will lead to only 17 vehicle movements at most per hour in the 200-space car park, so most will park closest to the store, i.e. furthest from residents to the east and closest to the ambient background road traffic noise. Even so, the noise created by 17 movements is predicted to be 38dB compared to a prevailing background noise of between 40-52dB between 23:00-06:00 and 56dB during 06:00-07:00.

29. On Saturday mornings, the additional earlier opening hours of 0400-0900 will lead to a maximum 195 additional car movements on site during 0800-0900 (one additional movement per space per hour). However, this will create a predicted 45dB noise, which is significantly below the 55dB background noise measured on-site during those hours. Before that, between 0400-0800 there would be a maximum 143 car movements in total, 92 of which are between 0700 and 0800, all predicted to create less noise than found at existing background levels. Even as movements begin to increase throughout the morning, the noise from the car park remains lower than the ambient background noise as general traffic activity increases.
30. On Saturday evenings, the extended hours from 1800-2300 will also see an increase in traffic within the site but only to a limited extent, and this is after the peak hour has already passed (and the store in itself will not be of a sufficient 'draw' to shift the peak hour characteristic on its own). 256 vehicle movements are expected between 1900 and 2000, which creates 47dB, compared to the existing background 46dB. The 2000-2100 period will however create 45dB noise compared to the existing 41dB background characteristic, but Environmental Health Officers do not consider this 4dB increase to be a problem in principle because the type of noise is short-lived and of the same characteristics as the surrounding area, and by this point the noise is more heavily concentrated towards the store entrance.
31. Further to the distances shown in the table of paragraph 10, the small numbers of public shoppers visiting the site during the extended hours of public use would be most likely to park closest to the building behind the superstore, to the effect of adding between 25-45m as an additional 'buffer' to the neighbours on the eastern side of the site. The measured noise readings also show a consistent background noise level being between 46-41dB between 1900-2300, but the predicted car park vehicle noise would drop from 47-34dB in the same period.
32. It is worth noting that the measured background noise level between 0000-0400 was found to be typically 40-41dB at the measurement point closest to Palmer Road. To reach this level there would need to be approximately 60 car movements per hour; further, to exceed the guideline World Health Organisation value for sleep disturbance would require a steady 3 vehicle movements per minute (180 cars per hour), a level which is predicted to occur only between 0800-2000 when background levels are much higher anyway.
33. Despite the Environmental Health Officer's confidence in the assessment undertaken, there remains however a concern regarding noise relating to trolley collection and other servicing in the car park. The predicted noise levels from customers' use of the store takes into account the noise of individual trolleys but does not specifically address the potential noise from servicing the car park and collection of supermarket trolleys by staff; it seems to relate only to individual trolleys used by each customer, rather than noise generated by store personnel rounding up and returning large volumes of trolleys from around the car park.
34. Accordingly, having been satisfied that extended opening hours can be accommodated in principle without noticeable detriment to residential amenity, a revised permission should include the expectation that condition 8 should be

altered to restrict the trolley collection/car park servicing such that it is prevented during the night time hours of 2300-0700 Monday – Saturday, and 1700–1000 Sundays and Public Holidays. This means that any possible rumble of long chains of trolleys being manoeuvred around the site will only take place when the store is in its greatest use anyway. In reality, there should be little need for this in the later hours of the evening when patron numbers decrease anyway. The newly-proposed condition 8(b) is more restrictive than the opening hours at condition 8(a) to ensure optimal protection of residential amenity.

35. **Extended deliveries / servicing hours** – Allowing an extension to the delivery hours to allow 24hr-a-day deliveries, loading and unloading will not result in additional journeys being made, only greater flexibility for the operator to make deliveries (e.g. to ensure fresh produce is on the shelves as for the same days' trading). The delivery vehicle route and turning area will still be contained to the northern yard, and there is room designed-in to the scheme to ensure delivery vehicles back up right to the storage yard doors to take deliveries directly into the store and keep external trolleys etc. to a minimum.
36. Other than for a very short-lived spike in maximum noise levels as articulated lorries turn into position, the noise from the unloading is predicted to fall well below the background noise levels. Even though the nature of the noise is different to the character of the background noise, the actual levels created are low enough that noise should not be noticeable or intrusive (even during the quietest part of the night between 0200 and 0400).
37. There is considered to be adequate protection in place for the nearest existing residential neighbours (to the east and south) through the existing conditions (e.g. no use of reversing alarms and no idling of engines), and the design and location of the delivery yard and its perimeter walling, and the fact that its position directly against the wall of the superstore provides an inherent barrier to noise travelling south.
38. The future development of any Arminghall Close residential estate through emerging allocation R23 will have to take into account the operations of the store and in all likelihood might position gardens towards this area to account for its southerly aspect, thus providing more resistance to amenity disturbance. Nevertheless the existing condition 12 can be clarified to impose prevention of deliveries from taking place on Aylsham Road itself (with the exception of newspaper deliveries).

Air quality

39. Although no problems were anticipated originally, any issues will be reduced if the HGVs can be dispersed further from peak hour congestion.

Site security

40. During the original application some residents were concerned about the site attracting antisocial behaviour. If there are longer hours in which the store can open and operate, there will be a much greater sense of security added to the area through natural surveillance and general activity. There will remain a barrier in place to prevent access out-of-hours.

Retail and Regeneration

41. The applicant has suggested that their intended operator of the supermarket W.M. Morrisons will not be able to invest in the development of the site unless the proposed changes are approved, being a condition of the development contact. How much planning weight as a material consideration should be afforded to the preference of one superstore operator is not especially clear, but there is good reason to believe that Morrisons are the only large-format national convenience retailer who could have a realistic interest at the site, given close proximity of Tesco, Asda and Sainsbury's at Longwater. Further, any alternative interest from one of the national discount retailers e.g. Lidl / Aldi would also likely necessitate their reconsideration of the development's design and retailing impact (e.g. one of the significant benefits of this proposal is the café and bakery / fresh produce market area). In all, there are considered good reasons to believe that to not progress with extended opening hours would be to cause a delay to the redevelopment of this key brownfield site. Ultimately the ability to deliver the regeneration of the Aylsham Road District Centre and provide an anchor foodstore is a significant material consideration.
42. The NPPF does require planning to "operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system." (para 19); clearly if there are further delays in bringing such a development forward then there would be implications for the delivery of the regeneration of the District Centre. The scheme has been designed to provide an anchor foodstore, the need for which has already been discussed in detail in the former planning committee report; delays would mean that less sustainable trips continue to be made to other supermarkets, there would be less convenient and affordable shopping for the large residential population around the site, the setting of the conservation area and listed buildings would continue to be affected, and the additional jobs may not materialise.
43. The above concern is related to delays possibly not delivering the foodstore of a scale broadly in line with expectations of the emerging site allocation (to which great weight should be afforded). However the remainder of site allocation R23 to the north, earmarked for residential development, may also not be able to deliver its development as quickly if there is any uncertainty about the future of this application site (particularly as the sites are in different ownership). A continuation of the existing use, and indeed possible intensification of activities, would create a more complicated environment around which to design a residential scheme, and could see site values be compromised a little which could ultimately affect viability and delivery of affordable housing.
44. Further, the NPPF does expect planning to help promote competition amongst retailers in sustainable locations: "To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century". (para 20). The extended hours of use would also help ensure emerging policy R23 complies with the approach to "...be positive, promote competitive town centre environments and...define a network and hierarchy of centres that is resilient to anticipated future economic changes." (para 23).

45. By enabling the new superstore to provide longer hours of opening, the site will be able to fulfil a need currently catered for only by Asda. It is considered necessary to allow the extended hours of opening and delivery for the district centre to be able provide a competitive service to the surrounding residents.
46. Overall, it is possible that not securing the committed investment from W.M. Morrisons would put at risk the delivery of the site's redevelopment, meaning that the owners could have to reinvest in intensifying their activity on the same site, in turn meaning there could be implications for neighbourly relations and amenity of residents (not least the significantly delayed regeneration of the District Centre and possible delivery of housing allocation R23).

Local Finance Considerations

47. Business rates and CIL would be payable, and there is no change from the approved scheme.

Planning Obligations

48. All obligations of the existing consent remain, subject to minor amendments regarding the recently-increased cost of street trees and arrangements for their provision; a deed of variation of the formal existing agreement is required, which the applicant has agreed to.

Equality and Diversity Issues

49. No consequential issues from these amendments.

Environmental Impact Assessment

50. As an EIA screening opinion was adopted for the original application (which was screened negatively meaning that EIA was not needed), a new screening opinion has been adopted for this proposal. The changes do not result in more than local effects and so will not give rise to effects which have a significant impact on the environment, so this proposal is also not considered to be EIA development and an Environmental Statement is unnecessary.

Conclusions

51. The changes proposed are not considered to create a significant impact that cannot be mitigated sufficiently by existing conditions or additional modifications to avoid any possible worsening of residential amenity. Whilst there may be periods when the car parking noise may be noticeable, the levels created and the acoustic character of the noise should not be intrusive and should be similar to the existing noise environment (which itself could in theory become significantly noisier anyway if Goff Petroleum operated the site to its full unrestricted capacity, e.g. receiving and pumping fuel through the night).
52. The proposals will contribute to the continued delivery of the expanded District Centre and would likely improve the potential highways operations of the site by dispersing peak traffic flows of those relatively few journeys made which are not 'en

route' trips.

53. It is considered in the best interests of delivering the new local plan's allocations and future housing growth that the minor expansion in opening hours, and the unrestricted delivery hours should be approved, particularly as their overall impact on amenity is relatively small.
54. Accordingly, the recommendation made is that the permission be granted subject to the same conditions imposed through permission 13/01928/F, albeit with condition 1 amended to ensure commencement by the same time as was originally expected, the opening hours and delivery hours varied as requested (see Conditions 8 and 12), and revision to allow car parking durations to be agreed by condition. These would be subject to the additional restrictions within those conditions that trolleys should not be moved around the site and the car park areas shall not be serviced between 23:00 and 07:00 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays (condition 8), and clarification that servicing and deliveries shall not take place from Aylsham Road (condition 12).

RECOMMENDATIONS

To approve Application No 14/01288/VC, 293-293a Aylsham Road and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 03 December 2014, to include the provision of contributions to street trees provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

1. **[Variation]** The development hereby permitted shall be begun before 12th June 2017.
2. [Unchanged condition from former permission 13/01928/F] - The development shall be in accordance with the approved details.
3. [Unchanged from 13/01928/F] - Site operations shall accord with the approved Arboricultural Impact Assessment and protective fencing to trees shall be retained.
4. [Unchanged from 13/01928/F] – Site contamination shall accord with the remediation method statement report ref AFH/10.042/OPPCond11/RMS/Rev01 and subsequently updated reports.
5. [Unchanged from 13/01928/F] – There shall be no more than 2,117sq.m. of net retail floorspace, including 423sq.m. or 20% of the net retail floorspace for comparison A1 retail.
6. [Unchanged from 13/01928/F] – No subdivision of the superstore shall take place, and any comparison retail floor space provided shall not be accessed separately to convenience floor space, nor operated by a different retailer, nor

operated separately to the convenience space.

7. [Unchanged from 13/01928/F] – No mezzanine floor shall be installed within the superstore without the specific grant of a further permission.
8. **[Variation]** – (a) The development hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 23:01 and 03:59 on Mondays to Saturdays, and 17:01 and 09:59 on Sundays and Public Holidays.

[Variation] – (b) Notwithstanding the requirements of Condition 8(a) above there shall be no collection, relocation or manoeuvring of shopping trolleys for purposes other than use by individual shoppers, and no other servicing activities shall take place within the car park of the development hereby permitted, during the hours of 2300-0700 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays.
9. [Unchanged from 13/01928/F] – There shall be no use of reversing alarms by servicing or delivery vehicles on the site.
10. [Unchanged from 13/01928/F] – Delivery vehicle engines and refrigeration units fitted to delivery / servicing vehicles shall be switched off at all times when on site and stationary.
11. [Unchanged from 13/01928/F] – No use of the superstore hereby permitted shall take place until the delivery and servicing yard and the associated access drive are provided, and thereafter loading and unloading of vehicles serving the superstore shall only take place within the service yard, which shall be accessed only from the designated northern access drive.
12. **[Variation, to delete restrictions on delivery hours]** – With the exception of the delivery of daily newspapers, there shall be no servicing, collections or deliveries to and from the premises from vehicle parked on Aylsham Road or any other public highway.
13. [Unchanged from 13/01928/F] – No use until the approved Travel Plan has been implemented.
14. [Unchanged from 13/01928/F] – Contamination remediation verification plan to be agreed.
15. [Unchanged from 13/01928/F] – Contamination remediation verification report to be agreed.
16. [Unchanged from 13/01928/F] – Long-term contamination monitoring proposals to be agreed.
17. [Unchanged from 13/01928/F] – Risk assessment for groundwater contamination to be agreed.

18. [Unchanged from 13/01928/F] – Contamination reports confirming remediation to be provided.
19. [Unchanged from 13/01928/F] – Long-term monitoring and maintenance plan in respect of groundwater contamination to be agreed and reports submitted subsequent to that.
20. [Unchanged from 13/01928/F] – Ongoing contamination precautions.
21. [Unchanged from 13/01928/F] – Surface water drainage scheme to be agreed.
22. [Unchanged from 13/01928/F] – Detailed landscaping scheme to be agreed.
23. [Unchanged from 13/01928/F] – Ecology strategy to be agreed.
24. [Unchanged from 13/01928/F] – Design materials palette for superstore to be agreed.
25. [Unchanged from 13/01928/F] – Design materials palette for substation to be agreed.
26. [Unchanged from 13/01928/F] – Photovoltaic panels and energy strategy details to be agreed.
27. [Unchanged from 13/01928/F] – Sprinkler system and fire hydrant provision to be agreed.
28. [Unchanged from 13/01928/F] – Revision of existing on-street parking controls to be agreed.
29. [Unchanged from 13/01928/F] – Highway improvement works to be agreed.
30. [Unchanged from 13/01928/F] – Details of possible access route from Aylsham Road to the north of the development site to serve future allocation site R23 to be agreed.
31. [Unchanged from 13/01928/F] – CCTV strategy to be agreed.
32. [Unchanged from 13/01928/F] – Exterior lighting plan to be agreed.
33. [Unchanged from 13/01928/F] – Cycle storage details to be agreed.
34. **[Variation]** – A car parking management plan to be agreed, which shall include free parking irrespective of shoppers' patronage, with a minimum period of free parking to be agreed, and to ensure parking is used only in association with the activities, events and hours of operation of the development and uses of the adjoining district centre.
35. [Unchanged from 13/01928/F] – Restriction on machinery, plant, flue, ventilation installation.

Article 31(1)(cc) Statement:

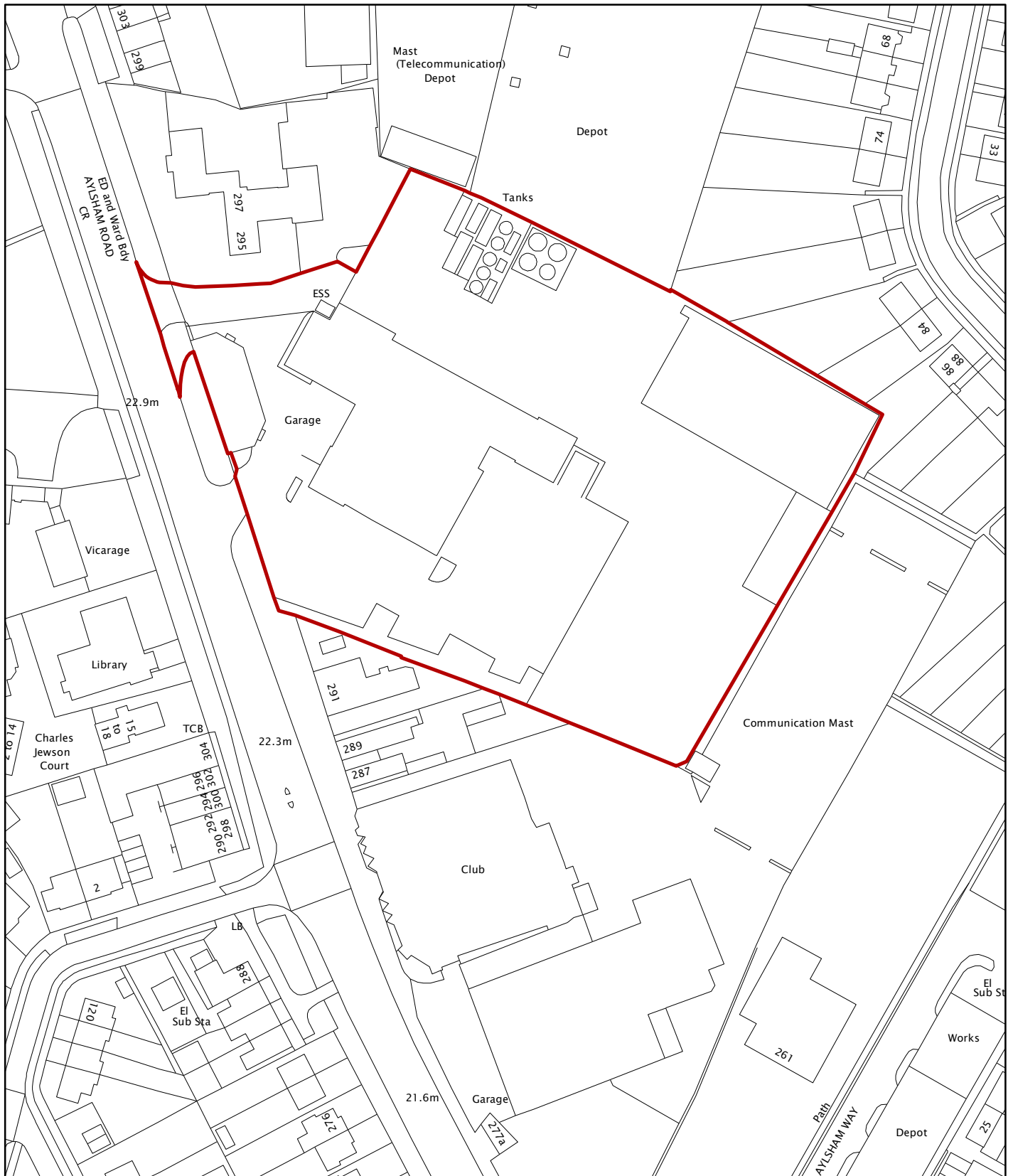
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. Following negotiations with the applicant and subsequent amendments, including extensive discussions, negotiations and amendments at the pre-application stage, the application has been approved subject to appropriate conditions, fulfilment of the Section 106 legal agreement, and for the reasons outlined in the planning applications committee report.

Informative notes:

1. [Unchanged from 13/01928/F] – Planning obligations.
2. [Unchanged from 13/01928/F] – Community Infrastructure Levy.
3. [Unchanged from 13/01928/F] – Tree protection measures during development.
4. [Unchanged from 13/01928/F] – Sustainable urban drainage system advice.
5. [Unchanged from 13/01928/F] – Norfolk Police Architectural Liaison Officer advice.
6. [Unchanged from 13/01928/F] – Fire hydrant provision advice from the Fire Protection Officer.
7. [Unchanged from 13/01928/F] – Good practice construction advice.

(2) if a satisfactory S106 agreement is not completed prior to 3 December 2014, to delegate authority to the head of planning services to refuse planning permission for Application No 14/01288/VC at Land And Buildings Rear Of And Including 293 - 293A Aylsham Road, for the following reason:

In the absence of a legal agreement or undertaking relating to the provision of street trees and a travel plan bond arrangement, the proposal is unable to provide the necessary street trees to replace those lost as part of the development and to form part of the streetscape landscaping required to make the scheme acceptable, and is unable to ensure the scheme will fulfil its travel plan requirements to ensure the scheme is as sustainable as possible and able to satisfactorily promote travel to the site via non-car means of transport, and as such is contrary to saved policies NE4, NE9, TRA12 and HOU6 of the adopted City of Norwich Replacement Local Plan (2004) and policies 4 and 11 of the adopted Joint Core Strategy (2014).



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/01288/VC

Site Address 293-293A Aylsham Road

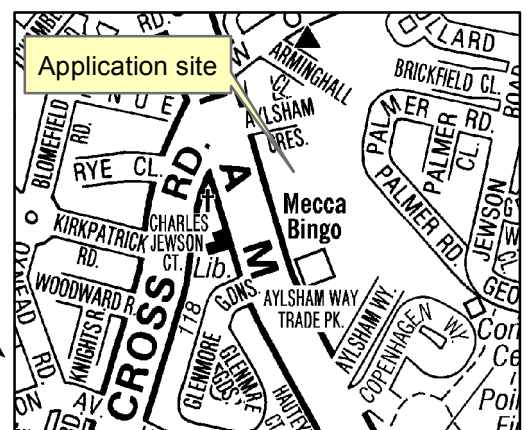
Scale 1:1,250

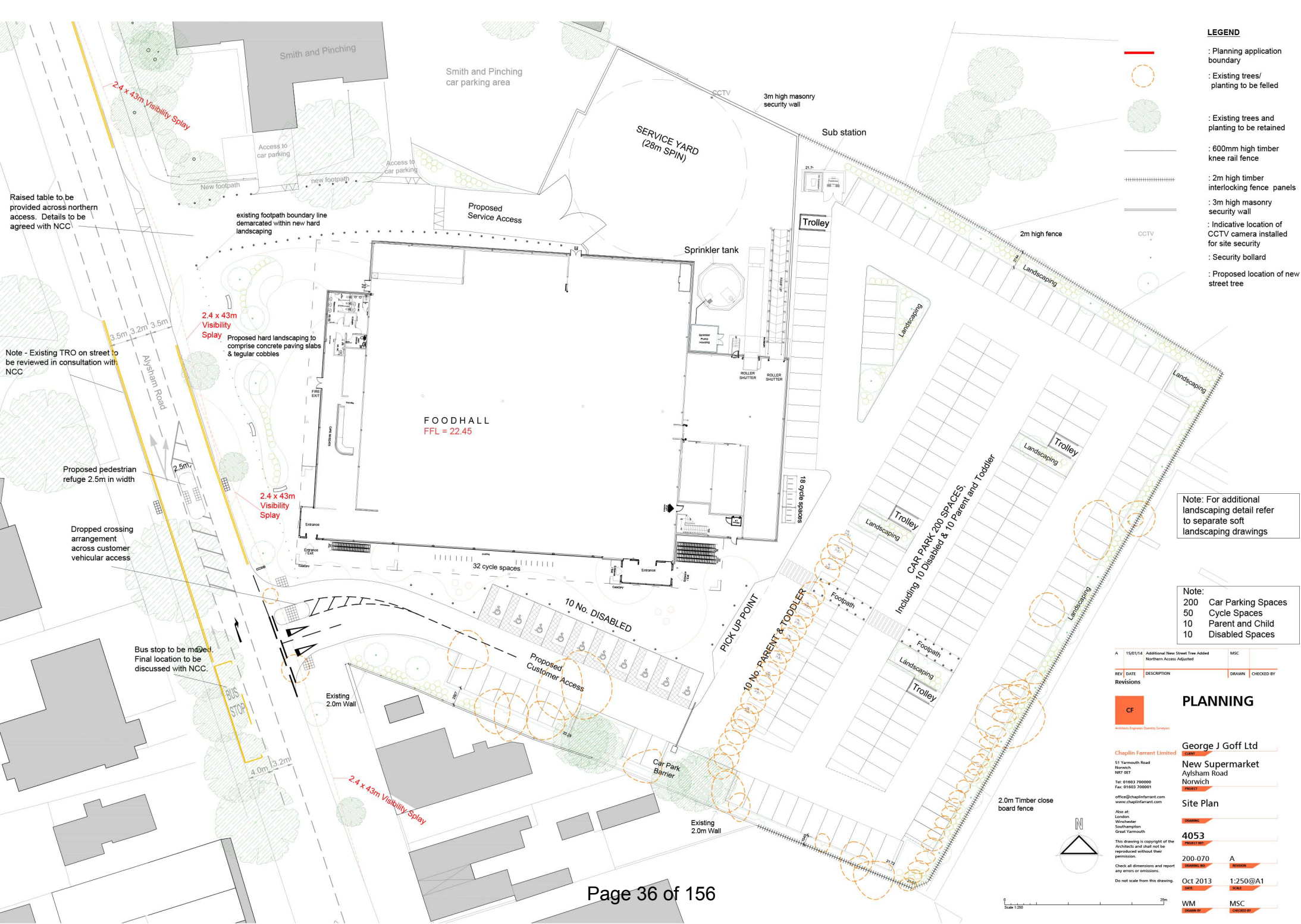


NORWICH
City Council

PLANNING SERVICES

Page 35 of 156





LEGEND

- : Planning application boundary
- : Existing trees/ planting to be felled
- : Existing trees and planting to be retained
- : 600mm high timber knee rail fence
- : 2m high timber interlocking fence panels
- : 3m high masonry security wall
- : Indicative location of CCTV camera installed for site security
- : Security bollard
- : Proposed location of new street tree

Note: For additional landscaping detail refer to separate soft landscaping drawings

- Note:
- 200 Car Parking Spaces
 - 50 Cycle Spaces
 - 10 Parent and Child
 - 10 Disabled Spaces

A	15/01/14	Additional New Street Tree Added Northern Access Adjusted	MSC	
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
Revisions				

CF

Business Engineers Quantity Surveys

PLANNING

Chaplin Farrant Limited

51 Yarmouth Road
Norwich
NR1 0ET
Tel: 01603 700000
www.chaplinfarrant.com

Also at:
London
Winchester
Southampton
Great Yarmouth

This drawing is copyright of the Architects and shall not be reproduced without their permission.
Check all dimensions and report any errors or omissions.
Do not scale from this drawing.

George J Goff Ltd

4053

200-070

OCT 2013

WM

MSC

New Supermarket

Aylsham Road

Norwich

Site Plan

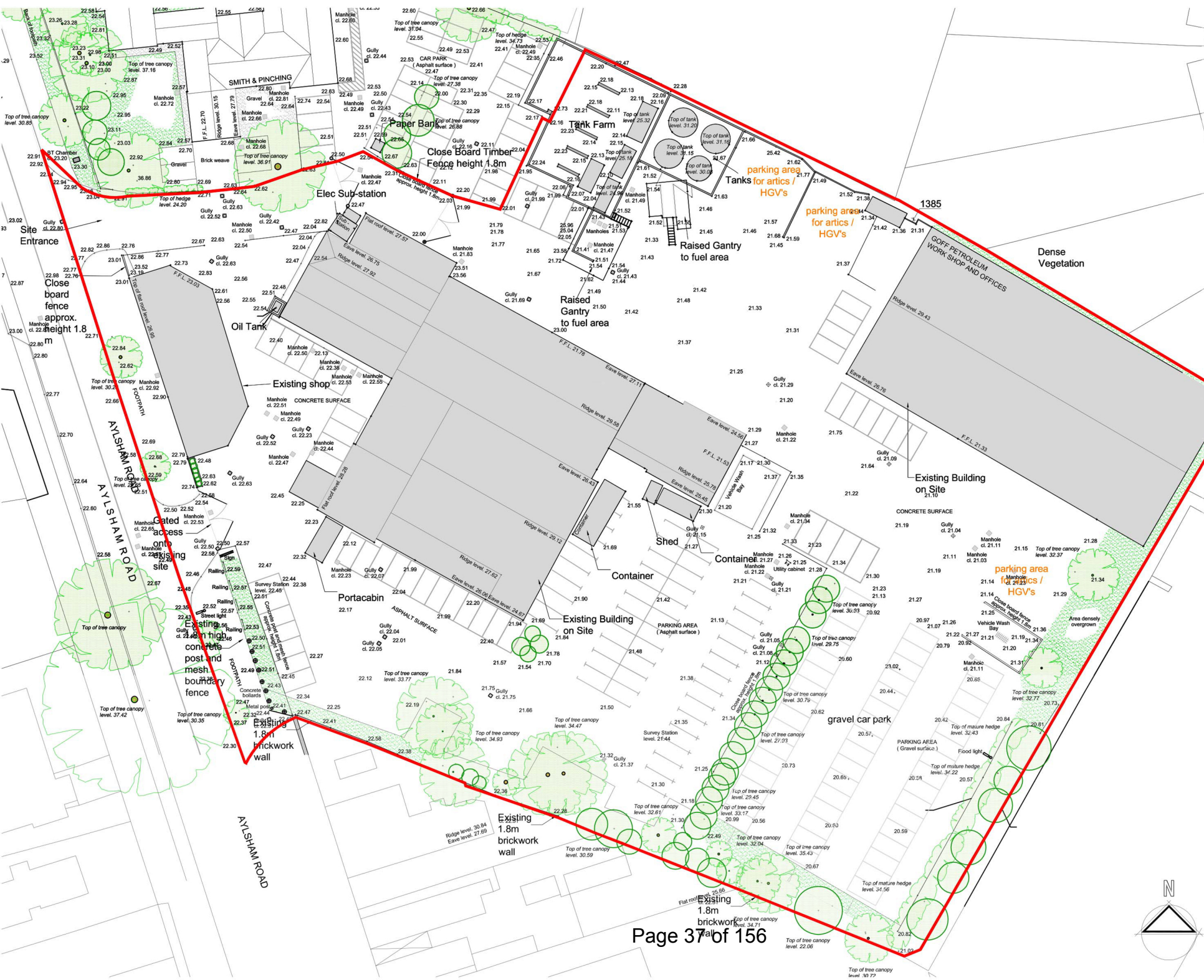
4053

200-070

OCT 2013

WM

MSC



B	12/12/12	Car parking layout updated	J	MC
		Survey information incorporated		
A	09/10/12	Additional notes added	JC	MC
		Survey information incorporated		
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
Revisions				

CF

Architects Engineers Quantity Surveyors

Chaplin Farrant Limited

51 Yarmouth Road
Norwich
NR1 0ET
Tel: 01603 700000
Fax: 01603 700001
office@chaplinfarrant.com
www.chaplinfarrant.com

Also at:
London
Winchester
Southampton
Great Yarmouth

George J Goff Ltd

New Supermarket
Aylsham Road
Norwich

Site Block Plan

Issued

4053

Revised

200-051

B

Sept 2012

1:250@A1

Scale

Scale

JC

MC

Drawn by

Checked by

This drawing is copyright of the Architect and shall not be reproduced without their permission.

Check all dimensions and report any errors or omissions.

Do not scale from this drawing.

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject Application no 14/00892/MA The Happisburgh CBE
Building, Norwich City College, 5 Ipswich Road, Norwich
NR2 2LJ

Item
4B

SUMMARY

Description:	Retrospective minor amendments to the previous permission 11/01356/F: 'Erection of single and two storey modular buildings on derelict site adjacent to the Norfolk Building.' Changes vary original Conditions 2 (design), 4 (tree works), 5 (landscaping), 6 (renewable energy), and 8 (disabled access), to propose changes in height, outward appearance, layout, materials, fenestration, and fire stair, omission of a print room building, replacing ramp access with disabled lift, removal of roof-top solar panels, and addition of roof top safety railings.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Town Close
Contact Officer:	Rob Parkinson Senior Planning Officer 01603 212765
Valid Date:	23 July 2014
Applicant:	City College Norwich
Agent:	Bidwells LLP

INTRODUCTION

The Site

Location and Context

1. The site is within the City College campus on Ipswich Road, at the rear of the site, accessed via the northern Breckland Drive entrance which passes the main car park on the left. The site has been developed into the Happisburgh Building, seen in photographs attached to this report. The building is almost ready for use, if not already occupied.
2. Immediate neighbouring uses are the classrooms, sports hall and drama/studio space of the two-storey modern Norfolk Building adjacent to the south, single-storey nursery building on a raised grassed area behind the building to the east, the surface level car park to the north-west and the site of the new single-storey Profound and Multiple Learning Difficulties (PMLD) building to the west at the rear of the Norwich Building (in the place of the former single-storey saw-toothed ex-

factory AA-Block). The nearest residential dwellings are the gardens of Grove Road to the east.

3. The site used to be the vacant site of the former building (the H-Block) which was removed years ago on safety grounds, leaving only a raised foundation platform behind.

Constraints

4. This part of the campus is neither in nor adjacent to the Conservation Area. The College campus has a number of protected trees around its boundaries (TPO 298), including a TPO Woodland (mixed species, row of trees) and TPO single lime tree to the north-east behind the nursery, and TPO Area 8no. Norway Maple trees (group G2) to the south-east, behind the Norfolk Building.

Topography

5. The site slopes upwards slightly from north to south. The plinth slab is approximately 2m high from ground level at the centre, although the slope means this changes depending on where this is measured.

