

## **Planning applications committee**

**Date:** Thursday, 04 December 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:**

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### **Pre-application briefing at 9:00 in the Mancroft room Former Blackdale School site, Bluebell Road, Norwich**

There will be a briefing for members on the proposals to develop the above site for residential development on behalf of University of East Anglia. Members of the committee, ward councillors and interested members are welcome to attend.

### **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

## **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**

**5 - 18**

To approve the accuracy of the minutes of the meeting held on 6 November 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 10:00 on the day before the meeting.

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

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

Please note:

- The formal business of the committee will commence at 9:30.
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available.
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

### **Summary of applications for consideration**

**19 - 20**

### **Standing duties**

**21 - 22**

<b>4A</b>	<b>Application No 1401103F Former eastern electricity board offices (Duke's Wharf)</b>	<b>23 - 54</b>
<b>4B</b>	<b>Application No 1401527F 3 Albemarle Road</b>	<b>55 - 66</b>
<b>4C</b>	<b>Application No 1401454F 149 Gipsy Lane</b>	<b>67 - 78</b>
<b>4D</b>	<b>Application No 1401286F Land south of Howard Mews</b>	<b>79 - 98</b>
<b>4E</b>	<b>Application No 1400957F Site between 95 and 111 Adelaide Street</b>	<b>99 - 114</b>
<b>4F</b>	<b>Application No 1401436VC 174-178 Plumstead Road</b>	<b>115 - 124</b>
<b>4G</b>	<b>Application No 1201598VC Wentworth Gardens</b>	<b>125 - 134</b>
<b>4H</b>	<b>Application No 1401474 F 77 Earlham Road</b>	<b>135 - 144</b>

Date of publication: **Wednesday, 26 November 2014**







**Planning applications committee**

**10:00 to 14:20**

**6 November 2014**

Present: Councillors Gayton (chair), Sands (M), Ackroyd, Blunt, Bradford, Button, Grahame, Herries, Jackson, Little (substitute for Councillor Boswell), Neale and Woollard

Apologies: Councillor Boswell

**1. Declaration of interests**

Councillor Herries declared an other interest in item 3 (below) Application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX as she was currently a resident of Indigo Yard.

Councillor Little said that he had a pre-determined view in respect of item 4 (below) Application no 14/01234/F 41A Ipswich Road, Norwich, NR2 2LN and that he would speak on the item and then leave the room.

Councillor Blunt declared that he had spoken to residents about item 7, Application no 14/00618/F Vikings Venture Scout Hut adjacent to 420 Dereham Road, Norwich, NR5 8QQ, in his capacity as a local member for Wensum Ward, and confirmed that he was approaching the application with an open mind.

**2. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 2 October 2014.

**3. Application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX**

(The following members of the committee attended the site visit to 1 The Moorings at 9:00: Councillors Gayton, Sands, Ackroyd, Blunt, Button, Herries, Jackson, Neale and Woollard. Councillor Bradford had visited the site independently.)

(Councillor Herries had declared an interest in this item.)

The planner (development) presented the report with the aid of plans and slides. He referred to plan on page 42 of the agenda papers, which was additional to the plans attached to the report to the previous meeting, and showed the extent of the footprint of the proposed extension and its proximity to the boundary fence of no 19 Indigo Yard. The comments of the conservation and design officer had been attached to the report. The planner also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of three additional representations, including a list compiled by residents of Indigo Yard

objecting to the proposal and an additional note from the applicant, together with the officer response. The report also included updates to the report submitted to the committee's meeting on 2 October 2014, which included an additional letter of representation and additional information from applicant and the officer response. Members were also advised of an amendment to paragraph 10 of the report which was to amend the reference to the Northern city centre area action plan (March 2010) as set out in the supplementary report.

The immediate neighbour to the site (no 19 Indigo Yard) addressed the committee and outlined the objections to the scheme that she and her husband had made which included: concern that the proposal was not sympathetic to the Northern Riverside Character Area of the Norwich City Centre conservation area as expressed in the view of the council's conservation and design office; that the proposal would result in loss of light and harm the outlook of residents of Indigo Yard and therefore was detrimental to the amenity of Indigo Yard, which was used as a social recreation area by residents; and, that the design of the building was contrary to National planning policy framework statements and local planning policies which required the design to be of a high standard and to respect local distinctiveness and sympathetic to the conservation area. The neighbour also said that the proposed extension would be the equivalent of a two storey building as it would come right up to the boundary fence and that she was concerned about overlooking and that it would its dominance would affect the quality of their lives.

Three other residents of Indigo Yard addressed the committee and outlined their objections to the scheme which included: the need to preserve the gap between 1 The Moorings and 19 Indigo Yard as it distinguished the developments at The Moorings and Indigo Yard and provided an open vista from the riverside walk and the south west of Indigo Yard, and that the proposed extension to 1 The Moorings was inappropriate use of this space; that some households in Indigo Yard had not been included in the planning consultation; that Indigo Yard was a public space and that the loss of outlook was not that of a "private view"; that the design of the proposed extension did not add "interest and appeal" but was large and dominated Indigo Yard and diminished its outlook; that the proposal contradicted the rigorous spatial planning when the developments at Indigo Yard and the Moorings were constructed and could set a precedent.

The applicant explained that the residents misunderstood the relationship between the buildings and the space and that if the extension was built it would not receive a second glance. He considered that 1 The Moorings could be classified as "New Commercial" and that whilst it had three bedrooms and three shower rooms the space in the living room would only accommodate a three piece suite and a television because space was taken up on that floor by the stairwell. He had purchased the end terrace as his residence and with a view to extend the living room. The impact of the proposed extension would not impact on 19 Indigo Yard. He pointed out that there would still be a gap between the buildings.

The planner then referred to the report and responded to the issues raised by the speakers. The committee was advised that the proposal site was unique and that the proposal was for an atypical extension which would not set a precedent. In reply to members' questions, the planner referred to the report on the design of the gates, which would be locked using a key code and would be made of iron

railings and pointing out that the response to the issues raised by the conservation and design officer were set out in paragraph 3 of the report.

During discussion members commented on the design of the housing units at The Moorings and Indigo Yard and that the proposed extension would obscure the gap between the developments. A member said that he had sympathy with the applicant for wanting to take the opportunity to make the most of his property but he considered that the scheme was incongruous with the rest of the scheme and did not add to its overall coherence and therefore was unacceptable. Another member said that he considered that the application should be refused not because of loss of amenity to the residents but on the issue of design. He considered that the extension would remove the atypical characteristic of the building line and the view from the riverside walk of the break between the buildings, which was a characteristic of the Northern riverside character area of the Norwich city centre conservation area.

Discussion ensued in which the planner explained that less weight had been added to the design and the conservation officer's comments given the lack of identified harm that the proposed extension would cause to the heritage asset (the character of the conservation area). He pointed out that the buildings were modern and although not themselves heritage assets, they did contribute positively to the conservation area. Another member referred to viewing the proposal from the perspective that historic development of the city had always included extensions which have contributed to its rich fabric.

Councillor Blunt then moved and Councillor Herries seconded that the application should be refused because the design, scale and mass of the extension was harmful to the character of the conservation area by the removal of the wedge shaped gap between the two distinct developments of The Moorings and Indigo Yard. This would detract from the pleasant view from the riverside walk and did not respect local distinctiveness. It would also detract from the attractively designed terrace.

**RESOLVED**, with 10 members voting in favour of refusal (Councillors Gayton, Ackroyd, Blunt, Button, Grahame, Herries, Jackson, Neale, Woollard, and Bradford) and two members voting against (Councillors Sands and Little) to refuse application no application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX, on the grounds that the design, scale and mass of the extension was harmful to the form and character of the conservation area and the proposal did not respect local distinctiveness by filling a gap between the two distinct developments of The Moorings and Indigo Yard, and to ask the head of planning services to provide the reasons for refusal in planning policy terms.

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

The proposed first floor extension would partially fill the wedge-shaped gap between the host dwelling and 19 Indigo Yard, and this would detract from one of the positive elements of the adjacent Riverside Walk and conservation area. A key element of the attractiveness of this section of the Riverside Walk is the spatial relationship between the public walkway and the residential development blocks fronting it, with gaps between buildings adding to the variety and interest of the street scape. As a result of its scale and massing the addition sits incongruously at the end of the attractively designed terrace,

and in this specific location partially infilling the gap in the river frontage, it fails to respect or respond to the character and local distinctiveness of the area and accordingly the proposal would cause unacceptable harm to the character of the City Centre conservation area, contrary to the objectives of the National Planning Policy Framework (March 2012), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (2004) and emerging Norwich Development Management Policies Local Plan 2014 policies DM3 and DM9.

#### 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. Whilst a scheme has been given a recommendation for approval by officers, elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable. The applicant is advised that no further planning fee would be payable for any resubmission for development of the same character or description on the same site and by the same applicant within 12 months of the date of this refusal. The applicant is also advised of the council's pre-application service, further details of which can be found at the following web link: <http://www.norwich.gov.uk/Planning/pages/Planning-Pre-ApplicationAdviceService.aspx>

#### **4. Application no 14/01234/F 41A Ipswich Road, Norwich, NR2 2LN**

(Councillor Little had declared a pre-determined view in this application.)

The planner (development) presented the report with the aid of plans and slides, including aerial views of the site. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of a letter of objection from a resident and chairperson of the Harford Manor Houseowners' Association, which had been omitted from the committee report and the website in error and a letter from Councillor Little, local member for Town Close ward.

The immediate neighbour to the site addressed the committee and outlined her objections which included: concern about the operators removing the hedge at the boundary of her property which had obscured the view; the proximity of the site to her house and the impact of noise and diesel fumes; that the use of the site had intensified from five containers to 20 at its peak and now 15; that the industrial use of the site was contrary to the National planning policy framework and EP22 and not compatible with the residential area and school; concern about vehicles using the same entrance to the grounds as the students of the Hewett School and that the operation should be relocated to another site. The chairperson of the Harford Manor Houseowners' Association said that noise from the site affected other residents but only two households had been consulted. He also said that there should have been restrictions on the site years' ago. Councillor Little said that he welcomed an attempt to regularise the operation of the site but considered that no activities should take place before 8am and suggested measures to mitigate against noise disturbance to residents from the commercial activity.

The agent from NPS spoke in support of the applicant and said that his client had agreed a number of steps to alleviate the residents' concerns. He pointed out that the applicant could submit a certificate of lawful use for the site but had chosen to submit a planning application to regularise the use of the site.

(Councillor Little left the meeting at this point.)

The planner referred to the reports and responded to the issues raised by the speakers. He pointed out that the matter of the hedge was a civil matter between the two parties.

Discussion ensued in which the planner, together with the planning development manager, referred to the reports and answered members' questions. Members were advised that it was council property to consult the occupiers of properties no more than 10m from the application site. Members also sought assurance that the conditions attached to the planning permission were enforceable. The neighbour to the site advised the committee that the school did share the egress/access with the operators of the site. Members noted that part of the grounds maintenance was gritting of car parks and school entrances and that in bad weather an early start was important. The early start of the operation meant that the peak times for the school run were avoided.

During discussion members considered that the proposal was an improvement on the site being used without regularisation. A member suggested that the operators could put permanent buildings on the site and avoid the problems of noise that the containers presented. The committee considered that landscaping would mitigate some of the concerns about neighbourhood amenity but were advised that this would have little impact on noise disturbance. Members agreed by consensus that a condition should be added to the recommendations to include details of landscaping along the northern boundary to be agreed.

**RESOLVED** with 7 members voting in favour (Councillors Gayton, Sands, Ackroyd, Blunt, Button, Grahame and Jackson) and 4 members abstaining (Councillors Herries, Neale, Woollard and Bradford) to approve 14/01234/F 41A Ipswich Road and grant planning permission, subject to the following conditions:-

1. In accordance with the approved plans.
2. No employees on site before 07:15 or after 20:00 except in the case of an emergency (which itself shall be defined in the site operations management plan to be agreed through condition 8).
3. No operational use (including the opening of containers) of the premises which form the subject of this permission and outlined in red on the approved location plan ref.01-01-15-2-1035 (01) shall take place other than between the hours of 07:30 and 19:00 on any day except in the case of an emergency (which itself shall be defined in the site operations management plan to be agreed through condition 8).
4. No plant or machinery shall be operated on the premises outside the following hours:
  - before 07:30 hours and after 19:00 hours Mondays – Fridays;
  - before 07:30 hours and after 13:30 hours on Saturdays; and
  - not at all on Sundays or Public Holidays.

- This shall apply except in the case of an emergency (which itself shall be defined in the site operations management plan to be agreed through condition 8).
- 5. No trade deliveries or collections (including the delivery or collection of green waste or general waste skips) shall take place before 9:00 hours and after 17:00 hours Monday to Friday.
- 6. The layout of the site shall be carried out in accordance with the approved plan ref.01-01-15-2-1035 (03) and retained as such unless otherwise agreed in writing with the local planning authority.
- 7. Within 3 months of the date of this decision the position of the old container shall be reconfigured in accordance with the details agreed in paragraph 4.1 of the approved Noise Impact Assessment [ref. 10980/1] and retained in this position unless otherwise agreed in writing with the LPA.
- 8. Within 3 months of the date of this decision, details of site operations management plan to be agreed Operations on site shall be carried out in accordance with this plan unless otherwise agreed in writing with the LPA.
- 9. Within 3 months of the date of this decision details of the siting of the 2 metre high close boarded fence along the northern and western boundaries of the site are to be submitted and agreed by the LPA and maintained and retained in the approved position unless otherwise agreed in writing with the LPA.
- 10. Within 3 months of the date of this decision details of lighting (including specification, height, direction, cowling etc) to be agreed.
- 11. Within 3 months of the date of this decision the noise dampening measures as detailed in paragraph 4.6 of the approved Noise Impact Assessment [ref. 10980/1] shall be installed on all the containers within the site and maintained and retained in the approved form unless otherwise agreed in writing with the LPA.
- 12. In accordance with the approved AIA.
- 13. Details of landscaping along the northern boundary to be agreed..

#### 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.

#### **5. Application no 14/01108/U Rouen House, Rouen Road, Norwich, NR1 1RB**

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

At the chair's discretion, a member of the public addressed the committee and expressed his concern about pedestrian access from the Cattle Market Street junction; that there was no assisted pedestrian crossing on Rouen Road; that people attending the medical centre would be dropped off or people would park on double yellow lines and exacerbate existing parking problems in a controlled parking zone.

The applicant said that the medical centre would comply with any conditions that were required. The practice considered that Rouen House was more accessible than the proposed relocation to another unit within Castle Mall.

Discussion ensued in which the planner and the planning development manager referred to the report and answered members' questions. In response to a question from a member the applicant confirmed that Castle Mall had sought planning permission to relocate the medical centre within the mall and was contributing to the relocation of the medical centre to Rouen House. The committee considered the traffic implications and noted that ambulances could stop on yellow lines in an emergency. It was also noted the Norwich Society had raised concerns about access, dropping off and servicing of the proposal. The committee concurred with the suggestion of the planning development manager said that a condition regarding level access for disabled people could be added.

**RESOLVED**, unanimously, to approve application no 14/01108/U for the lower ground and ground floors of Rouen House, Rouen Road and grant planning permission, subject to the following conditions:

1. Commencement within three years.
2. In accordance with approved plans and details.
3. The health centre, comprising a doctors surgery and walk-in centre, shall not be open to the public between the hours of 9pm and 7am hours on any day;
4. No development until measures to improve the pedestrian safety of visitors to the health centre, comprising a hand rail and improved pedestrian plaza to the Normans Buildings entrance;
5. Submission of a Travel Information Plan;
6. A scheme for the provision of pedestrian and vehicle signage;
7. Provision of on street disabled parking bays including dropped kerbs and associated amendments to extant restrictions;
8. Scheme for the provision of cycle storage facilities;
9. The premises shall be used as a health centre and for no other purpose (including any other purpose in Class D1).
10. Details of access for disabled people to be agreed.

#### 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.

#### Informative notes:

1. This use would not be eligible for on street parking permits;
2. Major changes to the junction and traffic management in the Golden Ball Street and Cattlemarket Street/Farmers Avenue area is planned for 2015/17; this will deliver improved pedestrian crossing facilities to the Rouen Road area of the city centre;
3. Compliance with condition 7 will involve a traffic regulation order the costs of which will need to be met by the applicant.

#### **6. Application no 14/01228/F 220 Unthank Road, Norwich, NR2 2AH**

The planner (development) presented the report with the aid of plans and slides. He explained that the proposal was not for a separate dwelling but for an annex for an

elderly parent. He also referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained an amendment to paragraph 44 of the main report by correcting the distance from the extension to the boundary 8.5m and clarifying the changes included in the revised plans and the officer response.

A local resident addressed the committee and suggested that at the proposal site was on higher ground than the neighbouring property, the pitched roof should be replaced by a flat roof to lessen the impact on 222A Unthank Road. She also expressed concern that the proposal would result in increased traffic in Beech Drive especially during construction, would increase the risk of flooding and that green areas of the city were being lost by stealth. The resident of 222A Unthank Road to the site addressed the committee and outlined her objections to the proposal which she considered affected her house and would result in loss of privacy; and proposing that the proposed extension should be moved to the other side of the main dwelling house, and querying the need for two driveways to the house. Another resident of Unthank Road addressed the committee and expressed concern about the impact that the proposal would have on the residential amenity of 222A Unthank Road and enjoyment of the garden.

The applicant spoke in support of the application. He considered that a pitched roof was preferable to a flat one and that the height had been reduced. There would be minimal impact on traffic in the lane and that he intended to replant the shrub. He explained that he had purchased the land to the garage two years' ago and that he would be reluctant to discard it. He did not propose to alter the house too much.

Discussion ensued in which the planner (development) explained that further landscaping to soften the new extension and there was a condition regarding planting along the boundary fences.

**RESOLVED**, unanimously, to approve application no 14/01228/F at 220A Unthank Road, and grant planning permission, subject to the following conditions:-

1. Standard time limit;
2. In accordance with the approved plans
3. The annexe hereby permitted shall only be occupied by a family member and incidental to the enjoyment of the main dwelling. The single storey one bedroom annex shall not be converted independently other than for purposes ancillary to the residential use of 220a Unthank Road. At no time shall the single storey one bedroom annex be leased or occupied independently from the main dwelling.
4. Details of the new entrance gate to be approved
5. Submission of an arboricultural implications assessment, method statement and tree protection plan
6. Details of supplementary planting or screening to the NW, NW and SE boundaries
7. Any hedge or shrub clearance needed to implement the permission should be undertaken outside the bird nesting season.



8. Details of surface treatment for the extended driveway to maximise the use of soft landscaping and permeable surfacing.

Informatives:

1. The removal of the Magnolia (T6) will require a s211 notice to be submitted.
2. Site clearance and wildlife.

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

**7. Application no 14/00618/F Vikings Venture Scout Hut adjacent to 420 Dereham Road, Norwich, NR5 8QQ**

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

Two residents of Dell Crescent addressed the committee and outlined their objections to the committee which included: concern about subsidence and land stability; concern about the stability of the retaining wall; the effect that extra traffic would have on the stability of the filled chalk working tunnels and exacerbated problems with car parking. Councillor Galvin, local member for Wensum ward, spoke on behalf of residents and said that the concern was the access to the proposed development and that it should be from Dereham Road. The former scout hut had been accessed from Dereham Road. Dell Crescent was a narrow cul-de-sac and was not wide enough to provide access/egress to the site and there was already parking on the pavement which caused problems to pedestrian access. The area was riddled with tunnels and there were real concerns about the stability of the site.

The senior planner referred to the report and responded to the issues raised by the speakers and answered members' questions in relation to the access to the site and the planning permission granted for the site in 2009; land stability and The Party Wall Act, confirming that the parking provision for the development was within planning policy guidelines and that statistically 80% of residents of flats of this type would be expected to have a car.

During discussion a member suggested that the access to the site should be from a slip road but were advised that this had not been considered because the land was not in single ownership and there were valuable street trees. Members also queried the safety of additional vehicles using Dell Crescent for access to the site and the design of the building which was described as "banal and crude" by the Norwich Society. Members were advised that the three storey building was an identical scheme to the one approved in 2009 and was similar to other apartment buildings in the area. The planning development manager advised members that the current proposal was unchanged to the scheme approved in 2009 and that he considered that there were no justifiable grounds to refuse the application. He also explained that

Discussion ensued in which members who were minded to refuse the application expressed concern about the access to the site and proposing that the applicant considered the feasibility of considering an alternative access from a service road onto Dereham Road. Members also expressed concern about the ongoing issues of ground stability and the impact of the development on the stability of the area and Dell Crescent. Local residents information on the ground conditions and history of the site, the retaining walls and evidence of wells, chalk workings and past problems affecting houses close by raised significant concerns about whether development of the site for housing was appropriate. Officers advised that if they were minded to refuse consent then, in the absence of an appropriately worded planning obligation to deal with affordable housing then that should also constitute an additional reason.

Councillor Sands moved and Councillor Bradford seconded that the application was refused on the grounds of the unsuitability of the access/egress to the site; the ongoing issues about ground stability in the area and that there was no affordable housing on the site.

**RESOLVED** with 7 members voting in favour of refusal (Councillors Sands, Ackroyd, Blunt, Button, Grahame, Woollard and Bradford) and 5 members voting against refusal (Councillors Gayton, Herries, Jackson, Little and Neale) to refuse application no 14?00618?F Vikings Venture Scout Hut adjacent to 420 Dereham Road, Norwich, NR5 8QQ on the grounds of the unsuitability of the access/egress from Dell Crescent; the concerns about the land stability and that the planning obligations for affordable housing had not been finalised and to ask the head of planning services to provide the reasons for refusal in planning terms:

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

1. Evidence from local residents gives reason to believe, together with the reported location of a well and presence of supporting/retaining walls at the point of the proposed vehicle access onto Dell Crescent, that the site and area due to its poor quality of land stability are not suitable for redevelopment for the scheme proposed. The application is also not supported by viability information which indicates that mitigation measures could be provided to satisfactorily address development risks and enable a viable development to proceed. The development would therefore be contrary to policy DM11 of the emerging Norwich Development Management Policies Local Plan 2014 and paragraphs 001 and 005 of the National Planning Practice Guidance as at 6th November 2014.
2. Creation of a new vehicle access onto Dell Crescent and increase in motor vehicles accessing the site and using Dell Crescent for passage and for parking will lead to further vehicle and pedestrian conflicts in the area and hinder emergency vehicles attending the area and would not provide a safe and suitable access to the site for all people to the detriment of local residents and pedestrian and highway safety. The development would therefore be contrary to paragraph 32 of the National Planning Policy Framework March 2012.
3. Policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) seeks the target provision of 20% affordable housing on sites of 5 to 9 dwellings in line with the most up to date housing market assessment. No affordable housing provision has been provided for within the

scheme, nor has it been demonstrated that the provision of affordable housing would render the scheme unviable and therefore in the absence of a legal agreement relating to the provision of affordable housing the proposal is considered to be contrary to policy DM33 of the emerging Norwich Development Management Policies Local Plan 2014, policies 4 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and would undermine the objectives of the National Planning Policy Framework to deliver housing need in affordable housing in sustainable locations.

#### 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. Whilst a scheme has been given a recommendation for approval by officers elected members considered for the reasons outlined above that on balance and in light of the above policies that the application was not acceptable.

(The committee then adjourned for lunch at 14:00 and reconvened at 14:20 with the following ten members present: Councillors Gayton, Sands, Ackroyd, Blunt, Button, Grahame, Herries, Jackson, Little and Woollard)

#### **8. Application no 12/00143/ET Depository Building Part Lion House and Part Seymour House, Muspole Street, Norwich**

(Councillor Neale was admitted to the meeting during this item.)

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

A member commented that on site provision of affordable was preferable if it could be achieved.

**RESOLVED** with 10 members voting in favour (Councillors Gayton, Sands, Ackroyd, Blunt, , Button, Grahame, Herries, Jackson, Little, and Woollard) with (Councillor Neale abstaining due to not being present for the entire item) 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. Reduced affordable housing on site to either 2 social rented dwellings or 4 intermediate tenure dwellings;
2. Where it has been demonstrated that it has not been possible to identify a registered provider to take on the on-site units a commuted sum of £150k would be payable;
3. A review mechanism which reverts back to the original obligations where no part of the development has been completed within three years of the date of the agreement and to parts of the development which have not been substantially commenced.

#### **9. Tree preservation order no 467 – confirmation**

**RESOLVED**, unanimously, having considered the report of the head of planning services, to confirm Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW

**10. Application no 14/01235/VC Three Score Site, Land South of Clover Hill Rd, Bowthorpe**

(Councillor Bradford was admitted to the meeting during the item.)

The planning team leader (development) presented the report with the aid of plans and slides, and answered members' questions. In response to members' suggestions the planning team leader (development) said that consideration could be given to adding an informative to the planning permission about ensuring that the bunds did not prevent easy access to Twenty Acre Wood; that there were access points from the residential home to the public footpath and that the soil removed from the site was used to provide raised beds in communal gardens.

**RESOLVED** to approve application no 14/01235/VC Three Score site land south of Clover Hill Road Norwich and grant planning permission, subject to the following conditions:

1. Landscaping in accordance with the plans submitted and further landscaping details to be agreed including:  
levels, kerbs, measures to prevent vehicles entering open/green space, boundary treatment elevations, lighting details of private areas (public areas covered by condition 19 of the outline consent), hard surfacing materials.
  2. Details of materials including:  
Bricks, render, tiles, columns to entrance, eaves detail of entrance canopy, windows, rainwater goods, external walls of lower ground supporting structures, bargeboard, curtain walling, substation/bin/sprinkler store details.
  3. Cycle parking stand specification, numbers and location;
  4. Construction access to be closed off before occupation and details of access, temporary boundary treatment to either side of temporary foot/cycle path, realignment of pavement on Clover Hill Road and restrictive access barriers;
  5. Details of the cycle/foot path access to the west of the site onto Clover Hill Road including the link to the existing pavement, further AIA and AMS for the access and restrictive access barriers;
  6. Tree protection in accordance with the AIA:
  7. Method for removal, storage and re-use of topsoil in full accordance with supplementary ecology statement;
  8. Method statement for the protection of the grassland areas indicated to be protected during development to be submitted and agreed, including details for restoration should the areas be impacted during construction activity.
  9. Conservation (ecology) management plan for the site.
  10. Development in accordance with approved plans.
- 11. Performance of the development management service; and progress on appeals against planning decisions and planning enforcement action for quarter 2 2014-15 (1 July to 30 September 2014)**

The planning development manager introduced the report and answered questions. The council's request for enforcement action to remove the conservatory on the

riverside at 64-66 Westwick Street would be considered at Norwich Magistrates' Court on 26 November 2014. Enforcement action regarding the moorings at King Street could not be commenced because there was an appeal in progress.

**RESOLVED** to note the report.

CHAIR



**Applications for submission to planning applications committee  
4 December 2014**

**Item 4**

<b>Item No.</b>	<b>Case Number</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
4A	14/01103/F	Dukes Wharf	Tracy Armitage	Residential and offices	Major scheme / objections	Approve
4B	14/01527/F	3 Albemarle Road	Lara Emerson	Single dwelling	Objections	Approve
4C	14/01454/F	149 Gipsy Lane	John Dougan	Increase in height of garage	Objections	Approve
4D	14/01286/F	Land rear of 63-71 Lawson Road	John Dougan	Dwelling	Objections	Approve
4E	14/00957/F	Site between 95 and 111 Adelaide Street	Joy Brown (Ian Whittaker presenting)	3 flats	Objections	Approve
4F	14/01436/VC	Aldi, 174-178 Plumstead Road	Joy Brown (Steve Fraser-Lim presenting)	Alterations to delivery times	Objections	Approve
4G	12/01598/VC	Wentworth Gardens	Rob Parkinson	Changes to Section 106 Affordable Housing requirements	Amendment to committee resolutions	Approve
4H	14/01474/F	77 Earlham Road	Steve Polley	Extensions	Objections	Approve





## 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.**

### **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 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.

### **Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)**

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- (2) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts] special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- (3) The Court of Appeal has held that this means considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise. Furthermore, less than substantial harm having been identified does not amount to a less than substantial objection to the grant of planning permission.



**Report to** Planning applications committee

**Item**

4 December 2014

**Report of** Head of planning services

**Subject** Application ref: 14/01103/F, Former Eastern electricity board site, Duke Street, Norwich

**Reason for referral** Departure from development plan / objections received

**4A**

<b>Site address</b>	Former Eastern electricity board site, Duke Street, Norwich
<b>Ward:</b>	Mancroft
<b>Case officer</b>	Tracy Armitage Tel: 01603 212502 Email: <a href="mailto:tracyarmitage@norwich.gov.uk">tracyarmitage@norwich.gov.uk</a>

<b>Development proposal</b>			
External alteration, partial demolition and extension of riverside and Duke Street buildings to provide 29 dwellings. Demolition of central and warehouse buildings to provide redevelopment for 56 dwellings, extension of basement car park, creation of 464sqm of flexible commercial floorspace (Class A2/A3/B1(a)), associated highway and landscape works, pontoon and floating landscape platforms			
<b>Representations</b>			
	Object	Comment	Support
Original scheme	7*	1	-
Amended scheme	6	-	-
*includes one joint representation on behalf of 6 households on Anchor Quay			

<b>Main matters for consideration</b>	<b>Key issues</b>
1) Principle of development	Loss of site for offices, 5 year land supply
2) Visual impact/design	Height, impact on conservation area
3) Design approach to the river	Whether development delivers sufficient public benefit
4) Impact on amenity	Impact of adjacent residents and businesses
5) Transportation Impact	Safety of access arrangements, whether sustainable travel is promoted
6) Flood risk	Whether parts of the site at risk of flooding will be safe
7) Sustainable energy generation	Whether the scheme has maximised the use of decentralised/renewable or low carbon energy sources

8) Planning obligations	Lack of affordable housing
<b>Expiry date</b>	Extension of time agreed until 23 December 2014
<b>Recommendation</b>	Approve, subject to planning conditions and S106 Obligation

## The site and surroundings

1. The 0.85 hectare site consists of a substantial group of buildings and associated surface level car park. Until the late 1990s the site was occupied by the Eastern Electricity Board and functioned as their regional headquarters. The site includes a number of buildings:
  - 6 Duke Street – late 19<sup>th</sup> century building (which together with 4 Duke Street is known as the Boardman buildings)
  - 8 Duke Street – 1960s office building
  - Riverside building – extends around the eastern and northern perimeter of the site.
  - Warehouse building – abuts riverside, dates to the mid -1980s
  - Central building – former social club/office building.
2. The site has two street frontages. Principal frontage is on to Duke Street, a large archway allows pedestrian access and for vehicles to exit the site. The secondary frontage is on Westwick Street. This frontage is currently dominated by a wide vehicular access and a substantial wall, behind which there are a number of mature and semi mature trees. A section of the wall is listed, associated with the adjacent former brewery site.
3. The buildings have been vacant for a substantial number of years. Prior Approval to convert vacant office floor space contained within the Duke Street and Riverside buildings to 69 no. flats (35 no. one bed units and 34 no. two bed units) has recently been approved (19 September 2014).
4. The surface car park has been used as a pay and display car park by a virtue of a number of temporary consents. Planning permission has recently been approved to allow the car park use to continue until 28 February 2015.
5. The northern boundary of the site is delineated by the River Wensum and parts of the site are at flood risk. There is a significant drop in levels across the site in a South – North direction.
6. A number of properties abut the site: commercial properties on Charing Cross and residential properties at Anchor Quay. The River Wensum and Duke Street separate the site from residential properties at Dukes Palace Wharf and Mary Chapman Court.
7. The site is within the City centre conservation area and within an area of defined archaeological interest. There are a number of listed buildings in close proximity:

former brewery buildings on Anchor Quay and listed/local listed buildings located on St Benedicts Street. Number 6 Duke Street in common with number 4 is locally listed.

## Relevant planning history

8.

Ref	Proposal	Decision	Date
08/00742/C	Demolition of buildings and structure	Approved	16/07/09
08/00743/F	Construction of A2/B1a offices, A3 restaurant/cafes, A1 retail floorspace, D1 art gallery and 16 dwellings	Approved	16/07/09
14/01104/PDD	Change of use of riverside building and 6-8 Duke Street from offices B1(a) to residential to create 69 residential dwellings	Approved	19/09/14
14/01318/F	Continuation of use of the site to provide 93 short/medium stay public car park spaces for a further period of time	Approved Until 28 February 2015	

## The proposal

9. The application relates to a residential-led mixed use development of the site following the demolition of the existing warehouse and social club buildings. The details of the development are set out in the table below.

10. The proposals include:

- i. the retention and conversion of existing buildings fronting Duke Street and the River Wensum to 69 dwellings – Permitted development, approved 19.09.14.
- ii. external changes to the appearance of the Duke Street and riverside buildings
- iii. vertical extension of the existing Duke Street and riverside buildings, creating additional storeys and new dwellings
- iv. erection of 5 townhouses fronting the river and three blocks of flats within the interior of the site
- v. flexible commercial use of the ground floor of the Duke Street and Westwick fronting buildings

11. The development subject to this full planning application (ii-v) will create 85 new dwellings. In combination with the new dwellings for which Prior Approval has

already been approved, a total of 154 dwellings are proposed, to be brought forward by the owner as a single development.

### Summary information

Proposal	Key facts	
Scale		
Total no. of dwellings	85	
	6 Duke Street – addition of 4 <sup>th</sup> floor	1
	8 Dukes Street - addition of 5 <sup>th</sup> floor	3
	Riverside building – addition of 5 <sup>th</sup> and 6 <sup>th</sup> floors and partial 7 <sup>th</sup> floor	25
	New townhouses	5
	New block (C) 5 storey (Westwick St)	21
	New block (D) 5 storey	15
	New Block (E) 5 storey	15
No. of affordable dwellings	0	
Dwelling types	1 bed flat	43
	2 bed flat	29
	3 bed flats	8
	4 bed houses	5
Lifetime Homes	10% of proposed dwellings	
Density	182/hectare	
Commercial uses	Total : 464 sqm	
	Block C (Westwick frontage) part ground/lower ground floor	Flexible A2/A3/B1a
	Dukes Street frontage – ground floor	Flexible A2/B1a
Appearance		
Facing materials	Various: Brick, terracotta, sandstone and aluminium cladding, render	
Energy and resource efficiency measures	Water source heat pump, photovoltaics. Water efficiency measures (Code 4)	
Operation		
Ancillary plant and equipment	Integral within building	
Transport matters		
Vehicular access	Westwick Street – Two-way traffic Dukes Street – Exit only (barrier controlled)	
No parking spaces	91 car parking spaces	

(whole development: proposed + 69 units 14/01104/PDD)	35 at surface level + 56 at extended basement level  Includes 1x car club space plus electric charging points <b>155</b> secure cycle parking spaces
Servicing arrangements	Communal – basement of Riverside building/ground floor internal storage C, D and E, enclosed compound rear of 6-8 Duke Street

## Representations

Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Adjacent and neighbouring properties have been notified in writing 14 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at

<http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Design fails to respond fully to the unique location  Unimaginative will do little to enhance Norwich's standing, encourage visitors to the city or promote river usage	See main matters 2 and 3
Density of development too high  Quality of life for occupants and their neighbours will suffer	See main matter 2 and 4
Warehouse building to be demolished is attractive and well made - more sustainable to convert	The warehouse is a modern building constructed in the 1980s. Identified for demolition in 2006, the building was subject to an art installation that year, which involved the full text of the 16 <sup>th</sup> century novel Utopia being painted onto the external walls. The applicant has considered the retention of the building but the proportions and lack of window openings constrains re-use. The building is not listed/locally listed and makes a neutral contribution to the character and appearance of the conservation area. On this basis there is no planning policy to object to

	demolition of this building.
<p>Environmental and ecological opportunities deserve more consideration and realisation</p> <p>River supports a variety of wildlife including otters and kingfishers</p> <p>Too little green space</p>	See main matter 3
<p>Green buffer and river access requires a more imaginative response</p> <p>eg supplement the ecology/promote use of the river, reduce canyonisation</p> <p>Suggest a larger area of native planting, pond - creation of a more viable habitat and wildlife corridor</p> <p>Suggest possibility of inlet from the river which could be used by barges and wherries / small number of floating homes</p>	See main matter 3
<p>Height of the development / higher than St Andrew's car park</p> <p>Associated loss of view, overshadowing, loss of light; induction of air turbulence</p> <p>Negatively encroach on city skyline and obliterate views</p> <p>Not appropriate in conservation area</p>	See main matter 2
Security of Dukes Wharf/Anchor Quay boundary	A pedestrian route through the land
<p>Traffic</p> <p>Add to existing congestion on Duke Street / Westwick Street</p> <p>Should be option to turn right on to Westwick Street</p>	See main matter 5
Parking	See main matter 5



Under provision of parking - No provision for vehicles belonging to energy companies /trades people etc	
Excessive parking - suitable location for car free development and promotion of sustainable travel	
Need for de- masting facility questioned	The Broads Authority has requested that the proposed canoe launching pontoon also provides a de-masting function. No additional modification is required.
Noise along riverside – compounded by high buildings which cause reverberation	
Lack of affordable housing	See main matter 8

### **Norwich Society**

12. This proposed development represents a major change to this key area immediately adjacent to the city centre. It will have a considerable impact on the local infrastructure and will need to make a strong statement to enhance and complement the visual quality of the neighbourhood. The most urban side of the site is defined by the buildings on Duke Street. The upper levels added to the corner building appear too tall and the effect on Duke Street is to generate a canyon-like feeling which is not appropriate. River frontage, proposed town houses dwarfed by apartment block, needs further consideration. Generally the elevations are well mannered and subdued – will require careful detailing. Northern elevation of blocks D and E seem out of character with a strong horizontal emphasis. Disappointed with lack of social housing. Pleased to see use of pontoon.