Planning History

6. An overarching masterplan for the comprehensive redevelopment of the campus was permitted in December 2008 (ref 08/00255/O) and was revised through permission 12/00487/VC. The redevelopment is intended to be provided in a phased manner, and as such the Reserved Matters for each phase can be submitted for approval until September 2015, with development required to commence within two years of approval of each phase. The outline permission is implemented through revised consent 12/00487/VC and subsequent construction of the Creative Arts Building 12/00621/RM.
7. The H-Block site the subject of this application is sited in an area that was intended to form the northernmost part of a surface level car park containing 345 spaces and part of the site-wide landscaping 'Green Perimeter' as seen in Parameter Plans 1 and 2 of permission 08/00255/O / 12/00487/VC. As such, the Happisburgh Building was not proposed as part of the outline scheme and the construction process was a temporary proposal in both design and intention.
8. The Happisburgh Building's original permission 11/01356/F was granted in November 2011. It was anticipated to provide two modular buildings; a smaller two-storey block on the north end of the site was approved to contain print room facilities at ground floor level and an open plan office at first floor, and a larger 1-2 storey building was approved to contain open space teaching areas, classrooms and ancillary offices, with external decking and seating areas in front of the block. The overall additional floorspace was 1,125sq.m. of non-residential D1 Use Class floorspace.
9. Opposite the Happisburgh Building, to the west, the College have recently demolished the former AA Block saw-toothed single-storey classrooms at the back of the Norwich Building. In its place, a Profound and Multiple Learning Difficulties

(PMLD) building and a new 'college lawn' is under construction in line with approval 13/01940/RM (Feb. 2014).

10. Application 14/00891/D (Sept. 2014) has been refused in respect of landscaping, but has approved the Happisburgh Building's water efficiency and rainwater harvesting techniques, disabled access proposals and contamination assessment.

Equality and Diversity Issues

There are no significant equality or diversity issues. Although the proposals include changes to the original permission's disabled access arrangements, an alternative means of access has been installed.

The Proposal

11. The application being considered seeks to regularise the changed nature of the development, reflecting the fact that the Happisburgh Building as built is notably different to that previously approved.
12. The original permission and delegated officer report is available using reference 11/01356/F at: <http://planning.norwich.gov.uk/online-applications/>
13. The changes considered in this application comprise:
- removing the former two-storey print room building;
 - making the teaching building a shorter/wider building;
 - making the teaching building slightly lower and removing the raised rooflights;
 - changing the interior layouts and relocating the lift from the centre to the front;
 - removing large multi-paned windows from both storeys on the front elevation;
 - installing perimeter safety rails all around the edges of the three roofs;
 - removing the required solar panels and relocating them to the Norwich Building;
 - installing a new fire staircase emergency exit at the rear of the building;
 - changing the means of disabled access;
 - changing the materials and cladding techniques for covering the raised plinth; and,
 - revising the landscaping proposals to account for the loss of the print rooms.

Representations Received

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received as summarised below.

Issues Raised	Response
Height – the drawings are unclear, but if the building height is raised this would be unacceptable.	See paragraphs 19-21 and 30-32.
Safety railings – the railings design is unattractive.	See paragraphs 19-21 and 30-32.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The following policies relate only to the changes at hand.

National Planning Policy Framework:

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 7 – Supporting communities

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE9 - Comprehensive landscaping scheme and tree planting

HBE12 - High quality of design in new developments

EP16 - Water conservation and sustainable drainage systems

EP18 - High standard of energy efficiency in new developments

EP22 - High standard of amenity for residential occupiers

Other Material Considerations

Written Ministerial Statement: Planning for Schools Development, August 2011.

Principle of Development

Policy Considerations

15. The principle of the development is supported as a successful reuse of a brownfield site. The new internal arrangements and increased teaching space could increase student numbers but this is a minor addition and relocation of existing students only. The loss of the print room facilities is acceptable because the PMLD building will provide a replacement high quality facility, but will need a suitable landscaping

scheme to be provided in its place.

Impact on Living Conditions

16. The new building has been confirmed to be lower in its solid form than the original permission. At the rear elevation facing residential neighbours and the nursery, the 2011 plans showed a height measuring 7.8m from ground to the tallest flat roof and the as-built scheme is 7.3m from ground to flat roof; therefore the building itself is actually lower than the 2011 proposals. However adding the safety railings makes the building 0.7m taller, becoming 8.0m high at the back. The first floor rear façade remains without windows, so in its current form there will be no additional overlooking, overbearing design nor overshadowing to the closest non-college neighbours.
17. Adding the safety railings does cause a detrimental effect though. The railings make a sizeable building even more prominent and animated when seen from the rear, creating the effect of bringing it closer to dwellings, and neither does it look attractive or of a sufficient design standard. This causes a detriment to outlook and amenity. In addition there will be a loss of privacy if the roof is accessed for anything more than routine maintenance, but as the college has installed them to provide access to the roof to clear leaf fall, this will not occur frequently and so there will no impact on residential neighbours or the adjacent nursery from that.
18. The fire escape staircase is not visible above existing boundary treatments and will not be used other than in exceptional circumstance, so will not cause overlooking.

Design

19. Notwithstanding that the building is really only seen at close quarters when travelling into the site from Breckland Drive, so is not widely visible to the general public, when viewed from the front the reasonably high quality appearance is rather let down by the railings and the loss of symmetry caused by removing the front windows. This is to the detriment of the college's overall design.
20. Had the building been positioned anywhere else on site rather than being tucked away at the rear, and had it been more of a permanent building, the loss of symmetry and distortion created by removing the windows would be more of an issue. However, the building is built and the change arose from needing to relocate the lift to the front of the building (due to structural issues with the underlying plinth), and it is not expedient or feasible to require any retrospective changes to fenestration.
21. The use of timber cladding boards around the plinth is acceptable and relates to the upper storey. So long as seating / landscaping breaks up the long mass as intended within the courtyard, this is acceptable.

Wheelchair access

22. Wheelchair access has been provided through an external platform lift next to the Norfolk Building under the Norfolk Building canopy. This is in lieu of providing extensive ramps across the building frontage as originally expected, although does still need a ramp in front of the southern half of the building (fitted with anti-slip matting where necessary). Next to the platform lift, some of the existing stairs are

removed and the walkway built-out to ensure appropriate access and manoeuvrability. The landscape officer has reservations about this element, and it could create a pinch point on the stairs, but it is necessary to account for the outward-opening doors of the lift.

23. The revised arrangement takes up the 2.1m level difference between the forecourt (30.4m AOD existing ground level) and the finished floor level (32.5m AOD). Having a smaller footprint also allows the area in front of the building to become a larger space, with potential for imaginative landscaping.

Landscaping

24. Notwithstanding its 'temporary' nature, there are no planning restrictions on the duration of use of the Happisburgh Building, and the landscaping and function of the space outside both the PMLD Block and the H-Block was expected to be complementary, linked to the north-south Broadland Drive pedestrian concourse.
25. The absence of landscaping to animate the forecourt / plaza and Broadland Drive pedestrian concourse also contributes to a stark environment and poor thoroughfare. Landscaping conditions will need to require a strategy which is clear on the need to re-animate this space, although doing so will include working with the college to ensure it is able to use the plaza effectively such as with 'outdoor market lessons' or its fresher fair.
26. Tree planting is necessary to compensate for trees lost previously. With some careful selection, trees planted on the north and south-east boundaries will help screen from view the building and any future raised screen installed around the railings.
27. As there are no proposals in the landscaping scheme for either the courtyard / plaza area in front of the new Happisburgh Building, nor the north-south pedestrian concourse link across campus, the spaces remain an uninspiring and unattractive link between the buildings and important parts of the campus, including links between the car park to the north and south, and the various important destinations linked to this spine route, including the new creative arts building, the Norwich building, student print-room facilities within the adjacent development, and the Norfolk building and its café.
28. The lack of frontage landscaping also leaves an inappropriate setting to the new development itself. With no interesting surfacing material decorations and/or seating or sculptural pieces the area is not animated and does not have identity or a sense of place to both the courtyard and concourse, and fails to provide a much-needed external area for recreation as a terminus to the priority route through the campus. Further, the limited wall-mounted LED lighting proposed on the building itself provides no illumination to the courtyard space and/or through-route linking the car park with the rest of the campus, so fails to provide appropriate safety to students, visitors and teachers alike.

Energy Efficiency and Renewable Energy

29. The development itself no longer provides the 10% energy generation expected by policy, but the college has instead installed the necessary amount of solar panels to

the adjacent Norwich Building. Given the Happisburgh Building's temporary nature, this is a longer-term sustainable solution and is acceptable.

Conclusions – Regularising the development in an acceptable manner

30. In terms of the altered appearance of the development, with the exception of the safety railings which are not an acceptable design and create a loss of amenity, the changes are not considered detrimental nor feasible to rectify / reinstate. However, there are some shortcomings which can be relatively easily adapted without prohibitive cost or inconvenience to college activities.
31. The College have confirmed that they will be able to work with the LPA to lessen the impact of the railings. There is an appreciation that they are needed for maintenance and that alternative systems are hindered by the modular building construction, but their current effect is detrimental. The College has agreed to investigate solutions, and agreed that changes can be agreed within 3 months of the date of permission. This is a pragmatic solution and only if the applicant fails to satisfactorily resolve the matter via condition would enforcement action be appropriate.
32. The college has agreed that possible solutions could include adding a new safe maintenance system, or installing a screen barrier around the railings, as well as choosing appropriate trees for screening. It is acknowledged that adding a screen would raise the solid height of the building above the previous permission, but the 0.2-0.5m increase necessary would have no discernable impact on amenity over the distances involved, and the tree planting would help break the mass of the building. The lack of landscaping around the site can also be resolved by conditions which are outstanding anyway.

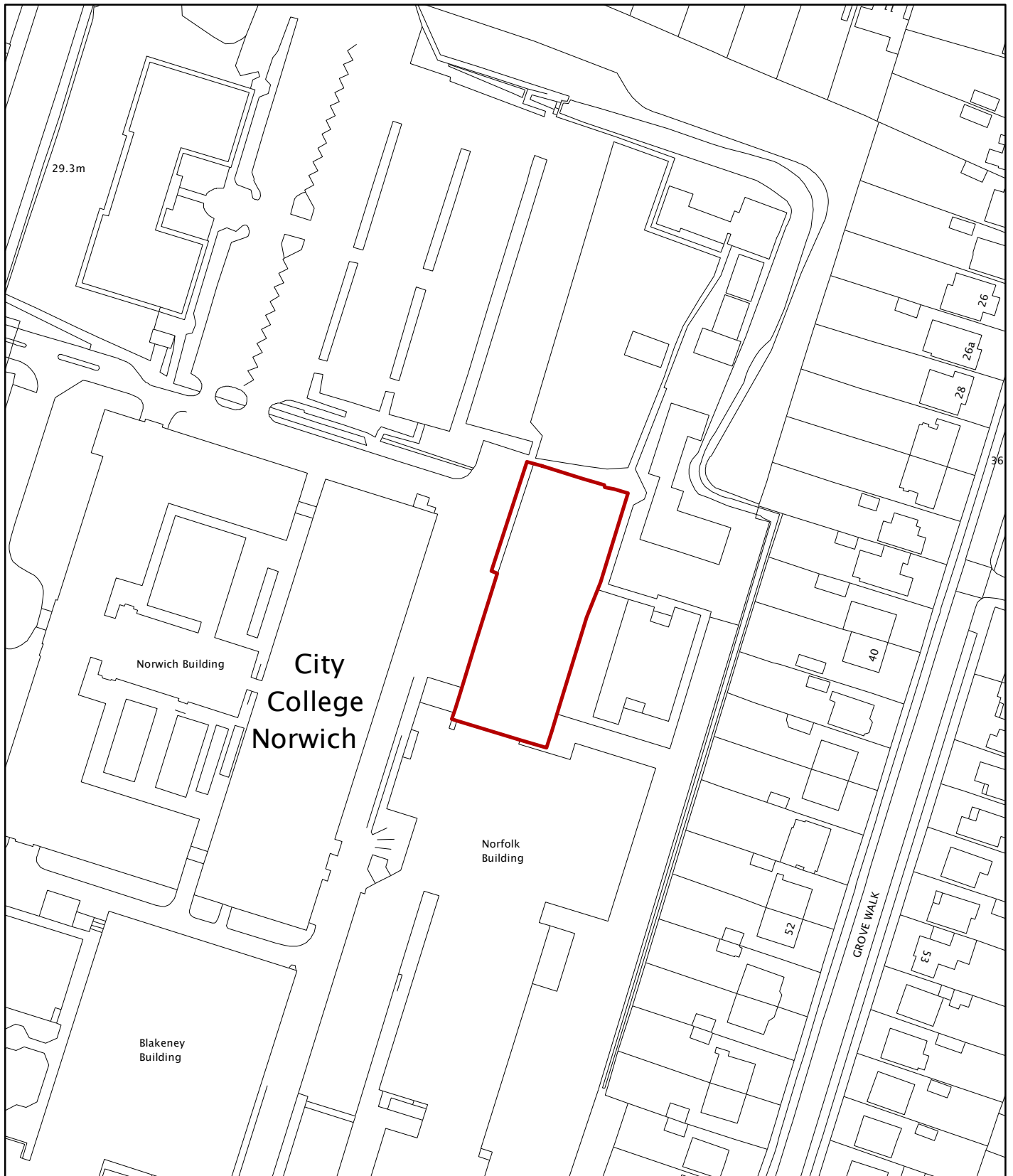
RECOMMENDATIONS

To approve Application No 14/00892/MA at City College, 5 Ipswich Road, Norwich, and grant planning permission, subject to the following conditions:-

1. The development shall be completed in accordance with the approved plans.
2. Within 3 months of the date of the permission, a scheme for removing the rooftop railings and/or concealing the rooftop railings shall be submitted for the LPA approval, and shall be installed within 3 months thereafter.
3. Within 3 months of the date of permission a landscaping scheme shall be submitted for LPA approval. This shall include landscaping of the former print room space, the northern boundary, the frontage / forecourt, and the Broadland Drive concourse. The details shall be provided within 3 months thereafter.
4. The premises shall be used only as a classroom facility (as original permission).
5. Development shall retain the wheelchair lift for the duration of the building's use.
6. No additional plant or machinery shall be installed without prior consent.

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 their agreement to make subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/00892/MA

Site Address City College Ipswich Road

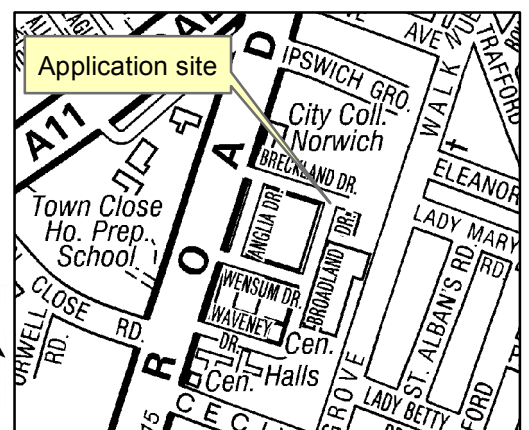
Scale 1:1,250



NORWICH
City Council

PLANNING SERVICES

Page 47 of 156







HAPPISBURGH BUILDING

Report to Planning applications committee
Date 2 October 2014

Report of Head of planning services
Subject Application no 14/00801/O 498 - 500 Earlham Road
Norwich NR4 7HR

Item
4C

SUMMARY

Description:	Outline application for the sub division of rear curtilage to erect 4 dwellings with all matters reserved.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	University
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	24th June 2014
Applicant:	
Agent:	Mr Peter Murrell

INTRODUCTION

The Site

Location and Context

1. 498-500 Earlham Road is located opposite the entrance to Beverley Road and currently sites two large semi-detached properties. Number 500 Earlham Road has been the subject of previous alterations and extensions to increase the size of the property and number 500 has recently been the subject of extensions and a change of use permission to convert to a House in Multiple Occupation (HMO).
2. The application site occupies part of the rear garden of both 498 and 500 Earlham Road with vehicular and pedestrian access provided from Russet Grove located south of Earlham Road.

Planning History

10/01025/F - Change of use from house in multiple occupation (3 - 6 residents - Class C4) to house in multiple occupation (more than 6 residents - Class Sui Generis) including the erection of an extension. (APPR - 10/08/2010)

13/00829/D - Details of Condition 6) details of secure cycle storage within the garage, refuse storage and recycling bin storage, Condition 7) details of surfacing materials and boundary treatments for the site frontage, Condition 8) details of the car parking layout of previous planning permission 10/01025/F 'Change of use from house in multiple occupation (3 - 6 residents - Class C4) to house in multiple occupation (more than 6 residents - Class Sui Generis) including the erection of an extension.' (APPR - 16/07/2013)

08/01185/F - Alterations and extensions to dwelling. (APPR - 02/01/2009)

09/00091/D - Condition 3 - details of the facing brickwork of previous planning application 08/01185/F 'Alterations and extensions to dwelling'. (APPR - 12/03/2009)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

3. The application seeks outline planning permission for the sub-division of the rear curtilage of 498-500 Earham Road to erect four dwellings, with all matters reserved.

Representations Received

4. Adjacent and neighbouring properties have been notified in writing. Six letters of objection have been received citing the issues as summarised in the table below.

Issues Raised	Response
Further student accommodation is not suitable in this location; it should be on a campus.	Para.14
The proposal represents an over-development and will completely change the character of the plot	Para.24
Overshadowing/loss of daylight	Para.17
Harm to view	Para.21
The gardens would be reduced in size and be inadequate for the number of respective inhabitants	Paras 19-20
Overlooking/harm to privacy	Paras 15-16
Noise disturbance from high number of residents using what will become a smaller garden space	Para.13
The proposal would set a precedent which would lead to further infill development.	Para.25

Properties on Earlham Road would turn into an area of high density housing ruining character of area.	
Loss of trees	Paras 31-33
Inadequate parking arrangements	Paras.27-29

An additional two letters have been submitted by councillors and one letter from the Norwich Society which are summarised below:

Cllr Bremner:

"I object to the proposed development. The four dwellings in two back gardens would be an over-development, creating much more intensive use of the land. It is over-intensive.

With 500 Earlham Road and 498 each housing 9 students this will be high density totally out of character with the area. The possibility of 12 more at the bottom of the gardens will be too much.

The over-intensive development is totally out of character with the current houses on Earlham Road and the area and would set a precedent which would lead to further infill development of this nature.

Access is proposed via Salter Avenue (Though the flats behind are Russet Grove). How many residents of Russet Grove were told about this development? **[Note: Numbers 43-46 Russet Grove were sent notification letters by the council].**

There is a verge between the properties. Who owns that verge? **[Note: the verge is council-owned housing land].**

I ask that access across the verge is refused or a large fee for access is charged." **[Note: Agreement with NPS Norwich must be obtained to secure the vehicle accesses]**

Cllr Ryan:

"I object strongly to this planning application. If approved it could see up to 30 students living in accommodation on a site which previously housed two semi-detached properties.

It is unsuitable for the area, access is undetermined and it goes against our plans for building homes in Norwich. The development is too big and will have a detrimental effect on other homes in the area.

Near neighbours are unhappy with the plans too"

Norwich Society:

"We note that the description of the site refers to it being "brown field". This is not the case. We strongly object to this proposal for 4 additional houses. It is another extreme case of "garden grab" – Para.9.

“We objected to the application for the extensive alteration to the houses on Earham Road and the proposed properties on this application are in the area of garden that remains. It is not in keeping with the surrounding properties and is gross overdevelopment which must be refused”.

Consultation Responses

5. **Tree Protection Officer:** The proposed new bell-mouth to the drive of unit 1 will detrimentally impact on the RPA of the existing (Council owned) highway-verge tree [Maple]. S106 money should be factored in for street planting in the vicinity as this development will effectively create a new street frontage. There are no really significant individual trees affected within the sites but collectively the tree/hedge loss could be mitigated for; this could be achieved through the protection of the existing Maple tree and an appropriate S106 contribution.
6. **Transportation:** The proposed development is suitable in transportation terms for its location. Details of cycle storage, refuse storage and vehicle crossover to be conditioned.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 4 – Promoting sustainable transport
Section 6 – Delivering a wide choice of high quality homes
Section 7 – Requiring good design
Section 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014:

Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 4 – Housing delivery
Policy 6 – Access and transportation
Policy 12 – Remainder of Norwich area
Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE3 - Tree protection, control of cutting and lopping
NE9 - Comprehensive landscaping scheme and tree planting
HBE12 - High quality of design in new developments
EP16 - Water conservation and sustainable drainage systems
EP22 - High standard of amenity for residential occupiers
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision

Supplementary Planning Guidance, Supplementary Planning Documents Development Management Policies Development Plan Document – Pre- submission policies (April 2013)

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies:

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM6* Protecting and enhancing the natural environment
DM7 Trees and development
DM12* Ensuring well-planned housing development
DM30* Access and highway safety
DM31 * Car parking and servicing

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its context. However, the main thrust of ensuring adequate design is held in place through the relevant Local Plan policies listed above.

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU13 of the local plan can be given no weight in determining this planning application.

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.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

Interim statement on the off-site provision of affordable housing December 2011

The Localism Act 2011 – s143 Local Finance Considerations

Supplementary Planning Documents and Guidance

National Planning Policy Guidance (NPPG) (March 2014)

Principle of Development

Policy Considerations

7. There is a presumption in favour of sustainable development within the National Planning Policy Framework. This requires development that accords with the development plan to be approved without delay.
8. The site is located in an established residential area in walking distance to bus routes serving the city centre and wider area where a variety of shops and services are available. The principle of residential development on the site is therefore considered to be acceptable subject to satisfying the requirements of development plan policies.
9. In 2010, the Government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land, changing the classification of gardens to Greenfield land in the process. This has been continued in the 2012 National Planning Policy Framework (NPPF) which states that local planning authorities should consider setting out policies to resist inappropriate development in residential gardens where it would be considered to harm the local area (paragraph 53). 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.
10. Subdivision of larger residential plots for new housing of appropriate scale and character has previously been accepted by the council and provided proposals are well conceived and appropriately sited there should not be a complete moratorium on garden subdivision and the delivery of new housing would also assist in the delivery of much needed housing as identified in policy 4 of the JCS.
11. The application site benefits from a plot sufficiently generous in size to enable the development of four properties whilst still providing adequate external amenity space for existing occupants at 498-500 Earlham Road and prospective residents of the new dwellings. Suitable vehicular access is provided from Russet Grove.

Housing Proposals

Affordable Housing

12. The proposal would create four new dwellings and would therefore fall short of the threshold requiring the delivery of affordable housing as set out in policy 4 of the JCS.

Impact on Living Conditions

Noise and Disturbance

13. Concern has been raised regarding the potential for noise and disturbance from a greater number of people using what will become a smaller garden plot following sub-division. The development is not considered to be over-intensive and each property will benefit from adequate external amenity space to ensure a high standard of living. Landscaping remains a reserved matter in need of approval. Details of boundary treatments would be required as part of the landscaping details which would need to demonstrate adequate privacy between neighbouring properties. The behaviour of prospective residents and nature of activities that could take place in the garden areas cannot be considered in the planning process, but should disturbances develop then they could be investigated as an environmental health issue and action taken if considered appropriate.
14. Concern with regard to the over concentration of student or HMO accommodation at the site is also noted. The existing premises at 498-500 Earlham Road are in use as a student HMO (sui generis). The submitted application is for four conventional 2-bed residential units (class C3) and the proposals would not therefore result in an increase in HMO accommodation in comparison to the existing situation. Planning permission would not be required for occupation of the proposed dwellings by 3-6 adults (class C4). However if the proposed dwelling were to be occupied as an HMO (+6 adults living at address) this would require a further application for planning permission.

Overlooking

15. The distance between the rear faces of the proposed dwellings and those existing at 498-500 Earlham Road would be approximately 15.5 metres. Indicative drawings have been submitted that demonstrate a design whereby the proposed dwellings are 1.5-storey at the rear and two-storey at the front. Any windows on the rear elevation could be installed on the roof to limit any overlooking to neighbouring properties although plans indicate that bedroom windows will all be set in the front elevation, thus ensuring satisfactory outlook. Appearance is held back as a reserved matter to be approved at a later date and careful attention would be given to ensuring that the privacy of neighbouring properties is not put at risk by inappropriate window placement. An informative is attached with regard to the expectation of reserved matters incorporating a 1.5 storey scale at the rear.
16. The front windows of the proposed dwellings are shown to look onto numbers 43 and 45 Russet Grove and the separating distance between properties will be approximately 12.5 metres. The windows of the ground floor flat relate to a kitchen and lounge/dining area. The lounge/dining window is a high-level, horizontal window, approximately 1.5 metres from ground floor level, thus reducing the potential for overlooking. It is understood that the same arrangement exists for the first floor flat above, but in any case the separation between the proposed dwellings

and flats at Russet Grove, considered both in terms of distance and the presence of the intersecting highway, will lessen the significance of overlooking between properties.

Overshadowing

17. The development will result in some increase in overshadowing to the rear gardens of 496 and 502 Earham Road although the increase will not result in a significant harm to the amenity of neighbouring properties. Both 496 and 502 benefit from generous garden plots and any impact of increased overshadowing would be lessened by the presence of mature landscaping in both neighbouring gardens that already causes a significant level of overshadowing to the rear garden areas of neighbouring properties.

Amenity space

18. The indicative plans set out a development sufficient in terms of internal living space to serve a two-bedroom property. A greater number of bedrooms in each property would be likely to be considered unacceptable due to failing to satisfy the recommended space standards set out in policy DM2 of the emerging Local Plan.
19. Following subdivision, the proposed dwellings will each have access to a rear garden approximately 42 sq.metres in area. Both 498 and 500 Earham Road will have access to rear gardens approximately 120 sq.metres in area. This area of external amenity space is adequate to serve both the proposed dwellings and existing 9-bed HMOs.
20. Any greater size of development to that proposed on the indicative plans would be likely to be unacceptable both in terms of reducing the available external amenity space available to occupants and also bringing the development closer to neighbouring properties where privacy between properties could be compromised. A condition will be imposed upon any permission removing permitted development rights to extend the properties the subject of this application in order to protect the amenities of future and neighbouring residents.

Loss of view

21. The loss of a view is not a material planning consideration, although the potential for the proposals to result in a loss of outlook is a consideration. However the proposals have a sufficient separation (12.5-15m) from neighbouring properties that it would not result in any loss of outlook to these properties.

Design

Layout

22. The application demonstrates that an acceptable layout could be achieved at the site that provides suitable living conditions for prospective residents whilst avoiding any significant harm to the living conditions of neighbouring residents. Final details of layout will need to be approved in a separate application to resolve reserved matters.

Scale

23. Whilst the application does not seek approval for scale, indicative plans reflect careful consideration to scale, limiting the height of the proposed dwellings to 1.5-storey at the rear and 2-storey at the front. This will mitigate for the potential for

overlooking to 498-500 Earlham Road as well as reducing the effect of overshadowing to the rear gardens of both the proposed dwellings and those neighbouring the site.

Impact on character of the surrounding area

24. As discussed above, the application successfully demonstrates that development can be achieved that provides for satisfactory living conditions for both future and neighbouring residents at the site. It is not considered that the scheme would amount to an over-intensive use of the site. The development would not be viewed from Earlham Road but would instead contribute to the streetscape of Russet Grove. Subject to reserved matters being acceptable the proposal will not harm the character of Russet Grove nor the wider area.
25. Several objectors have raised concern that the proposal will set a precedent for similar sub-division and infill development in the surrounding area and along Earlham Road. Should any such proposals come forward in the future they would be considered on their own merits. The site is unique in the sense that unlike the majority of existing properties along Earlham Road, the site faces a highway at both front (Earlham Road) and rear (Russet Grove). This has enabled the current proposal to benefit from separate vehicular/pedestrian access onto the highway, which would not apply to the majority of other sites in the surrounding area. The precedence that the application might set in terms of encouraging similar sub-division and development along Earlham Road is not therefore significant in this instance.
26. Given the above considerations the proposals would therefore comply with Local Plan policy HBE12 and emerging Development Management Plan Policy DM3.

Transport and Access

Vehicular Access and Servicing

27. The application does not seek approval for access, but indicative drawings demonstrate that satisfactory vehicular access can be provided from Russet Grove. Agreement with NPS Norwich would need to be obtained in order to secure the vehicle accesses which would cross onto freehold land owned by Norwich City Council, but this would need to be agreed outside of the planning process.
28. The vehicle crossover must be built to our specification, but they would not be adopted. Details of the vehicle crossover will form part of a condition to first be agreed by the planning authority. Details of cycle parking and refuse storage would also need to be agreed.
29. Salter Avenue and Russet Grove are controlled parking areas and the proposed dwellings would not be eligible for parking permits. Plans show one parking space provided for each dwelling which would be acceptable for a development of this type in this location.

Water Conservation

30. Under local policy the only requirement would be for the new dwellings to meet Code for Sustainable Homes Level 4 for water, which is water usage of only 105

litres per person per day. A condition is recommended to ensure this is achieved.

Trees and Landscaping

31. The proposal will involve the loss of several trees in order to facilitate the development. A Grampian condition will be added to any planning consent requiring a scheme to be agreed and payment made prior to commencement of the development to secure replacement tree planting and maintenance. This will ensure street tree planting in the vicinity to support the newly created street frontage.
32. Access has been revised to arrange vehicular access centrally to each pair of semi-detached properties. This will prevent the need for a vehicular crossover across the root protection area of the Maple Tree (T10), which is located on council owned land and which is to be retained.
33. Landscaping makes up a reserved matter, details of which must be agreed at a future date and prior to the commencement of any development.

Other Issues

34. An objector has stated that further student accommodation is unsuitable in this location. Indicative plans show the dwellings as having two-bedrooms and there is no suggestion that the properties will be marketed for student accommodation.

Local Finance Considerations

35. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£75 per square metre. Internal living space of dwelling is not yet known.

Conclusions

36. The site is located in an established residential area in walking distance to bus routes serving the city centre and wider area where a variety of shops and services are available. The principle of residential development on the site is therefore acceptable. Indicative plans submitted with the application demonstrate that four

dwelling could be designed appropriately and developed at the application site whilst preserving the amenity of neighbouring residents and providing suitable living conditions for occupants of the proposed dwellings.

37. Subject to agreement of reserved matters relating to appearance, landscaping, layout, access and scale, and conditions relating to replacement tree planting, water conservation, parking and removal of permitted development rights, the development is considered acceptable and in accordance with Sections 4, 6, 7 and 11 of the National Planning Policy Framework (March 2012), Policies 2, 3, 4, 6, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE3, NE9, EP16, EP22, HBE12, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations

RECOMMENDATIONS

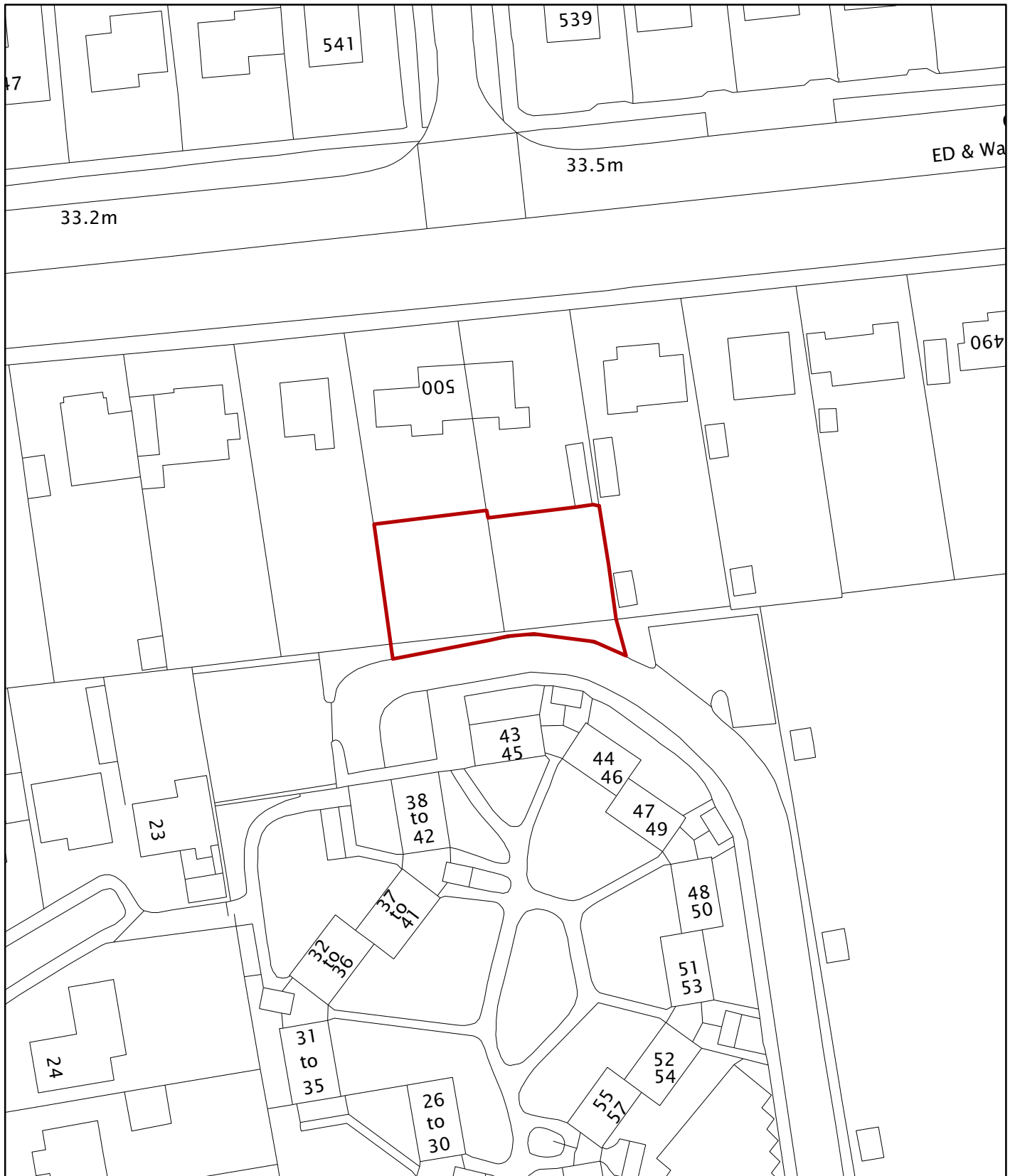
To approve application no 14/00801/O 498 - 500 Earlham Road Norwich NR4 7HR, subject to the following conditions:

1. Standard time limit for outline application.
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale.
3. Water conservation.
4. No development in pursuance of this permission until a scheme for replacement tree planting and payment of associated costs has been submitted to and agreed with the local planning authority.
5. Details of secure cycling storage, refuse storage and vehicle crossover.
6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no part of the dwelling houses hereby permitted shall be enlarged, no garage, porch or garden building erected and no gates, fences, walls or other means of enclosure erected without express grant of permission by the Council as Local Planning Authority.