### **Wensum River Parkway Partnership**

13. Pontoon extremely valuable part of the scheme which will contribute to the aim of bringing small craft back to the River Wensum within Norwich. Should be an element of public access and short-term mooring. Design should allow effective launching of canoes and small craft.

### **Consultation responses**

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

## **Anglian Water**

15. Sufficient capacity within wastewater treatment and foul sewerage network

## **Broads Authority**

16. Original scheme raised a number of design concerns in relation to: set back of the additional floors on the existing office block; canalisation of the river corridor; design of the access door from the lower basement area to the pontoon and; the quality of the outdoor amenity space adjacent to the river.
17. The amended river façade overcomes previous concerns and is now acceptable in design terms. The access door to the pontoon too has been satisfactorily addressed. In addition the modifications have also resulted in a friendlier public outdoor amenity space on the river bank. Planning conditions in relation to ecological mitigation and lighting are recommended along with a S106 to secure management and maintenance arrangements for the pontoon.

## **English Heritage**

18. Not opposed to the principle of redevelopment of this site and the proposals retain the buildings of greatest local interest and significance. The scheme as originally submitted raises number of concerns in relation to the: lack of provision of riverside walk; the appearance of the Westwick Street frontage block; the steeply-pitched gables facing the river and the additional floors proposed to the buildings on Duke Street and to the riverside building. In relation to the latter a greater emphasis of steeping between elements or the introduction of some other method to provide a degree of articulation between the old and new is recommended. Consider proposals fail to enhance the conservation area and cause a degree of harm.
19. Amended proposal: pleased to note that the new plans show revisions to the Westwick Street block which give the building greater solidity and vertical emphasis. Concerns in relation to the steeply-pitched gables of the proposed town houses, additional floors and lack of riverside walk still stand.

## **Environment Agency**

20. No objection subject to a number of detailed comments. Recommend imposition of condition requiring habitable floor levels no lower than 5.00mAOD; the application of Sequential and Exception tests and flood mitigation measures.

## **Landscape Design**

21. The landscape strategy for the development responds well to the site constraints. The main benefits are public access to the river, a new central urban space incorporating a pedestrian through route, and improvements to the streetscape of Duke Street and Westwick Street. The level of design, use of materials and appropriate planting will create quality external spaces for both residents and the public. In the event of utility apparatus restricting the provision of street trees, further tree planting should take place within the site.

## **Local Highways Officer**

22. The development overall represents a good fit with Local Plan transportation policy with regard to the city centre location, density and mix of uses. The form and layout of the site responds well to its context and has good site access by all modes to the adjacent highway network. The quantity of car parking is reasonable and the provision of a car club space with EV charging is welcome. The shared space design of the site access road enables vehicles and pedestrians/cyclists to mix and will give the development a pleasing aesthetic that enables integration with the landscaping scheme. In terms of traffic impact, the proposed development will have a lower impact on vehicular movements than the former use as offices and current use as a car park. A city centre site offers occupiers close proximity to services and employment within a short walk, cycle or bus trip and therefore car ownership and trip generation is likely to be considerably lower than elsewhere in the urban area.
23. Pedestrian/cycle facilities on Westwick are necessary for this development; a scheme to be devised that achieves a pedestrian facility at the Westwick Street/Charing Cross junction, and preferably at the base of the St Lawrence Little Steps. A cycle contra flow can also be provided on the southern side of Westwick Street from Charing Cross to Coslany Street. Site car park management plan is required to ensure that the site access road is kept clear of parked vehicles to enable large vehicles to enter and leave the site in a forward gear and to ensure that the car parking spaces are managed effectively.

## **Environmental Protection**

24. Recommend imposition of conditions in relation to contamination.

## **Housing Strategy**

25. Having reviewed the viability assessments prepared by the District Valuer, I can confirm that, whilst disappointing, I am satisfied that the development is not viable to provide a single dwelling of affordable housing. I would like to see a clause within the S106 agreement that the viability will be reviewed if the appropriate trigger points are not achieved.

## **Natural areas officer**

26. The measures proposed to safeguard bats, and any nesting birds that might be present on the site during the breeding season, appear to be adequate. The provision of new planting will provide a minor increase in the amount of foraging habitat. It is suggested that some of the new nest boxes target specific species of conservation concern such as House Sparrow and Swift. The stretch of the River Wensum adjacent to this development is typified by hard edges and very limited marginal vegetation or other associated wildlife habitat. The proposed floating islands are an imaginative and potentially useful addition to the river corridor's biodiversity value. It is suggested that one island, or a part of one island, could be specifically set aside for nesting wildfowl. The conclusions of the Norfolk Wildlife Services report on the ecological assessment for the proposed water-source heat pump are noted. This installation should not have any negative biodiversity

consequences if the recommended mitigation measures are adopted, for example screening against accidental fish intake. It is noted that the water discharged into the river from this system will be 7 °C lower than the temperature of the river water itself, and this may well have a slightly beneficial effect on fish and other aquatic life in the vicinity, especially during periods of high summer temperatures when the river's dissolved oxygen content will be low.

### **Norfolk Landscape Archaeology**

27. A preliminary archaeological excavation of this site was undertaken in 2007 and revealed features of probable medieval to modern date. Recommend impositions of planning conditions requiring further archaeological investigation, interpretation and recording.

### **Norfolk Police (Architectural Liaison)**

28. Detailed comments provided in relation to meeting Secure by Design standards.

### **Norfolk Wildlife Trust**

29. Pleased to see an ecological assessment has been carried out – recommend that mitigation measures and enhancement opportunities are secured through imposition of conditions
30. have been taken to mitigate any ill-effects of that increase in height and that it is appropriate within its context

### **Tree protection officer**

31. The main effect of the proposed tree loss will be the loss of their landscape value in terms of the current street scene. I do however feel that the tree planting opportunity both within and around the site will mitigate that initial loss – careful attention to species selection and ground preparation.

### **Urban Conservation and design**

32. It is considered that this scheme will bring back into beneficial use a long-redundant site. It should provide an area with its own distinct character that succeeds in creating attractive new public spaces within the site and adjacent to the river, as well as improving Duke Street, one of the main routes in the city. The scheme provides accommodation in blocks of increased height, but it is considered that measures

## **Assessment of planning considerations**

1. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS9 Strategy for growth in the Norwich Policy Area
  - JCS11 Norwich city centre

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM19 Encouraging and promoting major office growth
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

**3. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

- CC23 Duke's Wharf, Duke Street (Former EEB offices)

**Other material considerations**

**4. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**Case Assessment**

5. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and

any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

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

33. Key policies and NPPF paragraphs - JCS9, DM12, DM19 and CC23 and NPPF paragraphs 14 and 49.
34. DM12 is the principal policy against which all residential development is assessed. The policy allows for new housing in Norwich except in a number of specified cases. One of these cases is where the site in question is specifically designated for non-residential purposes in the DM plan or the SA plan. This site is subject to policy CC23 and allocated in the SA plan for, 'mixed development including offices and potentially: residential use (in the region of 30); and small scale retail units, possible food and drink uses, and professional services at ground floor level on the Duke Street frontage'. Although CC23 is not wholly restrictive of residential development, the express intention is to deliver an office-led mixed development, to contribute to the future supply of office floorspace in the city centre. The promotion of office space development in sustainable and accessible locations, is a crucial component of the development strategy for Norwich and JCS 9 sets a target of 100,000 m<sup>2</sup> of new floorspace over the plan period. In accordance with this objective, DM19 seeks to promote and safeguard high quality office floorspace within the city centre, in order to maintain the long term viability and vitality of the city as a retail and visitor destination and a major employment hub. The mixed development allocations in the SA plan form part of this strategy for office floor space growth and therefore this application, which proposes a residential-led mixed scheme and 464sqm of commercial floorspace, is considered a departure from adopted development plan policy.
35. The application site is a substantial city centre site and historically acted as a regional office headquarters. The current owners of the site obtained planning permission for a large scale office led mixed use development in 2009 (08/00743/F), this included 18692sqm of class A2/B1a office floorspace and a range of other uses. The granting of planning permission coincided with a significant down turn in the demand and value of commercial office space and the approved scheme proved subsequently not to be viable. This permission has now lapsed. Despite this site being allocated for residential development in the previous *Replacement Local Plan* (Policy HOU10), the newly adopted SA plan recognises that over the next plan period (up to 2026), an office-led mixed development is likely to be viable and make a significant contribution to meeting the 100000m<sup>2</sup> JCS target (approx. 20%).
36. In considering the proposed residential –led mixed development and the departure from newly adopted policy there are three significant material considerations;
- Temporary Permitted Development Rights that allow for the change of use of existing office floor space (B1a) to residential use.
  - Long term vacancy of this site

- The current lack of a 5 year land supply in the Norwich policy area, and
37. Firstly, following the introduction of temporary Permitted Development Rights (PD) in 2013, Prior Approval has recently been approved for the change of use of existing vacant office floorspace B1(a) on the site to residential use. This approval relates to existing vacant floorspace within 6-8 Duke Street and the riverside building and allows for the creation of 69 dwellings, without the need for full planning permission. In order for the development to qualify as PD, current legislation requires the residential use to commence before 31 May 2016. The owners have indicated that they intend to bring forward the new dwellings within this timeframe.
  38. In the event of the 69 dwellings being implemented, these will occupy the principal Duke Street and riverside buildings and substantial parts of the site will be used to provide amenity, parking and servicing space. Although the whole site amounts to 0.85ha, the permitted residential use substantially constrains the space available for further development and compromises the ability to deliver the quantity and quality of office space planned for the site.
  39. Secondly, the site has been vacant for a substantial number of years, the buildings not having been in use since 1999. The site is prominently located within the city centre and the appearance of the buildings has substantially deteriorated over time. The site represents a significant development opportunity within the city centre, with the potential to deliver economic, social and environmental benefit. Given the long term vacancy of the site, the prospect of comprehensive redevelopment occurring over a short timescale and without further delay, is considered to offer substantial benefit. The owner's attempts to develop the site for offices following the approval of application 08/00743/F proved not to be viable and they have indicated that the current market for large scale new build office space remains weak in Norwich. The introduction of temporary PD rights for residential conversion has improved development viability and incentivised a start to development early in 2015. The applicant considers that the proposed 85 dwellings and 464sqm of commercial floor space, contributes to a viable mixed scheme, allowing the whole site to be delivered comprehensively over the next 3 years.
  40. Thirdly the Norwich policy area does not currently have a 5 year land supply. The NPPF states in para 49 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.
  41. While the adopted local plan is generally very supportive of new housing development, DM 12 and DM19 act to restrict housing supply in order to meet other strategic planning objectives. In the context of NPPF para. 49, these policies cannot be considered "up to date" where there is not a 5 year housing land supply (notwithstanding that the plan has been adopted very recently). In these circumstances the NPPF requires planning permission to be granted for sustainable development unless:
    - i. "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or

ii. Specific policies in the NPPF indicate development should be restricted".

42. In terms of assessing whether the development is sustainable, the paragraphs below assess this in more detail. However, in broad terms the development consists of the regeneration of a vacant brownfield site located within the city centre. The strategy seeks to re-use existing buildings and make best use of the remainder of the site, by proposing new build residential development. The location is highly sustainable for residential use, with a full range of services, facilities and employment opportunities immediately available to residents. Although the North-West corner of the site is at flood risk, the dwellings and site access arrangements have been designed to be safe, including in a 1:1000 year flood event. On this basis and the more detailed assessment that follows, the proposed residential development is considered to be sustainable and should therefore be permitted unless i) and ii) set out above apply.

43. In terms i), the principal of development and potential adverse impacts, the loss of the site as a location for high quality office space growth is the main consideration. As the 2008 application demonstrated, this site has the potential to accommodate a substantial amount of new high quality office floor space, in an accessible city centre location. However, as referred to in para 34, the use of the site for this scale of office space growth has been compromised by the permitted residential use. In addition, seeking a more substantial element of office use than that proposed at this time, is currently unlikely to be viable and could delay the comprehensive re-development of the whole site.

44. In relation to ii) and in the context of the principal of development, the site is not subject to any specific policies in the NPPF indicating development should be restricted.

45. On the basis of these three material considerations a departure from adopted development plan policy is justified. The 464 sqm of proposed commercial floor space is well below the amount planned for this location and may adversely impact on the ability of the city council to deliver the development objectives for office growth within the city centre. However, this has been weighed against the significant benefits that the proposed residential scheme offers – allowing a long vacant brownfield site to be developed without any further delay and bringing forward a mix of new homes in a high quality and sustainable location. In the context of Prior Approval having been approved for a large number of dwellings on this site and a deficiency in the 5 year land supply, the benefits of a residential –led scheme, outweigh the potential harm and are sufficient in nature and extent to allow a departure from the adopted development plan policy

## **Main matter 2: The visual impact of the scheme, including its scale and massing**

46. Key policies and NPPF paragraphs – JCS2, DM3, DM9, DM12 and NPPF paragraphs 9, 17, 56 and 60-66.

47. The site is located in the City centre conservation area and in close proximity to a number of listed and locally listed buildings. Of particular note is the former Bullards Brewery building to the West of the site, the Boardman buildings (4-6 Duke Street)



and the churches of St Lawrence and St Gregory, of which there are views across the site. In addition the site is located immediately adjacent to the River Wensum and highly visible from the existing riverside walk and from the Duke's Palace and Coslany bridges. The *City centre conservation area appraisal* identifies the site as lying within the 'Northern Riverside' key character area. The appraisal acknowledges the varied character of the buildings within the area and identifies scope for the introduction of larger scale buildings where appropriate. These factors are material to considering acceptability of the proposed design approach.

48. According to the submitted Design and access statement, 'the design aims to create an attractive place with a special character, a very pleasant place to live but also a distinctive site in which the most significant natural and historical assets are retained and enhanced'. The scheme retains, enhances and extends the most significant existing buildings and structures (including Listed wall fronting Westwick Street), demolishes more modern / less significance buildings within the Conservation area and proposes new buildings which respond to the urban context. Overall the design is seeking an "inside-outside" character to the redeveloped site, a contrast between the urban, hard-edged outlook of the properties towards Duke Street and the River Wensum and a softer, more open character towards the proposed central landscape and public realm area.
49. Within the context of the conservation area, the alterations to the external appearance of the existing buildings and the demolition of the former warehouse and social club buildings are considered acceptable. The proposal to heighten the buildings on the riverside and Dukes Street, along with the five storey development within the site, however, has formed the focus of a number of representations from residents living close to the site and from English Heritage and the Broads Authority. It should be noted that the proposed extended height of the riverside and Dukes Street buildings has been kept below the height of development previously approved for this site (2008/00743/F). However, as originally submitted officers including the council's conservation and design officer, considered that the added storeys resulted in the buildings having an overly top heavy appearance and an overbearing impact on the immediate surrounds. Following negotiations the proposals have been revised. The amended scheme incorporates a variety of measures to improve the appearance of these additions, including; setback, change in materials, reduction in massing and introduction of high level planting. These design changes have reduced the apparent scale of the additions and improved both visual interest and design quality. The overall massing of the resulting buildings is now considered acceptable and appropriate in the context of the locally listed Boardman buildings, the conservation area and city centre location. The appearance of the development from the riverside walk has been significantly improved by; the setting back of the proposed additional storeys, increased modulation of the façade and the inclusion of roof planting. The Broads Authority have confirmed these changes reduce the 'canyon' effect that they previously highlighted.
50. The scale of the new buildings within the site and on the frontage of the Westwick Street is considered acceptable and will assist in both creating an active street presence and a strong urban sense of place. This part of the city centre is characterised by a relatively dense urban grain, but one which is quite green with

numerous trees within gardens; courtyards and along streets. The layout of development retains and reinforces existing landscaping along the western boundary and allows space for a comprehensive and integrated landscape scheme. This along with the proposed pallet of materials and external detailing of the elevations allows the high density scheme to be visually and functionally anchored into its immediate context.

51. The proposed street level changes to the Duke Street fronting buildings and the use of the ground floor for as offices (A2/B1a) will significantly improve the appearance and levels of activity on this frontage. This will be further enhanced by the applicant's commitment to fund the provision of street trees along this frontage, along with cycle stands. The proposed block fronting Westwick Street delivers similar benefits. The design of this building has been revised following comments from the council's conservation and design officer and from English Heritage, that the design should respond more closely to both the cluster of listed buildings in this location and the conservation area. The revised scheme proposes a strong contemporary form of building directly fronting Westwick Street and uses scale and material to make a connection with the surrounding built context. Although this building results in the loss of four existing trees (Italian Alder) which currently deliver biodiversity and visual benefits, individually the trees have limited value and an estimated longevity of around 20years. The benefits associated with the long term development of the site and the creation of a strong /active frontage onto Westwick Street, are considered to outweigh the dis-benefits of the tree loss. In addition it should be noted that the scheme retains existing trees to the west of the Westwick Street entrance and includes substantial additional tree planting both within the site and the adjacent highway.
52. It should be noted that English Heritage have raised a number of concerns over the design of the scheme, which they believe have not been fully addressed by the amended plans. These concerns relate to: a) the lack of provision of a river side walk b) the appropriateness of proposed steep gable design of the town houses and c) extent of stepping up of the additional storeys and articulation between new and old. In response to a), this location is not identified as offering scope for a riverside walk given the position of the riverside building and that of adjacent buildings (also see para. 51). In relation to b) the council's urban design and conservation officer does not agree that steep gables are not a built form commonly found in this part of the conservation area. Although this exact form of gabled roofpitch may not be vernacular to the area, single gabled warehouse buildings fronting the river were, and still can be, found in the city and within the rest of the city rows of lucams are a traditional building form. Lastly in relation to c) it is considered that the recent amendments in design do introduce a more effective stepping up in the scale of development along the Duke Street elevation towards the river and that the justification for articulation between old and new is only necessary in relation to the historic Boardman building, which has been successfully achieved.

### **Main matter 3: Design approach to the river**

53. Key policies and NPPF paragraphs – JCS2, DM8, DM13, DM28 and NPPF paragraphs 9, 17, 56 and 60-66.

54. The application site has a 113m length of frontage onto the River Wensum. Around 80m of that frontage is occupied by an existing building for which Prior Approval for residential conversion has been approved. There is no public access to the river at present.
55. A continuous riverside walk through the city is a longstanding objective of the city council and the adopted *Policies map* indicates the existing and proposed route. No existing riverside walk exists through the site at present and the river frontage in this location, has not been identified as a section of any proposed route. In such cases, DM 28 indicates that where development adjoins a navigable section of the river, opportunities should be taken to provide residential or commercial moorings to facilitate access by water. In addition to this policy consideration, there are the following policies which relate to matters of amenity and the natural environment: DM3 which requires the provision of green infrastructure, landscaping and the creation of bio-diversity rich environment; DM8 which promotes the provision of new local green spaces and DM13 which requires on flatted schemes the provision of amenity space.
56. The proposed scheme includes the demolition of an existing 1980s warehouse building and the redevelopment of the North-West corner of the site where it abuts the River Wensum. As originally submitted the scheme created a river viewing area in the space, to be retained between new townhouses and the boundary with Anchor Quay and indicated the provision of a new pontoon within the river channel (subject to Broads Authority approval). The Wensum is considered a significant natural asset and development of adjacent sites should positively facilitate the greater appreciation, recreational use and biodiversity value of the river. Given the opportunities presented by the location, the original river viewing 3.4m x 5.2m in size, was considered unacceptable by officers and attracted a number of negative comments from third parties including from the Broads Authority. The amended scheme has now been informed by a river strategy which seeks to deliver a broad range of benefits. These include:
- Public access to an enlarged river viewing area – publically accessible (daylight hours). This includes landscaping and seating and is overlooked by the proposed townhouses.
  - Access to the water – provision of a canoe launch pontoon /de-masting facility (subject to current planning application to the Broads Authority).
  - Landscape /Bio-diversity enhancement – installation of floating islands (chained with a rising and falling anchor). Designed to create native wetland habitat, reef features and allow water fowl nesting (subject to current planning application to the Broads Authority). The islands would be sited to connect with landscaping proposed within and adjacent to the river viewing area.
57. With reference to policy DM28, the scheme does not include residential or commercial moorings. A joint representation from a number of residents of Anchor Quay, in advocating a more imaginative approach to this site, suggested the idea of an inlet/ basin in which barges/floating homes could moor. However, the Broads Authority have indicated that this location is not sufficient to provide adequate manoeuvring space for larger boats and numerous bridges along this stretch of the

river severely constrains the number and size of boats that could access this site. Moorings are therefore not being actively sought in this location by the Broads Authority and they support the inclusion of a pontoon, for canoe launching and de-masting, as a measure to promote improved access to and enjoyment of the river. The River Wensum in this location is deeply canalised and vertical ladder access to pontoon level is avoided, by providing access via a new doorway leading on to the pontoon from the lower level basement car park. Although this restricts open access to the pontoon, the facility would be readily available to residents of the development and by members of public, free of charge, but subject to prior booking and access for all parties would be both safe and convenient.

58. The proposed measures deliver both public and environmental benefit and have been supported by the council's natural areas and landscape officers. It may be the case that a different layout to the development could deliver greater benefit but this very likely would reduce the extent of new building on the site and ability to deliver a viable scheme.
59. It should be noted that the pontoon and floating islands are subject to a planning application currently being considered by the Broads Authority (BA). At the time of writing of this report the BA have indicated that they support the provision of a pontoon given that it will promote water based recreation activity in the form of canoes and paddle boats. However, they have also indicated that they have an objection to the floating islands and have asked the applicant to delete these from the scheme. The Broads Authority have been asked to reconsider their position on this matter and asked to provide advice on whether there is an alternative approach to providing soft marginal river bank planting in this location.
60. The landscape approach to the river forms part of the wider landscape strategy for the site. This strategy meets the requirements of policies DM3, 8 and 13 of creating high quality multifunctional open space of visual, amenity and biodiversity value. The landscape strategy includes:
- Tree planting and public realm enhancements to the Westwick and Duke Street frontage
  - Supplement existing landscape wedge along west boundary with additional native tree planting, under planted with understorey species to maximise woodland character and biodiversity value
  - Creation of sculptured residents lawn – including tree planting, seating and providing the opportunity for play
  - Hard landscaped / public realm area – providing shared space for pedestrians and vehicles including a public route across the site.
  - Creating green walls on block A3 and Southern elevations of blocks D and E (based on non-clinging climbers with wires to encourage growth)
  - Bat and bird boxes – Natural areas officer has suggested that bird nest boxes target specific species of conservation concern such as House Sparrow and Swift

#### **Main matter 4: Amenity**

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

62. Policy DM2 requires that development should not result in an unacceptable impact on the amenity of the people living and working in the area and that future residents enjoy high standards of amenity.
63. There are a number of residents living in close proximity to the site these include; residents of Dukes Palace Wharf separated from the site by Duke Street; residents of Mary Chapman Court separated from the site by the river and residents of Friars Quay which back directly on to the site. The development which includes the substantial increase in height of existing buildings and the new buildings of up to five storeys in height, will substantially change the appearance and character of the site and the outlook that residents will have. However, the existing site has a negative neglected appearance having been vacant a number of years and the proposed appearance of the development will be consistent with a city centre location. The outward facing elevations of the development will include a large number of windows and balcony areas and therefore the occupation of the building will be clearly visible. However, the separation created by Duke Street, the R. Wensum and by the landscape wedge along the western boundary of the site, will result in a level of overlooking between the development and adjacent properties not uncommon for a city centre location.
64. The proposed development is substantially higher than the Anchor Quay three storey properties and the buildings to the north of the river. The applicant has submitted an Overshadowing Analysis to assess the degree of overshadowing that the development will cause. This analysis shows that the overall impact of the scheme would in terms of over shading be relatively minor in comparison to the current site layout. It shows that in the spring and autumn there will be an increase in overshadowing of the flats fronting Duke Street on the north side of the river. The flats in this location have no river facing windows and the overshadowing is relatively short in duration. Therefore the impact is considered minimal.
65. Block D and E will be located to the north and in close proximity to commercial properties fronting Charing Cross. These commercial properties are 2- 3 storey in height at street level but within the site appear substantially higher given a marked fall in ground level. Within the site the commercial premises sit on a solid retaining embankment equivalent in height to at least one storey. The northern elevation of these commercial buildings includes a large number of north facing windows. The existing social club which is proposed for demolition is sited in close proximity to these properties, around 2.0m from the site boundary and ranges in height between 6.8 – 11.4m. Block E replaces the warehouse building and is 4.0m from the site boundary and ranges in height from 12.0m to 16.8m. In addition block D is located 5.6m from the rear elevation of buildings on Charing Cross and is of a similar height to block E. Both buildings have south facing, high-level secondary windows. The outlook from windows of the adjacent commercial buildings currently varies but views are largely of the public car park and derelict buildings. The development will in part positively change this since the quality and appearance of the buildings and public areas will be substantially enhanced. However, where existing windows are directly opposite blocks D and E, outlook will be severely restricted. The relative orientation of the buildings would minimise overshadowing and given the form of proposed fenestration direct overlooking would be largely avoided. However, where

oblique views from these windows are not possible, buildings D and E will have a rather overbearing presence. However, this impact has been weighed against the substantial benefits of the comprehensive development of this brownfield site and the impact is not considered sufficient to justify a refusal on this basis.

66. In terms of amenity levels for future residents, the proposed flats are principally dual aspect and all meet the council's indicative minimum guidelines for internal space standards. Most of the proposed dwellings have access to an area of private amenity space in the form of a balcony/roof terrace. Although for some units these private outdoor spaces are limited, all residents would have access to the landscaped areas within the site which will have significant amenity value. There is a 17m separation distance between each block C, D and E which is considered to allow for an acceptable level of intervisibility and overlooking and overshadowing.

## **Main matter 5 – Transportation matters**

67. Key policies and NPPF paragraphs – JCS6, DM28, Dm30, DM31 paragraphs 17 and 39.
68. The application has been accompanied by a Travel Plan and a Transport Statement. These reports assess the cumulative impact of both this application and the 69 dwellings for which Prior Approval has been granted. The Transport Statement confirms that the proposed development by virtue of its highly sustainable city centre location and the extant use of the site, would be unlikely to create any difficulties on the adjacent highway network with regard to traffic capacity and safety. This conclusion is accepted by local highways officer who has raised no objection on that basis. The following measures are proposed to manage transportation impacts:
- Proposed parking strategy: On-site parking provision is proposed to serve the demand of the comprehensive development. A total of 91 car parking spaces are proposed for the 154 dwellings. The proposed parking level, at less than 1 space per dwelling (0.6 per unit) is consistent with policy DM32 and the objective of promoting low car ownership housing. The provision includes disabled parking/electric charging points and a space for car club use.
  - Cycle parking: Provision is made in the scheme for 155 cycle spaces. The spaces are located at various positions throughout the development. This level is below the requirement set out in Appendix 3 of the DM plan but the local highways officer has confirmed that the level of provision adequate is adequate. In order to enhance access arrangements for cyclists, the local highways officer has requested that the development contributes to the formation of a cycle contraflow lane along the upper section of Westwick Street. The applicant has agreed to contribute to the funding of this measure which will also benefit the functioning of the wider cycle network.
69. The development and the measures proposed in relation to transport are consistent with the NPPF and para. 29-41 which relate to promoting sustainable transport. The development seeks to promote travel by sustainable travel modes and to reduce reliance on the car for travel. The transportation impact of the development is therefore considered acceptable and the mitigation measures proposed are satisfactory.

## **Main issue 6: Flood risk**

70. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.

71. The site directly fronts a deeply canalised section of the River Wensum. Most of the site lies with flood zone 1 where the risk of flooding is low. The site access points, new dwellings within blocks C, D and E and those proposed through the heightening of no. 6 and 8 Duke Street would all fall within flood zone 1. However, parts of the site are subject to higher flood risk. The Riverside building at its western end extends into the flood zone 2 and includes a basement area and the proposed town houses would be located within flood zone 3 and at the highest flood risk.

72. Policy DM 5 requires all development proposals to have regard to the need to manage and mitigate flood risk and that in accordance with the NPPF, development will only be allowed where it is shown that alternative sites at lower flood risk are not acceptable. In accordance with DM5 sequentially preferable alternative sites within the city centre have been considered. Given only parts of the site are at risk of flooding (approximately 10 dwellings), alternative sites at lower flood risk would be available. However, key to delivering development of this site is viability and by restricting development, in particular along the river frontage, would failure to optimise and make best use of the site and potentially undermine the regeneration of the site as a whole. These benefits have been considered along with the community benefits of delivering new houses and in the context of the site having been allocated for mixed development (including housing) in the adopted plan. On this basis the development is considered to meet the Exception Test set out in the NPPF provided development is considered to be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

73. A flood risk assessment has been submitted with the application and includes a number of mitigation measures to ensure that the development is safe.

- The site is protected by an existing defensive river wall. This is currently in a poor state of repair. It is proposed to repair and heighten the wall to protect the site from a 1:100 year (+climate change) flood event. The Environment Agency (EA) have indicated that this will entail an increase from 2.81mAOD to 3.18mAOD and that this will not increase flood risk elsewhere.
- Habitable floor levels will be set at a min. 5.00mAOD. The EA have confirmed that given all habitable floorspace is located at or above 5.00mAOD it will be dry in all modelled flood events, including 1:1000 year event (with climate change). This is also the case for the site (surface level) and the main access route.
- The basement includes ventilation openings (at a level of 2.98mAOD) facing the river - The basement is therefore at risk of flooding. The FRA recommends physical measures to heighten the sill level of the ventilation openings and for flood resilient construction within the car park to protect from a 1:100 year flood event.
- A Flood response plan will be developed for the site. The EA have indicated that this will need to have particular regard to the basement area - where warning and emergency response will be required.

- The FRA includes a surface water drainage strategy for the site. Currently 92% of the site is impervious (roofs and hard surfaces). Surface water from the existing site drains unattenuated into the river. An attenuation storage feature is proposed below the central open space which will result in betterment in the runoff rates compared to the existing situation.

74. On the basis of the above it is considered that the FRA satisfactorily assesses the risk of flooding and identifies appropriate mitigation measures to manage flood risk on those parts of the development at risk. The risk of flooding from all sources is considered low and that subject to the imposition of conditions recommended by the EA and the implementation of mitigation measures identified in the FRA the development will be safe for its lifetime.

## **Main matter 7 - Sustainable energy generation**

75. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.

76. The application has been accompanied by an Energy Statement. This confirms that a 'fabric first approach has been adopted to the design of the buildings in order to reduce both heat loss and energy consumption. In addition, in accordance with JCS policy 3, renewable technologies are proposed to meet the development's energy needs. These include a water source heat pump (WSHP) and solar power photovoltaics.

77. WSHPs utilise river water as a low grade source of heat to generate higher grade heat suitable for space and domestic hot water heating. Such technology has been used previously on this site, the riverside building having been powered in the 1940s by the first WSHP in the UK. The proposed WSHP will act as a thermal energy generator and distribute energy around the whole of the development to each apartment. It is predicted that the energy generated by the WSHP will be sufficient to meet 63% of the developments total need for space and hot water heating.

78. The WSHP requires the installation of an inlet and out pipe into the adjacent river and it is proposed that this infrastructure will be sited beneath the proposed pontoon structure. This pipe work will require consent from the Broads Authority, from Norwich city council as owners of the river bed and an abstraction licence from the Environment Agency. An Ecological Assessment considering the potential impacts of the WSHP has been submitted. This indicates that the WSHP is unlikely to have any significant effects on local wildlife. Given low output rates, the effect is likely to be localised and may have a minor beneficial effect on breeding fish given the cooled temperature of the water discharged (7°C cooler).

79. In addition, it is proposed to install mounted photovoltaics on the flat roofs of blocks C, D and E. This is predicted to generate approximately 11% of the developments electricity requirements.

80. The amount of energy generated through these measures substantially exceeds the 10% minimum that JCS policy 3 requires and will significantly enhance the sustainability of the proposed development.



## **Main matter 8 – Planning obligations**

81. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
82. JCS4 requires a proportion of affordable housing, including an appropriate tenure mix, to be sought on all sites for 5 or more dwellings. In this case given the scale of new housing proposed, policy seeks 33% of the units to be affordable that is 28 of the 85 total. The policy acknowledges that the proportion of affordable housing sought may be reduced where it is demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable.
83. The application has been accompanied by a Development Viability Assessment which indicates that in prevailing market conditions, development would not be viable, with any level of affordable housing contribution. Therefore the proposal makes no provision for affordable housing either on site or in the form of a commuted sum.
84. The council has referred the financial assessment to the District Valuation Office (DVO). The DVO have conducted an independent assessment of the financial information provided by the applicant and have advised that it is not viable for the development to support the provision of affordable housing. This is clearly disappointing on a residential scheme of this scale, particularly as many of the units proposed are of a type for which there is an affordable housing need (ie 1 bed flats). However, the DVO have highlighted that the costs associated with this site are complex and it is also acknowledged that some of the larger cost items eg flood proofing and the undercroft parking area, are justified to make the site safe and to ensure high quality public realm areas. In addition the whole of the development, including the 69xPD dwellings, is liable to the payment of CIL – to the sum of approximately £ 975,000. Indeed the scale of projected costs associated with the development calls into question whether the scheme will come forward in the time scale indicated. However, the owners have confirmed the development programme and identified potential sources of funding. It is also apparent that there is a financial advantage to the owners, of the site being developed without any further delay, not only because of the temporary nature of the residential PD rights but also because of Building Regulations changes which would substantially add to costs if development does not commence before April 2015.
85. On the basis of the above, the draft S106 Obligation does not require an affordable housing contribution. Given this is justified on the basis of current viability it is necessary for the S106 to provide the opportunity for development viability to be re-assessed in the event of the site not being developed in the manner proposed ie in terms of timescale and /or part of the development being PD.
86. In addition to the affordable review mechanism the following matters will also be secured through the S106 Obligation:
- Commuted sum for the provision and maintenance of street trees
  - Public access rights to the river viewing area

- A Public access scheme for use of the canoe pontoon
- Maintenance arrangements for the canoe and landscape pontoons

## **Other matters**

87. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: archaeology; contamination; noise, air quality, protected species, refuse storage and servicing and water efficiency.

## **Equalities and diversity issues**

88. There are no significant equality or diversity issues.

## **Local finance considerations**

89. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. This development would generate the payment of Community Infrastructure Levy to a sum of approximately £589,088 (+ £384,432 PD dwellings) and New Homes Bonus grant. In this case the financial considerations are not significant and therefore limited weight should be given to them in the determination of the planning application.

## **Conclusion**

90. This large city centre site has been vacant for a substantial number of years and the prospect of comprehensive re-development over the next four years is welcomed. The proposed mix of development conflicts with the newly adopted development plan policy. However, the introduction of temporary permitted development rights for office to residential conversions, has removed from planning control the principal buildings on the site and those that are likely to have the most commercial appeal. Given the number of new dwellings approved within these buildings, a residential led scheme for the remainder of the site is considered complimentary and a form of development that now best secures the optimal use of the wider site. The commercial use of the ground floor of the Duke Street and Westwick Street fronting buildings will give the outward facing development an active frontage, beneficial to the appearance and function of this part of the city centre. The new build blocks within the site and the increased height of the existing buildings, will substantially change the appearance of the site and indeed the riverside/Duke street corner building will be the highest in this part of the city. However, given the design changes, the scale and appearance of the development is considered acceptable in the context of the city centre, conservation area and riverside location. The design approach to the buildings, the river frontage and the open spaces, will create a distinctive urban development with a strong sense of place. The provision of public access to the river for viewing and recreation, is considered a benefit, along with the

opportunities provided by the scheme for biodiversity enhancement. In considering the loss of a site for substantial new office floorspace and the lack of affordable housing, weight has been attached to these benefits along with securing a viable form of development which will enable this site to be developed in current market conditions.