Informatives:

1. Refuse and recycling bins to be purchased by applicant with agreement from the Council's city wide services department.
2. Any hard standing to be constructed with a permeable material.
3. The development will not be eligible for on street parking permits.
4. Street name and numbering enquiries.
5. Vehicle crossover (dropped kerb and pavement strengthening is required for this development.

- a. Contact Ken Willis at Norwich City Council in relation to construction of a new vehicle crossover. Contact : Ken.Willis@norwich.gov.uk Tel 01603 21 2052 . (Tuesdays to Friday)
 - b. Technical specification:
<http://www.norwich.gov.uk/TransportAndStreets/RoadsAndPavements/Pages/DroppedKerbs.aspx>Underground utilities
- 6. Construction working hours.
- 7. Development that affects the highway will require underground utilities searches and road opening and closure noticing (fees payable).
- 8. This development involves work to the public highway that will require the approval of the Highway Authority. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the Highway Authority.
 (Contact Glen Cracknell, Senior Technical Officer
glen.cracknell@norwich.gov.uk, tel 01603 21 2203).
- Agreement with NPS Norwich must be obtained to secure the vehicle accesses.
- 9. Outline permission only; no permission granted for specific layout or design of development. However , two or more storey at the rear of the dwellings (north facing) is unlikely to be considered an acceptable design as it would raise the potential for overlooking to residents at 498-500 Earham Road. Further submission of reserved matters required.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/00801/O

Site Address 498-500 Earlam Road

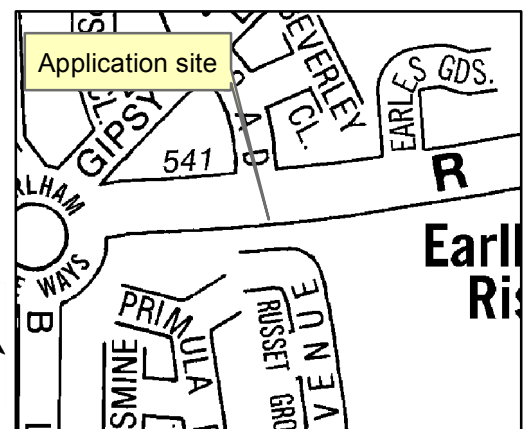
Scale 1:725



NORWICH
City Council

PLANNING SERVICES

Page 63 of 156





SOUTH ELEVATION



EAST ELEVATION.

498 Earham Road.

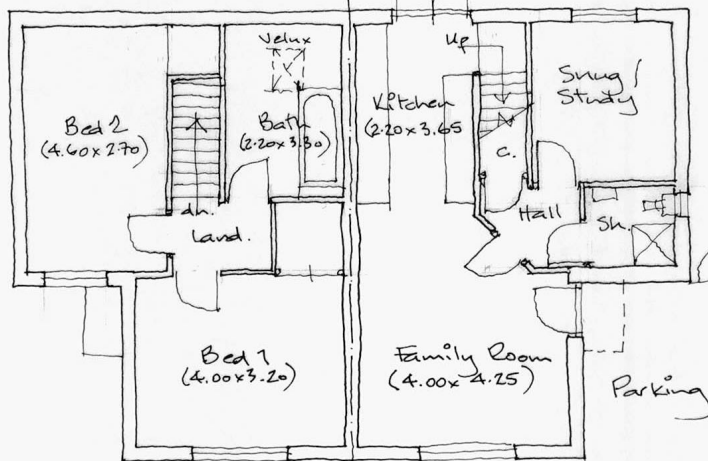
Organisational Development
07 JUL 2014
Post Room

2.

1.

First Floor

Ground Floor.



Alternative Plan & Elevations
2 Bedroom Design.
84sq.m. per Dwelling

PROPOSED DEVELOPMENT
AT
SALTER AVENUE - NORWICH
FOR
P. & S. WATERFIELD.

Scale: 1:100

Date: July, 2014.

Proj. Ref: 13 / 28 / 02

SALTER AVENUE

29 AUG 2014

Post Room

500 Earlham Road.

498 Earlham Road.

4

3

2

1

Low eaves - all as
drg no. 13/28/02.

Roof Plan.

verge

verge

verge

verge

SALTER AVENUE

exty. tree

T10

Alternative Design / Layout - Scale: 1:100

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject Application no 14/01134/F 1 The Moorings Norwich NR3
3AX

Item
4D

SUMMARY

Description:	Erection of single storey extension at first floor level to side elevation with balcony [revised description and elevational treatment].
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	13th August 2014
Applicant:	Mr Michael Innes
Agent:	N/A

INTRODUCTION

The Site

Location and Context

1. 1 The Moorings is the end terrace in a modern row of eight properties along the east side of the river. Including No.1, seven of the eight properties are almost identical in design: three storeys with steeply pitched gables facing the river, intended to reflect the character of the warehouse development that previously overlooked the river. No.8 – the other end terrace – is set back from this building line and is finished in render rather than the white brick of the others. It also has a slate roof but with a shallower pitch orientated at 90 degrees to the main row.

Constraints

2. The site is within the City Centre conservation area, within the Northern Riverside area, described in the CA appraisal as of 'significant' significance. The nearest building of interest is the grade II listed New Mills Yard Pumping Station, which at 100m away is not affected by the proposals.
3. Adjacent to the site, running underneath the proposed extension, is a footway which provides access to bin and bike stores as well as to Unicorn Yard, which includes flats above garages. It is not adopted and is within the ownership of 1 The Moorings with shared access to be provided to certain residents.

4. The site is within Flood Zone 2 but flooding is not considered an issue at this height.
5. There are mature trees nearby but they are not a direct constraint on this development.

Planning History

04/2000/0732/F - Redevelopment of car park site with 62 residential units with associated garages and parking spaces – Approved.

04/01367/D – Condition 2: Materials; Condition 3: Details; and Condition 4: Elevations for previous permission 4/2000/0732/F "Redevelopment of car park site with 62 residential units" – Approved

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. A first floor extension to the south side of the property, overhanging a footpath. It will be supported by two columns and will feature a balcony facing out onto the river. The design has been amended to change the external cladding from metal to Thermowood (heat treated softwood cladding) and to introduce a side window.
7. The flat roofed extension is 7.9m long and wider at the front (3.9m) than the rear (1.9m), following the line of the adjacent path it overhangs. From the ground it is 6m to its roof and 2.9m to its underside. Two columns support the structure and are placed to the south of the path next to the boundary fence.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Nine letters of representation have been received citing the issues as summarised in the table below.

9.

Issues Raised	Response
Amenity <ul style="list-style-type: none"> Affects sensitively designed gap, creating feeling of being shut-in. Closing in of light and space between buildings Outlook negatively impacted from side windows of 19 Indigo Yard and further so by balcony The so-called 'bland gable' is infinitely preferable to the extension and therefore dispute that it will 'add some 	<ul style="list-style-type: none"> Outlook assessment takes account of two windows (paragraph 16). Amenity impact assessed from the perspective of this being a full balcony

<p>interest’.</p> <ul style="list-style-type: none"> • Unsightly extension will block the open view through the gap to mature trees and the river. • This ill-conceived proposal will reduce light for 10, 11, 12 and 13 Indigo Yard. The river view from south east facing windows will be either considerably reduced or completely obstructed. • Blocked view/restricted sunlight will impact on gardens and residents (more so in winter). • Will overshadow and reduce light to properties along The Moorings (balconies and living rooms) • Will reduce light to side path <p>Design</p> <ul style="list-style-type: none"> • Hideous and completely out of context with the rest of the (sensitively and sympathetically designed) riverside development • Will compromise well-proportioned row • Will negatively impact riverside, street scene and conservation area. <p>Other</p> <ul style="list-style-type: none"> • Affected path has history of antisocial behaviour, drug and noise issues – the extension will exacerbate these issues. • Support column will impede members of public using path. • Extension comes up to boundary fence of Indigo Yard – construction/maintenance needs co-operation of neighbours who are all vehemently opposed to proposal. • Questioning need for extension. • Will set a precedent for similar developments. • Glazing on NE elevation needs clarifying 	<p>(paragraphs 12-13). For the avoidance of doubt the word Juliette has been removed from the description.</p> <ul style="list-style-type: none"> • Amenity – see paragraphs 12-18. • Loss of light to side path not a significant amenity concern • Design – see paragraphs 24-34. • Crime and antisocial behaviour issues addressed in paragraphs 19-23. • They do not appear to impede access any more than the streetlamp. • Not a material planning consideration • Not a material planning consideration – the application is assessed on its merits rather than whether it is necessary • Precedent – see paragraph 28 • No glazing is proposed on NE elevation (the smaller end of the wedge).
---	---

Consultation Responses

10. Norfolk Constabulary – There have been seven incidences of ASB reported to police within the last twelve months in relation to The Moorings and Indigo Yard. This does not take into account incidents not reported to the police. The proposal would create a covered area that would exacerbate ASB - the existing gate would not adequately protect against this. Two gates should be provided [*annotated plan provided within comments*] alongside lighting.

Norwich Society – This extension may tend to unbalance the visual aspect of the front façade but we have no other comment on the design proposal. We note the objections and agree that the underside of the extension must be well lit for security. We note that the route is in the ownership of No 1 and acts only as access to cycle stores for numbers 1-4 The Moorings. This route will be gated and kept locked.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 7 – Requiring good design

Statement 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HBE8 – Development affecting conservation areas

HBE12 – High standard of design in new development

EP22 – High standard of amenity for residential occupiers

Supplementary Planning Documents and Guidance

Northern Area Action Plan (March 2010)

Other Material Considerations

DM1 – Achieving and delivering sustainable development

*DM2 – Ensuring satisfactory living and working conditions

*DM3 – Delivering high quality design

DM9 – Safeguarding Norwich's heritage

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has

also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* – only very limited weight has been applied to these policies (DM2 and DM3) because there are objections to their submission, but their objectives are still broadly supported by existing Local Plan policies EP22 and HBE12

Principle of Development

Policy Considerations

11. The principle of a residential extension is acceptable. With the identified constraints the main concerns relate to design and amenity (including the material consideration of crime and antisocial behaviour which is intrinsic to both design and amenity in this case).

Impact on Living Conditions

Overlooking

12. The proposed side window does not offer any serious opportunities for overlooking into the north east facing habitable (front) windows of 19 Indigo Yard given the oblique view. The side window and the balcony do not present significant issues for the two north west facing (side) windows of No.19 as they serve a stairwell rather than habitable rooms. Accordingly there is no appreciable loss of privacy.

Noise

13. Given its size, the balcony does not give rise to any serious issues for increase in noise compared to the existing balcony on the property.

Overshadowing / Loss of light

14. Because of the way the properties are orientated, there is no significant overshadowing (including those along The Moorings). During winter when shadows are longer it would only affect 24 Indigo Yard to the north east towards the end of the day when the sun is almost set. The neighbour(s) are more likely to be affected by 18 and 19 Indigo Yard than the proposed development.

15. Despite the extension being closer to the property, the loss of light to 19 Indigo Yard will not be substantial as the amount of visible sky (see paragraph 17) lost compared to the effect of the host dwelling is relatively low. The loss of light to the 10, 11, 12 and 13 Indigo Yard cannot be considered to be a significant issue given the distance (over 17m), the scale of the proposal and the open nature of the yard.

Overbearing Nature of Development

16. The first floor extension brings the property closer to the boundary and the impact on the outlook for the occupiers of 19 Indigo Yard is an important factor in assessing the acceptability of the proposal. The north west elevation facing out onto Indigo Yard is the property's front elevation. In views out of the first floor window the structure will be around 4 to 6.5m away, but affecting only oblique views. Its presence would have an effect on the occupier's outlook, but the extent of this is not considered to be significantly detrimental as there would remain a good

135° of relatively uninterrupted field of vision.

17. The addition of the 3.1m tall first floor structure closer to their boundary has the potential to be an imposing mass in views from the ground floor windows and front door of 19 Indigo Yard. As above, while there is an impact, given the scale of the extension and the otherwise fairly open nature of the space, it is not considered to cause an unacceptable impact on the quality of life the neighbour could expect to have. Aside from the rest of the yard there will still be an element of openness in views over to the north west (between 10 Indigo Yard and 24/25 Unicorn Yard) which also helps in reaching a conclusion that the extension will not be an overly dominant feature. While in some oblique views the outlook will be worse it is considered that the difference is marginal given the scale and mass of the large blank elevation, albeit further away than the proposed structure.
18. The development will result in some loss of view through to the river from 10 Indigo Yard being blocked. Limited weight can be attached to this due to the private view not being identified through policy as of public interest. Additionally the current view in itself is somewhat blocked (except in winter) by the dense mass of existing trees both inside Indigo Yard and on the Riverside Walk. As such fairly limited weight is attached to this particular amenity concern.

Crime and antisocial behaviour

19. Numerous letters have raised an existing issue in the area relating to crime and antisocial behaviour including drug use/dealing and urination in the footpath. The police have been consulted who have confirmed there is an issue in the immediate area. It is accepted that introducing an overhanging structure (effectively a shelter) into an alleyway that is not well overlooked would exacerbate the issue.
20. The applicant is looking to live in the property and it is within his interests to reduce the opportunities for crime and antisocial behaviour. A solution is to move the existing (but unlocked) gate to the back of the edge of ownership by the bin store and to introduce a new gate in line with the front wall of No.1 as suggested by the police. This will effectively reduce the opportunities for behaviour that would cause amenity concerns for neighbours and alongside appropriate lighting, will lead to an improvement in this particular location.
21. The property faces onto the Riverside Walk, which although not adopted, is accessible by the public on foot and by bicycle. It is considered that it would be possible to put a gate here (up to 2m) without planning permission given the set back from the highway. It should also be noted that the originally approved landscape scheme for the housing development shows a 1.8m high railing and lockable gate along the front elevation in the proposed position.
22. Given the potential negative impacts on crime, permission should not be granted without a condition requiring details of gates and lighting prior to commencement. However given that a gate could be installed without permission, no significant weight should be attached to the security benefits the extension will bring to the area.
23. For the purposes of understanding the ownership of the adjacent alleyway the

applicant has provided a conveyance plan [*included at end of report*], and a letter from the management agent which shows support for the gates which fall within the boundary of 1 The Moorings. The status of the path is understood to be a 'private drive and pedestrian access with right of access (shared access)', with right of access likely to be provided (as a civil matter) to other residents listed on the deeds. It will be necessary to provide key or code access for those that need it. The details of this as well as any lighting is recommended to be included within the list of conditions.

Design

24. This is an unusual design that has drawn some criticism, particularly from those within Indigo Yard to the east. 1 to 8 The Moorings makes a positive contribution to the street scene and character of the wider conservation area and the most important design question is whether the introduction of this extension causes harm to this.
25. A point is made that the proposed extension spoils the architectural composition of the row. Actual public views are somewhat limited, but if the row could be appreciated in its entirety in a wider context, such as from across the river, the presence of the contrasted design and step back of No.8 would be more significant. While the buildings are well designed and provide for an attractive streetscape, it would be disingenuous to suggest the immediate area has a dominant architectural character or style that should be protected. This and the impact on the conservation area is discussed further in paragraphs 33 and 34. Various architectural features (e.g. balconies) and building line irregularities have been purposefully included within the design of the original development and an argument could be had that this proposal is an appropriate feature as the built environment evolves and changes.
26. When walking along the Riverside Walk, views of the proposed extension are blocked by the trees (when the trees are in leaf) when approaching from the north and by 16 to 19 Indigo Yard from the south. It only really becomes visible when approaching the last tree or the rear gate of 16 Indigo Yard. When pedestrians reach this point (~10m window of visibility, which is partially obscured by trees in parts), they would have to purposefully look to the east to see the extension. In this sense the addition would be visible, but its size and mass is not considered excessive for the host dwelling. The choice of Thermowood cladding should soften its impact somewhat from the side and the balcony to the front will not look dissimilar to the adjacent balconies. As such the impact is fairly limited in its harm to the street scene.
27. The extension will be very noticeable from Indigo Yard to the east and although less weight is attached to this private view, it could be argued that the extension brings some 'interest' to this otherwise predominantly blank elevation. This is a highly subjective judgement as to whether the bland and largely blank wall is an unattractive and dull feature to the view from Indigo Yard and whether the proposal will provide variety and interest that would improve the appearance in this view. While it could be seen as an innovative means of extending a property within a

tight-knit urban environment, it would also be possible to conclude that the unfamiliar addition is unacceptable in design terms for its lack of successful integration into the existing locale. As set out in saved policy HBE12, consideration must be given to the setting and spatial quality of new development in relation to both public and private spaces, which members may feel this extension falls short of. 3-D visualisations have been produced to help in this judgement, which should be made with both local and national policy in mind, for instance paragraph 58 of the NPPF:

[development should] respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

28. The potential for the approval in setting a precedent carries fairly limited weight given the unique nature of the development. If other similar extensions were applied for they would be assessed on their own merits and the impact on their entirely different context. An example could be on the south side of 9 The Moorings – the elevation is much more prominent and therefore it does not hold that a similar extension would be approved in a different location.
29. In terms of materials, the columns and balconies are to match those of the adjacent balconies along The Moorings and Thermowood will be used to clad the exterior. Including the windows, a condition is recommended so that details (and samples where necessary) are provided to ensure the visual impact is minimised.
30. The design of the gates would be dealt with by condition. Given the objections however it is worth assessing its effect on the closing off of the path. The alleyway has fairly limited prominence from the Riverside Walk, is not inviting to use and gives the appearance of a private alley way leading to bins. In comparison the other pedestrian access to Unicorn Yard (between 8 and 9 The Moorings) is wider and gated but undoubtedly more inviting. This particular gate is identified on the conveyance plan by the developer as ‘public access point’.
31. The endpoint of the view down the alleyway is a gate and for the casual visitor on the Riverside Walk there is little to indicate that this is any more than access for residents to the rear of gardens, bins and the rear of the properties. The path does not offer a legible route and one can be better provided through alternatives (e.g. between 8 and 9 The Moorings, New Mills Yard or Coslany Street).
32. It is important to note that this is private land that currently could be gated at any time. Access for the residents is a civil matter.

Conservation Area – Impact on Setting

33. As with all development affecting a conservation area, “special attention shall be made to the desirability of preserving or enhancing the character or appearance of that area”. In assessing this impact reference is made to the character area (Northern Riverside) in the City Centre conservation area appraisal. This document was completed before much of the development in the immediate area was, and reference is made to its rapidly changing character. It is acknowledged that the modern housing developments tend to respond better to their context and exhibit

traditional detailing. Reference is made to New Mills Yard using white brick. From visits to the site it can be seen that The Moorings exhibit a traditional form that reflects the site's industrial past but with a number of modern details such as balconies and windows. As made clear in the appraisal and in assessment of the site, a key element of the character area is the Riverside Walk.

34. Given the relative lack of prominence from many views it is not clear that the development would cause harm to the Riverside Walk nor have a significant effect on the character of the conservation area. However it will be visible to pedestrians (albeit for a short period of time) and because of the relative infancy of the development site on this side of the river, there have been little if any inappropriate developments that have eroded its character since the houses were built. In this respect the introduction of an extension could be argued to not preserve the character, but on balance it is considered that the opportunity for public views of the structure would be so limited that it would be unreasonable to suggest it causes harm to the character of the wider area, particularly as you do not view the east side of the river in isolation from some of the more inappropriate developments opposite it.

Local Finance Considerations

35. Although technically liable for Community Infrastructure Levy (CIL), the extension is below the threshold of minor development (100sq.m) and is exempt from payment.

Conclusions

36. The proposed extension is certainly an atypical and contentious design that has raised a number of comments relating to design and amenity. There are also significant crime and antisocial behaviour concerns that overlap with both of these issues. Whilst on its own the extension would exacerbate antisocial behaviour in the area, a condition requiring details of gates and lighting prior to commencement is considered to adequately mitigate against this. As the gates may well be erected without permission it is inadvisable to frame the improvements to security as a benefit that can be weighed against the potential design and amenity shortcomings.
37. The proposal brings the extension closer to the boundary with the neighbours at Indigo Yard and while there are some amenity concerns for loss of outlook, the tangible harm is fairly limited due to scale of the structure, the otherwise open nature of the courtyard and the comparison being made to a largely blank existing elevation. Less of a concern is overlooking and overshadowing/loss of light due to the positioning of windows and the orientation and scale of the surrounding buildings.
38. Its visual prominence is most apparent from the private Indigo Yard and there will be limited views of the extension from the public Riverside Walk. The scale of the structure is not excessive for the host dwelling and the use of materials, subject to condition, should adequately soften its impact on the street scene and character of the wider conservation area. That being said, this is a finely balanced judgement, and if a differing level of weight is given to some of the negative aspects explained in the report above then a different decision could easily be justified.

39. On balance, given the surrounding development, the scale of the proposal and its relative inconspicuousness from public views, the recommendation is for approval as it is considered to accord with the policy objectives of the National Planning Policy Framework (March 2012), policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan (2004) and all other material considerations.

RECOMMENDATIONS

To approve Application No (14/01134/F) and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years)
2. In accordance with the plans
3. Details of materials (to include columns, windows and doors, external cladding, balcony, eaves)
4. Detail of gates and locking/access scheme
5. Detail of lighting

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 and for the reasons outlined in the officer report.

Informative:

1. Considerate construction

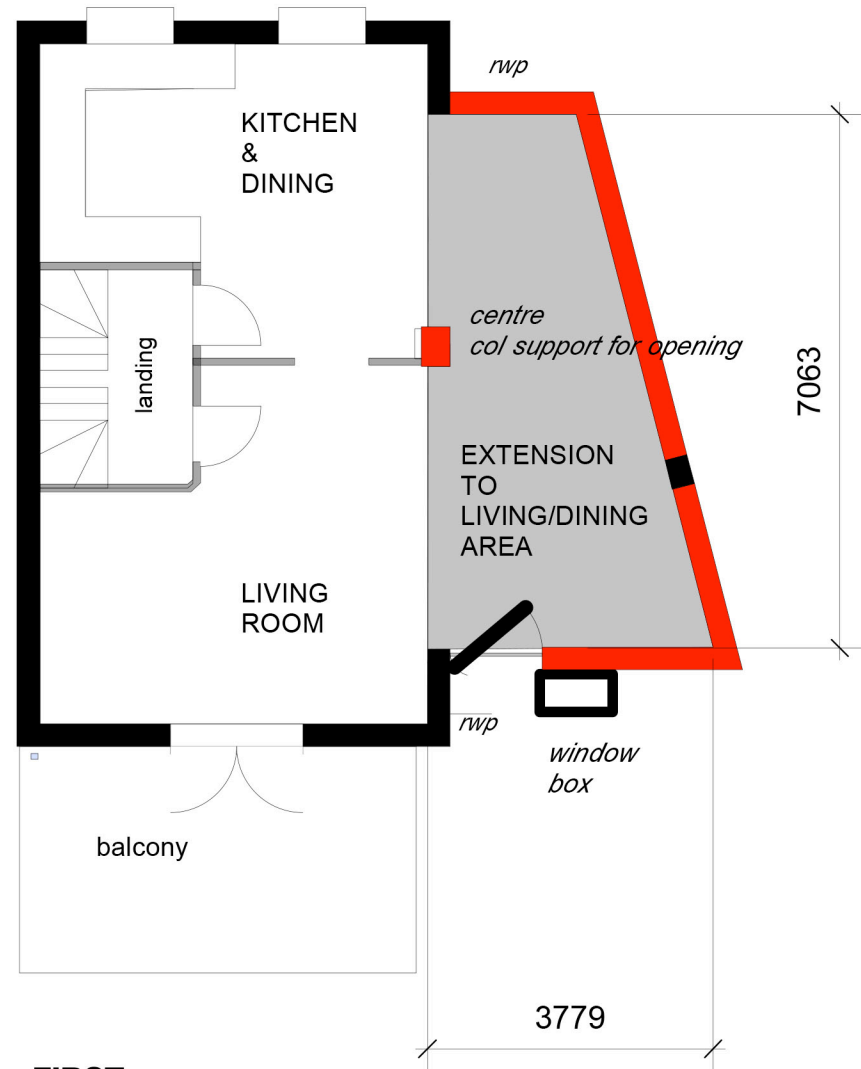


The general intention is an extension of No1 The Moorings at first floor level only - externally expressed as a supported blind bay.

The path, albeit for public use, will be unobstructed by this addition and the land that it spans is within the conveyed boundary of No 1

The path, already narrowed at the gate and further still at the rear, will not in any practical way be reduced by the support columns, chosen to continue the theme set by the front balcony.

The extension will be mainly prefabricated, to reduce the difficulties of construction.



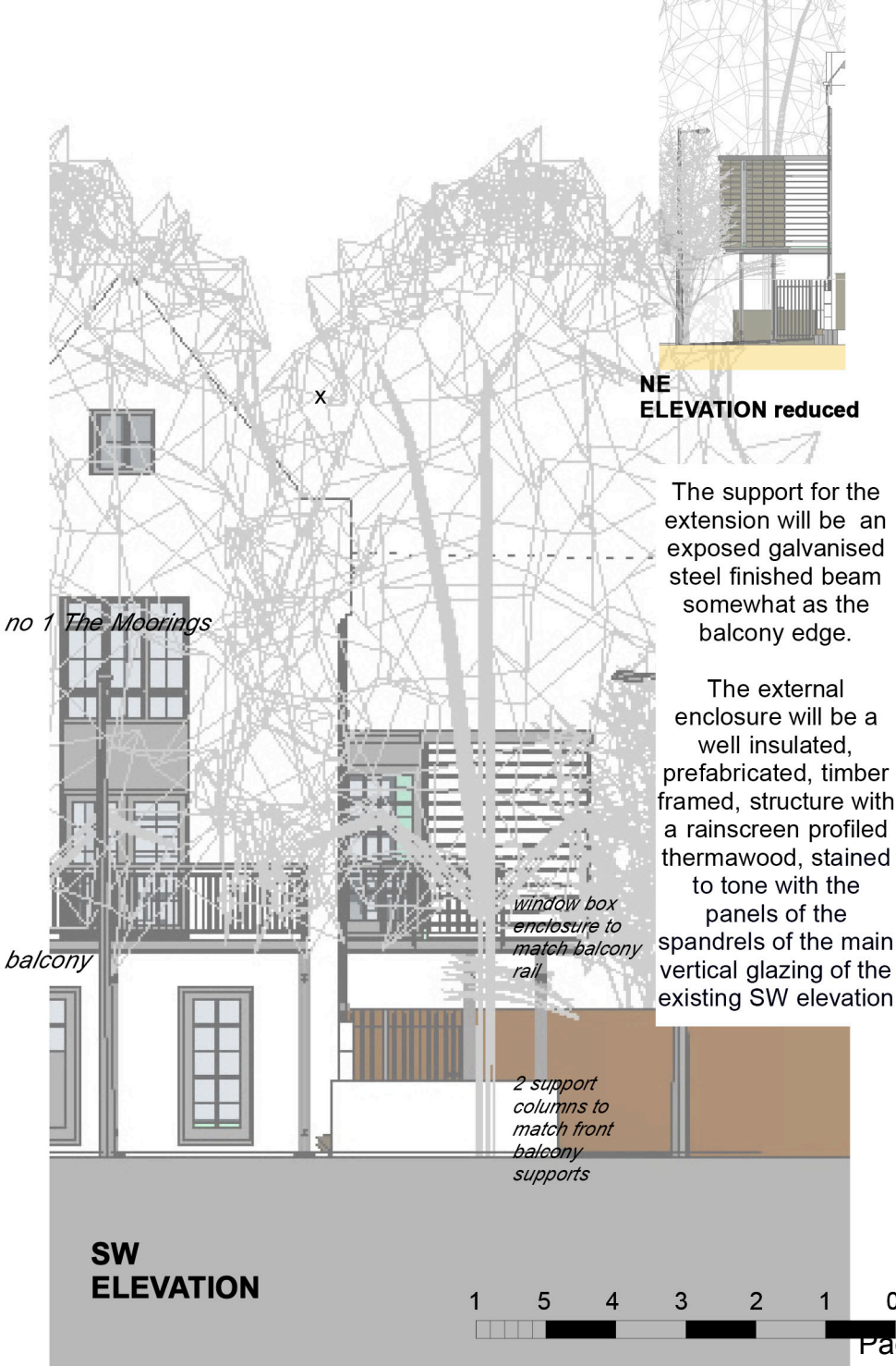
1:100 @ A4

scale of metres

2

plan and general view

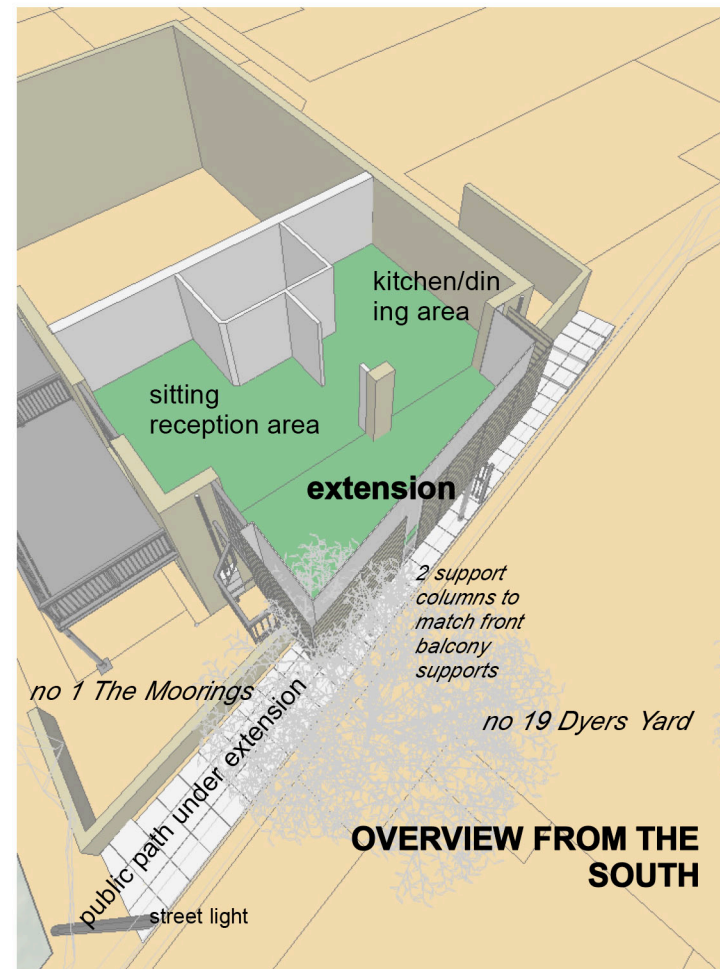
20 August 2014



NE ELEVATION reduced

The support for the extension will be an exposed galvanised steel finished beam somewhat as the balcony edge.

The external enclosure will be a well insulated, prefabricated, timber framed, structure with a rainscreen profiled thermawood, stained to tone with the panels of the spandrels of the main vertical glazing of the existing SW elevation



3

elevations & sections

20 August 2014

CONSTRUCTION NOTES FOR EXTENSION

1 ROOF

flexcoat membrane or similar
ply base, thermal board, firrings to falls
timber joists
gypsum board ceiling
skim coat plaster

2 EXTERNAL WALL

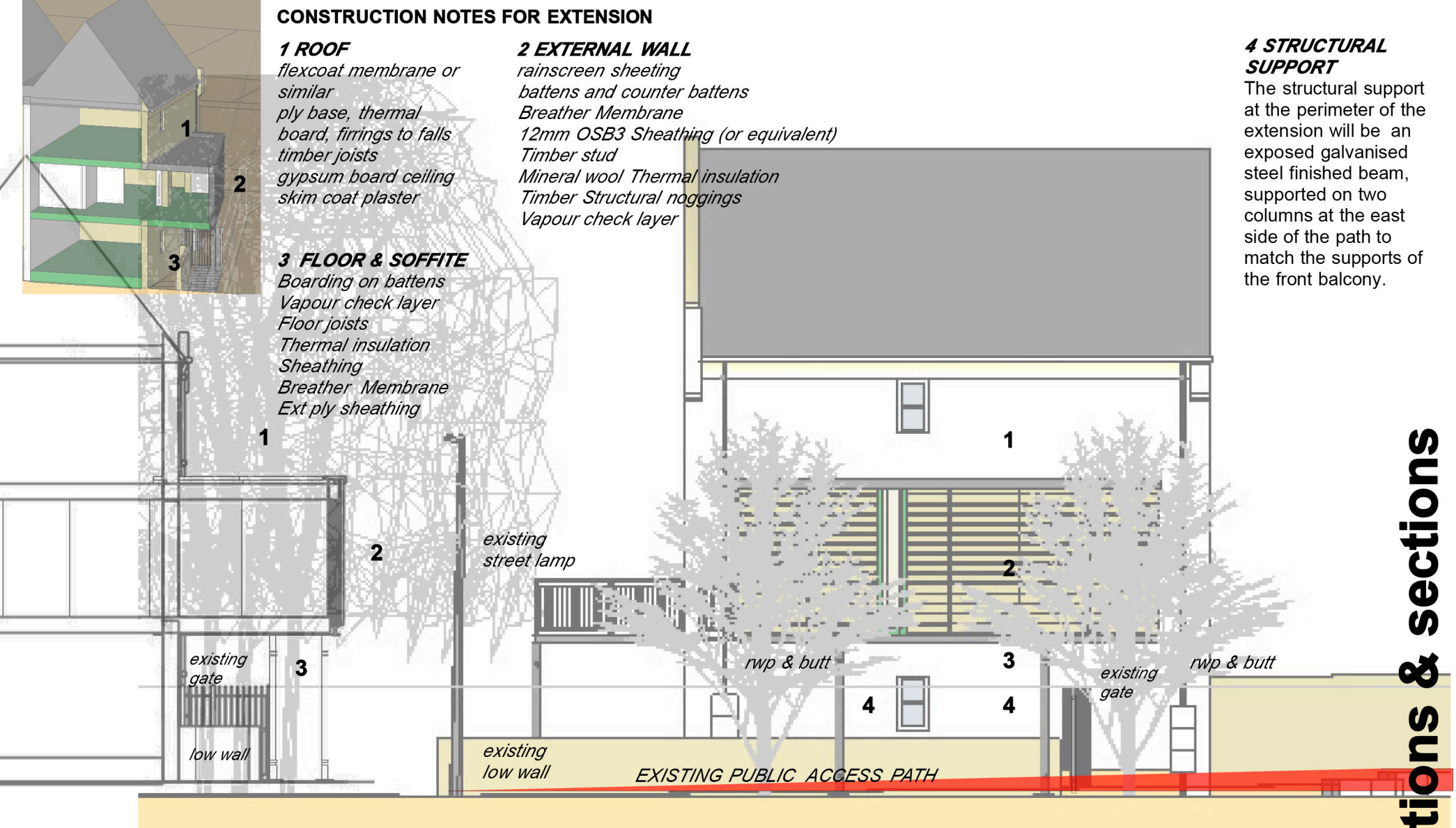
rainscreen sheeting
battens and counter battens
Breather Membrane
12mm OSB3 Sheathing (or equivalent)
Timber stud
Mineral wool Thermal insulation
Timber Structural noggings
Vapour check layer

3 FLOOR & SOFFITE

Boarding on battens
Vapour check layer
Floor joists
Thermal insulation
Sheathing
Breather Membrane
Ext ply sheathing

4 STRUCTURAL SUPPORT

The structural support at the perimeter of the extension will be an exposed galvanised steel finished beam, supported on two columns at the east side of the path to match the supports of the front balcony.



CROSS SECTION

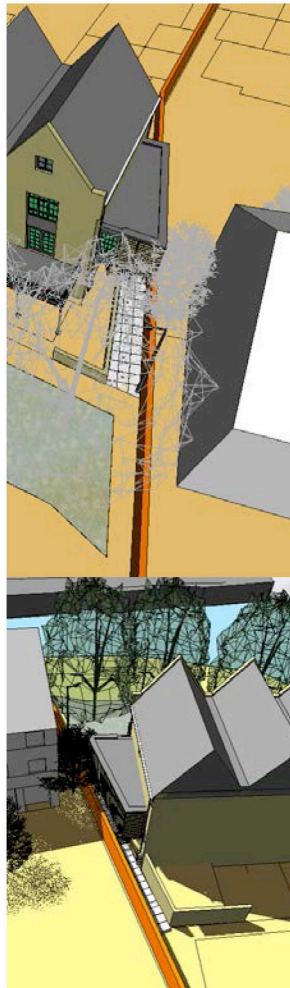
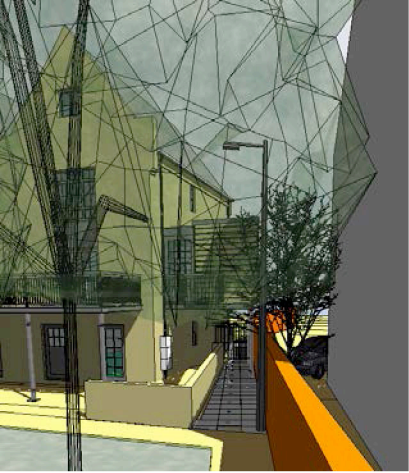
SE ELEVATION



4

elevations & sections

20 August 2014



The addition does not really impact on any view of public significance - certainly not from the Riverside Walk nor the opposite bank.

From approach to houses on the adjoining Indigo Yard, the impact is small and will add some interest to a bland gable.

To soften the aspect at close range, the cladding material has been changed from metal to timber/thermawood and profiled to give greater texture than the previous metal proposed.

The trees shown exist and are approximately correct as to placing and size.

Page 81 of 156

6

additional studies

20 August 2014

Report to Planning Applications Committee
Date 2 October 2014
Report of Head of Planning Services
Subject Applications nos 14/00987/MA and 14/01077/L Land
 Bounded By Pigg Lane, Palace Street And Bedding Lane
 Including 1- 2 St Martin At Palace Plain Norwich

Item
4E

SUMMARY

Description:	<p>14/00987/MA Material amendments [re-advertised for revised design] to planning permission 08/00712/F 'Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking.'</p> <p>14/01077/L Erection of two storey side extension [revised design].</p>
Reason for consideration at Committee:	Major Development Objection
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	1st August 2014
Applicant:	
Agent:	Mr Mark Nolan

INTRODUCTION

The Site

Location and Context

1. This application relates to the eastern part of the former Bussey and Sabberton garage site and 1-2 St. Martin at Palace Plain, the listed building on the corner of Palace Street and Bedding Lane. The site was formerly home to workshop buildings which have since been demolished (implementing 08/00712/F). Associated is the listed building consent (08/00718/L) which has also been implemented. To the south the site abuts Centenary House, a three storey office occupied by the Probation Service. To the west and north are residential properties accessed off Joseph Lancaster Way. To the east the site faces the Wig and Pen Public House at 6 St Martin at Palace Plain.

Constraints

2. The site is within the City Centre Conservation Area. 1-2 St Martin at Palace Plain is grade II listed, as is the neighbouring row of 6-10 to the east, including the Wig and Pen (No.7 is II*).
3. The site is within a main area of archaeological interest and the land is contaminated.

Planning History

4/1992/0252 - Demolition of existing garage and redevelopment of site by the erection of three storey office courtyard scheme with basement car park and four residential units. Former Bussey & Sabberton site. (REF - 04/06/1992)

05/01232/L – Alterations to flank wall to allow the demolition of the remainder of the former car showroom – Approved.

07/01449/F - Demolition of workshops and redevelopment of site to provide three storey offices (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking. (WITHDN - 29/04/2008)

07/01450/L - Alteration to 1-2 St Martin At Palace Plain and works to facilitate link to new three storey office. (WITHDN - 25/04/2008)

08/00067/C - Demolition of workshop to rear of 1-2 St Martin At Palace Plain (WITHDN - 21/08/2008)

08/00711/C - Demolish existing workshop and replace with new office building. (APPR - 08/10/2008)

08/00712/F - Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking. (APPR - 08/10/2008)

08/00718/L - Alteration to 1-2 St Martin At Palace Plain and works to facilitate link to new three storey office. (APPR - 09/10/2008)

09/00216/D - Condition 2: Schedule of repairs and Condition 4: Scheme demonstrating that the alterations can be carried out sympathetically of previous listed building consent: (App. No. 08/00718/L) 'Alteration to 1-2 St Martin At Palace Plain and works to facilitate link to new three storey office'. (APPR - 14/09/2009)

11/00909/D - Details of (part) condition 4(1) - contamination site investigation scheme; 4(2) - contamination remediation measures risk management and (part) condition 15 a)- archaeological first written scheme of investigation for previous planning permission (App. No. 08/00712/F) 'Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking'. (APPR - 08/09/2011)

14/01015/NMA - Addition of condition requiring development to be built in accordance with approved plans of previous planning permission 08/00712/F 'Demolition of workshops and redevelopment of site to provide two, three storey office buildings (Class B1); conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1); provision of associated car parking'. (APPR - 25/07/2014)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The application proposes several amendments to the originally approved scheme 08/00712/F), which was described as:
 - demolition of vacant former workshop buildings fronting Bedding Lane;
 - conversion of 1-2 St Martin at Palace Plain to offices (Class A2/B1);
 - redevelopment of the frontage facing Bedding Lane with a three-storey office (Class B1);
 - erection of a linked three-storey office building (Class B1) fronting Joseph Lancaster Way;
 - provision of associated cycle and car parking with new vehicle access onto Joseph Lancaster Way.
5. The two three-storey buildings were previously intended to be two separate but physically attached buildings. For the purposes of the report the one facing Bedding Lane will be referred to as unit 1 and the one facing Joseph Lancaster Way unit 2. The prospective tenant seeks to occupy both and changes to the approved plans are needed to link the two buildings as a single unit. Also included are a number of amendments the tenant requires for their operation within the office block. The changes can be summarised as:
 - a two-storey extension to 1-2 St Martin at Palace Plain;
 - changes to unit 2 (Joseph Lancaster, north west elevation) to facilitate changes in floor levels to allow run through between units 1 and 2. To include:
 - raising of eaves by 0.45m and reduction of pitch to 22.5°
 - raising of ground and first floor windows by 0.375m and second by 0.525m
 - replacement of ground floor entrance door with window (changing reception to office space)
 - omission of escape door and reduction of recess between units 1 and 2
 - several changes to internal courtyard including alterations to windows on all floors (including raising of heights) and introduction of new service door
 - changes to unit 1:
 - On north west elevation – second floor window head raised by 0.75m
 - at second floor on the corner with Joseph Lancaster Way and Bedding Lane there will be two infills (9.5sqm and 9.7sqm)

- second floor extension of 4.1sqm on internal courtyard and introduction of new door and windows at ground floor
- at roof level the external appearance of the plant area will be changed to timber effect cladding.

Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received, citing the issues as summarised in the table below.

7.

Issues Raised	Response
1. Design could lead to a tunnel effect on narrow roads with loss of natural light to several buildings 2. Proximity of offices to residential flats may lead to loss of privacy/overlooking 3. Roads in the area are very narrow so access for developers and new tenants will bring conflict	See paragraphs 15-18. See paragraphs 12-14. See paragraph 25.
Poor foundations led to height of adjacent completed offices being significantly higher, impacting on view of Cathedral. This concern is raised again. Concern over impact on raised eaves on residents. Some issues with status of Joseph Lancaster Way.	The point has been raised with the agent who claims this will not be an issue. Any materially different deviations from the plans will require a new application. Amenity – see paragraphs 11-18. Road – see paragraph 26.

Consultation Responses

8. **Archaeology** – three standard conditions to be attached.

9. **Norwich Society** – no comments [*in reference to LBC*]

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy

Statement 2 – Ensuring the vitality of town centres

Statement 4 – Promoting sustainable transport

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets
Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 5 – The economy
Policy 6 – Access and transportation
Policy 11 – Norwich City Centre
Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

HOU9 A17 – Site Specific (Mixed Use Including Housing)
CC5 – North Centre/St Andrews Area
HBE3 – Area of Main Archaeological Interest
HBE8 – Development in Conservation Areas
HBE9 – Listed Buildings
HBE12 – High quality of design, with special attention to height, scale, massing and form of development
EP16 – Water conservation and sustainable drainage systems
EP18 – High standard of energy efficiency for new development
EP20 – Sustainable use of materials
EP22 – High standard of amenity for residential occupiers
EMP1 – Small Scale Business Development
HOU9 – Mixed use site allocations
TRA3 – Norwich Area Transport Strategy
TRA6 – Parking standards
TRA7 – Cycle parking standards
TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

City Centre Conservation Appraisal (September 2007)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Development Management Policies Development Plan Document – Pre-submission policies (April 2013)

DM1 – Achieving and delivering sustainable development
*DM2 – Ensuring satisfactory living and working conditions
*DM3 – Delivering high quality design – *Only limited weight can be applied.*
DM9 – Safeguarding Norwich's heritage
*DM16 – Employment and business development – *Only limited weight can be applied.*
*DM19 – Encouraging and promoting major office growth
*DM28 – Encouraging sustainable travel
*DM30 – Access and highway safety – *Only limited weight can be applied.*
*DM31 – Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since

the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

* - some of the policies have objections but unless stated, some weight can be attached given they are broadly supported by the direction of the relevant existing policies.

Principle of Development

Policy Considerations

10. The principle of the original scheme has already been accepted through 08/00712/F and 08/00718/L (both approved by committee October 2008). To be assessed in this application are the proposed changes to the approved schemes and whether they have an acceptable impact with regards the relevant concerns, which are principally amenity, design and heritage impacts.

Impact on Living Conditions

Noise and Disturbance

11. The increase in floorspace is fairly minor and there are already two terrace areas on the approved plans. The changes are unlikely to have a noticeable increase in noise or disturbance.

Overlooking / Loss of Privacy

12. The second floor extension and the changes to the windows facing Joseph Lancaster Way are likely to have the biggest impact given the proximity to the residential flats opposite (~7m). The extension replaces a terrace which itself presents overlooking issues and so the perceivable impact is fairly low. Similarly for the extension facing out onto the other corner (onto rear of Wig and Pen) the same can be said.
13. Although the windows are increasing in height which may slightly increase the opportunities for overlooking, compared to what is approved the impact will be minimal as it will be by the replacement of a reception with office on the ground floor.
14. The internal courtyard changes do not present any significant issues for direct overlooking into the adjacent offices.

Overshadowing / Loss of light

15. With the relatively small distance involved, the approved three storey building is likely to have an impact on direct overshadowing of the south-facing habitable windows of the flats on Joseph Lancaster Way.
16. Increasing the eaves height by 0.45m (to a total height of 9.9m) is likely to exacerbate this overshadowing from the start of the day towards early to mid-

afternoon and would be worse in winter months with the sun lower in the sky. However this would be the case with the approved and buildable scheme and while the raised eaves would increase the overshadowing, it is unlikely to be to the extent that would cause an appreciable increase in harm to the occupiers of the flats.

17. Similarly the approved development will lead to some loss of light for the properties and increasing the eaves will worsen this slightly given the additional visible sky being occupied by the development. The actual amount of daylight lost when comparing the proposed scheme against what can be built is not likely to be severe and is helped slightly by the reduction in the pitch.

Overbearing Nature of Development

18. Again, the close proximity of the buildings creates issues for loss of outlook. These issues already exist on the approved plans and compared to this, the amendments are unlikely to cause significant harm to the amenity that the neighbouring occupiers could reasonably expect to enjoy. This includes consideration of the 'tunnel effect' raised now and during the original application. Filling in the corner at second floor level will not have an appreciable effect on the building feeling overly dominant.

Design

19. The various changes to the windows, doors and roof of unit 2 are visually acceptable when compared to what was approved. The most visible extensions at second floor level will have a minor influence on the 'tunnel effect' issue but given their position and scale it will not significantly alter the perception of mass of the building to the degree it would cause harm to the street scene or the nearby heritage assets.
20. Timber effect louvers are intended mask the plant on unit 1 and the applicant was asked to amend this from the metal looking ones first submitted as they felt uncharacteristically industrial. The proposed material should not look out of place despite their relative prominence but a condition will be attached requiring further detail to ensure they are sympathetic to the character of the area.
21. One of the biggest design concerns relates to the two storey extension to the south west of 1-2 St Martin at Palace Plain, which the potential tenant feels is critical to their use of the building. The originally proposed structure utilised a traditional design with sloping roof that lay awkwardly on the catslide roof of the listed building. This was considered to potentially cause unacceptable harm to the structure and a revised design was submitted which provided a more lightweight, contemporary addition. Its shallower pitch metal roof causes no significant harm to the fabric of the listed building and the valley gutter will be visible and accessible from the terrace in order to address potential damp concerns.
22. The extension will be slightly visible from Palace Street but given the size of the adjacent Centenary House, it is such a narrow view that it is difficult to argue that the addition would cause unacceptable detriment to the setting of the grade II listed building. This solution was reached in agreement with the design and conservation officer and it is considered a fair compromise that has minimised harm to an acceptable level. This should be ensured through the imposition of conditions

requiring further detail on the proposed materials.

Listed Building - Internal

23. The plans submitted originally showed internal partitions on the first floor of 1-2 St Martin at Palace Plain to provide soundproof meeting rooms. These plans indicated the partitions extending all the way to the underside of the roof which would have been detrimental to the character of the listed building as well as potentially damaging to its fabric. The applicant has stated this work is due to be done by a different contractor and so explicit reference to it has been replaced on the plans by an indicative layout. A condition is recommended for the listed building consent to (notwithstanding what is shown on the plans) require further details of the internal layout to be submitted.

Conservation Area and Listed Buildings – Impact on Setting

24. Cumulatively the changes do not have an adversely detrimental impact upon the setting of the on-site listed building or those adjacent. When seen against what was approved in 2008 there is also no appreciable harm caused to the character of the wider conservation area.

Transport and Access

Transport Assessment

25. The increase in floorspace has no material impact on the transport assessment of the previous application and the same conditions will be attached including the need for a Travel Plan and details of cycle provision.
26. Joseph Lancaster Way is not adopted but it is understood there were plans to apply for adoption some years ago. Like the development in question, this is likely to have been impacted by the recession and whether the road is adopted in future or not is up to the landowner. If it were it would still be required to go through the same rigorous process it would have before and so works may or may not be needed to meet the required standards. As the road remains private residents will need to check any agreements with the management company with regards future potential costs.

Environmental Issues

Site Contamination and Remediation

27. Some of the conditions from the previous permission have been approved. They will be reattached to ensure compliance with the details approved as well as requiring details of those not approved.

Archaeology

28. Similarly to contamination there are outstanding conditions which will need to cover the new extension now alongside the existing scheme.

Energy Efficiency and Renewable Energy

29. The approved scheme preceded current policy requiring 10% renewable energy provision but the scheme did include solar panels for heating hot water. The agent has suggested that the new scheme will replace these with PV panels which should produce the same amount of renewable energy benefits and has agreed for this to be conditioned. They are likely to be on the internal courtyard facing south east.

Local Finance Considerations

30. The amendment affects an application approved prior to the implementation of CIL and therefore the development is not liable.

Conclusions

31. Despite some initial concern over the introduction of an extension adjacent to 1-2 St Martin at Palace Plain, its design has been amended to provide an addition that is acceptable given its relative lack of visibility and the lack of harm to its fabric. Overall the changes are fine in visual terms and will not have a detrimental impact on the setting of the on-site and nearby statutory listed buildings, the street scene or the character of the wider conservation area.
32. The changes will have some minor but acceptable impacts on overlooking and loss of outlook but the main impact comes from overshadowing and loss of light to the properties along Joseph Lancaster Way. These are two issues that exist on the approved scheme and although the changes will worsen the situation slightly, it is not to a degree that could be considered to be adversely detrimental to the amenity of those living opposite. Overall, when comparing the original scheme to this amended scheme, the changes do not raise any new issues that would cause unacceptable harm and so the application is recommended for approval as it accords with the policy objectives of the National Planning Policy Framework, policies 1, 2, 3, 5, 6, 11 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2014, saved policies HOU9, CC5, HBE3, HBE8, HBE9, HBE12, EP16, EP18, EP20, EP22, EMP1, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (Adopted Version November 2004) and other material considerations.

RECOMMENDATIONS

Planning Permission and Listed Building Consent

To approve:-

(1) Application No (14/00987/MA Land Bounded By Pigg Lane Palace Street And Bedding Lane Including 1-2 St Martin At Palace Plain) and grant planning permission, subject to the following conditions:-

1. In accordance with the approved plans;
2. External materials;
3. Details to be agreed (including windows, doors, eaves detail, canopies, details of the glazed link, car park treatment, bin storage details; new extension and louvers);
4. Groundwater contamination mitigation (parts 1 and 2 in accordance with 11/00909/D);
5. Attenuation of any increased public surface water provision;
6. Heritage Interpretation;
7. Cycle Parking and bin storage;
8. Travel Plan;
9. Landscaping, planting, site treatment;

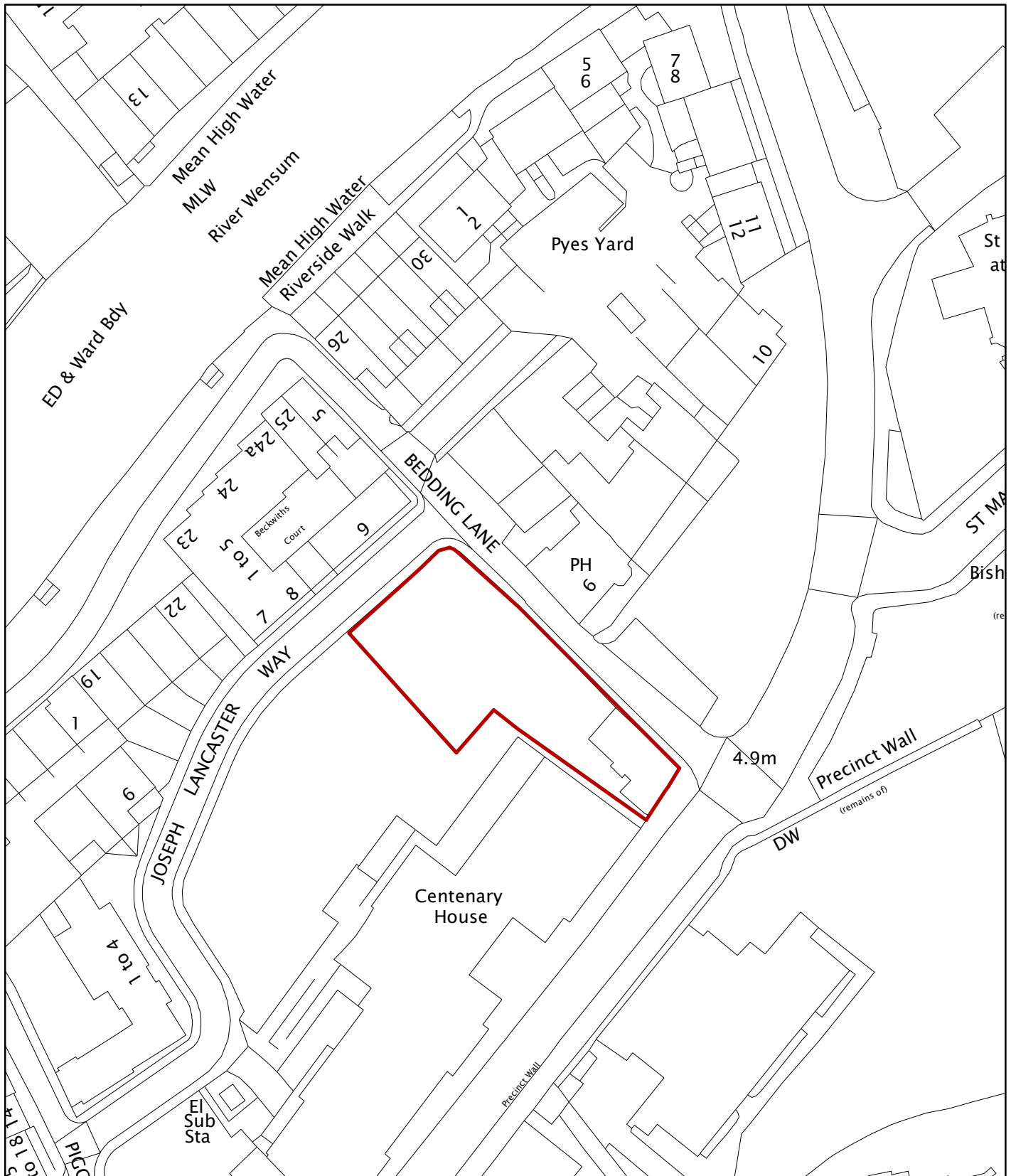
10. Car parking and cycle parking to be provided and available for use prior to first occupation of Bedding Lane office;
11. Plant and machinery details;
12. Fume and flue outlet points details;
13. Details of energy conservation and efficiency measures to be submitted;
14. Details of renewable energy technologies to be used;
15. Archaeology

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 and for the reasons outlined in the officer report.

(2) Application No (14/01077/L 1-2 St Martin at Palace Plain) and grant listed building consent, subject to the following conditions:

1. In accordance with the approved plans;
2. Schedule of repairs in accordance with details agreed in 09/00216/D;
3. Listed building protection measures
4. Works to remove floors or ceilings to be done with agreed structural solution details in 09/00216/D;
5. Schedule of repairs in accordance with details agreed in 09/00216/D;
6. Details of internal partitions and joinery.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/00987/MA & 14/01077/L

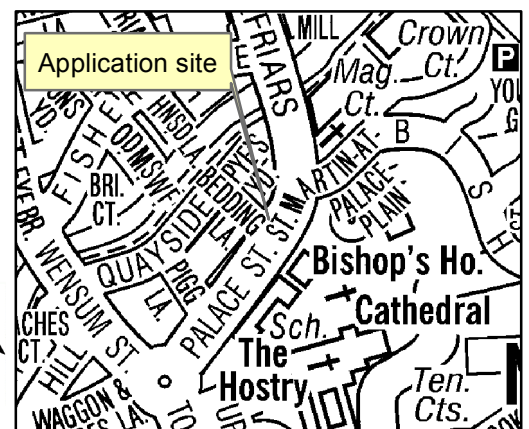
Site Address Pigg Lane/Palace Street/Bedding Lane
Including 1-2 St Martin at Palace Plain

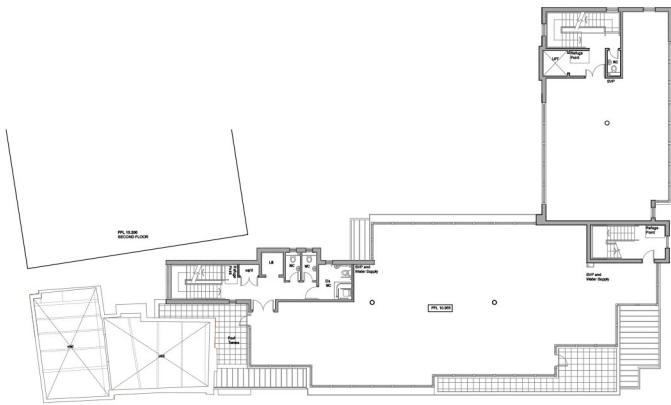
Scale 1:750



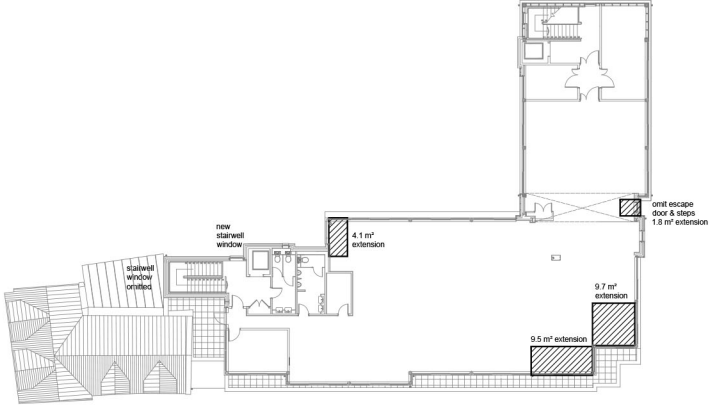
NORWICH
City Council

PLANNING SERVICES

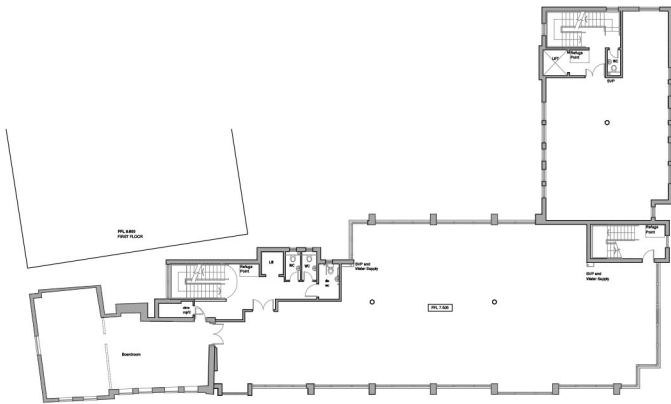




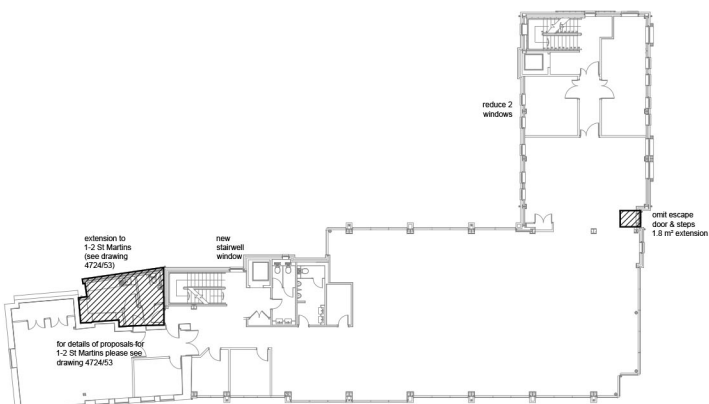
SECOND FLOOR PLAN (APPROVED08/00712/F DWG 3388/PL12)



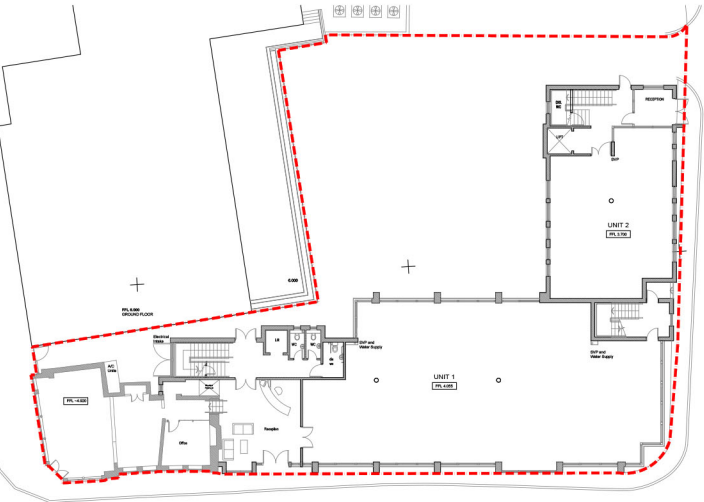
SECOND FLOOR PLAN (PROPOSED)



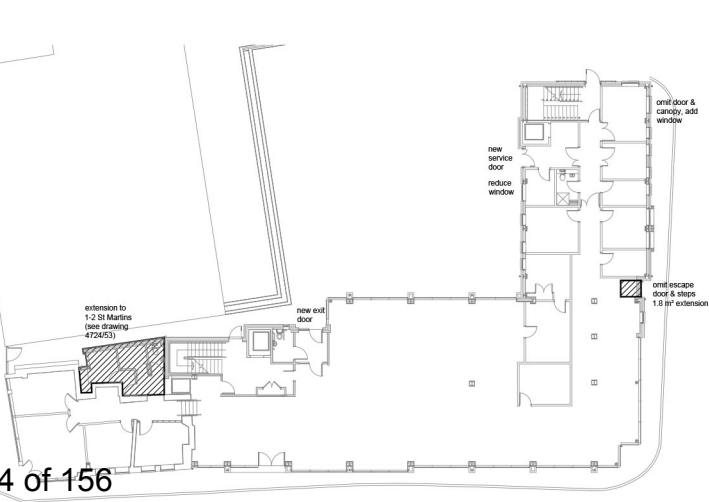
FIRST FLOOR PLAN (APPROVED08/00712/F DWG 3388/PL11C)



FIRST FLOOR PLAN (PROPOSED)



GROUND FLOOR PLAN (APPROVED08/00712/F DWG 3388/PL04K)



GROUND FLOOR PLAN (PROPOSED)

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
A	290814	extension to 1-2 st martins amended minor revisions to core area	pb	



PLANNING

Chaplin Farrant Limited
11 Yarmouth Road
Norwich
NR7 6ET
Tel: 01603 700000
Fax: 01603 700001
office@chapinfarrant.com
www.chapinfarrant.com

Also at:
London
Winchester
Southampton
Great Yarmouth

This drawing is copyright of the
Architects and shall not be
reproduced without their
permission.
Check all dimensions and report
any errors or omissions.