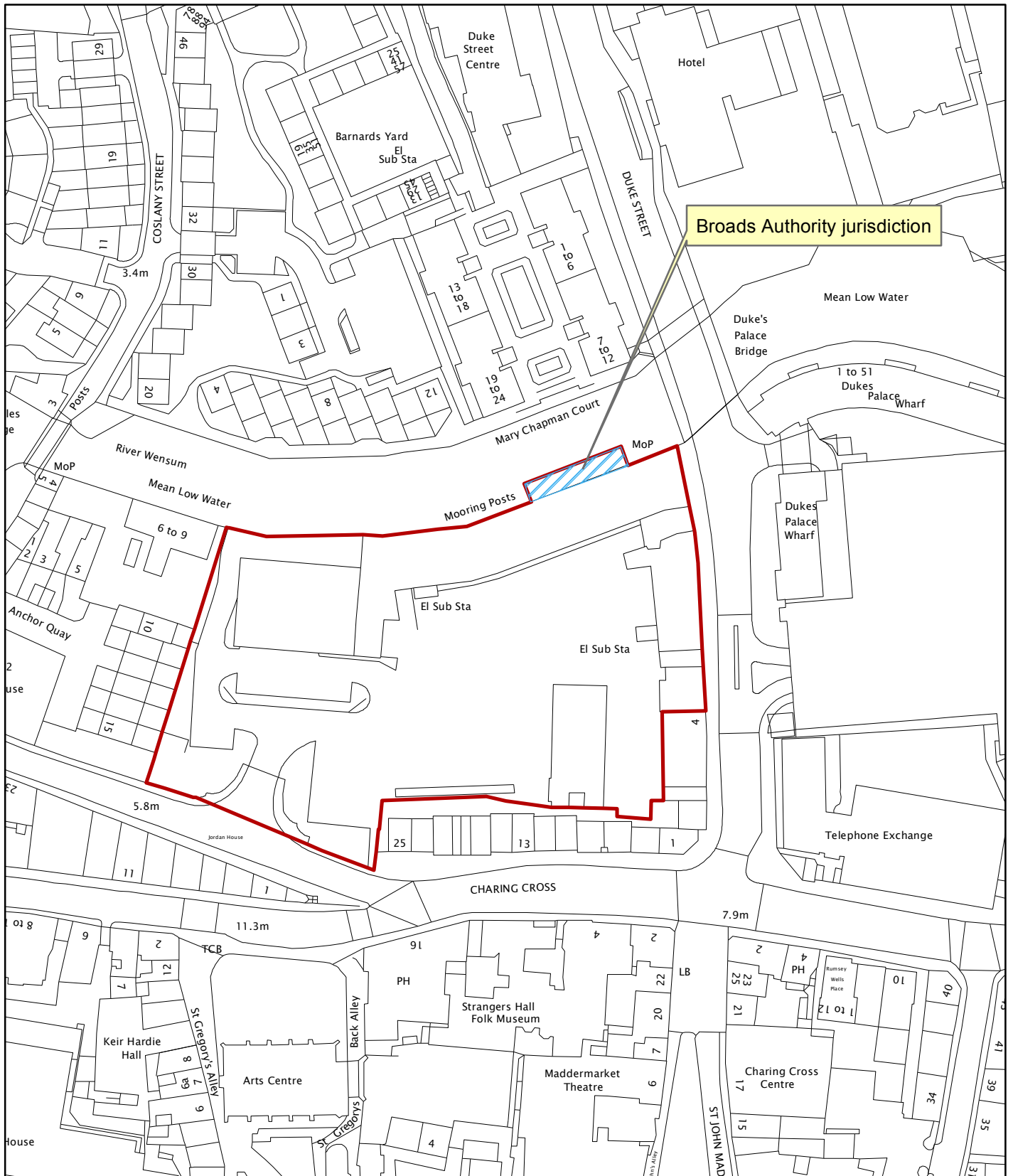
## **Recommendation**

To approve application 14/01103/F, Former Eastern electricity board site, Duke Street, Norwich, and grant planning permission, subject to the completion of a satisfactory S106 Obligation to include a viability review, public access to the riverside and contributions to provide and maintain street trees and subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Phasing
4. Photographic record former social club
5. Archaeology – investigation/interpretation/recording
6. No demolition/clearance nesting season
7. Arboricultural method statement – submission and implementation
8. Contamination/ imported material – investigation and verification
9. Off- site highways works to be agreed and implemented
10. Environmental and construction management plan – submission and implementation
11. Min. floor level 5.0m AOD
12. Landscaping – details/implementation/management
13. Detailed design of joinery/balconies etc to be agreed
14. Parking and servicing plan – provision and management
15. Development to meet water efficiency code 4
16. Development to meet 10% lifetime homes
17. Prior approval of extraction/ventilation/machinery
18. PD removal for changes of use from A2/B1a
19. Hours restrictions – restaurant
20. Energy strategy – full details and implementation/management
21. Flood mitigation - implementation/management
22. Surface water drainage scheme - implementation/management
23. External lighting details
24. Provision of pontoon
25. Scheme for heritage interpretation

### **Article 31(1)(cc)**

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.



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Planning Application No 14/01103/F

Site Address Dukes Wharf

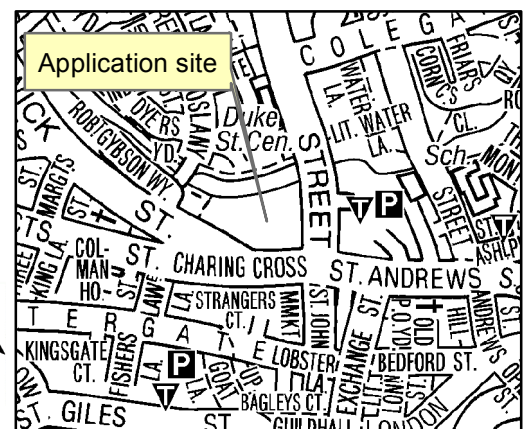
Scale 1:1,250



**NORWICH**  
City Council

PLANNING SERVICES

Page 48 of 144



**Material Key**

- 1b) Briefly classify to match existing:
  1. Terra-cotta rainscreen cladding
  2. Aluminium rainscreen cladding
  3. Facing brick to Blocks CDE (Type 1)
  4. Sandstone cladding
  5. Through-colour render
  6. Aluminium louvers
  7. Facing brick to Touchscreen (Type 2)
  8. Terra-cotta louvers

### Glossing and Fencification

20. A variety of other components are used.
  21. Steel-belted tire
  22. Solid tire
  23. Motor grille
  24. Aluminum window system
  25. Aluminum siding screen
  26. Timber siding screen
- Roofing and Roof Treatures**
20. Brown roof construction
  21. Single-ply roof
  22. Timber deck for roof terrace
  23. Standing seam tile roofing
  24. Solar panels

*Balustrades, Baiconics, Pergola*

30. Aluminum Q33 balcony with aluminum hand railing to opening
31. Powder-coated steel Juliet balcony to be arged opening, with aluminum reveal to opening
32. Aluminum-clad balcony
33. Powder-coated steel balustrade
34. Aluminum persola
35. Galvanized frame and timber post/beam/gangplank
36. Glass balustrade
37. Stainless steel handrails

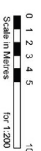
Other

#### 40. Pontoon



Page 49 of 144

REV	DESCRIPTION	DATE	DRAWN
F	PLANNING	10/01/14	
E	PLANNING	10/10/14	
D	PLANNING	17/09/14	
C	PLANNING	28/07/14	
B	PLANNING	18/07/14	
A	PLANNING	04/07/14	

PROJECT NO.  
084

**Duke's Wharf**

Highcourt Developments Ltd

Title

Proposed Elevation (Sheet 1)

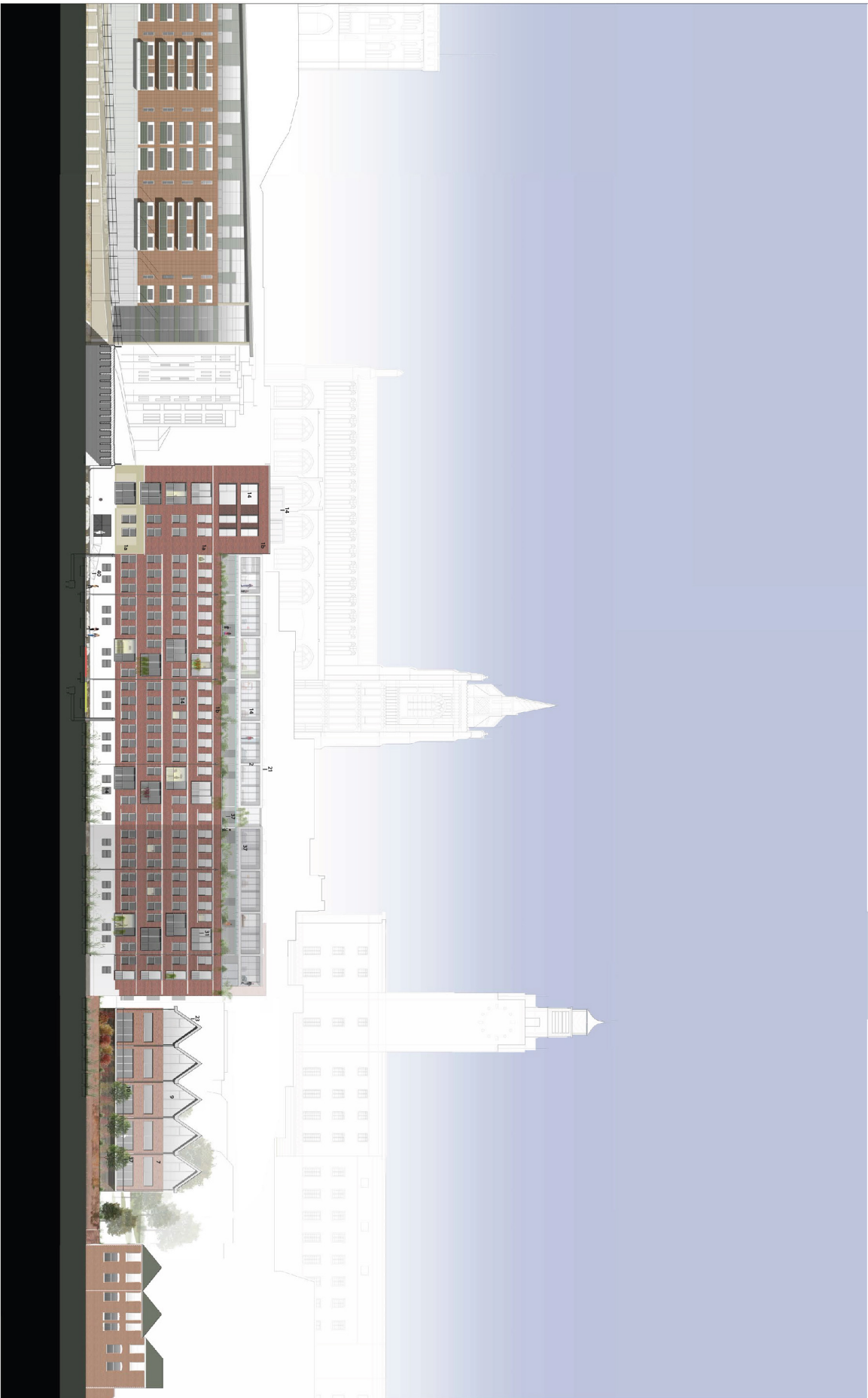
084 04-01 F Nov 2014

1:200

## Planning

**INNES ASSOCIATES** ARCHITECTURE & URBAN DESIGN

T 020 7928 6734 | [WWW.JINESASSOCIATES.NET](http://WWW.JINESASSOCIATES.NET)



North Elevation

Adjacent Residential Building

[A3] Fivebank

(B) Townhouses

Adjacent Residential Building

GENERAL NOTES:

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- All dimensions are in millimetres unless otherwise stated.
- Materials and methods of construction shall be in accordance with the relevant standards.

**Material Key**

**Roofing Materials**

1. Bitumen and gravel waterproof (laid and repaved)
2. Terracotta rainwater capping
3. Aluminium rainwater capping
4. Sandstone cladding
5. Through-colour render
6. Terracotta rainwater capping
7. Terracotta rainwater capping
8. Terracotta rainwater capping

**Glazing and Finishes**

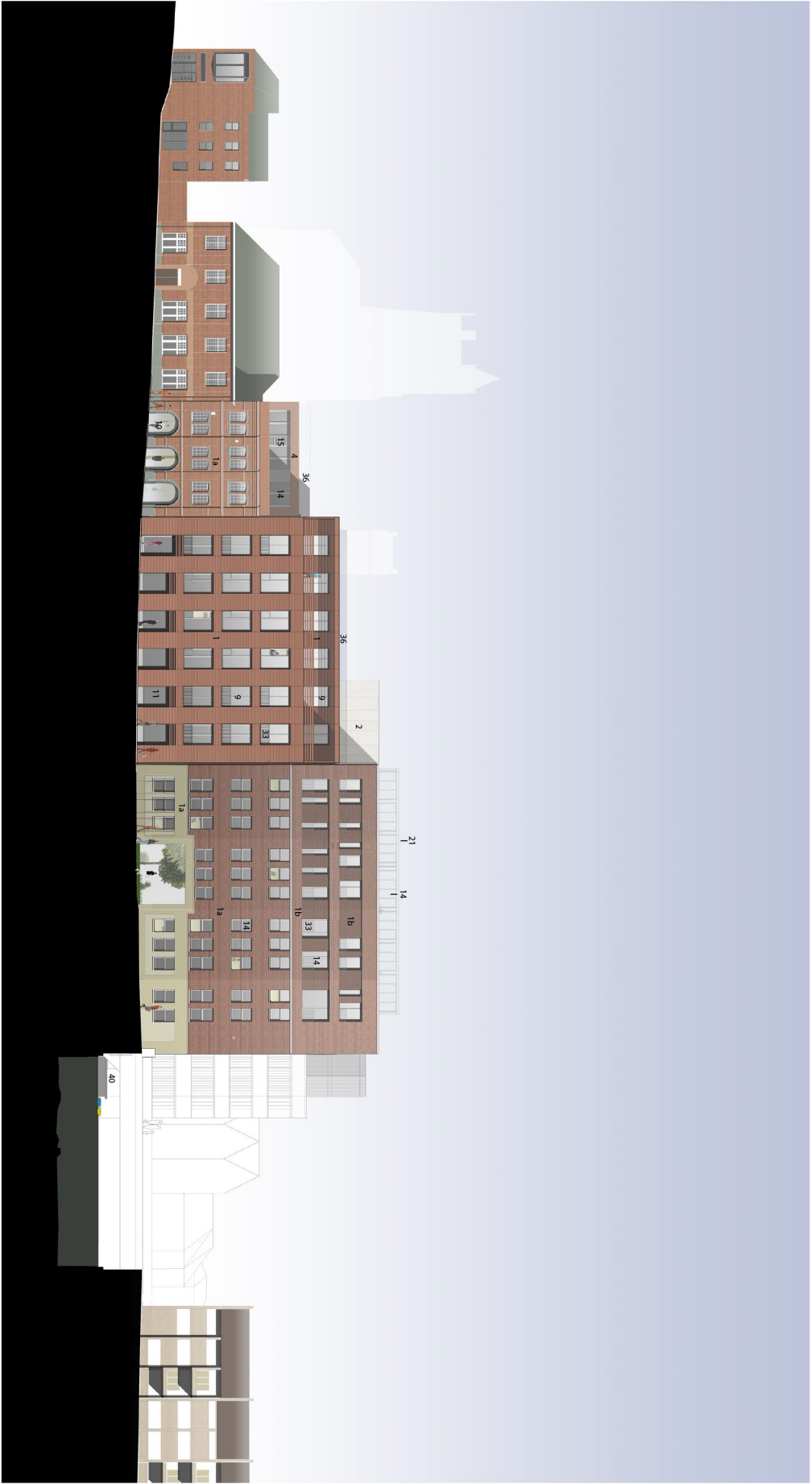
9. Aluminium/finer composite windows
10. Terracotta rainwater capping
11. Terracotta rainwater capping
12. Terracotta rainwater capping
13. Metal gills
14. Terracotta rainwater capping
15. Aluminium sliding screen
16. Timber sliding screen

**Roofing and Roof Finishes**

20. Brown roof construction
  21. Single ply roof
  22. Terracotta rainwater capping
  23. Terracotta rainwater capping
  24. Solar panels
- Roofing, Scaffolding, Scaffolding**
30. Aluminium cladding with aluminium lined reveal
  31. Terracotta rainwater capping
  32. Terracotta rainwater capping
  33. Terracotta rainwater capping
  34. Terracotta rainwater capping
  35. Terracotta rainwater capping
  36. Terracotta rainwater capping
  37. Terracotta rainwater capping

**Other**

40. Terracotta rainwater capping



East Elevation

Block A1)

Block A2)

Block A3)

River Museum

PROJECT NO.

084

CLIENT

Duke's Wharf

CLIENT

Highcourt Developments Ltd

TITLE

Proposed Elevation (Sheet 3)

DRAWN BY

084 04-03

REVISED BY

F

NOV 2014

ISSUED BY

11200

Planning

JAMES ASSOCIATES

THE OLD SCHOOL, EXTON STREET, LONDON, SE1 8UE

T 020 7293 0734 | WWW.JAMESASSOCIATES.NET





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- This drawing must be used in conjunction with all relevant drawings and documents by ARCHITECT and design team. Any discrepancy to be reported immediately to firms' Associates.
- All dimensions is millimeters unless otherwise noted.
- All structural, MEP and landscape information is indicative only to design team's specification.

### Material Key

**Façade Material**

- 1a. Brick cladding to match existing
- 1b. Terracotta rainscreen cladding
2. Aluminium rainscreen cladding
3. Facing brick to blocks CDE (Type 1)
4. Sandstone cladding
5. Through-colour render
6. Aluminium louvers
7. Facing brick to townhouses (Type 2)
8. Terracotta louvers

## Glazing and Fenestration

9. Aluminium/amber composite window
10. Frameless glazing
11. Solid timber door
12. Louvered aluminium entrance gate
13. Metal grills
14. Aluminium window system
15. Aluminium sliding screen
16. Timber sliding screen

### Roofing and Roof Terraces

20. Brown roof construction
21. Single-ply roof
22. Timber deck to roof terrace
23. Standing seam zinc roofing
24. Solar panels

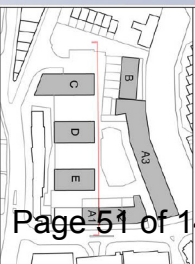
## Balustrades, Balconies, Pergolas

30. Aluminum-clad balcony with aluminum-lined reveal to opening
31. Powder-coated steel Juliet balcony to enlarged opening with aluminum reveal to opening
32. Aluminum-clad balcony
33. Powder-coated steel balustrade

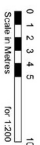
### 37. Stainless steel balustrade

- Other  
40. Pontoon

Note. Red dashed line to indicate existing ground.



Page 51 of 144

PROJECT NO:  
094

**Duke's Wharf**

Highcourt Developments Ltd

Proposed Elevation (Sheet 5)

North Elevation

1:200 @ A1

## Planning

THE OLD SCHOOL, EXTON STREET, LONDON SE1 8UE









**Report to**

Planning applications committee

Item

4 December 2014

**Report of**

Head of Planning Services

**Subject**

Application ref: 14/01527/F 3 Albemarle Road

**Reason for referral**

Objection

**4B**

<b>Site address</b>	3 Albemarle Road Norwich NR2 2DF
<b>Ward:</b>	Town Close
<b>Case officer</b>	Lara Emerson - laraemerson@norwich.gov.uk

<b>Development proposal</b>		
Demolition of existing garage and division of plot to create new dwelling.		
<b>Representations</b>		
Object	Comment	Support
3	0	1

<b>Main matters for consideration</b>	<b>Key issues</b>
1. Principle	Dwelling in existing garden
2. Design	Use of a modern design and materials, density
3. Heritage	Impact on conservation area and heritage assets
4. Trees	Loss of trees to facilitate development, protection of trees to be retained
5. Amenity	Overlooking, overshadowing, provision of external amenity space
6. Car parking provision	Number of spaces provided exceeds the council's maximum parking standards
<b>Expiry date</b>	11 December 2014
<b>Recommendation</b>	<b>Approve with conditions</b>

## The site and surroundings

1. The site is located on Albemarle Road to the south-west of the city centre. The area is predominantly residential in character although there are two schools in the immediate vicinity.