BUSSEY & SABBERTON BROS LTD
Office
St Martins at Palace Plain
Revised Application

Comparative Plans

51

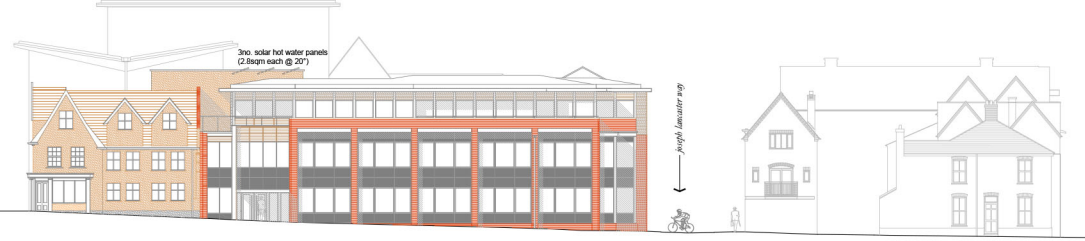
270614

PB

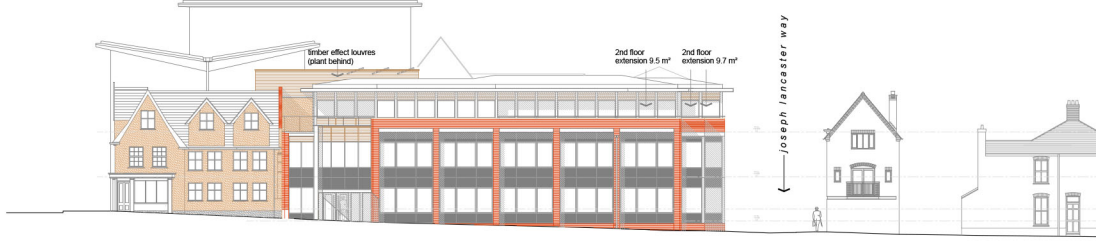
A

1:200

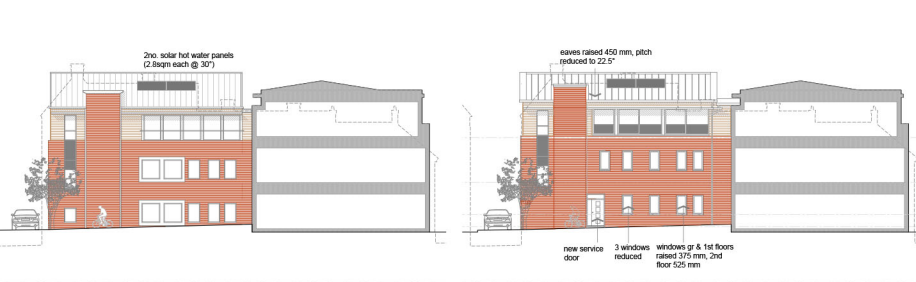
LIBRARY



ELEVATION TO BEDDING LANE (APPROVED08/00712/F)



ELEVATION TO BEDDING LANE (PROPOSED)



SOUTH ELEVATION TO INTERNAL COURT (APPROVED08/00712/F)



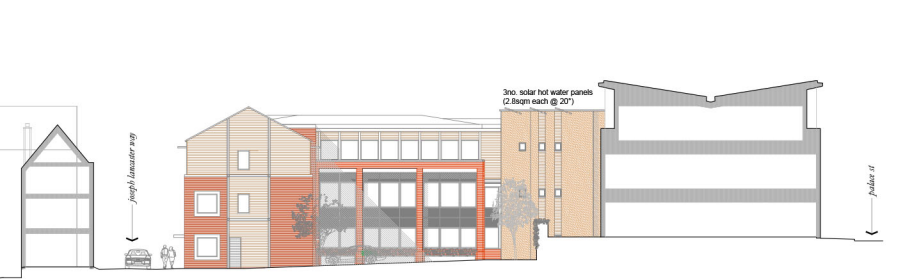
SOUTH ELEVATION TO INTERNAL COURT (PROPOSED)



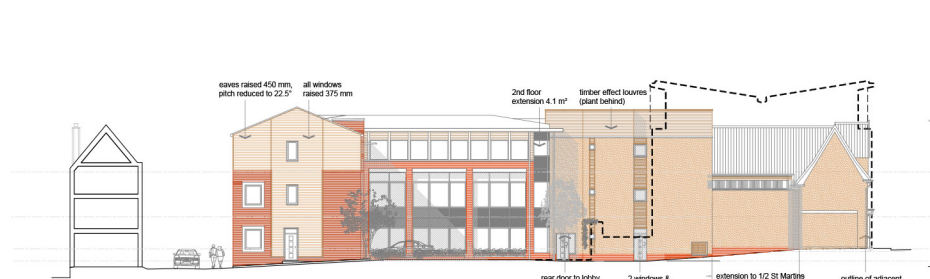
ELEVATION TO PALACE ST (APPROVED08/00712/F) NB DRAWN ORTHOGONALLY



ELEVATION TO PALACE ST (PROPOSED) NB DRAWN ORTHOGONALLY



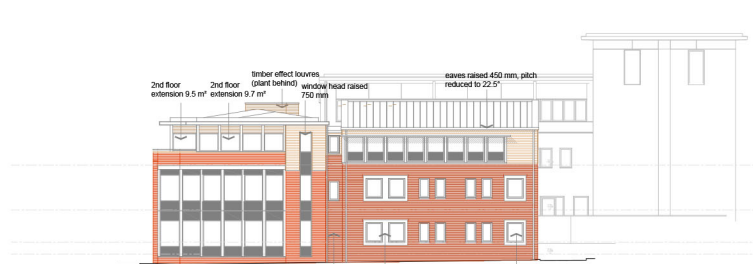
WEST ELEVATION TO INTERNAL COURT (APPROVED08/00712/F)



WEST ELEVATION TO INTERNAL COURT (PROPOSED)



ELEVATION TO JOSEPH LANCASTER WAY (APPROVED08/00712/F)



ELEVATION TO JOSEPH LANCASTER WAY (PROPOSED)

0 10m 20m
Scale 1:200

A	220814	extension to 1-2 st martins amended louvers to top of cone amended minor amendments to cone	pb	
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
Revisions				



Chaplin Farrant Limited

51 Yarmouth Road
Haverth
WY1 0TE
Tel: 01603 706000
Fax: 01603 706001

office@chaplinfarrant.com
www.chaplinfarrant.com

Also at:
London
Winchester
Southampton
Great Yarmouth

This drawing is copyright of the
Architects and shall not be
reproduced without their
permission.

Check all dimensions and report
any errors or omissions.

PLANNING

BUSSEY & SABBERTON BROS LTD.

Office
St Martins at Palace Plain
Revised Application

Comparative Elevations

4724

52

270614

1:200

Scale

PB

Scale



PLEASE NOTE EXISTING WALLS
ARE NOT PLUMB, NEITHER ON
PLAN OR SECTION, ABUTMENT
DETAILING INDICATED IS
APPROXIMATE

PLEASE READ TOGETHER WITH
DRAWINGS ACCOMPANYING
APPLICATION 14/00987/MA

B	050914	typo section reference & note re extension colouring removed	pb	
A	290814	extension revised, internal alterations as requested by planning	pb	
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY



Chaplin Farrant Limited
51 Yarmouth Road
Norwich
NR7 0ET
Tel: 01603 700000
Fax: 01603 700001
office@chaplinfarrant.com
www.chaplinfarrant.com

Also at:
London
Winchester
Southampton
Great Yarmouth

This drawing is copyright of 1
Architects and shall not be
reproduced without their

Check all dimensions and report any errors or omissions.

Do not scale from this drawing

Bussey & Sabberton Bros Ltd
1/2 St Martin at Palace Plain
at Palace Plain
Amended Extension

Plans, Elevation & Section

4724

PROJECT RISK

53 DRAWING: 1

31071

DATE:

PB

B
REVISION

1:50 4

SCALE

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject 14/00683/O 36 Broadhurst Road Norwich NR4 6RD

Item
4E

SUMMARY

Description:	Erection of 1 No. one bed dwelling.
Reason for consideration at Committee:	Objection and member referral (item deferred at the August committee)
Recommendation:	Approve
Ward:	Eaton
Contact Officer:	Mr John Dougan Planner (Development) 01603 212504
Valid Date:	6th June 2014
Applicant:	Mr Mike Watts
Agent:	Frith Associates

INTRODUCTION

Background

1. This application was referred to the 7th August 2014 planning applications committee, officers recommending that it be approved subject to conditions. At that meeting members concluded that the determination of the application be deferred and requested that officers undertake discussions with the applicant to explore revising the extents of the site and the indicative layout of the dwelling.
2. The applicant agreed to undertake such revisions, submitting revised plans which include the following key changes:
 - Moving the southern boundary further to the south increasing the width of the site (when viewed from Welsford Road) from 12.090 metres to 12.650.
 - Reducing the indicative footprint of the dwelling in effect moving it a further 0.5 metres from the northern boundary
3. For the sake of clarity, members are reminded that the application in front of them is for outline planning permission with all matters reserved and that the issue under consideration is whether or not a dwelling is feasible in this location. Details of siting, layout, scale, appearance and landscaping are reserved and will be considered again at a later date as

part of a reserved matters submission.

4. This means that if members were to approve the current application, that all matters relating to access, appearance, landscaping, layout and scale would be subject to a further application (reserved matters) enabling the public to submit further comments and if applicable be presented to members for their consideration.
5. The merits of the revised plans and additional comments submitted by members of the public have been incorporated within the body of the report.

The Site

Location and Context

6. The area can be characterised as residential comprising single and two-storey detached / semi-detached properties each predominantly have good sized gardens to the front and to the rear many having mature trees, hedging and shrubs within them.
7. The majority of the dwellings in this area are in red brick, but the style and roof structure is quite varied. Some are gable fronted whilst others having hipped frontages. However, there are examples of dwellings which have used white render to their frontages.
8. The existing site is known as 36 Broadhurst Road, a two-storey detached dwelling. The former flat roof double garage has recently been altered to become a single garage with hipped roof.
9. The existing dwelling had been recently refurbished using timber cladding to part of its external walls, with a 1.8 metre high fence being erected to the Welford Road / Broadhurst Road frontages together with shrub planting.
10. The site is not representative of the area in that the main garden areas are to the sides with limited amenity space to the rear (adjoining no.34 Broadhurst Road). This close proximity means that there is a certain amount of indirect overlooking from the east elevation of the existing two-storey property to the rear garden of no. 34 Broadhurst Road. The same layout arrangement is evident on the site on the opposite side of the Welsford Road.
11. Boundary treatment to the frontage (Welsford Road) includes a low level brick wall. Boundary treatment to the north with (no.87 Welsford Road) comprises a 1.8 metre close boarded fence and the boundary to the east (no.34 Broadhurst Road) comprising a 1.8 metre high fence. There is a line of trees on the other side of the east boundary fence in the neighbour's garden indicated on the site plan submitted.
12. It is noted that the subject site had a low level retaining wall running west to east through the centre of the site. The application site is slightly lower

than the adjoining property to north (no.87 Welsford Road.), meaning that the garden area is overlooked from the dining room window of 87 Welsford Road. Although, the site has recently been levelled to leave a fairly flat site. The site levels are shown on revised plan 0069 003 A04.

13. There are no other constraints associated with this site except that there are street trees and small trees within the rear garden of no.34 Broadhurst Road) within falling distance of the development area.
14. A new 1.8 metre high close boarded fence has been erected between the existing dwelling and the application site. This new arrangement is illustrated on the revised plans submitted.

Planning History

13/00832/F - Conversion of loft to habitable space including the construction of a dormer and associated minor demolitions. (REF - 03/09/2013)

13/00839/O - Subdivision of curtilage and erection of 1 No. three bedroom house. (REF - 09/08/2013)

15. The above previously refused application was outline and indicated as being a two-storey flat roof dwelling. It was refused for the following reasons:
 - The scale and layout by virtue of the size of the proposed dwelling within the current size of the plot is considered to be a significant deviation to the existing character and local distinctiveness of the area which is predominantly of houses with large plots with high levels of amenity space. Similarly, the footprint and height will also result in a cramped form of development which would be detrimental to the visual amenities and character of the street scene. There are also considered to be insufficient levels of on-site amenity space provided to serve the needs of a house of this scale, and to provide a satisfactory level of amenity to future residents. As a result of the above, it is considered that the harm caused to the character and local distinctiveness of the area would outweigh benefits and on balance is considered to be unacceptable.
 - It has not been demonstrated that the proposal would not have a detrimental impact on the residential amenity of the adjoining property to the north (no.87 Welsford Road), specifically in relation to additional loss of outlook and overshadowing to a primary window serving a main habitable room.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

16. Erection of a dwelling indicated as being one bedroom and single storey.
The application is submitted in outline form with all matters reserved.
17. There are a couple of anomalies in the plans and details submitted.
Whilst this may be the case, these are in the indicative details and therefore are adequate for the purposes of assessing an application for outline planning approval.
18. It is acknowledged that the design and access statement has referred to access, appearance, landscaping, layout and scale, with the plans submitted providing details of layout including parking, also indicating that the building is to be single storey with a pitched roof.
19. However, the application form has indicated that matters including access, appearance, landscaping, layout and scale are reserved.
20. As a result of a request by members of the planning committee, the applicant submitted revised plans moved the southern boundary approximately 0.5 metres to the south and reducing the indicative footprint of the dwelling.

Representations Received

21. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
Not in keeping with the character and local distinctiveness of the area	See 'principle of development' and 'character' sections of the report.
The open environment is distinctive promoting a healthy environment and crime reducing asset and should be preserved as such.	See 'principle of development' and 'character' sections of the report.
Overdevelopment of a small site	See 'principle of development' and 'character' sections of the report.
The dwelling will appear cramped being at odds with the open feel evident in the area	See 'principle of development' and 'character' sections of the report.
A one bedroom property is not typical of other properties in the area	See 'principle of development' and 'character' sections of the report.
The design e.g. folding glass doors to the frontage is not appropriate and inconsistent	See 'scale design and layout' section of the report.
Inadequate amenity space for the occupants	See 'provision of amenity space' sections of the report.
Lack of amenity space for the remaining	See 'provision of amenity space'

site	sections of the report.
Any planning permission would set a precedent for other infill development. A similar application at 2 Lyhart Road was refused in 1990	See 'principle of development' section of the report.
Loss of amenity for adjoining property 87 Welsford Road (outlook, overshadowing, noise disturbance, loss of light)	See 'impact on living conditions' section of the report.
Any garden building would impact on neighbour properties	See 'impact on living conditions' section of the report.
The open garden and raised beds was enjoyed by the previous owners and neighbouring properties	See 'impact on living conditions' section of the report.
The plans are not accurate (access) and floor space	See para 17.
The remaining garage is being used as a workshop not a car, with the applicant parking their car on the main road.	See 'impact on living conditions' section of the report.
The development is too close to a busy cross roads and private access	See 'impact on living conditions' section of the report.
The new access would have an adverse impact on the Silver birch tree	See 'trees and landscape' section of the report.
The design brief says that the use is for the family of the owner and close to a bus stop. The latter is a considerable distance away i.e. on Ipswich Road and that a granny annexe would be more appropriate than a new dwelling.	See 'principle of development' section of the report.

22. Norwich Society – The site is on a corner with Welsford Road and therefore prominent. Several schemes have been proposed for this land and we continue to feel that this new one is still a “garden grab” and is not appropriate in this area.

23. Cllr Lubbock has objected to the application on the grounds of loss of amenity, over-intensification of the site and the proposal is too close to the adjoining property and has requested the application be considered by the planning applications committee.

24. At the time of writing this report, 13 additional letters have been received, 3 of which are classed as additional representations. In a total, the application has received 11 representations, all of which objecting to the proposal.

25. Any additional issues raised have been incorporated into the following table points raised are contained in the following table.

Additional issues Raised	Response
The revised plans clearly show that the piece of land is not viable and is completely at odds with DM12	See 'principle of development' and 'character' sections of the report.
The style of dwelling is not appropriate for the area and street scene.	See 'principle of development' and 'character' sections of the report.
To allow the development due to the lack of a five year housing supply is extremely regrettable.	See 'principle of development' section of the report.
The new elevated boundary treatments proposed and close proximity of the proposed main entrance directly facing a neighbour's large dining room window, will result in loss of light.	See 'impact on living conditions' section of the report.
Removal of topsoil during the levelling of the site may result in subsidence	See 'scale design and layout section of the report'.
The Head of planning's point that a flat roof and a single parking space has not been addressed.	See 'scale design and layout', 'character' and 'transport and access section of the report.
The green roof is no substitute for green space	See 'provision of amenity space' and 'trees and landscape' sections of the report.
Having two parking spaces 2 metres from the habitable windows of the adjoining property is not appropriate.	See 'impact on living conditions' section of the report.
Breach of deeds of conveyance – no buildings save a detached or semi-detached dwelling house or bungalow with the usual outbuildings shall be erected'.	See 'principle of development' section of the report.
Adverse impact on property prices	See 'principle of development' section of the report.
If building land is short, why not build on Dandy Park or the old Esso garage	See 'principle of development' section of the report.
The development would lead to an increase in number of vehicles having a detrimental impact on other users including learner drivers	See 'transport and access' section of the report.
The committee need to visit the site	See paras 27-31.
The new cladding on the existing property is not appropriate and should be removed	See 'scale design and layout' section of the report.
The recent construction of the garage extension was not on the plan shown to members	To be addressed as part of officers presentation to committee.

26. Cllr James Wright expressed concern asking that he would like to request that the committee visit the site before determining the application. He stated he could see no justification against this as it would help the

committee fully understand the specifics of this particular application.

27. The applicant has responded to the members request to increase the size of the site and reduce the indicative footprint of the dwelling. They have also provided indicative elevation plans which show ground levels and the relationship of dwelling relative to the adjoining property.
28. Additional photographs of the site taken from the adjoining properties to the north and east are appended to this report to help understand the proposals.
29. All of the above information is considered to be more than adequate to enable members to gain an appreciation of the feasibility of the proposal and gain a better appreciation of the possible impact on the neighbouring properties.
30. Officers are of the view that deferring the application for a second time would be unreasonable as members considered the application during 7 August committee and did not consider that a site visit was necessary. Deferring the application now to undertake a site visit would cause further delay in determining the application, given that the statutory period for determining the application expired on 1 August 2014. Further delays could result in the applicant submitting a formal appeal to the planning inspectorate against the council's failure to determine the application.

Consultation Responses

31. Transportation – no objection

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 6 - Delivering a wide choice of quality homes
- Statement 7 – Requiring good design
- Statement 12 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk 2011

- Policy 1 – Addressing climate change & protecting environmental assets
- Policy 2 - Promoting good design
- Policy 3 – Energy and water
- Policy 4 - Housing delivery

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- HOU13 – Proposals for housing development in other sites
- NE3 – Tree protection
- HBE12 - High quality of design, with special attention to height, scale,

- massing and form of development
- EP22 – High standard of amenity for residential occupiers
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

Other Material Considerations

- Written Ministerial Statement: Planning for Growth March 2011
- Emerging policies for the forthcoming new Local Plan (submission document for examination April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

- DM2 - Ensuring satisfactory living and working conditions
- DM3 – Delivering high quality design
- DM7 - Trees and development
- DM12 - Ensuring well-planned housing development
- DM31 - Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Policy DM2 is subject to a single objection raising concern over the protection of noise generating uses from new noise sensitive uses, this is not relevant here and therefore significant weight can be given to policy DM2

Policy DM3 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has been made to local distinctiveness. Therefore significant weight can be applied to this element of the policy.

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved

objections,
the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has been made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

Policy DM31 is also subject to objections relating to car parking provision and existing baseline provision of car parking in considering applications it is considered that limited weight should be given the car parking standards of this policy at the present time with substantive weight to the other matters.

Housing supply

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. In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged. Since the NPA does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted".

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

Principle of development

32. The applicant has stated within their design and access statement that the proposed house is within the grounds of their own plot, designed specifically for use by the family. Whilst a family member may choose to use the dwelling, it is not considered to be living quarters which are incidental to the enjoyment of the existing dwelling house. The proposed dwelling is considered to be a new dwelling with its own separate access, parking and amenity space.
33. Every application is assessed on a case by case basis. The principle of a one bedroom house in an established residential area with relatively easy access to public transport is acceptable under policy HOU13, subject to a number of criteria as listed below:
 - Provision of a range of types and sizes of housing

- Good accessibility to shops and services
 - No detrimental impact on the character and amenity of the area
 - Provision of private garden space around the dwelling
34. Given that the application is submitted in outline form with all matters reserved the main issue for consideration is if the site can provide for a residential dwelling broadly in line with the parameters indicated (i.e. a one bedroom single storey dwelling broadly in line with the height and footprint indicated in the indicative plans). It is necessary to consider if an acceptable and feasible scheme can be achieved at the reserved matters stage.
35. 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.
36. The site is considered to be an accessible residential location, there being bus stops on Ipswich Road providing access to the city centre and other services in the area.
37. 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.
38. Consideration also has to be given to emerging policy DM3 which also makes reference to the fact that proposals should achieve a density in keeping with the existing character and function of the area including local distinctiveness. In light of the fact that no objections have been made to these criteria within the policy, it should be given some weight in the determination of this application.
39. Emerging policy DM12 states that proposals should have no detrimental impacts upon the character of the area. Another criterion of this policy states that proposals should achieve a density in keeping with the existing character of the area. Some weight can be given to the first criteria, but none on the issue of density as an objection has been received.
40. Matters relating to restrictions cited in the deeds of a property or the perceived devaluation of properties are not material planning considerations. The impact of the proposals upon property prices is also not a material planning consideration.

Character

41. A residential use replicates the residential character of the area.
42. A key characteristic or feature that makes this area distinctive is the fact that the dwellings in this established residential area sit on generous plots with good sized gardens to the front and to the rear, providing ample usable levels of amenity space normally considered appropriate for a family house. It is also acknowledged that many of the garden frontages in the area contain small trees and hedges, all of which contribute to the relatively 'leafy' character. Paragraph 58 of the NPPF does state that proposals should also respond to local character and reflect the identity of local surroundings.
43. The applicant has replicated similar spatial characteristics evident in some of the other plots in the area and that the indicative roof height (single storey) will have the effect of reducing its impact on the street scene.
44. However, on inspection of the plans submitted it is clearly evident that the proposal is a deviation from the density and well-proportioned plots evident in the area. Although it is acknowledged that the indicative scale and footprint has been reduced in size compared to the previously refused application (13/00839/O).
45. Concern has been raised that the open nature of the area promotes a healthy environment and crime reduction asset. Good design can help reduce crime in an area. That being said, it is also unlikely that the scale and type of development would result in a demonstrable erosion of the amenity of the area or increase in crime levels.
46. Whilst the plans submitted are only indicative, the scale of the proposal has been reduced from a 3 bedroom to a single storey 1 bedroom dwelling. Whilst a one bedroom dwelling does not reflect the predominant size in the area, being family homes, the proposed smaller dwelling would help to provide greater housing choice. Its low profile single storey will reduce its visual impact within the street scene. As such the above factors will have a significant positive effect on how the proposal will respond to the character and local distinctiveness of the area.
47. Whilst some neighbouring properties may view the existing garden contributing to the character of the area, any works such as the recent clearance of the site is not subject to any planning control. Regarding the current application, further mitigation can be delivered by the addition of appropriate landscaping and boundary treatment, helping reduce the presence of the dwelling further and also delivering added value in terms of contributing to the other leafy frontages evident in the area.
48. It should also be acknowledged that the applicant's theoretical fall-back position could be to construct a 9 x 9 metre outbuilding with a ridge height of 4 metres with no restriction on materials under householder permitted development rights. Such a development could arguably have a greater visual impact on the

visual amenities of the street scene and character of the area.

49. Concerns that the development would set a precedent for further inappropriate development are noted. However not all dwellings in the surrounding area would have the potential for infill development. Only corner properties with two street frontages could accommodate the type of development proposed, and these properties often feature large rear garages in these locations, as noted above, which would reduce the visual impact of development in these locations. In any case each proposal would be considered on its own merits taking into account the space available between dwellings and associated impacts upon the character and appearance of the surrounding area.
50. Taking all these factors into consideration, the erection of a dwelling in this location is not considered to cause significant harm to the character and local distinctiveness of the area.
51. The revised plans requested by the planning committee increase the size of the site and reduce the buildings footprint, increasing the level of separation between the proposed dwelling and the adjoining house to the north. This will have the effect of lessening its visual impact on the street scene. This is illustrated on the indicative partial street scene submitted in the revised submission. Although, in the event of the submission of a reserved matters application, the developments impact on the character of the area could be further improved by only having a single storey flat roof and appropriate landscaping.

Scale, design and layout

52. The previous refusal was deemed to appear overdeveloped when viewed from the street. This is due to the profile of the two-storey proposal being in close proximity to the dwelling to the north, resulting in a rather cramped arrangement when viewed from the street. The reduction in size to a single storey and shifting the footprint further south, is considered to be an improvement, delivering a development which is likely to be subordinate to the adjoining properties helping retain the spatial characteristics between 87 Welsford Road and 36 Broadhurst Road. As a guide a single storey flat roof structure is considered to be the most appropriate form of development, although further details of existing and proposed ground levels and finished floor levels would be needed at the reserved matters stage, ensuring that the dwelling sits sensitively in the street scene.
53. The sensitive use of materials for both the dwelling and landscaping can deliver a development which is appropriate and responds to its surroundings, all of which can be secured at the reserved matters stage. The reduction in scale of the development from three to one bedroom will also result in a more proportionate occupant to amenity space ratio, parking and servicing.
54. Whilst the proposal would reduce the size of the existing plot, the resulting plot size for the existing dwelling is still considered to provide adequate amenity space and parking for the existing dwelling. It is noted that this would mean that the majority of the space would be shifted to the Broadhurst Road frontage, in

effect deleting any level of private amenity space for the occupants. However, an improved arrangement is considered achievable and could be sought at the reserved matters stage.

55. It should be noted that the scale and footprint of the dwelling on the plans submitted are for illustrative purposes only, providing the local planning authority with an indication that the principle of a dwelling is feasible. All matters including scale, design, layout, access and landscaping would be subject to a further planning application (reserved matters).
56. In regards to the revised plan - the position of officer's remains on this issue unchanged. It is considered that the proposals would represent well planned residential development in accordance with emerging policy DM12, despite deviating from the density and well-proportioned plots evident in the area.
57. The applicant's willingness to increase the size of the site and reduce the buildings footprint will have the effect of lessening its visual impact on the street scene. The reduction in footprint of the dwelling will also increase the amount of external amenity space for the occupants. However, two parking spaces is still considered excessive for such a small dwelling, eroding amenity and servicing space for its occupants. Issues relating to the acceptability of the style and design of the proposal are matters that would be addressed as part of a reserved matters application.
58. The revised plans and site visit have indicated that a certain level of excavation has occurred within the site. Such works may not have been associated with the proposed development, but general landscaping works associated with the existing garden.
59. If the development is to be approved, a certain level of site clearance works may be necessary to deliver the required finished floor levels. Given that the site is relatively level and the proposal is relatively small scale, a suitable arrangement is considered achievable at the reserved matters stage. Any technical matters relating to structural stability and subsidence can be investigated as part of the Building Regulations application.
60. Concerns with regard to the installation of timber cladding upon the existing building are noted. As the cladding is of different appearance to other materials used on the dwellinghouse, they would not fall within permitted development allowances. An informative has been included to advise the applicants to regularise the situation by submitting an application for planning permission for these works.

Impact on Living Conditions

61. Policy EP22 requires that development have a suitable level of private amenity space adjoining the dwelling. Emerging policy DM2 also states that the amenity space should be of a high standard and given that no objections have been made to this policy some weight can be given to the

fact that amenity space should be of a high standard.

62. Whilst the footprint is indicative, it provides an indication of the scale of the building and the resulting external amenity space. The key issue is the quality and quantity of space to be provided.

Provision of amenity space

63. The primary private amenity spaces within the indicative layout are to the northern side of the proposed dwelling, and a narrow section to the east. The proposed arrangement is considered adequate to serve a one bedroom dwelling, the level of privacy being improved in the form of appropriate boundary treatment. Given the small amount of private amenity space, it is important that this space not be eroded further by other structures such as secured covered cycle storage, garden sheds and bin storage. Such matters can be secured at the reserved matters stage, particularly ensuring that the development deliver usable levels of private amenity space for the occupants.
64. The creation of a new dwelling within the plot would obviously reduce the amount of amenity space available to the existing property. That being said, this dwelling could still be adequately served with amenity space to each side, with the main amenity area likely to be to the south.
65. Whilst such an arrangement is not representative of the wider area it does broadly reflect the existing arrangement at 36 Broadhurst Road. This main amenity area could be made more private by supplementing the frontages to Broadhurst Road and Welsford Road with more landscaping. The applicant has recently undertaken these works i.e. a 1.8 metre high fence and associated soft planting. Whilst the fence has not been subject to any formal approval, it can be formalised at the reserved matters stage.
66. The revised site plan and reduction in the indicative footprint of the dwelling demonstrates that there is sufficient amenity space for a dwelling of this size. Whilst these changes are small, they are an improvement over what was originally viewed as being an acceptable proposal by officers.

Overlooking

67. Whilst policy EP22 does not specifically refer to protection of privacy in private amenity space areas, it is still a material planning consideration. Although, emerging policy DM2 specifically refers to protection of overlooking and loss of privacy of an area and given that no objections have been made some weight can be given to this emerging policy.
68. A single storey dwelling would mean that it is likely that amenity of the neighbouring property to the east (no.34) is achievable and can be fully assessed at the reserved matters stage.
69. A key consideration is whether or not securing the privacy of no.87 Welsford Road's dining room area served by the large window on the

south elevation is achievable. Presently, this window overlooks part of the applicant's existing garden area due their dwelling being slightly higher than the application site and the boundary fence being slightly lower.

70. It is considered that with appropriate levels of boundary treatment, no significant overlooking of each party should result. In fact, any new boundary treatment is likely to improve the levels of privacy for both properties.
71. The revised plans, in particularly the indicative west elevation indicates that the ground level of the site is much lower than the ground level of no.87, meaning that it is highly unlikely that there would be significant overlooking to the habitable windows of no.87. In fact, the sense of privacy could be further improved by increasing the height of the boundary fence to 2 metres (normally permitted development) and providing additional soft boundary screening in the form level trees. Such a solution would also help protect the privacy of the new occupants. These matters are achievable at the reserved matters stage.