## Constraints

2. 3 Albemarle Road is a large detached residential dwelling which is locally listed and sits within the Newmarket Road Conservation Area.
3. There are several mature trees on and around the site.

## Relevant planning history

- 4.

Ref	Proposal	Decision	Date
12/00553/TCA	Removal of Silver Birch tree close to brick garage.	No TPO Served	24/04/2012
14/00634/TCA	Removal of a badly misshapen Leylandi that is right up against brick boundary wall; removal of a couple of self seeded Holly again misshapen and blocking access and removal of a self seeded Elderberry that is undermining the boundary wall.	No TPO Served	23/05/2014

## The proposal

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>1</b>
Total floorspace	<b>209m<sup>2</sup></b>
No. of storeys	<b>1 and 2</b>
Max. dimensions	<b>17m x 13m</b>
<b>Appearance</b>	
Materials	<ul style="list-style-type: none"><li>- <b>Off-white lime render to the ground floor</b></li><li>- <b>Vertical Larch boarding to the first floor</b></li><li>- <b>Green sedum roof</b></li></ul>

	<ul style="list-style-type: none"> <li>- <b>Aluminium windows</b></li> <li>- <b>Timber doors</b></li> </ul>
Energy and resource efficiency measures	<ul style="list-style-type: none"> <li>- <b>Green roof reduces the rate of rainwater runoff</b></li> <li>- <b>Details of water efficiency measures to be requested by condition</b></li> </ul>
<b>Transport matters</b>	
Vehicular access	<b>Vehicular access from Albemarle Road – shared with existing dwelling</b>
No of car parking spaces	<b>3</b>
No of cycle parking spaces	<b>To be requested by condition of any approval</b>
Servicing arrangements	<b>To be requested by condition of any approval</b>

## Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of support has been received. 3 letters of objection have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
Loss of trees	Paragraphs 26 & 27
Loss of sunlight to 5 Mount Pleasant	Paragraph 29
Loss of privacy to 5 & 7 Mount Pleasant	Paragraph 30
Harmful to the character and appearance of the area	Paragraphs 18, 20, 21 & 24
Detrimental to the conservation area	Paragraph 24

## Consultation responses

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

### Highways (local)

7. No issues with the proposal.

### Tree protection officer

8. No response.

# Assessment of planning considerations

## Relevant development plan policies

9. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including fringe parishes
  - JCS20 Implementation
10. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

## Other material considerations

11. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF0 Achieving sustainable development
  - NPPF4 Promoting sustainable transport
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design
  - NPPF11 Conserving and enhancing the natural environment
  - NPPF12 Conserving and enhancing the historic environment

## Case Assessment

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

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

13. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
14. The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:
  - a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or
  - b) Specific policies in the NPPF indicate development should be restricted.
15. 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 DM3 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.
16. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the table below given that:
  - The site is not designated for other purposes;
  - The site is not in a hazardous installation notification zone;
  - The site is not in the late night activity zone;
  - It does not involve the conversion of high quality office space; and
  - It is not in the primary or secondary retail area or in a district or local centre.

## **Main issue 2: Design**

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
18. The subdivision of the site is logical and results in two properties with ample separation and amenity space, consistent with the characteristics of the area.
19. The proposed dwelling is of a minimalist, modern, design with rendered and timber-boarded walls, aluminium framed windows and a green roof. The irregular footprint and the mixture of single and double storeys help to break up the mass and prevent the dwelling looking 'boxy'. Material samples will be requested by condition.
20. The dwelling will not be easily visible from any public spaces and will be screened from nearby properties by trees.
21. The design is considered acceptable in the historic setting, especially since there are a number of other examples of similarly modern design in the immediate vicinity



(i.e. a new building at Norwich High School for Girls and a new dwelling at 20A Albemarle Road). These buildings appear to sit comfortably within their setting.

### **Main issue 3: Heritage**

- 22. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
- 23. 3 Albemarle Road is locally listed as are a number of other nearby properties. The site sits within the Newmarket Road Conservation Area.
- 24. The contrasting modern style of the proposed dwelling is not considered to detract from the setting of the heritage assets and furthermore the new dwelling will not be easily viewed from surrounding public spaces and therefore it is not considered that there will be any harm to the conservation area.

### **Main issue 4: Trees**

- 25. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
- 26. The removal of a number of trees to facilitate development was considered by the council's Tree Officer earlier this year. No Tree Protection Orders were served. Their loss is considered acceptable given that many other trees will be retained on site.
- 27. The site is valued for its trees and vegetation, and those trees which are to be retained must be protected by barriers during construction as demonstrated on the Tree Protection Plan (TPP). Compliance with the TPP will be conditioned.

### **Main issue 5: Amenity**

- 28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
- 29. The proposed dwelling is at a distance of at least 11m from any neighbouring property (the nearest being 3a Albemarle Road), stands at a modest maximum height of 6m and the site is well screened by trees. Neighbours have expressed concerns about loss of light to 5 & 7 Mount Pleasant. However, these properties are 29m from the dwelling and the gardens are separated by a 4m track. Therefore there is unlikely to be any loss of light or outlook to neighbouring properties
- 30. First floor windows face towards the north-east and south-west but the angles, distances and trees prevent any direct overlooking of neighbouring internal or external spaces. 3 Albemarle Road has 10 windows facing towards the site of the proposed dwelling. However, the proposed dwelling has been considerably designed with no windows facing in this direction so that there is little threat to the privacy of either dwelling.
- 31. 3 Albemarle Road has a large private garden to the front of the property. The new dwelling would have a garden to the side. Sufficient external amenity space is provided for both properties.

### **Main issue 6: Car parking provision**

- 32. Although the indicative parking provision (3 spaces) exceeds the council's maximum parking standards set out in DM31, this is not easily avoided given the size of the plot.



The number of parking spaces is not considered in this case to warrant refusal of the application.

### **Compliance with other relevant development plan policies**

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

### **Equalities and diversity issues**

34. There are no significant equality or diversity issues.

### **Local finance considerations**

35. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
36. This development would generate the payment of Community Infrastructure Levy to a sum of £12,855.13 (unless self-build exemptions apply) and New Homes Bonus grant. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

### **Conclusion**

37. The erection of a family-sized dwelling in this established residential neighbourhood is welcomed. The proposed development is acceptable in terms of its design and its impact on heritage assets, trees and residential amenity.
38. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

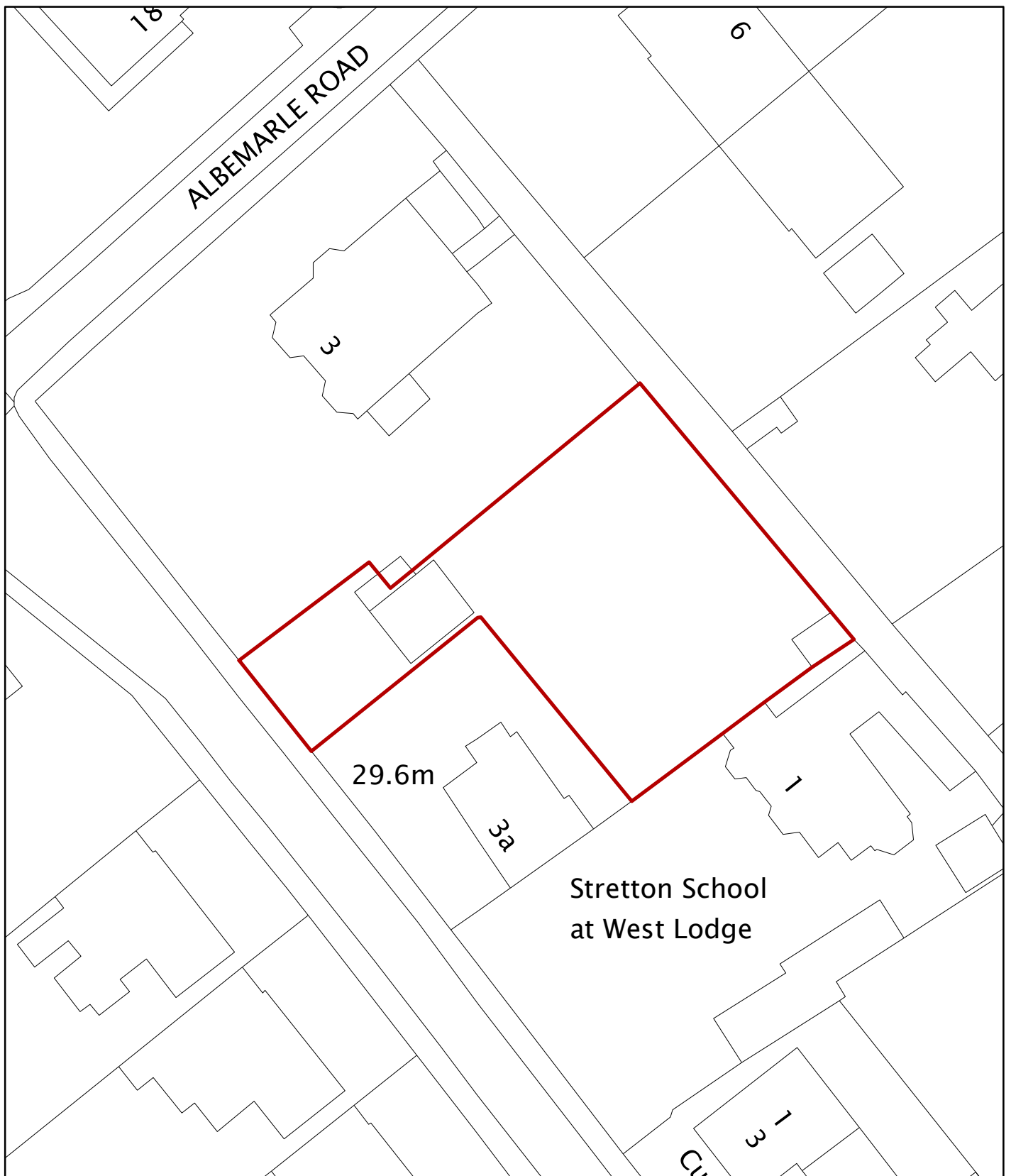
To approve application no. 14/01527/F 3 Albemarle Road and grant planning permission subject to the following conditions:

1. Standard time limit

2. In accordance with plans
3. Compliance with TPP
4. Material samples required pre-commencement
5. Details of water efficiency pre-commencement
6. Cycle storage to be agreed and installed pre-occupation
7. Refuse storage to be agreed and installed pre-occupation
8. Green roof provision and retention to reduce runoff

**Article 31(1)(cc)**

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.



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Planning Application No 14/01527/F

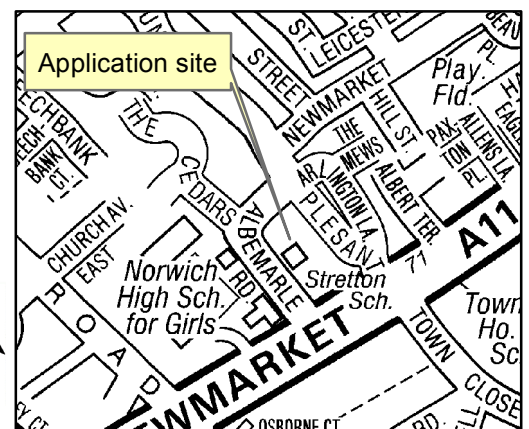
Site Address 3 Albemarle Road

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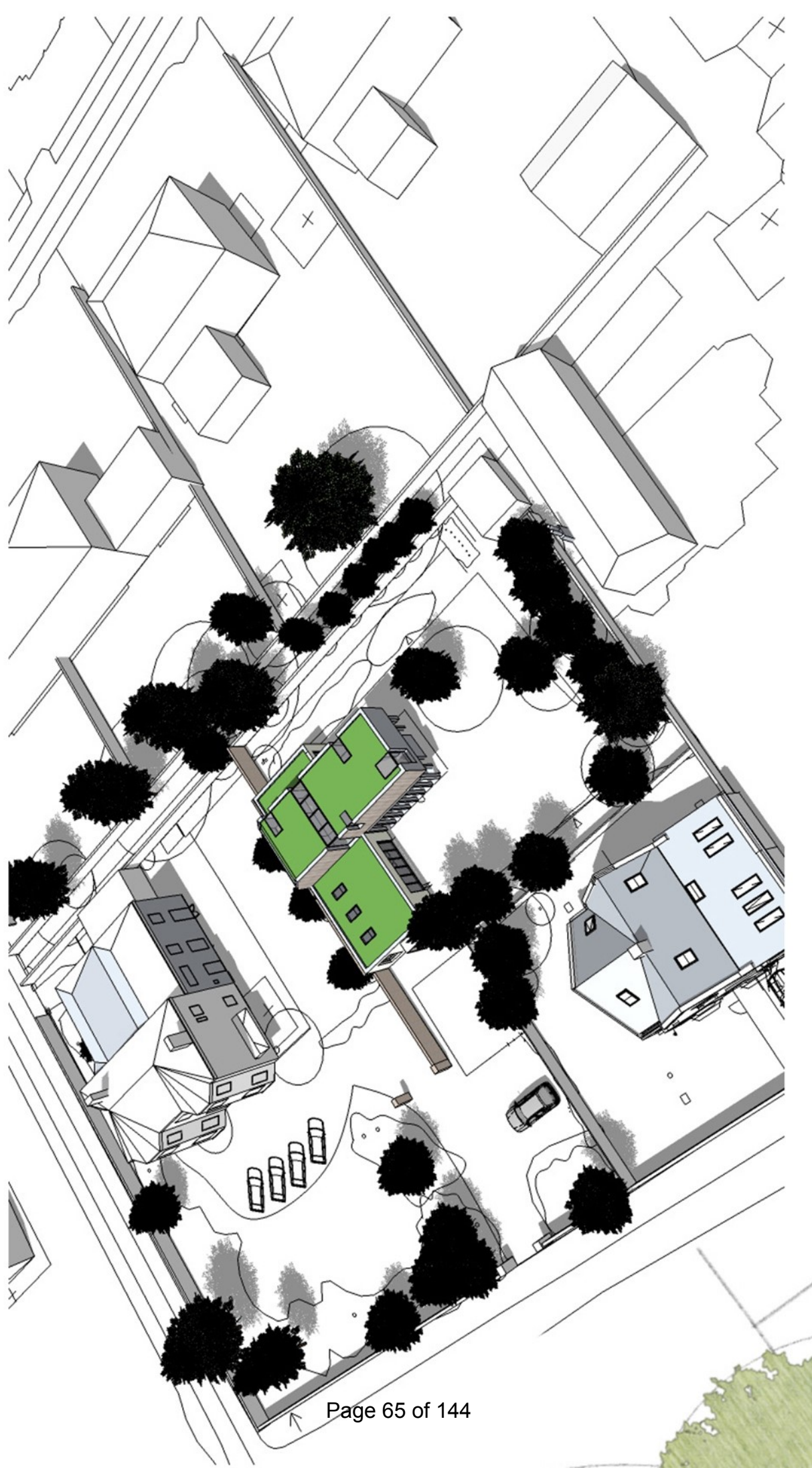
**NORWICH**  
City Council

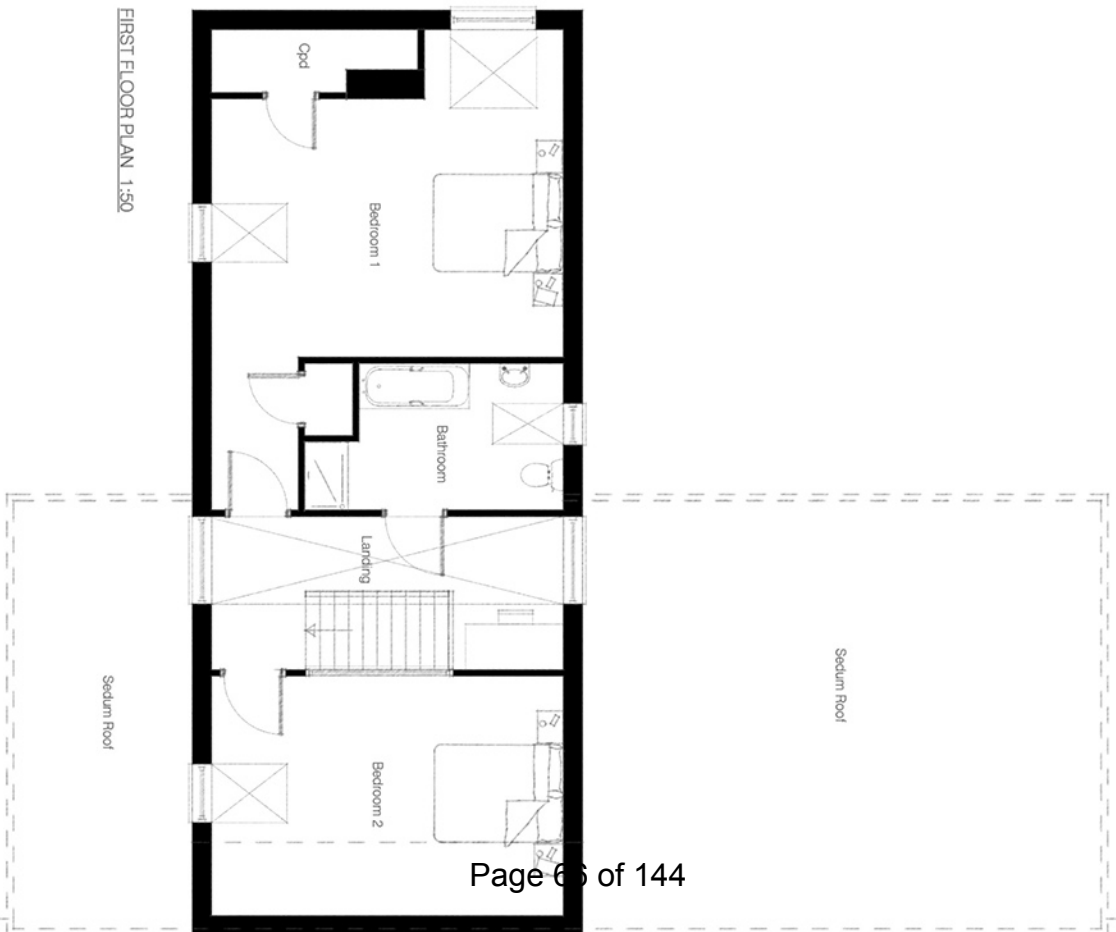
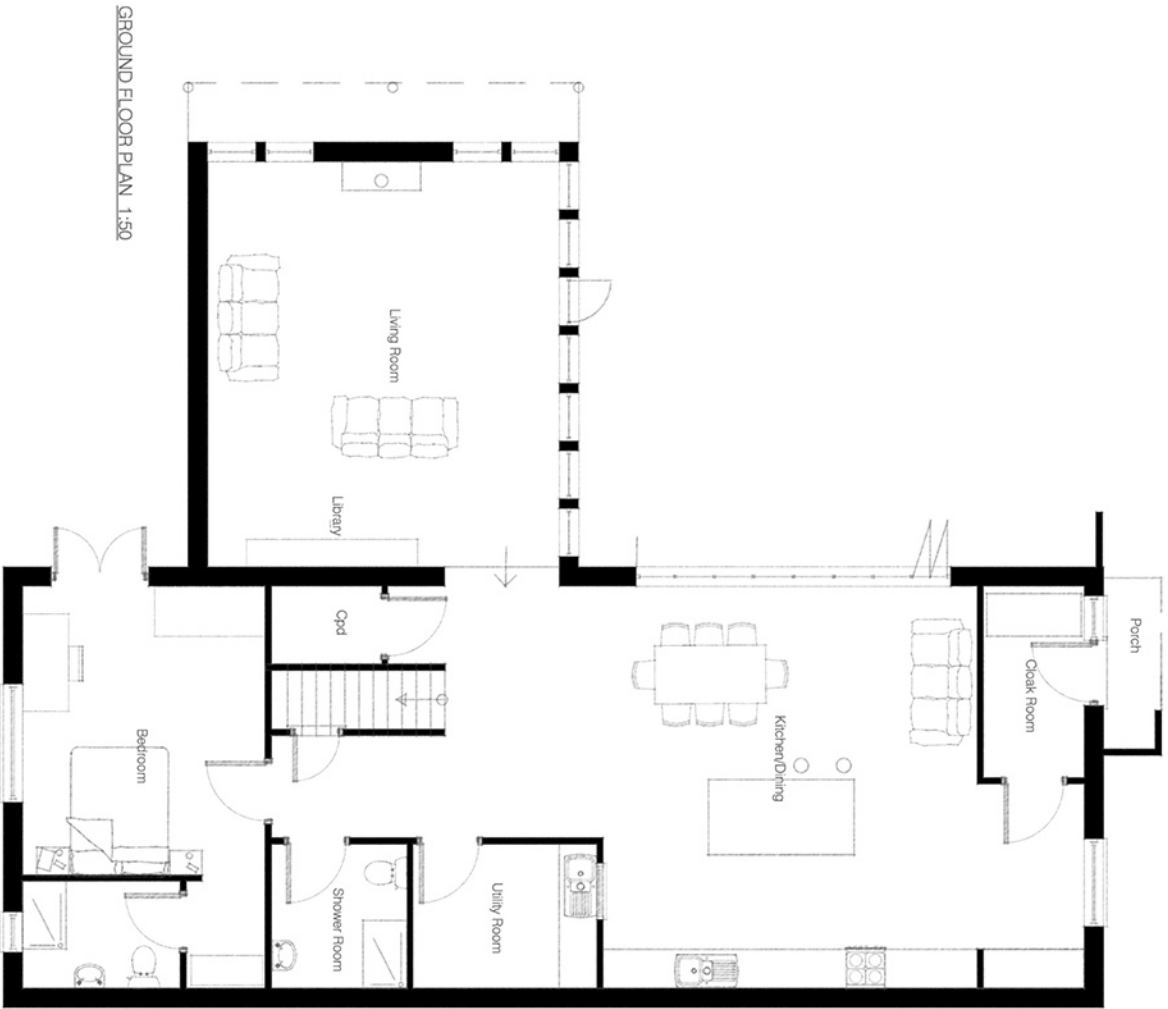
PLANNING SERVICES











**Report to**

Planning applications committee

**Item**

4 December 2014

**Report of**

Head of planning services

**Subject**

Application ref: 14/01454/F 149 Gipsy Lane

**Reason for referral**

Objection

**4C**

---

<b>Site address</b>	149 Gipsy Lane Norwich NR5 8AZ
<b>Ward:</b>	Wensum
<b>Case officer</b>	Mr John Dougan - johndougan@norwich.gov.uk

<b>Development proposal</b>		
Erection of pitched roof to existing outbuilding at rear of dwelling.		
<b>Representations</b>		
Object	Comment	Support
4	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
Principle of development	The extension and alteration of existing ancillary buildings within the curtilage of a dwellinghouse is supported in principle, subject to other issues. Issues with regard the use of the outbuilding are also considered below.
Design	The impact of the proposed raising the of the ridge of the roof of the dwelling upon the character of the surrounding area is also considered below.
Trees	The impact of the proposals upon existing trees are also considered below.
Residential amenity	The impact of the proposals upon the amenity of neighbouring occupiers in terms of daylight, sunlight and privacy are also considered below. Loss of outlook and overshadowing of the adjoining rear gardens
<b>Expiry date</b>	9 December 2014
<b>Recommendation</b>	Approve

## The site and surroundings

1. The surrounding area is residential in character comprising two-storey dwellings in render and pan-tile roofs with small gardens to the front and long gardens to the rear.
2. The site comprises a two-storey dwelling which appears to be occupied as a small house in multiple occupation (C4) with a driveway accessing the garden to the rear. The existing outbuilding / garage is located to the rear of the garden being 11.6 metres long by 4.2 metres wide. The building was formally of flat roof construction with the recent alterations creating a dual-pitch roof construction resulting in an increase in height of the building from 2.75 metres to 4.2 metres.
3. At the time of the site visit, the interior of the building was being used for storage purposes.
4. Further revised plans were submitted to clarify slight inaccuracies in the elevations, position of fence and eaves detail relative to the boundary fence.

## Constraints

5. There are no specific development plan designations associated with this site.
6. There are mature trees to the rear of the site.

## Relevant planning history

7.

Ref	Proposal	Decision	Date
14/00240/F	Conversion of outbuilding to residential dwelling with subdivided plot.	Withdrawn	27/03/2014

8. The former flat roof building was 2.75 metres in height and within 2.5 metres of a neighbouring boundary meaning that its construction would need formal planning approval.
9. There is no record of any formal approval for the building. However, on inspection of aerial mapping it would appear that the building has been in place for some time (at least four years), meaning it is likely that it would have immunity from any enforcement action taken by the Council.
10. Nevertheless, the council's planning enforcement team became aware of the unauthorised increase in height of the roof, inviting the applicant to submit a formal planning application.

## The proposal



11. Erection of dual pitched roof to existing outbuilding at rear of dwelling increasing the building's height from 2.75 metres to 4.2 metres.
12. No other works to the house or boundary treatment are the subject of this application.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	Unchanged
No. of storeys	Unchanged
Max. dimensions	Existing building increased to 4.2 metres high
<b>Appearance</b>	
Materials	Red pan-tile roof
Construction	Dual pitch roof

### Representations

13. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The development is out of character with the existing housing in the area.	See issue 2
The roof is huge	See issues 2 and 4
Too much development in Gipsy Lane	See issue 2
Loss of privacy in my garden	See issue 4
The building is more living space	See issue 1 and 4
Overlooking from the roof lights to our garden	See issue 4
The windows on the north-east elevation look onto the back gardens of two families, resulting in an invasion of privacy.	See issue 4
The roof will drain water onto our property	See para 20

Inadequate access to the site and parking having a detrimental impact on highway / pedestrian safety	These matters are not the subject of this application
The application boundary, building and position of the fence are not accurately depicted on the plans	The plans submitted provide a reasonable depiction of the scale of the roof on an existing building relative to existing boundary treatment. Although, the applicant was asked to iron out these slight inaccuracies by submitting revised set of plans.
I have right of way and other easement rights of the access way. The separate pathways should be reinstated. The Council needs to check conveyancing details to stop cars using the access way.	<p>This is a civil matter and not material to the determination of the application.</p> <p>Although, property services have been informed to investigate if there is any grounds for the council to be involved in this matter.</p>
The house is already over-populated. Any planning approval will just make things worse.	The application is for alterations to an existing outbuilding not an extension of the existing house
The occupants of the dwelling are causing nuisance – parked cars in the access way, untidy site, excessive noise and antisocial behaviour potentially being a danger to children and criminal activity. Social services will be contacted if planning is granted.	<p>These matters are not relevant to the determination of the application. However, the claims are being investigated by the council's environmental protection team.</p> <p>If neighbours believe that there is evidence of criminal activity, they should contact the police.</p> <p>Similarly, if neighbours believe that are activities which could result in harm to children, we would advise that they contact social services for support.</p>
We have an issue with the sub-standard boundary fencing that currently exists.	This is a civil matter between the two properties.
Does the small parcel of land to the rear make the building a self-contained dwelling? Is this a breach of planning?	The application is not for a self-contained dwelling
There is not currently any security lighting to the rear of the property. Does Mr Wilks propose to add security lighting?	No security lighting is proposed.
How does Mr Wilks plan to connect to his sewer if bathroom and kitchen facilities are being added to the development? Again	These matters are not the subject of this application

these do not appear on the current plans.	
Why was Mr Wilks previous application withdrawn (Ref: 14-00240-F)?	The application was withdrawn by the applicant following officer advice that a proposed self-contained dwelling could not be accommodated on site in a satisfactory manner, alongside the existing dwelling and proposed car parking.

14. An adjoining neighbouring property has expressed concern that the application boundary and position of existing boundary treatment (rear corner) had not been accurately depicted on the site. In addition some of the land within the red line boundary is not within the applicant's ownership and materials had been deposited on adjoining land.
15. The above point was conveyed to the applicant, asking them to check that they did own all of the land within the application boundary. They inspected their land registry details and confirming that they did own all of the land. Procedurally the onus is on the applicant to complete the application form correctly, and officer's are satisfied that the applicant considers this to be the case despite the comments received. Any differences of opinion between the applicant and adjoining landowners with regard to ownership and access are considered to be civil matters and not relevant to the determination of the planning application which is only for the increase in height of the outbuilding.
16. The revised plans also included a slight change to application boundary to the front of this site, the location extending the red line the full width of the access way. The applicant confirmed that all of this land is under their ownership. Any rights of way through this access are not a material planning consideration. However, as the site extents of the site had changed, it was important to make sure that all neighbouring properties were re-consulted, expiry on the 19th November.
17. Concerns about existing activities within the site such as the use of the outbuilding as a dwelling are noted. The applicant has confirmed that the existing use of the outbuilding is for workshop / storage purposes ancillary, to the main house and that following the proposed external alterations the use would remain as existing. As such no change to the use of the outbuilding is proposed and potential impacts with regard to the use of the outbuilding as a dwelling cannot be considered as part of this application.
18. If the applicant were to use the outbuilding either as a workshop independently from the main house, or for self-contained residential purposes, then this would be likely to require planning permission, and the submission of a separate planning application would be required. Potential impacts arising from such a change of use would be assessed at this stage.
19. As no change of use is proposed concern with regard parking activities and noise and upkeep of the site are not material to the assessment of the application. However, the Council's environmental protection are investigating the matter including liaising with all concerned parties.

20. Concerns have also been raised about easement rights relating to the access to the site and the reinstatement of separate pathways to the rear of the properties. This too is a civil matter and not relevant to the determination of the application. In addition comments with regard to drainage from the outbuilding onto adjoining properties are noted. The proposed pitch roof would be capable of accommodating guttering and down pipes and drainage in a similar manner to the previous flat roof. As such this issue is not considered to represent a reason for refusal of the proposals.
21. Further revised plans were submitted to clarify slight inaccuracies in the elevations, position of fence and eaves detail relative to the boundary fence.

## **Consultation responses**

22. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
23. Environmental Protection - no objection to the increase in height of the roof, although other the other concerns raised by the objectors are being investigated.

## **Assessment of planning considerations**

### **Relevant development plan policies**

24. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)  
JCS2 Promoting good design
25. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)  
DM2 Ensuring satisfactory living and working conditions  
DM3 Delivering high quality design  
DM7 Trees and development

### **Other material considerations**

26. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):NPPF7 Requiring good design

## **Case Assessment**

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

paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

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

28. The principle of extending an existing residential outbuilding are acceptable subject to the development being of an appropriate scale and design which is sympathetic to the character of the area, the appearance of the outbuilding and the amenities of neighbouring properties.
29. The proposal is not for the conversion of the building to become separate independent living space. In addition the installation of new doors and windows within the building is also indicated on submitted plans. However the applicant has stated that these are not part of the application for planning permission as they are to be carried out under permitted development rights. As such the application is being assessed solely on the basis of potential impacts arising from the proposed alterations to the roof.
30. It is acknowledged that outbuildings can be used for various purposes under permitted development rights as long as they are incidental to the enjoyment to the main dwelling house. It is therefore recommended that an informative be added to any approval advising the applicant that should they wish to adapt the building for residential use, or use independently of the main dwelling, they would be required to submit a further application for planning permission and potential impacts could be assessed at this stage.

### **Main issue 2: Design**

31. Policy DM3 requires that development be sympathetic to the character / local distinctiveness of the area and also be of an appropriate height, scale, form and detailing.
32. The area is residential, the majority of the dwellings being two-storey detached and semi-detached many cream render walls with red pan-tile roofing. Many of the outbuildings in the surrounding area are relatively small scale.
33. The outbuilding was formally of a flat roof construction. The works are substantially completed except for the laying of the pan-tiles and the eaves.
34. The profile and height of the roof is still relatively small scale being proportionate to the size of the original structure. No additional land within the plot will be used.
35. The development is also small scale and in a rear location which will not comprise the visual amenities of the street scene or the character of the area.
36. The applicant has indicated that they wish to use clay classic pan-tiles in red, which are considered appropriate for a small scale building in a rear garden setting.
37. The addition of doors and windows on an existing outbuilding do not require planning permission, provided that the outbuilding is used for ancillary purposes, incidental to the residential use of the main house.

### **Main issue 3: Trees**

38. Policy DM7 requires that any trees to be retained be adequately protected.
39. It is acknowledged that there are mature trees in close proximity to the footprint of the outbuilding. However, as no excavation works are proposed, no significant harm to those mature trees is expected. The remaining works (tiling of the roof), is a relatively low impact operation, so no significant harm to the nearby trees is expected.

#### **Main issue 4: Amenity**

40. Policy DM2 requires that the development will not result in an unacceptable impact on the amenity of the area or the living or working conditions or operations of neighbouring occupants. Particular regard will be given to:
- the prevention of overlooking and the loss of privacy;
  - the prevention of overshadowing and loss of light and outlook; and
  - the prevention of disturbance from noise, odour, vibration, air or artificial light pollution.
41. The existing outbuilding is being assessed on the basis that it is incidental to the enjoyment of the main dwelling house displaying characteristics which indicate that it is being used for storage purposes. Such would be considered to be ancillary and incidental to the residential use of the house.
42. As the existing building is an ancillary outbuilding, the insertion of new doors and windows within this outbuilding would be permitted development under class E of the General Permitted Development Order (GPDO). However the height of the proposed roof is in excess of that permitted by the GPDO and it is this element which is the subject of the application.
43. The key issue is whether or not the increase in height of the roof would result in significant demonstrable adverse impacts on the amenity of neighbouring properties. Specifically in this case, whether it be significantly overbearing or result in significant overshadowing.
44. The outbuilding is located to the rear of the garden, so there will be no additional overshadowing or loss of light of any habitable rooms of the adjoining properties. Furthermore, its position to the rear of the plot coupled with it still being of a relatively modest height will mean that it will not appear significantly overbearing from the perspective of neighbouring dwellings. Its prominence is reduced further by the fact that it is set against a backdrop of mature trees to the south of the site.
45. Whilst, the increase in the height of the roof is in close proximity to private amenity spaces of adjoining properties, the area in question is not considered to be the main primary external living space for those properties. The use of a dual-pitch roof is considered sympathetic and will not appear significantly overbearing from the perspective of adjoining occupants using the rear extents of their gardens.
46. It is acknowledged that the increase in height of the roof in such close proximity to the boundaries may project some additional overshadowing to part of the rear amenity areas of adjoining properties specifically nos. 147 and 151 – the key receptor being no.151. However, as the areas in question are already overshadowed by the line of mature trees to the south, the impact is not considered to be significant.

47. The building the subject of the application is an outbuilding and not habitable living space. Therefore, the roof lights will not result in loss privacy of adjoining properties.

### **Other matters**

48. None

### **Equalities and diversity issues**

49. There are no significant equality or diversity issues.

### **Local finance considerations**

50. None

## **Conclusion**

51. The development is of a scale, design and location which will not result in significant harm to the character of the area or the amenities of neighbouring properties.

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

## **Recommendation**

For the reasons outline above the recommendation is to approve Application ref: 14/01454/F 149 Gipsy Lane subject to the condition listed below:

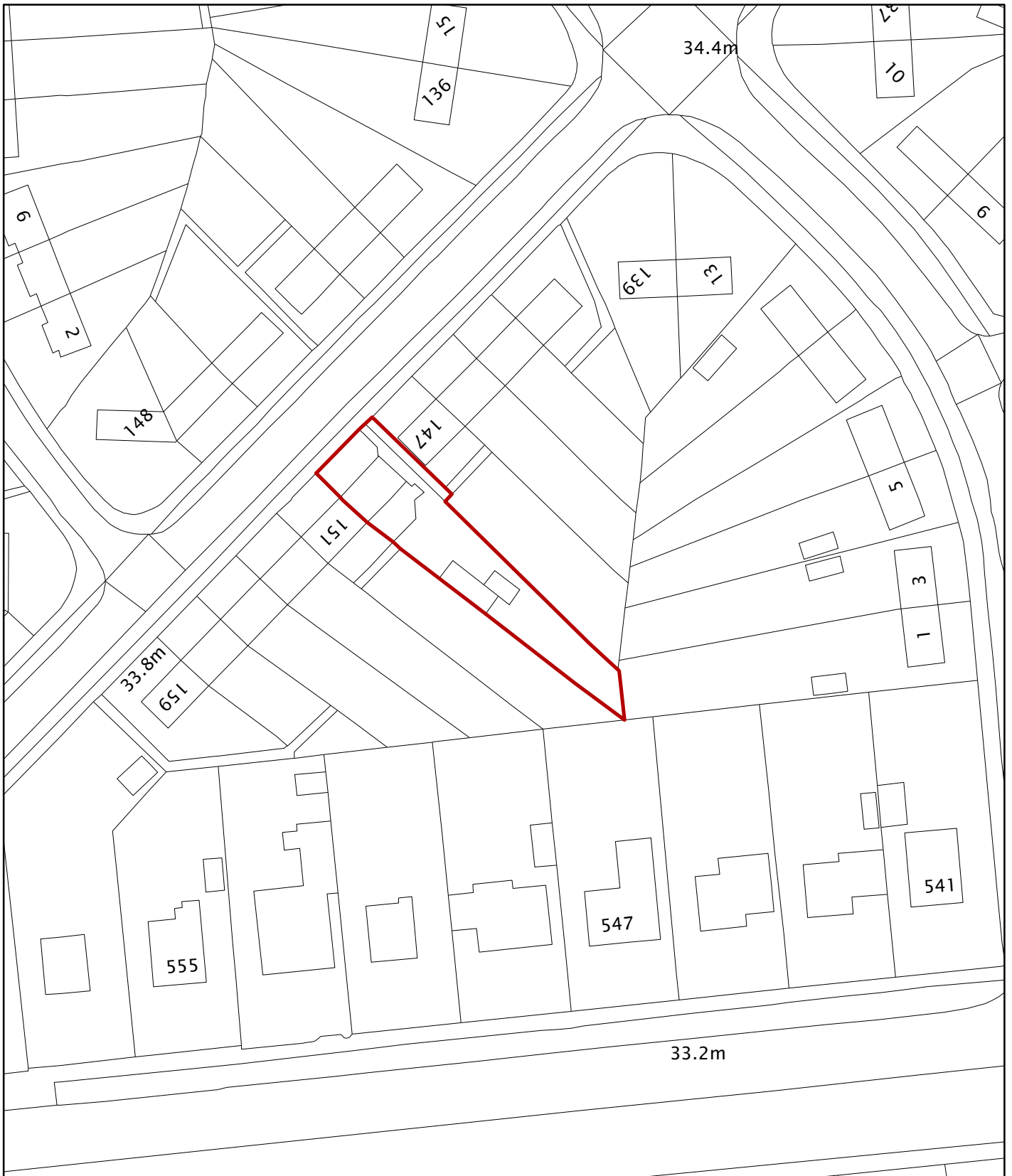
1. In accordance with plans

### **Informative**

Should the outbuilding be used as a workshop independently of the main house or for residential purposes as a residential dwelling or annexe, then such a change would be likely to require planning permission, and a application should be submitted for consideration by the local planning authority prior to any such change of use taking place. In addition any occupation of the site (including the main house) by more than six unrelated individuals would also constitute a change of use and would require planning

### **Article 31(1)(cc)**

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.