Overbearing nature of development

72. The key receptor is the adjoining property to the north (87 Welsford Rd). One of the reasons for refusing the previous application was because it was not demonstrated that the two storey dwelling would not have a detrimental impact on the amenity of that property, principally due to the close proximity of the two-storey elevation relative to their main dining room window of that property.
73. The key difference since the previous refusal, is that the dwelling has been shifted further to the south of the site and indicated as being only single storey. These changes in the context of lower site levels will mean that the development is unlikely to appear significantly overbearing to result in significant loss of amenity of that property.
74. It will be important that the reserved matters stage clarify finished levels of the building and the height of any new boundary treatment.
75. The recent submission of the revised plans, particularly the partial street scene is helpful, as it gives the indication of the profile of the dwelling next to sensitive receptors. The highest point of the roof is set back approximately 6 - 7 metres from no.87's habitable window. Such a set-back coupled with the fact that the ridge height will be relatively low profile will mean that it will not appear significantly overbearing. That being said, the sense of overbearingness could be further reduced by only having a flat roof structure.
76. The protection of the amenity of the neighbouring property is considered to be achievable.

Overshadowing

77. The key receptor is the adjoining property to the north (87 Welsford Rd). The previous application concluded that due to the size constraints of the site, there would be limited scope to move the dwelling further to the south to ensure that no.87 Welsford Road would not be significantly overshadowed.
78. The site has now been levelled highlighting that the site is set at a lower level than the adjoining site to the north. This means that through a combination of a low profile roof, moving the dwelling further to the south and it only being single storey will mean that no significant overshadowing of the neighbours internal habitable living space should result. Therefore, this matter is considered achievable at the reserved matters stage.
79. Concern has been raised the revised plans indicate an increase in height of the northern boundary and new entrance to the property would result in loss of light to the neighbours dining room window. This impact is not accepted.
80. The revised site plan indicates that the area in question is excavated and not an increase in height of ground levels. Furthermore, the proposed indicative elevation indicates that the closest elevation of the house is set back from the northern boundary by approximately 4 metres and the higher roof ridge height is some 6 - 7 metres from the boundary. This demonstrates that the design of a dwelling of this scale is achievable at the reserved matters stage ensuring that the neighbouring property will not result in significant loss of light or overshadowing.

Noise and disturbance

81. Concern has been raised that the position of parked cars are too close to habitable windows of no.87.
82. The position of the on-site parking is only indicative and there acceptability would be determined at the reserved matters stage. That being, said such an arrangement is considered typical in an urban location and it would be unreasonable suggest that it would result in significant disturbance to the adjoining property.

Transport and Access

83. The applicant has not sought approval of access to the site at this stage. However, it is important to determine if it is feasible.
84. Regarding the existing use of the site, the owner is not choosing to use the garage to park a car and parking on the road is considered to be quite typical in most modern homes. Indeed, there are no parking restrictions.
85. The key issue is whether or not the existing and proposed sites can accommodate safe access and adequate levels of parking which would

not compromise highway safety or other nearby accesses.

86. The application site is in relatively close proximity with the intersection with Broadhurst Road with the likely point of access to the site, together with the accesses of other properties. Whilst this may be the case, the local highway authority do not view this section of road to be particularly busy or congested and that the development is not of a scale that would result in significant levels of additional on street parking or highway safety issues.
87. The applicant has indicated that the site can accommodate 2 parking spaces on the application site, with the remaining site having the capacity to accommodate at least two cars
88. Providing two cars for the application site is considered to be in excess of what would be required for a 1 bedroom property. Given the constraints of the site, the over-subscription of parking could have a negative effect on the sites ability to provide adequate levels of private amenity space and servicing.
89. Nevertheless, adequate access and parking is considered to be achievable and could be addressed at the reserved matters stage subject to further details to ensure protection of the nearby street tree and adequate site layout.
90. Details of secure and covered cycle storage and considered to be achievable within the confines of the site so can be secured at the reserved matters stage.

Building sustainability

91. This matter will be considered in detail at reserved matters stage including issues of water conservation. It is noted that the revised plans indicate inclusion of a number of photovoltaic (PV) panels upon a south facing pitched roof and an area of sedum flat roof. The proposed sedum roof will help to reduce rainwater runoff and support biodiversity, as well as softening the appearance of the building when viewed from higher level windows of adjoining properties. The proposed PV panels will help to generate a proportion of energy demand from the development on site from renewable sources.
92. These measures are supported by JCS, Local Plan and Development Management Local Plan policies and a condition is proposed requiring details of these measures to be submitted and agreed.

Trees and Landscaping

93. The protection of the street tree and trees and hedges in the adjoining property to the east are an important consideration. Discussions with the

Council's tree officer indicate that the protection of these features are achievable subject to further details at the reserved matters stage.

94. The provision of appropriate levels of hard and soft landscaping is an important factor in softening the appearance of the dwelling when viewed from the street scene and adjoining properties. Such measures will also ensure adequate amenity of the existing occupant and new occupants and neighbouring properties.
95. Some of above has already been undertaken in the form of a 1.8 metre high fence to part of the Welsford Road frontage and the Broadhurst Road frontage. Whilst no formal approval has been given, they can be formalised at the reserved matters stage.

Local Finance Considerations

96. It is noted that the development would be liable for Community Infrastructure Levy payments.
97. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of the new dwelling would lead to grant income for the council.
98. This too is a material consideration but in the instance of this application the development plan and other material planning considerations.

Equality and Diversity Issues

99. The site is relatively flat. Therefore, a dwelling of this scale with appropriate access for wheel chair users is achievable

Conclusions

100. The principle of a dwelling reflects the residential character of the area. It will also contribute to the city's housing stock.
101. The development is not reflective of the layout and density of the majority of other plots in the area. However the revised plans submitted further demonstrate that the principle of a dwelling in this location is achievable, without detracting unduly from the character of the surrounding area or the amenity of existing and future occupiers.
102. The slightly increased site extents, reduction in the indicative footprint and street scene also demonstrate that a dwelling of an

appropriate scale and layout is achievable ensuring that the new built form will appear sympathetic to the character and local distinctiveness of the area and the visual amenities of the street scene.

103. The site can provide for adequate levels of amenity for a dwelling of this size, without comprising the layout of the existing dwelling. Details of appropriate layout including access, parking, landscaping, tree protection and water conservation measures are also achievable at the reserved matters stage.

104. The acceptability of the proposal is finely balanced, given the reservations about impact on the character of the area and the size of the site. Taking this impact into consideration alongside the positive aspects of the development, including the lack of five year housing land supply within the NPA, providing an alternative housing choice not prevalent in the area and that a low profile / impact dwelling is feasible in the street scene, the proposal is on balance considered to be acceptable.

RECOMMENDATIONS

To approve Application No (14/00683/O at 36 Broadhurst Road) and grant planning permission, subject to the following conditions:-

1. Application for the approval of all reserved matters shall be made to the local planning authority not later than the expiration of three years beginning from the decision date. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall take place in pursuance of this permission until approval of the reserved matters has been obtained from the local planning authority. The reserved matters shall relate to the access, layout, scale, external appearance, landscaping. Any site plan and elevations shall include details of existing and proposed ground levels.
3. No development shall take place in pursuance of this permission until details for the provision of the photovoltaic panels and sedum shown on approved drawing number 0069/002/A04 shall be submitted and approved by the local planning authority. The development shall thereafter be completed in accordance with these approved details.
4. Details of secure cycling storage, refuse storage and vehicle crossover.
5. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no

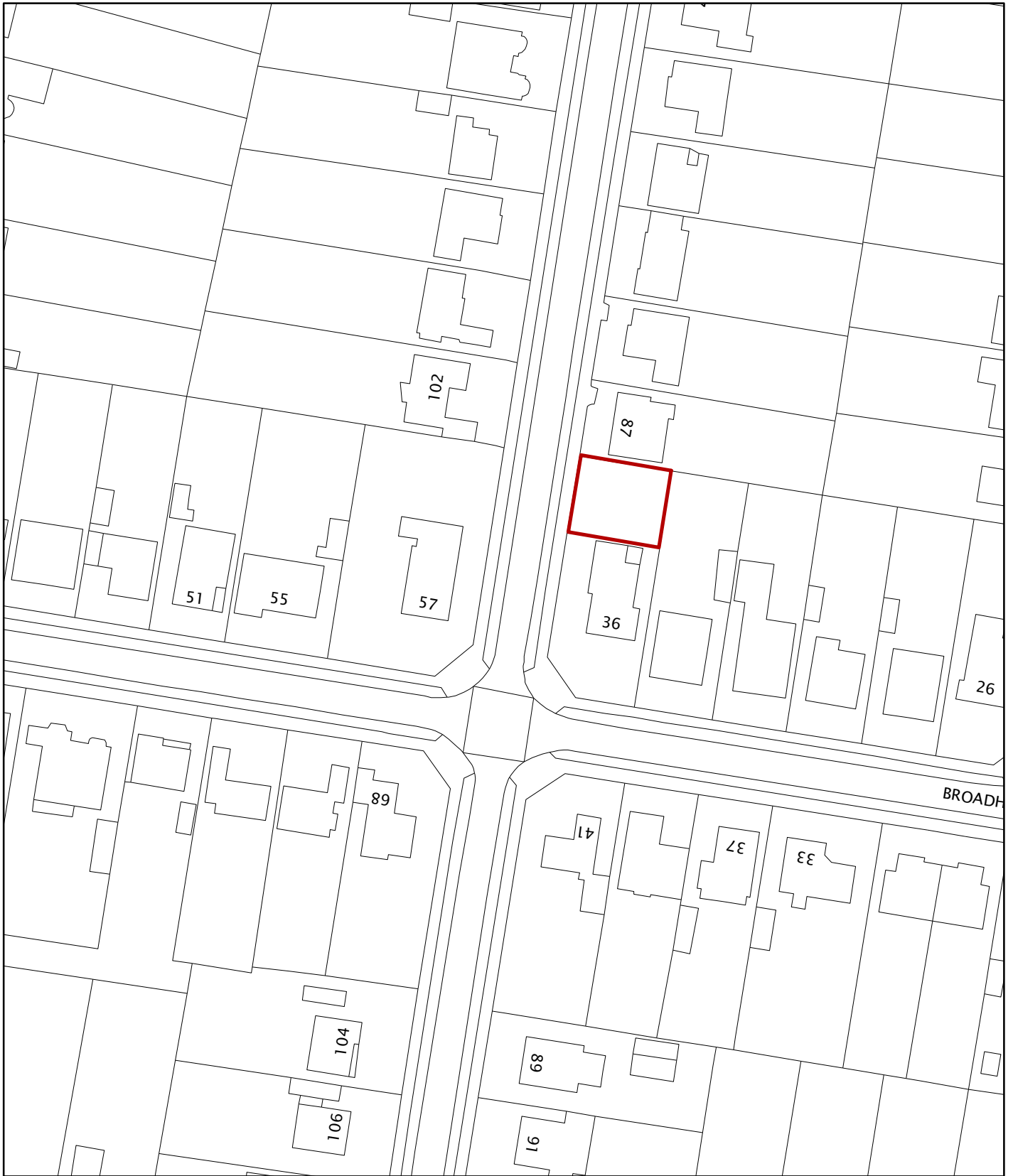
part of the dwelling houses hereby permitted shall be enlarged, no garage, porch or garden building erected and no gates, fences, walls or other means of enclosure erected without express grant of permission by the Council as Local Planning Authority.

Informatives:

- 1) Refuse and recycling bins to be purchased by applicant with agreement from the Council's city wide services department.
- 2) Any hard standing to be constructed with a permeable material.
- 3) The development will not be eligible for on street parking permits.
- 4) Street name and numbering enquiries.
- 5) Vehicle crossover (dropped kerb and pavement strengthening is required for this development. Contact Ken Willis at Norwich City Council in relation to construction of a new vehicle crossover. Contact : Ken.Willis@norwich.gov.uk Tel 01603 21 2052 . (Tuesdays to Friday)
Technical specification:
<http://www.norwich.gov.uk/TransportAndStreets/RoadsAndPavements/Pages/DroppedKerbs.aspx>Underground utilities
- 6) Construction working hours.
- 7) Development that affects the highway will require underground utilities searches and road opening and closure noticing (fees payable).
- 8) This development involves work to the public highway that will require the approval of the Highway Authority. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the Highway Authority.
(Contact Glen Cracknell, Senior Technical Officer
glen.cracknell@norwich.gov.uk, tel 01603 21 2203).
- 9) The applicant is invited to submit a planning application to enable the Local Planning Authority to determine the acceptability of the unauthorised cladding works on the existing dwelling.

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 and has approved the application subject to appropriate conditions and for the reasons outlined above.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/00683/F

Site Address 36 Broadhurst Road

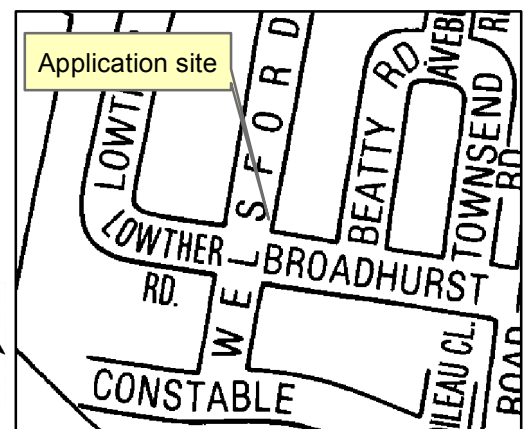
Scale 1:868

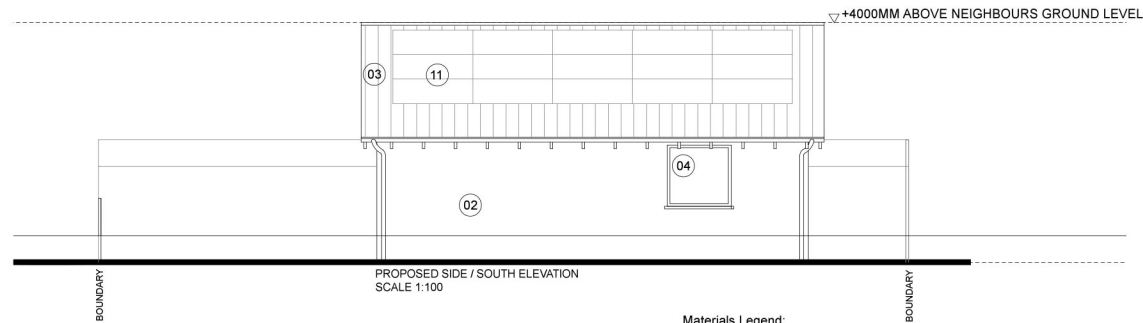
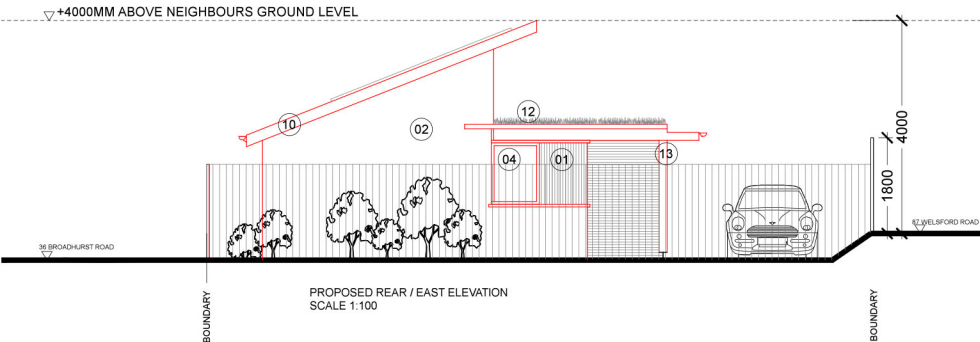
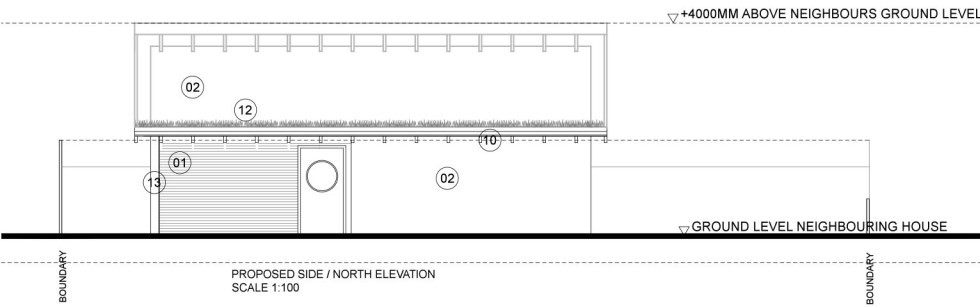
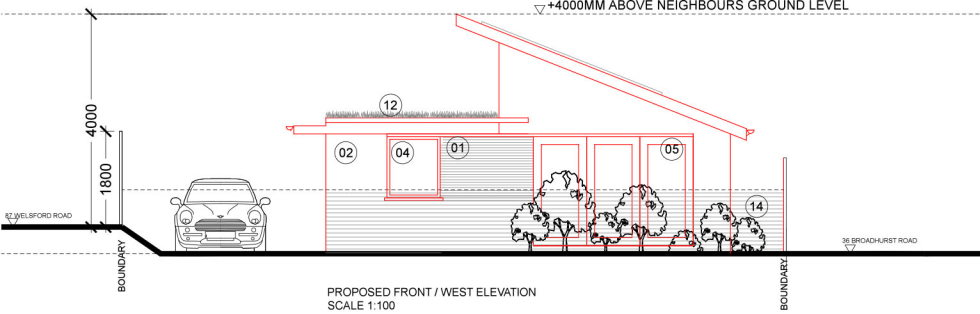


NORWICH
City Council

PLANNING SERVICES

Page 117 of 156





Materials Legend:

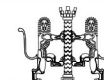
- 01 Cedar Cladding 45x18 Planed
- 02 Render Painted White
- 03 Proposed Slate Roof
- 04 UPVC Window - Grey
- 05 Aluminium Sliding Doors - Grey
- 06 UPVC Door - Grey
- 07 Rendered Blockwork Wall - 1.2M HIGH - Painted White
- 08 Velux Rooflight Window 550x980mm
- 09 Close Boarded Timber Fence 1.8M HIGH
- 10 Barge Boards & Rafter Ends Painted Grey
- 11 4KW PV Roof Mounted System 28Sqm
- 12 Flat Sedum Roof
- 13 Oak Post
- 14 Cedar Fence to 1.2m High

COPYRIGHT: This drawing must not be reissued loaned or copied without the consent of Frith Associates Limited. All errors, discrepancies should be reported to Frith Associates Limited immediately. All dimensions are to be checked before any site fabrication by the contractor or sub contractors specialist suppliers etc.. Do not scale plans. Use only figured or grid dimensions. Any deviation from this drawing is to be reported to Frith Associates Limited immediately. This drawing has been prepared for the following purposes and does not constitute use for any other purpose...

PLANNING

no.	date	revision & issue
A01	14.05.13	BUP
A02	15.05.13	BUP
A03	12.03.14	BUP
A04	11.05.14	BUP

PLANNING

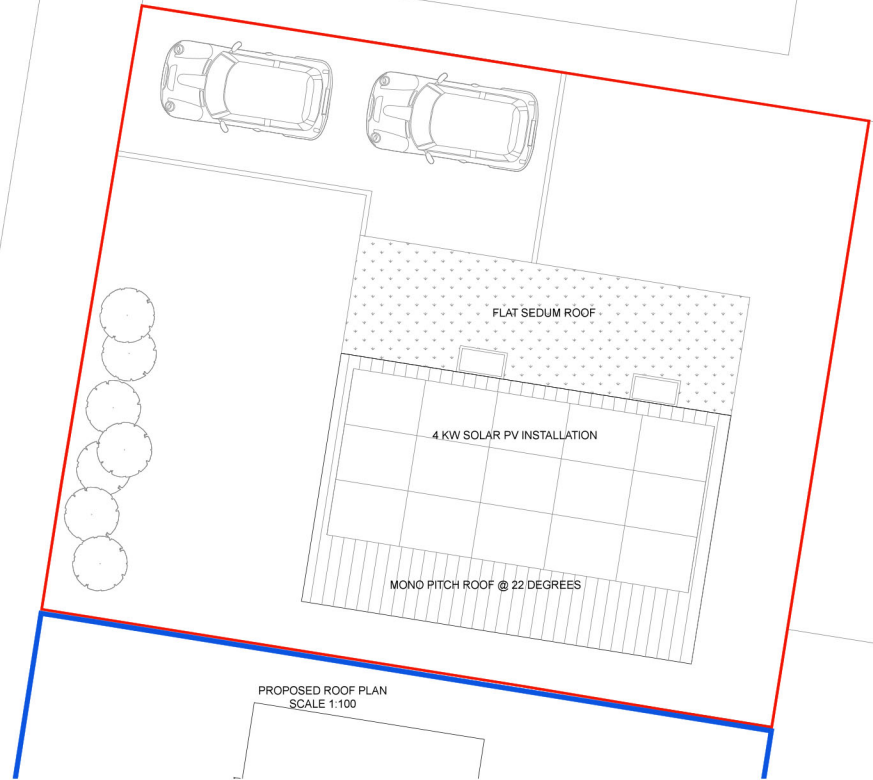
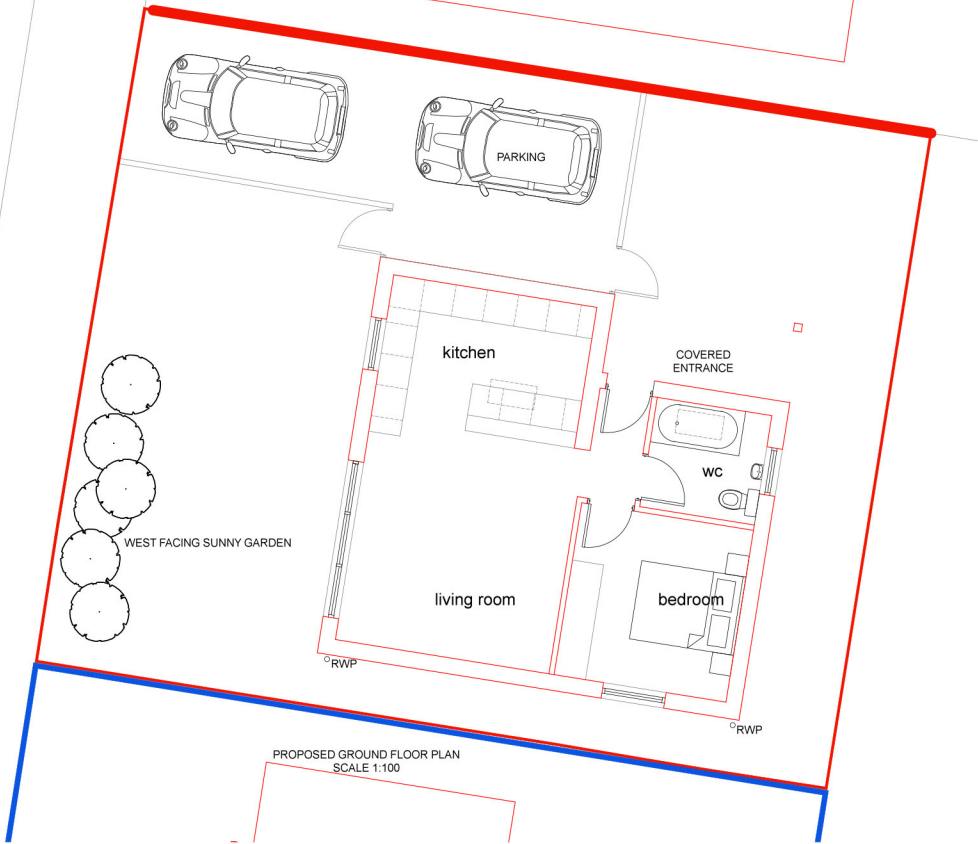


frithassociates
33 Quebec Rd, Dereham, Norfolk, NR19 2DR.
t:01362 697201 m:07989724916 e:frithassociates@yahoo.com

Proposed Elevations
New House Design

client **Watts**
job **Proposed New House on land Adjacent 36 Broadhurst Road, Norwich**

scale 1:100	drawn P.L.	date 17.04.2013
paper size A3	checked g.p.f.	CADfile
job no. 0069	dwg no. 003	rev no. A04

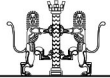


COPYRIGHT: This drawing must not be reissued loaned or copied without the consent of Frith Associates Limited. All errors, discrepancies should be reported to Frith Associates Limited immediately. All dimensions are to be checked before any site fabrication by the contractor or sub contractors specialist suppliers etc.. Do not scale plans. Use only figured or grid dimensions. Any deviation from this drawing is to be reported to Frith Associates Limited immediately. This drawing has been prepared for the following purposes and does not constitute use for any other purpose...



no.	date	revision & issue
A01	14.05.13	SJF
A02	15.05.13	SJF
A03	10.03.14	SJF
A04	11.08.14	SJF

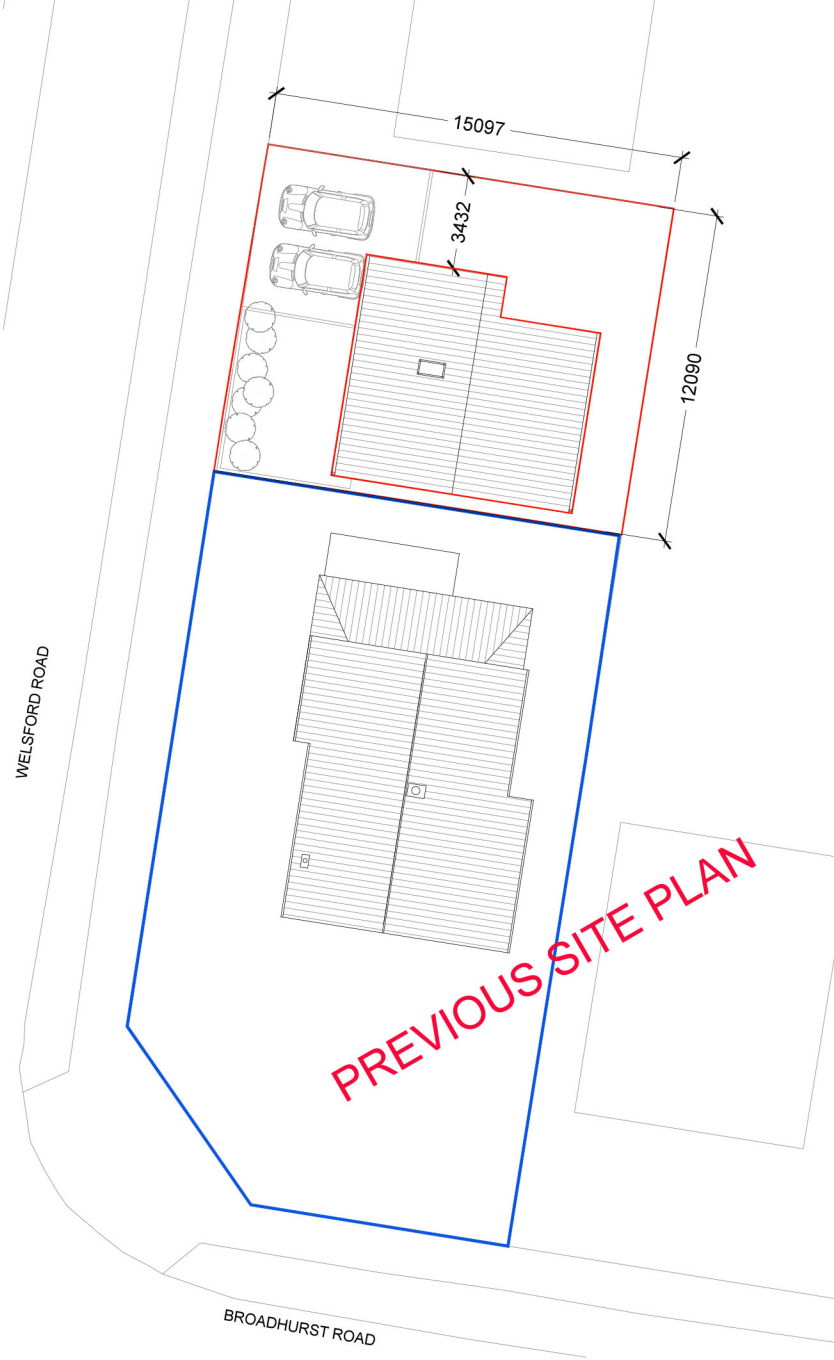
PLANNING



frithassociates
33 Quebec Rd, Dereham, Norfolk, NR19 2DR.
t:01362 697201 m:07989724916 e:frithassociates@yahoo.com

drawing
Proposed Floor Plans
New House Design

client	Watts
job	Proposed New House on land Adjacent 36 Broadhurst Road, Norwich
scale	1:100
paper	A3
job no.	0069
drawing no.	002
revision no.	A04

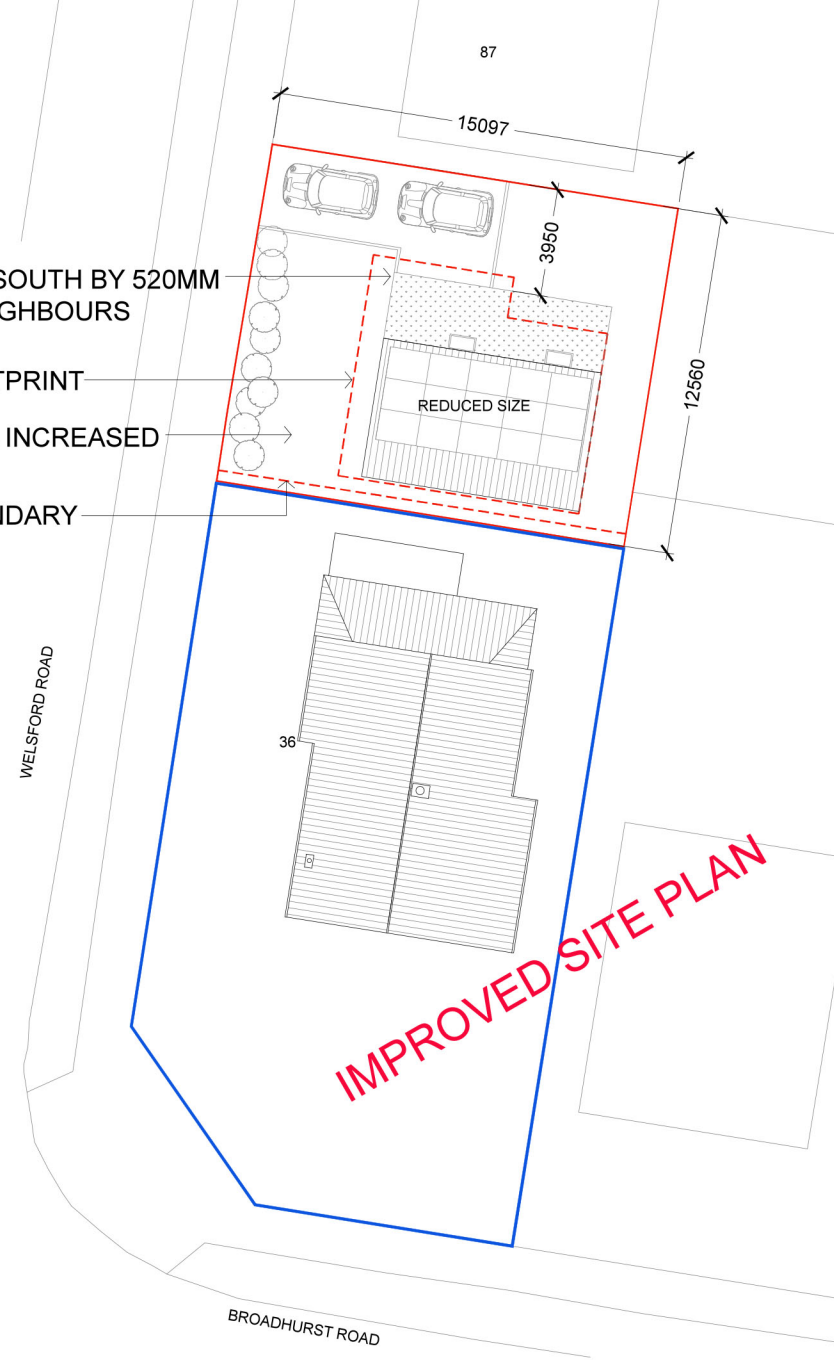


HOUSE MOVED SOUTH BY 520MM
AWAY FROM NEIGHBOURS

PREVIOUS FOOTPRINT

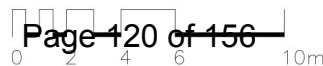
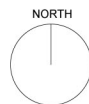
AMENITY SPACE INCREASED

PREVIOUS BOUNDARY



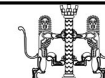
COPYRIGHT: This drawing must not be reissued loaned or copied without the consent of Frith Associates Limited. All errors, discrepancies should be reported to Frith Associates Limited immediately. All dimensions are to be checked before any site fabrication by the contractor or sub contractors specialist suppliers etc. Do not scale plans. Use only figured or grid dimensions. Any deviation from this drawing is to be reported to Frith Associates Limited immediately. This drawing has been prepared for the following purposes and does not constitute use for any other purpose...

PLANNING



no.	date	revision & issue
A01	27.08.14	BJF Issued to Planners

PLANNING



frithassociates

33 Quebec Rd, Dereham, Norfolk, NR19 2DR.
t:01362 697201 m:07989724916 e:frithassociates@yahoo.co.uk

IMPROVED SITE PLAN
FOR ECO HOUSE

client Watts

job Proposed New House on land Adjacent
36 Broadhurst Road, Norwich

scale	Noted	drawn	FL	date	17.04.2013
paper	A3	checked	g.p.	CADfile	
job no.	0069	diag no.	006	rev no.	A06

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject 14/01004/F 37 Clarendon Road Norwich NR2 2PN

Item
4G

SUMMARY

Description:	External alterations to facilitate conversion to a residential annex.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Nelson
Contact Officer:	Mrs Joy Brown Planner 01603 212543
Valid Date:	8 August 2014
Applicant:	Ms Marilyn Mann
Agent:	Mrs Solam Sizer

INTRODUCTION

The Site

Location, context and constraints

1. The site is situated on the south side of Clarendon Road relatively near the junction with Bathurst Road. It is a mid 19th century two storey terrace property with basement and attic and is known as 'Holland Terrace'. The entrance is raised. The terrace in which this property is situated has larger rear gardens than the majority of terraces within this area which means that the gardens extend right through to Neville Street. 37 Clarendon Road and the neighbouring property to the east (35 Clarendon Road) have an outbuilding facing onto Neville Street that is most likely to be a former coach house for both 35 and 37 Clarendon Road.
2. The surrounding area is mainly residential with most of the surrounding properties being two storey terrace dwellinghouses.
3. The site is situated within the Heigham Grove Conservation Area and is within the article 4 direction area which removes certain permitted development rights in order to ensure that the historic character of the area is preserved and enhanced. The property is locally listed.

Topography

4. The site is relatively flat.

Planning History

4/2003/0549 - Conversion of outbuilding to form annexe. (Approved - 26/08/2003)

4/1999/0366 - Conversion of outbuilding to form annexe. (Approved - 15/07/1999)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The application seeks full planning permission for external alterations to facilitate the conversion of the outbuilding to a residential annex.
6. The proposed external alterations include the following:
 - The provision of a roof lantern and two roof lights to the flat roof extension of the outbuilding.
 - Cladding of the upper floor with timber and the replacement of the existing render with a new lime render.
 - The repositioning of the flue
 - The installation of an additional door at ground floor level within the north (garden facing) elevation of the outbuilding.
7. Internally the ground floor space is currently used for storage. It is proposed to use the ground floor as an open plan annex with bedroom space, lounge, kitchen area and shower room. Part of the space will still be used for the storage of bins and bikes and an access through the outbuilding from the rear garden of 37 Clarendon Road to Neville Street is to be retained. The upper floor is currently used as an artist studio and this space is to remain as is.

Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received, four of which object to the proposal, one of which supports the proposal and one of which has no objection subject to the annex being used solely for occupants of 37 Clarendon Road. The issues raised are summarised in the table below. Furthermore the Norwich Society have commented that they have no objection provided that the annex stays within the ownership of 37 Clarendon Road, although they wish to see the existing brickwork cleaned and remain exposed instead of being clad with timber as this is out of keeping with the surrounding streetscape.

Issues Raised	Response
There would be little to prevent the separation of the residential annexe from the main house in the long term and there is concern that it will be let out after	See paragraph 10

conversion and there is already a disproportion of rented properties on the street.	
There is no objection provided that the dwelling remains as a residential annexe for sole use of the occupants of 37 Clarendon Road.	See paragraph 10
The first floor windows of the outbuilding look directly onto the neighbouring garden and living accommodation (39 & 41 Clarendon Road) and will therefore reduce privacy. The distance between the coach house and rear of 39 Clarendon Road is only around 14m and the vegetation is deciduous. The possible use of the flat roof will also be a gross invasion of privacy and could create noise disturbance to our environment. A compromise could be to have obscure glazing and restricting the use of the flat roof.	See paragraphs 12 and 13
The proposal would result in the loss of privacy to residents of Neville Terrace who currently enjoy not having residential properties facing their houses.	See paragraph 14
The proposal appears logical and does not impact on any other house owners nearby.	See paragraphs 12-16.
The proposed conversion will result in the loss of historic and architectural qualities and will fundamentally alter the character and purpose of the property. Currently this part of Neville Street consists of only rear gardens and outbuildings.	See paragraphs 18-22.
The use of timber cladding would look incongruent with the rest of the property and the adjoining coach house.	See paragraph 18
The lantern would be visible from 39 Clarendon and the repositioned chimney would be unsightly and in full view.	See paragraphs 19 and 20
The proposal will add to the existing pressure on available parking spaces.	See paragraph 23
This could set a precedent for the adjoining property which could mean there would be two additional residential properties on Neville Street.	The use of the outbuilding as an annex does not require planning consent.
UPVC windows have been installed in the coach house which is not in keeping with the rest of the properties or within the conservation area.	New windows have already been installed so should not form part of the consideration of this application. Note: If the windows were replaced after the

	introduction of the article 4 direction and were not 'like for like', planning permission would have been required to replace windows in an elevation facing a highway or in the side elevation. If the windows were replaced before the introduction of the article 4 direction, planning permission would not have been required.
The proposal will reduce the value of the neighbouring property.	This is not a material planning consideration.

9. The applicant's agent also submitted a representation during the consultation period 'in order to clear up a number of inaccuracies with regards to objections received to our client's application' and questioned whether the representations of some neighbours were 'genuine'. This prompted three neighbours to submit a further letter of representation to reiterate their previous comments and pointed out that they should be entitled 'to air their opinions respectfully without their comments being labelled as not genuine.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 7: Requiring good design

Section 12: Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014:

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Relevant Saved Policies of the adopted City of Norwich Replacement Local Plan 2004:

HBE8 - Development in Conservation Areas

HBE12 – High quality of design

EP22 – High standard of amenity for residential occupiers

TRA7 – Cycle parking standard

TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

Heigham Grove Conservation Area Appraisal (2011)

Heigham Grove Conservation Area Article 4 direction guidance notes (2011)

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since

the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2014 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies

DM1 - Achieving and delivering sustainable development

DM2 - Ensuring satisfactory living and working conditions

DM3 - Delivering high quality design

DM9 – Safeguarding Norwich's heritage

DM31 - Car parking and servicing

Principle of Development

Policy Considerations

10. Concerns with regard to the potential severance of the residential annexe from the main dwellinghouse is noted. Any use of the outbuilding as a separate self-contained unit, which is rented or occupied independently of the main house would represent a change of use which would require a further application for planning permission. A condition to this effect is attached to any future planning permission for the avoidance of doubt. Should the independent use of the annex occur without planning permission, the Council would be able to take enforcement action requiring this unauthorised use to cease.
11. The main issues for consideration therefore are design, the impact of the proposed external alterations on the character of this locally listed building and wider conservation area and the impact that the proposal will have upon neighbouring residents. These issues are addressed below.

Impact on Living Conditions

Overlooking

12. No alterations are being made to the fenestration, other than the provision of an additional door at ground floor level within the garden facing elevation of the outbuilding. Concern has been raised by neighbouring residents that the intensification of the use could result in an increased level of overlooking from existing windows and that the future occupier could potentially use the flat roof of the single storey element as amenity space. Given that the use of the building as a granny annex does not require consent it is not considered that there is any justification for refusing an application on overlooking grounds nor is it considered reasonable to condition that the glazing is replaced with obscure glazing.
13. Notwithstanding the above, it is acknowledged that the use of the outbuilding as a residential annexe may result in the upper floor being used more regularly; however given that the openings already exist and that the upper floor is already used as an artist studio, the increase in overlooking will be minimal and at an acceptable level,

due to the distances involved and due to there being a reasonable amount of screening. Furthermore it should be noted that the door onto the flat roof element already exists and although the ground floor of the outbuilding may be used more intensively than it is currently, the provision of a roof lantern and roof lights will mean that there is significantly less space for the resident of the annex to use on the roof should they wish to do so. Therefore it is not considered that the proposal will significantly increase overlooking to any of the neighbouring residents on Clarendon Road.

Loss of Privacy

14. Neighbouring residents on Neville Street have raised concern that the proposal will lead to loss of privacy as they currently look out at outbuildings or the back of gardens. Although the use of the outbuilding will be intensified by the proposal no alterations are being made to the fenestration of the road facing elevation. Furthermore within an urban setting such as this it is common for the front of a residential property to face onto another residential property and therefore it is not considered that the proposal will significantly result in the loss of privacy to any of the residents on Neville Street.

Overshadowing, loss of light and overbearing nature of development

15. The proposal does not include the provision of any extensions and as such it is not considered that the proposal will have any impact upon neighbouring residents taking into consideration loss of light or overshadowing and it is not considered that the proposal will be overbearing in any way.

Noise and Disturbance

16. The proposed conversion has the potential to intensify the use of the outbuilding which may result in a slight increase in noise, although it is not considered that this will be significant or of detriment to neighbouring residents. Furthermore as set out above, the use of the building as a residential annex does not in itself require consent and therefore this should not be a material planning consideration when assessing this application.

Design and impact upon the conservation area

17. The proposal includes four main external alterations. Each of these are discussed below.
18. The existing coach house building is made of Norfolk Red brick with a slate roof. Some of the timber windows remain although some of the windows have since been replaced. The base of the front wall of the building has been rendered which is unfortunately failing. It appears that lime/cement render has been applied over existing cement render which has thus caused the former to fail. As such all of the render needs to be removed and a lime render re applied. Lime pointing also needs to be applied to the brick before it decays any further. Furthermore as part of the proposal it is intended to apply a timber cladding to some of the brickwork. Although this will be slightly at odds with the remainder of the building, providing it is of good quality i.e. dark stained clapboard rather than a plastic coated product, its provision is considered acceptable. A condition should be attached to any future permission, requiring details of the external facing materials to ensure that they are of good

quality and do not have a negative impact upon the conservation area.

19. It is proposed to install a roof lantern and two roof lights within the flat roof element of the outbuilding. These will allow more light into the building and it is considered that the provision of a roof lantern is consistent with the age of the building and the surrounding area. Although glimpse views of it are likely to be seen from Neville Street and from the gardens of neighbouring properties on Clarendon Road, the general design is considered to be acceptable and the proposal will therefore not have a significant impact upon the conservation area, subject to a condition requiring full details of the roof lantern.
20. The repositioning of the flue from the Neville Street facing elevation to the garden facing roof slope will mean that it is less visible from the highway thus minimising its impact upon the wider conservation area. It will be more visible from neighbouring properties on Clarendon Road, but due to the distances involved, it is not considered that it will be of significant detriment to neighbouring residents.
21. The installation of an additional door at ground floor level within the north (garden facing) elevation of the outbuilding is considered acceptable from a design point of view and will not impact upon the appearance of the building as viewed from Neville Street.
22. In summary it is considered that the proposal is of good design and will not have a significant impact upon the special architectural character of 37 Clarendon Road which is a locally listed building or the wider Heigham Grove conservation area.

Car parking, bin storage and cycle storage

23. The newly created residential annex would not be entitled to additional residential parking permits. An informative should be attached to any future permission, notifying the applicant that this is the case.
24. The existing outbuilding is currently used for storage including the storage of cycles and bins. As part of the proposal an area for storage is still to be retained so there will be no change to servicing or cycle storage arrangements.

Water Conservation

25. As the proposal is not for a new residential dwelling, it is not considered reasonable to require the annex to be built to Code for Sustainable Homes level 4 for water.

Trees

26. There are a number of trees and shrubs on the site; however it is not considered that any of the internal or external alterations will have any arboricultural implications.

Local Finance Considerations

27. Under Section 143 of the Localism Act the council is required to consider the

impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Financial Liability	Liable?	Amount
New Homes Bonus	No	£0. The proposal is for an annex and not a new unit of residential accommodation.
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	No	£0. No new floorspace is being constructed.

Conclusions

28. It is considered that the proposed external alterations to facilitate the conversion of this outbuilding to a residential annex are of good design. The proposal will not have a detrimental impact upon the historic character of the property or the wider conservation area. Furthermore it is not considered that the proposal will impact upon the living conditions of neighbouring residents subject to a condition ensuring that the annex is not occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 37 Clarendon Road. As such the proposal accords with the criteria set out within policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan, policy 2 of the Joint Core Strategy, the National Planning Policy Framework and policies of the emerging Local Plan.

RECOMMENDATIONS

To approve application no 14/01004/F 37 Clarendon Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Details of a) timber cladding, render, roof lantern
4. Annex to be occupied only for purposed ancillary to the residential use of dwelling known as 37 Clarendon Road. At no time shall it be sold, leased or occupied independently

Informatives:

The annex would not be entitled to parking permits.

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



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/01004/F

Site Address 37 Clarendon Road.

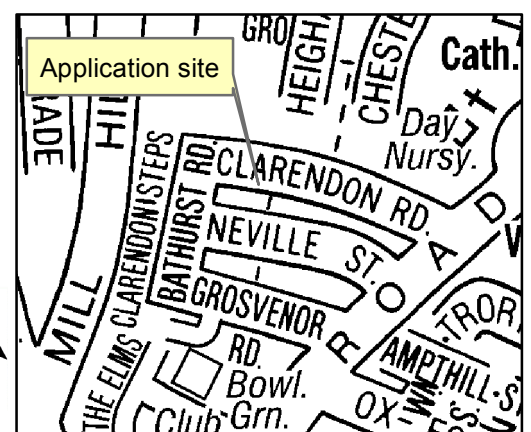
Scale 1:750

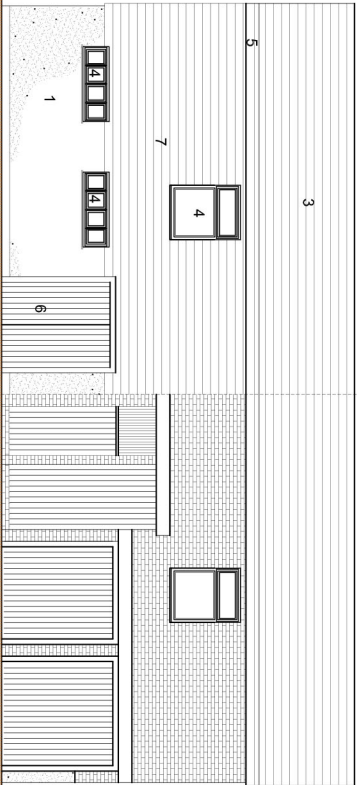


NORWICH
City Council

PLANNING SERVICES

Page 129 of 156

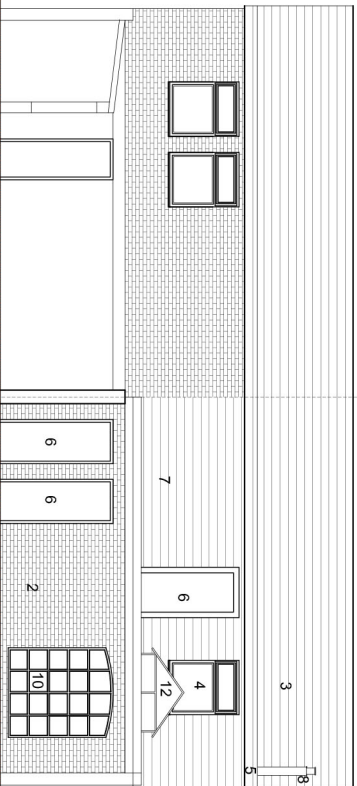




37 Clarendon Road

35 Clarendon Road

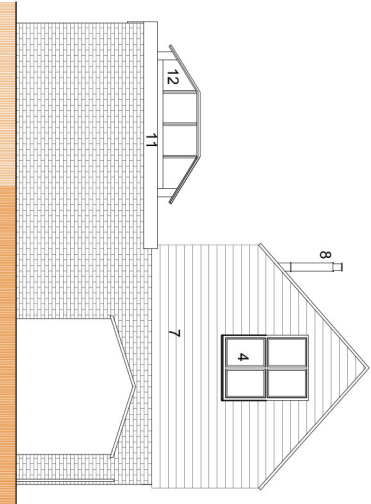
Proposed South Elevation to Neville St



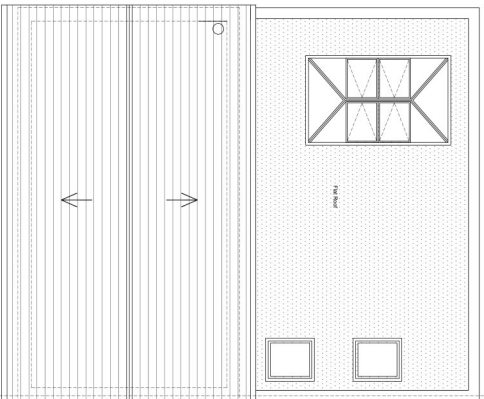
35 Clarendon Road

37 Clarendon Road

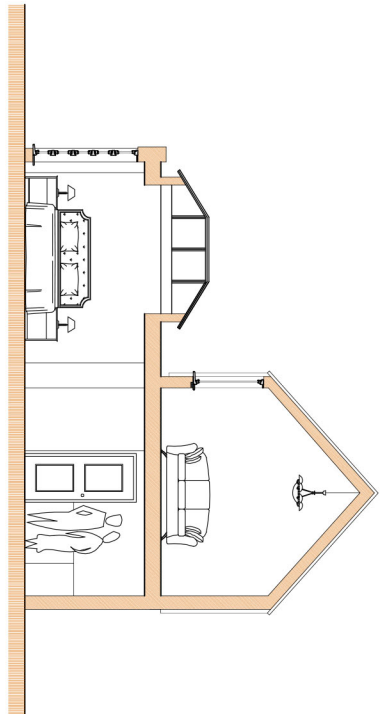
Proposed North Elevation Garden



Proposed West Elevation



Proposed Roof Plan



Proposed Indicative Section A-A

Revisions	No	Date	Item
-----------	----	------	------

PRODUCED BY:

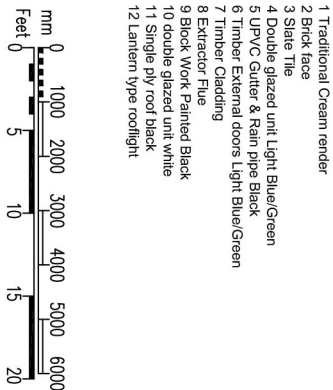
James Sizer ICIOB Partner

Solam Sizer MCAI MRPS Speech Partner
Chartered Architectural Technologists

The Studio 26 Chamberlin Court
Blifield Norwich Norfolk NR13 4JF
T: 01603 713 528 M: 07788 548 384
E: mail_design@sa-architecturalservices.co.uk
www.sa-architecturalservices.co.uk

Dwg No: PRE-05
Initial: SS

COPYRIGHT
This drawing is the copyright of SA Architectural Services.
All rights described in Chapter IV of the Copyright, Designs and
Patents Act 1988 have been generally asserted.
All errors, omissions and discrepancies should be reported
immediately to SA Architectural Services. All dimensions are to
be checked before any site work, construction or fabrication of
suppliers. Do not scale from the plans, use only labelled or grid
dimensions. Any deviation from the drawing is to be reported to
SA Architectural Services.



Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject Application no 14/01002/F – 14 Mill Hill Road, Norwich
NR2 3DP

Item
4H

SUMMARY

Description:	Demolition of existing modern chimney, removal of flat roof, erection of replacement hipped slate roof and installation of rear access gate from Heigham Grove.
Reason for consideration at Committee:	Objections and previously considered at Planning Committee
Recommendation:	Grant planning permission
Ward:	Nelson
Contact Officer:	Lara Emerson – Planner – 01603 212257
Valid Date:	14 July 2014
Applicant:	Mr Nick Lodge
Agent:	John Jenkins Architectural Designs

INTRODUCTION

Background

1. This application was taken to Planning Committee on 4th September 2014 and members resolved to approve the application in accordance with the officer recommendation. Unfortunately, due to an error of our own, the planning committee report was not uploaded to the website and as such, we consider that although the item was listed on the agenda, objectors were not given an opportunity to read the report which may have hindered their opportunity to speak at the meeting. We also received a late representation which was not conveyed to committee members.
2. For the reasons above, the application is being considered again at Planning Committee.

The Site

Location and Context

3. The site is located on the east side of Mill Hill Road to the west of the city. The area is predominantly made up of detached, semi-detached and terraced residential dwellings dating from the 19th and 20th centuries. The site slopes steeply up from the road and the site contains many mature trees, mainly in the sloping front garden.

4. The property is locally listed and lies within the Heigham Grove Conservation Area. The neighbouring properties to the south are Grade II listed and most of the remaining properties on this road are locally listed. The property is covered by an Article 4 Direction which removes certain permitted development rights.

Planning History

5. 14/00910/CLP
Certificate of Lawfulness for the erection of single storey timber framed conservatory.
Refused 11th July 2014 due to the restrictions of the Article 4 Direction
6. 14/01078/F
Erection of single storey timber framed conservatory.
Pending consideration

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

7. The proposal is for:
- 1) Alterations to the roof including demolition of a chimney and replacing a flat roof with a hipped slate roof. Materials are to match existing; and
 - 2) The installation of a rear pedestrian access gate. The gate will be 1.57m high (when measured from the rear garden), and will be constructed in vertically boarded timber. Access will be gained over the grass verge from Heigham Grove.

Representations Received

8. The application has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
Potential for occupants to park on Heigham Grove which has a parking problem	Paragraph 15
Additional cars parked on Heigham Grove would make turning cars difficult	Paragraph 15
Concerns over the gate being used during building works	Paragraph 16
Access to the rear gate would be gained over the communal grass area and planting. Walking over this area would damage the plants, alter the look of the area and prevent residents of Heigham Grove using the area as garden/play space	Paragraph 17
The proposals would upset wildlife	Paragraph 18
Reconfiguration of Mill Hill Road would be preferred	Paragraph 19
Compensation for money spent on planting	Paragraph 20

Consultation Responses

9. Local highway authority:

No objection on transportation grounds. Consent from NPS Norwich is required for the rear gate since it opens onto land owned by Norwich City Council Housing Department.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 7 – Requiring good design
- Statement 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 2 - Promoting good design

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- HBE8 – Development in conservation areas
- HBE9 – Listed buildings and development affecting them
- HBE12 - High quality of design, with special attention to height, scale, massing and form of development
- EP22 – High standard of amenity for residential occupiers

Emerging DM Policies (submitted for examination):

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

DM2* Ensuring satisfactory living and working conditions

DM3* Delivering high quality design

DM9 Safeguarding Norwich's heritage

*This policy is currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

Other Relevant policies / considerations:

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities, in considering planning and conservation area consent applications, must have special regard to the character and appearance of heritage assets.

Principle of development

10. The provision of roof alterations and a rear access is acceptable in principle. As such the main issues to consider are design, impact on residential amenity and impact on the highway.

Design

11. The property is not visible from Mill Hill Road but it is visible from Heigham Grove to the rear of the site and from neighbouring gardens, including the garden of the Grade II listed property at 16 Mill Hill Road. The proposals replace a modern flat roof with a pitched roof and remove a modern chimney. The materials of the pitched roof are to match those of the existing roof and a condition is recommended to ensure materials match. The works to the roof are considered to enhance the appearance of this locally listed building.
12. The rear boundary wall of this property appears historic and makes a positive contribution to the conservation area. As such, it is important that the pedestrian access gate which is to be inserted is sensitive to the setting. It is proposed to be the same height as the wall and vertical timber boarded.
13. Subject to the above conditions the proposals are considered to enhance the character and appearance of the conservation area and the architectural interest of the locally listed building.

Impact on Living Conditions

14. The proposals are not near to any sensitive areas of neighbouring properties and as such no loss of light, privacy or outlook is expected to result from the works.

Transport and Access

15. A number of neighbours expressed concerns about the impact of the proposals upon the parking on Heigham Grove. The insertion of a rear access gate is unlikely to lead to additional parking pressures on Heigham Grove. 14 Mill Hill Road benefits from a driveway and garage which is accessed from Mill Hill Road. There is ample space for 1-2 cars. Both Heigham Grove and Mill Hill Road are within a controlled parking zone (CPZ) so only cars which display a permit can park here.
16. The rear access gate may be used to transport materials on and off site during the current building works and this may cause temporary inconvenience to neighbours. As such, an informative is recommended which requires contractors to operate considerately, including not obstructing the highway.

17. The rear pedestrian gate will be accessed across a grass verge from Heigham Grove. Permission must be sought from the landowner (Norwich City Council Housing Department) to use this access. It is understood that the applicant is in discussion with the landowner regarding this. In order to avoid damage to the grass and flower bed here, it is recommended that a path be laid. However, this is an issue to be dealt with by the applicant and the landowner.

Other Matters Raised

18. Wildlife is not likely to be disturbed as a result of these works.
19. Reconfiguration of Mill Hill Road is not considered necessary or practical in this case.
20. The small flower bed which has been planted on Norwich City Council land in front of the proposed entrance gate is likely to be lost as a result of these works. This is a matter between landowners and is not a planning consideration.

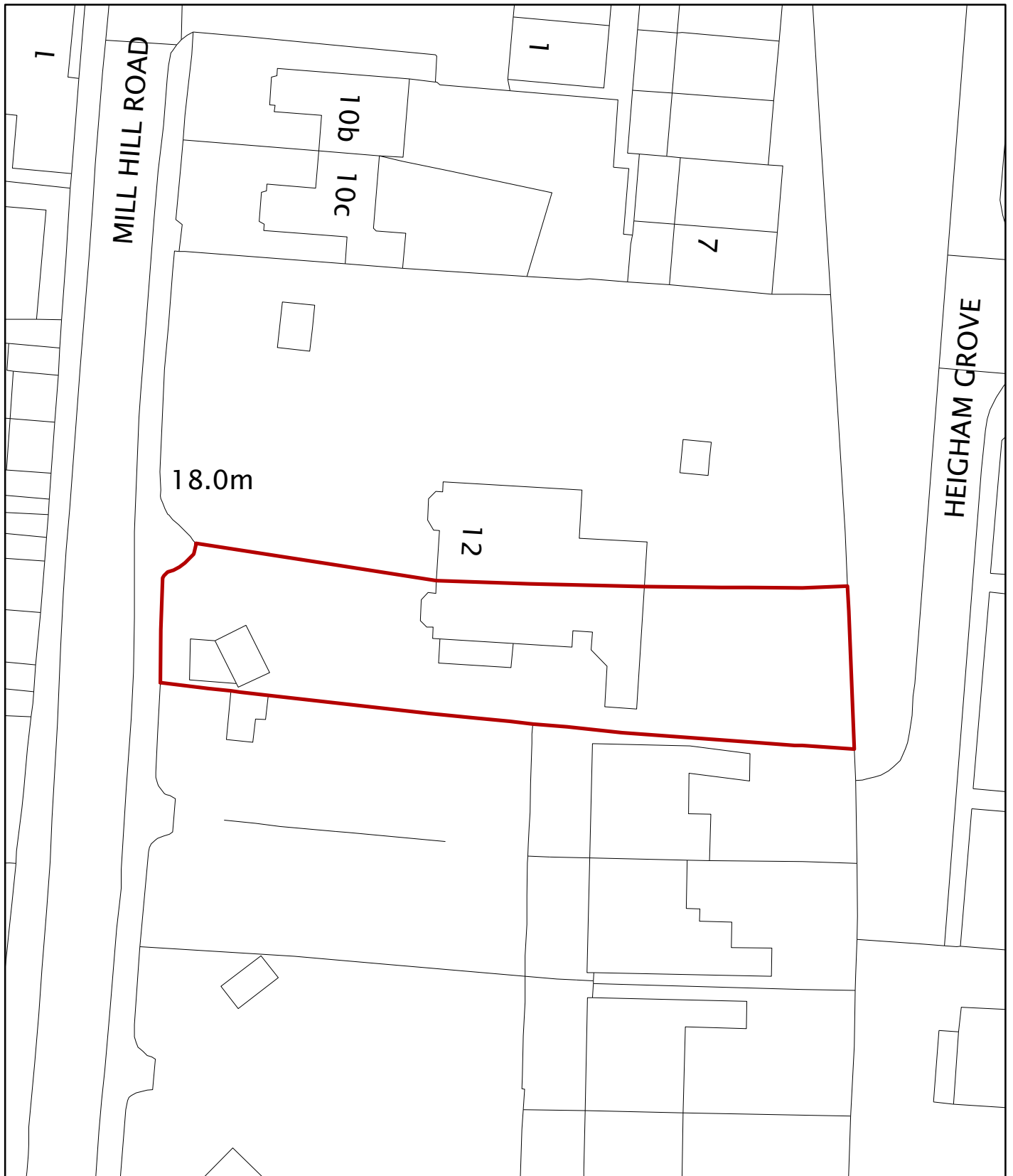
Conclusions

21. It is considered that the proposal is acceptable in terms of its design, would not harm the character and appearance of the parent building and surrounding conservation area, and would not impact unduly upon residential amenity, transport or car parking in the surrounding area. The application therefore accords with the relevant policies.

RECOMMENDATIONS

Grant planning permission for application No (14/01002/F at 14 Mill Hill Road), subject to the following conditions:

- 1) Time limit
- 2) In accordance with plans
- 3) Materials to match existing



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 14/01002/F

Site Address 14 Mill Hill Road.

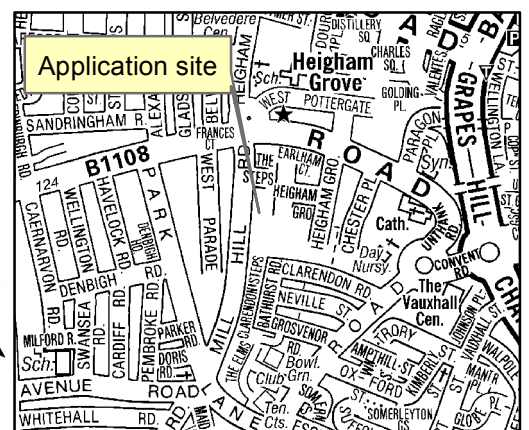
Scale 1:500

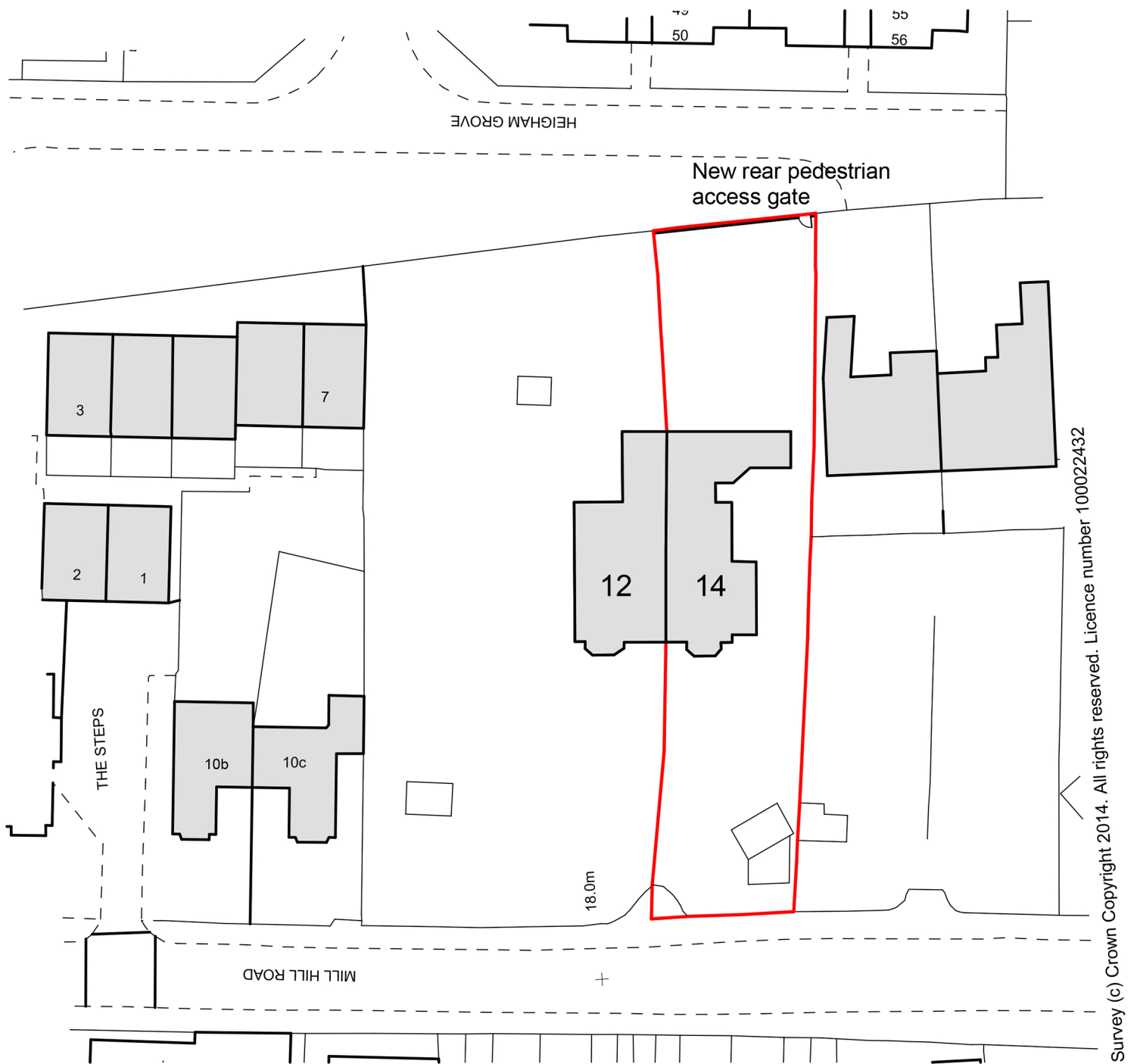


NORWICH
City Council

PLANNING SERVICES

Page 137 of 156





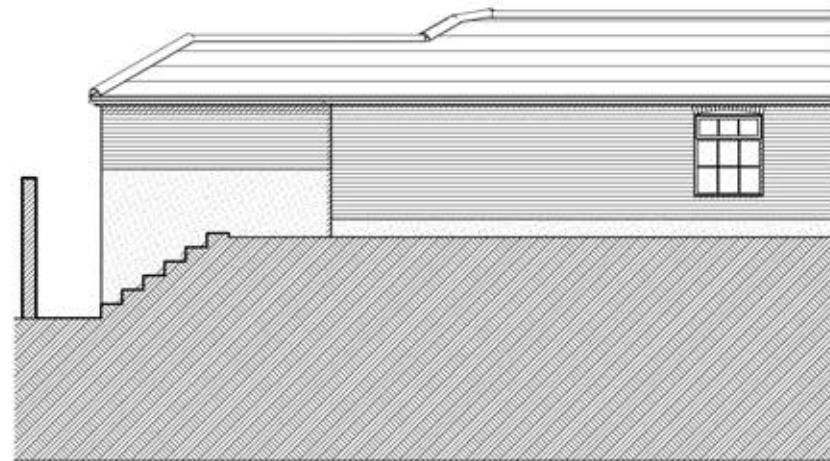
Site plan 1:1250



West elevation proposed



South elevation proposed



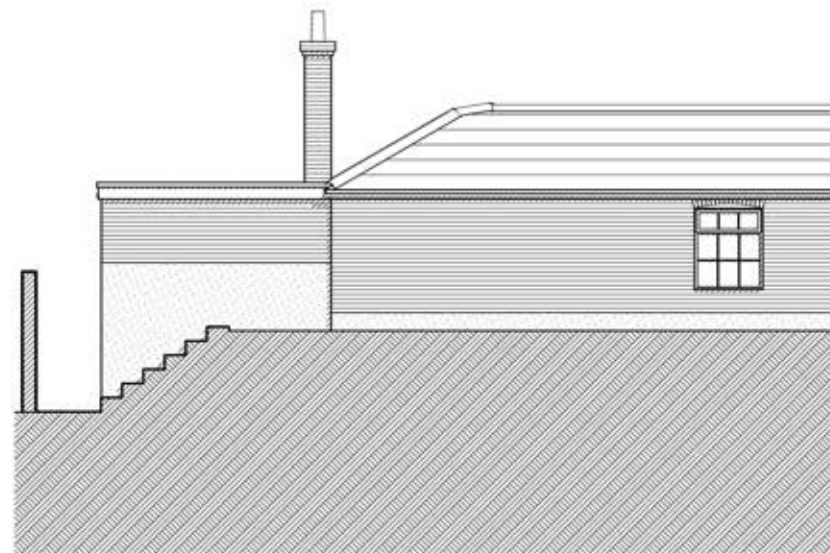
East elevation proposed



West elevation existing



South elevation existing



East elevation existing

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject Application no 12/02046/O Enterprise Garage Starling
Road Norwich NR3 3EB - application under Section 106BA

Item
41

SUMMARY

Description:	Application under Section 106BA. Previous scheme for demolition of existing light industrial premises, erection of 6 No. one bedroom flats and 8 No. two bedroom houses with associated bin and cycle stores and car parking.
Reason for consideration at Committee:	Obligation Requirements
Recommendation:	Refuse
Ward:	Sewell
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid Date:	20th October 2012
Applicant:	Mr Kevin Webb
Agent:	Mr David Webb

INTRODUCTION

- Members will recall that the decision to approve the above application 12/02046/O subject to a S106 agreement was agreed at their meeting on 6th December 2012. Copies of the report and s106 agreement can be found in public access at the following link:
<http://planning.norwich.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=MC584HLX0J300>
- The S106 agreement required provision of a transport contribution; street tree contribution; and 4 affordable housing units. These units are to be provided on site or by way of an off-site contribution subject to evidence that despite best efforts the owner has been unable to obtain a contract with a Registered Provider to enter into a transfer or lease in respect of the affordable housing units.
- The site owner has now submitted an application under Section 106BA . This and sections BB and BC are new provisions inserted by the Growth and Infrastructure Act into the 1990 Town and Country Planning Act. These provide a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing.
- An application may be made to the local planning authority for a revised affordable housing obligation. This application should contain a revised affordable housing proposal, based on prevailing viability, and should be supported by relevant viability

evidence. Guidance has been produced giving an overview of what evidence may be required to support applications and appeals under Sections 106BA and 106BC.

5. The new application and appeal procedures do not, in any way, replace existing powers to renegotiate Section 106 agreements on a voluntary basis. The application and appeal procedure should assess the viability of affordable housing requirements only and not reopen any other planning policy considerations or review the merits of the permitted scheme. Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Guidance also reiterates the Government encouragement for a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible, to provide more homes to meet a growing population and to promote construction and economic growth.
6. The National Planning Policy Framework establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that local planning authorities should positively seek to meet the development needs of their area.
7. Stalled schemes due to economically unviable affordable housing requirements can result in no development, no regeneration and no community benefit. Reviewing such agreements could result in more housing and more affordable housing than would otherwise be the case.

The Proposal

8. Application under Section 106BA to remove the requirement for any provision of affordable housing under the existing agreement due to the applicant's contention that the scheme would be economically unviable with the affordable housing requirements.

Planning History

10/01774/O - Demolition of existing light industrial premises, erection of 6 No. one bedroom flats and 8 No. two bedroom houses with associated bin and cycle stores and car parking. Refused - 26/03/2012 due to lack of S106 agreement for site related contributions and affordable housing.

12/02046/O - Demolition of existing light industrial premises, erection of 6 No. one bedroom flats and 8 No. two bedroom houses with associated bin and cycle stores and car parking. Approved - 29/05/2013.

ASSESSMENT OF VIABILITY CONSIDERATIONS

9. With the Section 106BA application the applicant has provided a valuation of the existing commercial use of approximately £345,000.00 and residual reports for development complying with the S106 agreement giving a residual site value of £203,045.00 and without complying with the S106 agreement giving a residual site value of £324,603.00. Development value complying with the S106 is shown as £1,160,000.00 with a build profit of £193,324.00 (approximately 16.7%) and without complying with the S106 of £1,560,000.00 with profit of £259,992.00 (again approximately 16.7%).
10. A requirement of the application is to propose a revised affordable housing

proposal based on prevailing viability and supported by relevant evidence. Initially no clear indication of a viable affordable housing provision had been proposed. This should aim to deliver the maximum level of affordable housing consistent with viability and the optimum mix of provision. Some reference to a commuted sum towards off-site provision is provided within the current S106 and again it would be useful within any offer of viable affordable housing provision to respond to this suggested requirement or any variation of, e.g. such as use of an overage clause within the S106. Following further correspondence with the applicant they have confirmed that they do not intend to provide any affordable housing or off-site contribution.

11. The emphasis of S106BA and the associated guidance it is considered is on assessing viability when the site is ready and, for example, detailed site investigations have been undertaken to inform costs, construction methods are known and there are detailed plans etc. on which to base cost analysis. At present no status report on the progress of development has been provided. It appears that the owner is seeking removal of any affordable housing requirement before marketing the site.
12. The information to support this case appears deficient. The assessment made is based on estimates and layout information indicatively approved under the permission for outline consent. At this time in this particular case the reserved matters consent has yet to be applied for and the site is not in the hands of a developer. This means that the development could still be some time away before final details and reserved matters are agreed and a start made on site.
13. It is also worth noting that if affordable housing is reduced under S106BA we should impose a condition requiring completion in 3 years under the guidance. Given that the above timeline for final approval of all matters is not known and that the submitted reports indicate that the site is occupied for commercial uses at reasonable rental values the actual delivery of the development is clouded. The owner may wish to continue with the current commercial return for the foreseeable future by way of securing income from the site.
14. From the information submitted and given the above uncertainty as to whether the owner is willing to actively dispose of the land for development it is also not clear if assessment is based on delivery in the "current market" or at a point when the scheme is construction ready or assesses future increases in profitability. There has been some indication that the owner wishes to dispose of the site but whether this is as a willing landowner, given that the estimates show that residential value is below commercial value, is not clear. In our own estimates for 5 year housing land supply delivery of this site is not expected until 2017/2018.
15. It is therefore not entirely clear whether the review makes an unviable scheme less unviable either now or in the future and whether disposal would occur with a residual value below the quoted commercial value.
16. No indication of the type of appraisal (e.g. Argus or Three Dragons type model) or a fully detailed open book appraisal or detailed QS build cost analysis appears to have been undertaken which normally indicates what a viable amount of affordable housing could be. There is also no market evidence on how sales values have been reached. An indication is given that the floor space from the outline consent layout drawing has been used to calculate likely sales values and this figure lowered based on the units appearing to be small for this type of accommodation.
17. The sales values appear exceptionally low especially for new build dwellings (2-bed house @ £120k and 1-bed flat @ £100k). Comments from housing officers suggest

- a potential to achieve at least £150k for a 2-bed house and £110k for a 1-bed flat. It would however also be necessary to review market sales for comparable market schemes (also having regard to construction timing) and greater levels of evidence should be provided by the applicant. Information on how the existing land value has been calculated would also potentially need further evidence and assessment.
18. Such changes in achievable sales values would affect final figures and if leaving questioning of the commercial value to one side, using the submitted figures the development value complying with the S106 might be shown as £1,420,000.00 (for the sale of the private market dwellings only). With the full submitted development cost of £975,405.00 and assumed acceptable site value to a willing landowner of £325,000 the build profit would be £119,595.00 (9.92% of development cost plus site value) requiring a £97,582.00 value from a Registered Provider (RP) for 4 affordable units to give a build profit figure of £217,167.00 at 16.7% or £140,486.00 to give a build profit figure of £260,081.00 at 20% profit.
 19. In their assessment the applicant has assumed that they can sell the affordable housing for the build cost. This would require further research with Registered Providers to confirm this. Again using the methodology, submitted figures and increased development value, complying with the S106 with the partial submitted development cost of £763,631.00, assumed acceptable site value to a willing landowner of £325,000 and using the applicants assumption that a RP would cover the 211,774.00 build cost sum to the developer for the 4 affordable units the build profit would be £331,369.00 (30.4% of partial development cost plus site value (£1088631)). Such simple review of the submitted information, building in an accepted site value gives a site which is viable and delivers above average profit levels. However, the robustness of the application submissions are still questioned.
 20. The submissions also do not consider alternative forms of affordable housing tenure. The current S106 makes a requirement for properties at social rent. The appraisal assumes that the affordable housing will be rental but gives no clear distinction between variables in social or affordable rent values, and no alternative appraisal has been undertaken to consider alternative forms of tenure such as shared ownership, which could make the scheme more viable, as mentioned in the guidance. The guidance to S106BA also suggests assessment of housing grant availability which whilst not carried out is not essential to inform the application.
 21. The development shares access with a scheme approved for residential development on land to the north. The access is under separate ownership but was knowingly pursued by the applicant using the same architect and undertaking discussions at the time of submitting their earlier application. On a technical point the existing S106 agreement requires a further agreement signing by all interested parties along the lines of the content of the signed S106. This was due to difficulties in gaining signatures of all interested parties at the time of final determination of the outline application. The applicant has advised that agreement has been made to gain access to the site over the adjoining land.
 22. The applicant has the right to appeal any decision made by the Council. If allowed, the outcome of a successful appeal would be a revised affordable housing requirement in the Section 106 agreement for three years, starting on the date when the appellant is notified of the appeal decision. The submitted Section 106BA application is however essentially against an as yet unsigned full and final agreement and this might add difficulty in agreeing the level of contributions for affordable housing should the current form of application proceed.
 23. At some point all other parties would need to sign up to a final S106. The other

parties may themselves have a view on the content of the final s106 and whether they would wish to sign. The applicant has advised that the landowner will not be the developer and that they have a commitment to sign a revised S106 from the other relevant existing parties, this commitment being based on the signed document being accurate in viability terms.

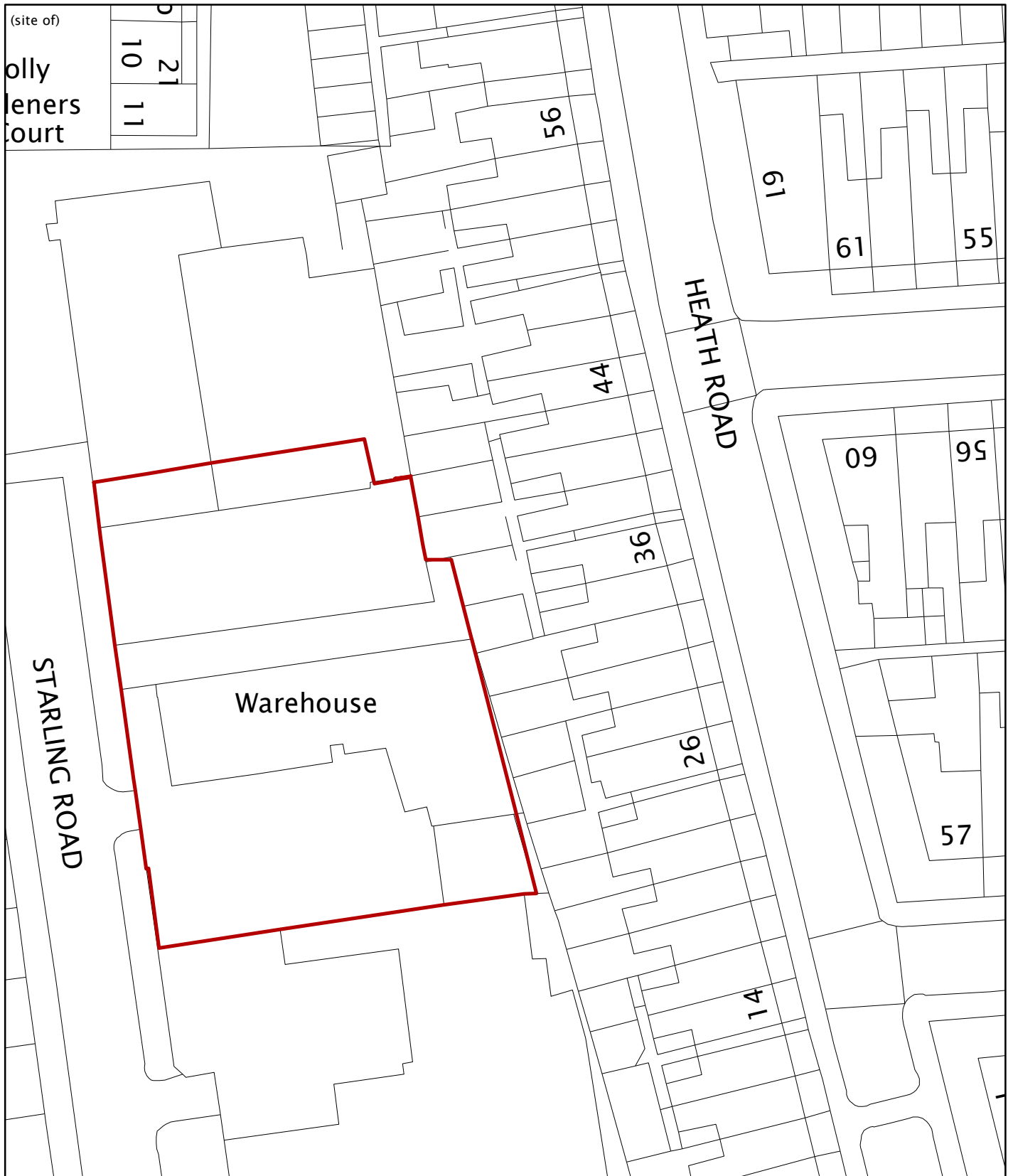
24. The application has a determination period of 28 days and the above points have been made to the applicant within that time period and a request made to extend the period of determination to allow consideration of this matter by members at committee and to see whether the applicant would submit further substantive evidence to support their case. Their response does not really say how they will respond to our concerns other than to open dialogue with the possibility of appeal if the extended time limit on the application is reached.
25. A request to cover the costs of independent review by the DVS has been declined by the applicant and they have suggested that review/costs should be proportionate to the scheme proposed. On that basis the initial assessment made already on the applicants submissions appears to be a reasonable response to the level of information submitted in that the conclusion made is that a case has not been made to allow delivery of no affordable housing or off site contribution for this development.

Conclusions

26. The current permission is for outline consent with reserved matters, details and site disposal yet to take place. In such circumstances there is considerable uncertainty of the timeline for the availability of the site for residential development and as such it is viewed as potentially not being until 2017/2018. Given the potential focussed growth in the Norwich area now and in the future the figures used for review could be considerably different and reflect a different conclusion to site viability and opportunity to deliver affordable housing. The apparent commercial success of the site would also raise questions about at what level a willing disposal would be made. At present this is suggested as being below commercial market value.
27. The detail of the evidence base should therefore be questioned as to its robustness in the current market or at point of delivery to accurately assess viability. There are additional RP queries, sales and land values which are questioned and probable requirement for further negotiation on the S106 with other interested parties and possibly the final developer. There appears to be no reasoned justification at this time as to why the Council should accept the reduction in provision of affordable housing. From the submissions it is considered that it has not been demonstrated that the scheme cannot viably provide affordable housing.

RECOMMENDATIONS

It is recommended that the application is refused for the reasons set out within the council's planning applications committee report dated 2nd October 2014 which concludes that it has not been demonstrated that the scheme cannot viably provide affordable housing and therefore the planning obligation is to continue to have effect without modification.



© Crown Copyright and database right 2014. Ordnance Survey 100019747.

Planning Application No 12/02046/O

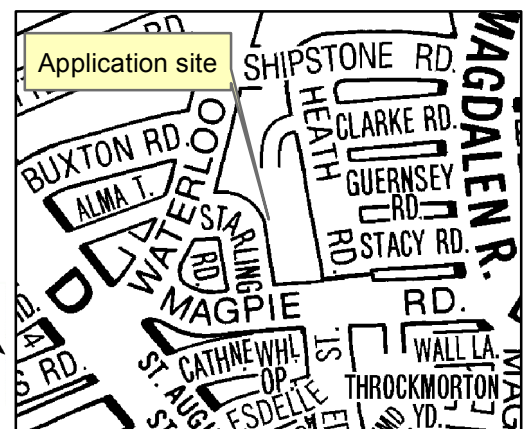
Site Address Enterprise Garage Starling Road

Scale 1:500



NORWICH
City Council

PLANNING SERVICES

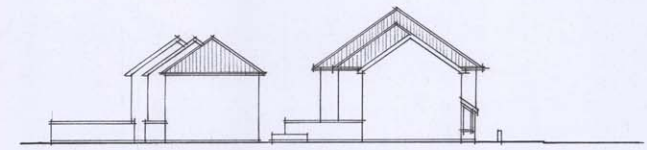




street elevation to Starling Road



west elevation houses 1-6



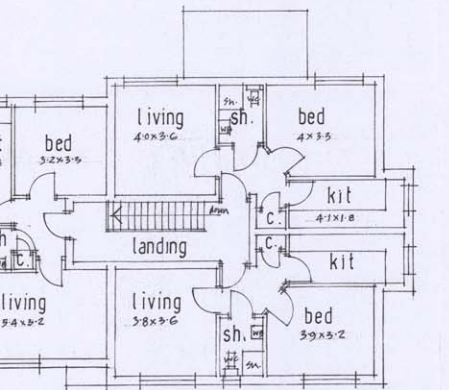
north elevation



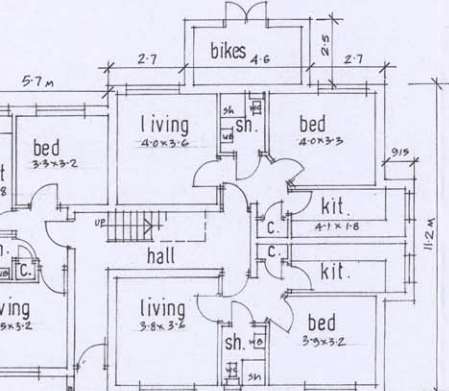
south elevation



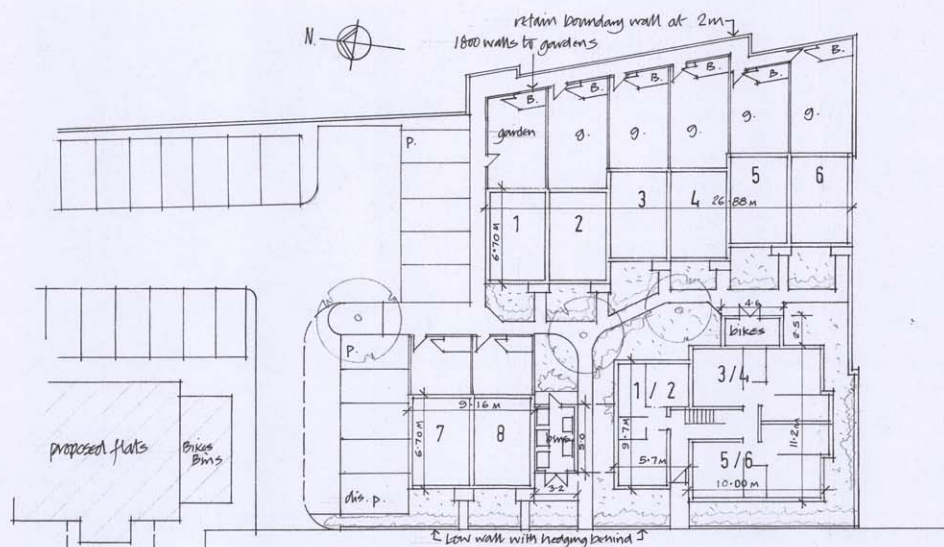
east elevation flats and houses 7 & 8



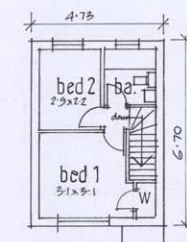
FLATS : First Floor Plan



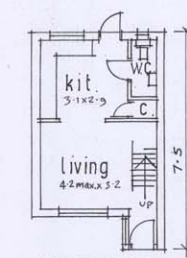
FLATS : Ground Floor Plan



SITE LAYOUT PLAN 1:200



FIRST FLOOR



GROUND FLOOR
TYPICAL HOUSE

Schedule

- 8 no two bedroom houses
- 6 no one bedroom flats
- bin store, cycle store
- 10 no parking spaces

Organisational Development
17 OCT 2012
Planning Reception

DO NOT SCALE - ALL DIMENSIONS TO BE CHECKED PRIOR TO SETTING OUT AND THE ARCHITECT NOTIFIED OF ANY DISCREPANCY.

CLIENT		
ENTERPRISE GARAGE STARLING ROAD NORWICH PROPOSED RESIDENTIAL DEVELOPMENT		
TITLE		
PROPOSALS 2		
Ross Powlesland Associates LLP Chartered Architects 12 a Central Mailings, Crown Place, Woodbridge, Suffolk, IP12 1BS email: jandango12a@btinternet.com tel. 07771 637 094		
SCALE	DATE	DRAWN BY
1:100 1:200	Sep10	R.P.
DRAWING NO.		
1631 / 03 'A'		

Report to Planning applications committee
Date 2 October 2014
Report of Head of planning services
Subject 11/02236/F Land adjacent to Novi Sad Bridge Wherry Road Norwich

Item
4J

SUMMARY

Description:	Erection of residential development to provide 66 No. apartments, with associated amenity areas, car and cycle parking and pedestrian and vehicular access.
Reason for consideration at Committee:	Planning Obligation Requirements
Recommendation:	Approve the proposed changes to the S106 agreement
Ward:	Thorpe Hamlet
Contact Officer:	Mark Brown Planning Team Leader 01603 212505
Valid Date:	N/A
Applicant:	Wherry Road Norwich Property Company Limited
Agent:	Generator Real Estate Solutions LLP

INTRODUCTION

The Site, Background and Proposal

1. The application site is located on Wherry Road adjacent to the Novi Sad Bridge and fronting onto the River Wensum. Consent was granted for the redevelopment of the site to provide a block of 66 flats on 27 February 2013 following the completion of a S106 agreement and member's resolution to approve the application at their meeting on 01 March 2012.
2. The committee report and minutes as well as the former signed S106 agreement are available at the link below by entering reference 11/02236/F:
<http://www.planning.norwich.gov.uk/online-applications/>
3. The consent was approved subject to a S106 agreement which required the provision of 5 affordable housing units on the site, or an off-site commuted sum of £546,000 if difficulties arise in finding a registered provider to take on the units. The S106 included an overage clause which requires the applicant to pay 50% of any profit exceeding 20% of gross development value to the Council up to a maximum. In addition a review mechanism was included requiring implementation to commence within 18 months or permission and first occupation to take place within 30 months of implementation to avoid a review of the viability.
4. The S106 agreement also included a transport and public open space contribution

as the consent pre-dated the community infrastructure levy.

5. The developer has commenced onsite within the 18 month review period. This start has been made using the developer's equity and the developer is in the process of negotiating funding for the rest of the development.
6. However they have indicated that the overage clause is creating issues with negotiating funding from the banks which is likely to either result in higher rate of lending or them being able to borrow less, therefore resulting in them requiring more from their equity backers at a high rate of interest.
7. The developer is therefore seeking that the Council remove the overage clause on the basis that it will lower finance costs and that an additional unit of affordable accommodation is provided resulting in a total of 6 units.
8. The developer has approached the Council and is seeking to amend the S106 agreement under S106A(1)(a) which is by agreement between the persons against whom the obligation is enforceable. This is not a formal application under S106A(3) or S106BA to which there is a right of appeal.
9. The developer is keen to resolve this matter as soon as possible as failure to do so could mean having to put a hold on development on site which would significantly increase the development costs and further reduce viability.

Equality and Diversity Issues

10. It is not considered that the proposed revision to the S106 agreement raises any equality or diversity issues.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

The policies listed below are solely those relating to planning obligations and the delivery of affordable housing.

National Planning Policy Framework (NPPF):

Section 6 Delivering a wide choice of high quality homes.

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (JCS)

Policy 4 Housing Delivery

Other Material Considerations

Emerging Development Management Policies Development Plan Document

Regulation 22 Submission Plan

Policy 33 – Planning Obligations

It is considered that significant can be given to the above policy, the plan is at an advanced stage and has been through examination in public. The policy was subject to two objects on the detailed wording which have been resolved by minor

amendments to the wording of the policy.

Interim Statement on off-site provision of affordable housing in Norwich, December 2011

DCLG Section 106 affordable housing requirements review and appeal April 2013

Viability and Planning Obligations

11. JCS policy 4 provides that developments of this scale should provide 33% affordable housing with an 85:15 split between social rented and intermediate tenures. The policy allows for the proportion of affordable housing sought to be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable in prevailing market conditions, taking account of the availability of public subsidy to support affordable housing.
12. The council also has an interim statement on affordable housing which details where off-site commuted sums may be payable and how such commuted sums would be calculated.
13. At the national level since the granting of consent for this development, the government have introduced new measures to make it easier for developers to renegotiate the level of affordable housing. Whilst this is not an application under S106BA, the content of the guidance that accompanies this legislation is considered to be a material consideration. Particularly given that the applicant could resort to this procedure should the outcome of current discussions not be favourable. This guidance focuses on the delivery of viable developments and requires local authorities to re-negotiate affordable housing provision to achieve a viable development.
14. The viability of the scheme has been independently and externally verified by the District Valuer Service (DVS). They have advised that overage provisions, due to their uncertainty, are not generally welcomed by lenders and are no longer recommended by the RICS Guidance Note which only suggests review mechanisms. As a result they are likely to either reduce the amount that can be borrowed resulting in the developer needing more finance from their equity provider which would be at a high rate of interest, or lenders are likely to impose higher interest rates where such overage provisions are in place.
15. Based on the assessment of DVS it is unlikely that the Council are going to benefit from the inclusion of an overage provision within the S106 Agreement. The appraisals of DVS suggest that at both finance rates the scheme produces a deficit and therefore the profit received by the developer will be less than 20%. The developer has suggested a 20% profit on gross development value which the DVS has advised in the context of the risk profile of this case (a high density, 5 plus storey brownfield city centre site) is not unreasonable. However building this into the appraisals produces a deficit effectively reducing profit levels to around 15-16%.
16. The applicant has suggested that the council remove the overage provision,

therefore reducing the rate of interest, in exchange for an additional affordable unit on site. This has been modelled by DVS on the basis of an additional social rented unit (totalling 6 social rented units on site which equates to 9% affordable housing) this would again result in profit levels around 15-16% but would make borrowing easier. DVS have advised that the Council is unlikely to receive anything from the overage provision and would therefore recommend removing the clause in exchange for an additional affordable housing unit.

17. It is however recommended that the review mechanisms in the S106 agreement as outlined at paragraph 3 above are retained. The consent has been implemented on 11 July 2014 and therefore occupation will need to take place within 30 months of that date to avoid a further review of viability.
18. The applicant has indicated that their preference is to provide the affordable housing units on site. However the existing S106 agreement does allow for an off-site commuted payment where it has not been possible to identify a registered provider to take on the units.
19. Should members resolve in line with the officer recommendation, officers will need to progress discussions on the specific details of the S106 agreement these include the following key matters:
 - .19.1. The existing S106 agreement specifically details which units will be affordable and therefore the sixth unit will need to be agreed with the applicant;
 - .19.2. The affordable housing commuted sum option will either need to be removed or increased in line with the increase in numbers on site. The applicant's preference is to provide affordable dwellings on site and therefore if the applicant is confident that they can secure agreement with a registered provider than the commuted sum option could be removed. However if it is retained it is recommended that it is increased so that attained profit in the viability models is the same as on site provision, this figure will depend on the exact units which would be the affordable dwellings on site.

Conclusions

20. The developer is seeking the removal of the overage provisions in the S106 agreement relating to permission 11/02236/F in exchange for a further affordable housing unit on site. Based on the assessment of viability it is unlikely that the Council are going to benefit from the overage provisions and therefore it is recommended that the clause is removed in exchange for an additional affordable housing unit. The review mechanism which provides for a viability review if occupation does not occur within 30 months of implementation (which took place on 11 July 2014) will be retained and it is recommended that the affordable housing commuted sum option be removed or increased to represent the additional provision.

RECOMMENDATIONS

To approve changes to the S106 agreement relating to consent no (11/02236/F Land adjacent to Novi Sad Bridge Wherry Road Norwich) comprising the following:

1. The removal of the overage provisions;
2. The addition of a further social rented affordable unit (totalling six);
3. Either the removal of the affordable housing commuted sum option or the increase of the affordable housing commuted sum, to allow the provision of six units off site.