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Planning Application No 14/01454/F

Site Address 149 Gipsy Lane

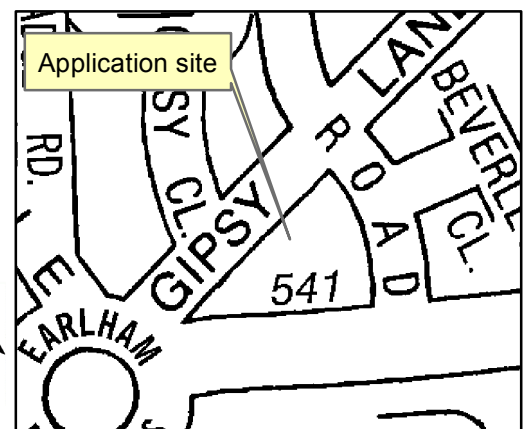
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**NORWICH**  
City Council

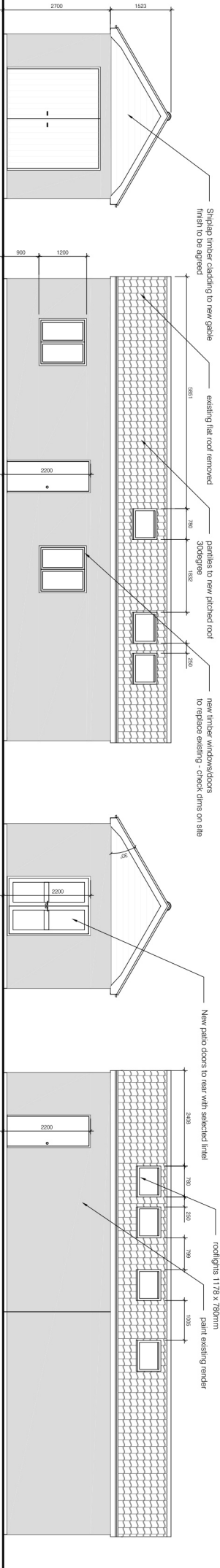
PLANNING SERVICES

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This drawing is a print and must not be scaled. It is not to be used for planning submissions. All dimensions are given in millimetres. The client is responsible for ensuring that the drawings are checked prior to commencement of work and any discrepancies to be reported to Clayland Architects. Any construction work carried out prior to receiving all necessary approvals is entirely at the client's risk. This drawing is the copyright of Clayland Architects and shall not be in any way used, modified or reproduced without their prior written consent.

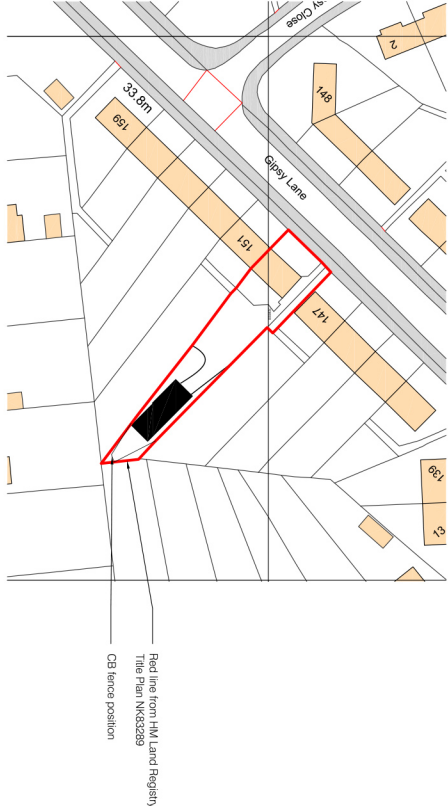


Proposed North-West Elevation  
1:50

Proposed North-East Elevation  
1:50

Proposed South-East Elevation  
1:50

Proposed South-West Elevation  
1:50



Location Plan 1:1250

Site Plan 1:500

SCALE	50 @ A1 1:500, 1:1250	DRAWING NUMBER	04	REVISION	D
DATE	Oct 2014				
DRAWN	HD / OH				
JOB NUMBER	1336	CHECKED		CLIENT APPROVED	

**PROPOSED ELEVATIONS**  
**SITE PLAN & LOCATION PLAN**

**CONTRACT**  
NEW ROOF  
149 Gypsy Lane,  
Norwich, Norfolk,  
NR5 8AZ

**CLAYLAND ARCHITECTS**  
The Glass House, Lyford Gardens  
Lyford Road, Norwich, Norfolk, NR5 8AZ  
01603 251111  
www.claylandarchitects.co.uk



**Report to** Planning applications committee

**Item**

4 December 2014

**Report of** Head of planning services

**Subject** Application ref: 14/01286/F, Land south of Howard Mews

**Reason for referral** Objection

**4D**

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<b>Site address</b>	Land south of 37 - 51 Howard Mews Norwich
<b>Ward:</b>	Sewell
<b>Case officer</b>	Mr John Dougan - johndougan@norwich.gov.uk

<b>Development proposal</b>		
Erection of 1 No. dwelling house, accessed from Howard Mews.		
<b>Representations</b>		
Object	Comment	Support
8	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
1. Principle of the development	Provision of a mix of housing types, accessibility to shops and services
2. Design	Height, position and materials.
3. Trees	Trees to be maintained
4. Landscaping	Protection of the hedge and landscape enhancements
5. Transport	Safe access and sufficient parking for the new dwelling and existing flats. Additional vehicular movements
6. Amenity	Provision of amenity space and servicing for the occupants. Outlook, privacy, overshadowing, loss of light and noise
<b>Expiry date</b>	4 December 2014
<b>Recommendation</b>	Approval

## The site and surroundings

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

## Constraints

3. The site has no specific development plan designations.
4. However, it is constrained in the sense that it is in close proximity to the existing flats to the north, the rear gardens being overlooked by those flats. The site is relatively flat and overgrown, there being a mature hedge to the northern boundary and various trees in surrounding properties within falling distance of the site.
5. Part of the application site is located within the northern extents of controlled parking zone 'H' as defined in the emerging development management policies document, the hours of operation being 0800 to 1830 (Monday to Saturday). However, discussions with the local highway authority have concluded that this won't apply to the application site as it will be accessed via Howard Mews which is itself not within a controlled parking zone.

## Relevant planning history

6.

Ref	Proposal	Decision	Date
41183	Outline consent granted for demolition of buildings on the site and erection of flats and garages	Approved	November 1972
43027	Outline consent granted for 47 flats with 49 parking spaces	Approved	September 1973
4/74/0404/F	Erection of 6x3 bed flats with 6 parking spaces	Approved	April 1974
4/75/0192/F	Erection of 6x2 bed flats with parking	Approved	June 1975

4/75/1486/F	Erection of two blocks of 6 flats (12 flats)	Approved	August 1975
4/76/0213/F	Erection of 26 flats and 1 shop	Approved	February 1976
4/79/1176/F	Change of use of shop to flat	Approved	October 1980
06/01023/F	Application for eight 1-bed flats within the roof space of flats to the west of Howard Mews	Refused  Subsequent appeal dismissed	January 2008
08/00315/F	Application for four 1-bed flats within the roof space of flats to the west of Howard Mews	Refused  Subsequent appeal dismissed	March 2009
09/00438/F	Similar to the above	Refused	July 2009
11/02009/F	Erection of 2 No. new dwellings with integral parking.	Refused	March 2012
13/00406/F	Erection of 1 no. dwelling with associated parking.	Refused.  Appeal dismissed	April 2013  February 2014

### Planning history – key points

7. Planning application 13/00406/F was for a two storey dwelling of 8.7 metres in height the gable end front fronting flats 37-51 Howards Mews. It was refused by officers for the following reasons:
8. *The proposals would result in a significant detrimental impact on the amenities of existing flats to the north of the site at 37-51 Howard Mews as a result of the combined impact of the loss of the external amenity space to the south of the existing flats, the impact of overlooking of existing windows within the south elevation of the flats and the loss of direct sunlight and daylight to existing windows within the south elevation of the existing flats, particularly within winter months. Whilst on balance any one of the above impacts may not be considered to be significantly detrimental, in combination it is considered that the impact would result in a significant loss of amenity to existing neighbouring properties and the proposals are therefore contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (2004) and paragraph 14 of the National Planning Policy Framework.*
9. An appeal was submitted to the Planning Inspectorate and dismissed. The Inspector drew the following key conclusions:

- The appeal site does not form part of the private amenity space of the flats, but is still in garden use. Whilst garden land is no longer defined in the NPPF as being previously developed the appeal proposal would nonetheless use a vacant site. It would also no harm living conditions of Lawson Road properties by virtue of their long gardens. In the absence of a deliverable five year housing land supply in the Norwich the appeal proposal would enhance the housing mix. These factors weighed in favour of the appeal proposals.
- However the dwelling would be visually prominent due to its position and scale significantly interfering with the open outlook from the flats
- The two first floor windows on the north elevation being 15 metres from the rear windows of the flats would have an adverse impact on the existing comparably high levels of privacy and seclusion currently experienced by the occupants.
- The dwellings position in an otherwise open area in front of the flats, would result in an appreciable loss of winter sunlight to those flats.

## The proposal

10. Erection of 1no. single-storey dwelling with associated parking and external amenity space. The building has a footprint of 7.2 x 10.1 metres with a flat roof, containing PV panels and areas of sedum roof.
11. The building uses a modern array of materials including cedar cladding and white render to its walls as well as 4kw mounted solar PV panels and areas sedum roof.
12. The development also includes the erection of 1.8 metre close boarded fencing to all its boundaries.
13. The application has been revised following advice from officers. The roof design has changed from a part flat, part monopitched roof, to an entirely flat sedum roof. Access and refuse / cycle storage arrangements have also been improved.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	One
Total floorspace	65 sqm
No. of storeys	One
Max. dimensions	10 metres long, 6.7 metres wide and 2.8 metres high
<b>Appearance</b>	
Materials	Cedar, render, and sedum.
Construction	Flat

Energy and resource efficiency measures	Solar PV
<b>Transport matters</b>	
Vehicular access	From Howards Mews
No of car parking spaces	Two
No of cycle parking spaces	Covered and secure area for at least 2 cycles
Servicing arrangements	Refuse storage provided

## Representations

14. 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. All representations are available to view in full at [www.norwich.gov.uk/online-applications](http://www.norwich.gov.uk/online-applications) by entering the application number.

Issues raised	Response
Adverse impact on the character of the area	See issue 2
Poor design	See issue 2
Overdevelopment of the site	See issue 2
Loss of light to the flats	See issue 6
The building is overbearing resulting in loss of outlook for nearby residents	See issue 6
Overlooking and loss of privacy	See issue 6
Anomalies in the plans – the dwelling in the tree protection plan is further away than that indicated on the site plan.	See issue 3
The addition of a dwelling will create further burden on parking demand in the flats.	See issue 5
The development will result in increased traffic movements which will have an adverse impact on highway safety. Traffic movements are already quite high especially on the junction with Denmark Road.	See issue 5
Inadequate access to the site for cars and servicing vehicles including bin collection and	See issue 5

fire appliances	
The revised parking arrangement is impracticable	See issue 5
Loss of parking for the existing flats	See issue 5
Trees 2, 3 and 4 should be removed	See issue 3 and 4
If there is right of way for residents through the car park, the application cannot be allowed to proceed	See other matters
The land would be better used as an extension of the Lawson road medical practice car park.	The site is in a residential area. The principle of a dwelling is acceptable
How will the development connect to water and sewerage infrastructure?	See other matters
The area containing the flats is leased to residents and there is not right of way for others.	See other matters
Disturbance caused by building works	See issue 6

### **Norwich Society**

15. Whilst the design of the property is compact and contemporary, we are very concerned regarding access to and from the property as it is very tight and awkward. It would be very difficult to service the property.

### **Consultation responses**

16. Consultation responses are summarised below the full responses are available to view at [www.norwich.gov.uk/online-applications](http://www.norwich.gov.uk/online-applications) by entering the application number.

### **Highways (local)**

17. No objection on transportation grounds subject to resolution of vehicle access, cycle and bin storage.

### **Natural areas officer**

18. Nesting birds would be the primary concern, so clearance should avoid the period March – August inclusive, unless the site is first inspected by a qualified ecologist immediately before clearance takes place.
19. If clearance of undergrowth, as opposed to trees and shrubs, is undertaken during the autumn/winter months, the areas concerned should first be checked for any signs of hibernating hedgehogs. Piles of vegetation, especially dead leaves, found well within cover are often evidence that a hibernating hedgehog may be present. If



any hedgehogs are thought to be present, the area concerned should either be left uncleared until March or advice sought from a hedgehog rescue group (there are several in Norfolk).

20. Consideration should be given to incorporating some small biodiversity enhancements into this proposal, for example trees or shrubs to provide berries and/or cover for nesting birds, and planting attractive to pollinating insects.

#### **Tree protection officer**

21. No objection, subject to a condition requiring a detailed arboricultural method statement and tree protection plan.

## **Assessment of planning considerations**

### **Relevant development plan policies**

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS20 Implementation
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM4 Providing for renewable and low carbon energy
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

### **Other material considerations**

24. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF0 Achieving sustainable development
  - NPPF1 Building a strong, competitive economy
  - NPPF4 Promoting sustainable transport
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design
  - NPPF10 Meeting the challenge of climate change, flooding and coastal change

- NPPF11 Conserving and enhancing the natural environment

## **Case Assessment**

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

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

26. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
27. Housing applications should be considered in the context of the presumption of sustainable development.
28. The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:
  - a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or
  - b) Specific policies in the NPPF indicate development should be restricted.
29. 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.
30. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock. In addition it is noted that the site is situated within an established residential area with easy access to public transport and services such as the health centre on Lawson road or the local retail centre on Magdalen Road.
31. When assessing the merits of the proposal against the following issues, significant weight must be considered to the comments of the Planning Inspectorate as part of the previously refused scheme. The Inspector in this case noted that despite the site being within garden use, the site would bring vacant land back into use, and the

Council could not demonstrate a 5 year housing land supply. These factors would weigh in favour of residential development proposals.

32. Given the above considerations it is considered that the principle of redevelopment of this site is accepted subject to other planning issues set out below.

### **Main issue 2: Design**

33. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
34. The size of the development site reflects the mixed density / character evident in the area comprising flats and terraced properties with long gardens.
35. The overall height, scale, mass, form, choice of modern materials and design details are modern and considered appropriate. A modern approach is consistent with the NPPF's drive to seek high quality design and not impose architectural designs or tastes. That being said, the modern design should also be sympathetic to local character.
36. In this instance, the architectural styles are varied comprising the rather conventionally designed flats to the north and red brick terraced properties to the south along Lawson Road.
37. The proposed dwelling to some degree would appear in isolation to the surrounding development, but there is no strong urban form characteristic of the area that would lead to this alone being a sufficient reason to refuse the scheme. In fact, the site's relative isolation is an opportunity to deliver a dwelling which is distinctive in its own right. The site is screened from views from the public highway by existing buildings and fences, and the adoption of a contrasting design approach is considered appropriate in this instance.
38. The appearance of the proposed dwelling does not significantly detract from the overall scale, form and appearance of development in the surrounding area. In fact the revised proposal is of a considerably reduced scale and profile compared to the previously refused proposals. The site is not highly visible to from the public highways in the surrounding area which also limits the visual impact to the wider area.
39. The introduction of the a green / living roof is also considered to be a positive design statement, as this would soften the appearance of the application site when viewed from above from neighbouring buildings. The proposed photovoltaic panels are also considered to complement the contemporary appearance of the proposed building.
40. The revised layout of the site is adequate providing a parking area to the front which has the capacity to accommodate two cars. Although, the access between between the two existing parking spaces (within the application site) was too narrow and amended accordingly to also include bin storage. The revised area in question is under the applicant's ownership providing a safe and more defined arrangement for the users of the site.

41. The occupants would have access to a sizable private amenity area to the rear of the property for the purposes of relaxation and clothes drying. The revised plans also confirm the position of secure and covered cycle storage.

### **Main issue 3: Trees**

42. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
43. It is acknowledged that the footprint of the dwelling indicated on the tree protection plan is further from the northern boundary than what is indicated on the site plan. Nevertheless, the council's tree officer has confirmed that the protection of all trees and hedges and hedges to be retained is feasible subject to a condition requiring the submission of an arboricultural implications assessment, method statement and tree protection plan.

### **Main issue 4: Landscaping**

44. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
45. The applicant has identified the position of the mature hedge along the northern boundary of the site which provides screening value for both the new occupants and neighbouring properties.
46. In order to ensure that this screening be retained, it is recommended that a condition be imposed clarifying the extent of the hedge and its aftercare. Indeed, this condition could also confirm any other landscape enhancements on the site which will help soften the appearance of the new built form. Further boundary treatment will also be needed along the east boundary to reduce any overlooking from the new bedroom window to the neighbours rear amenity area.

### **Main issue 5: Transport**

47. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
48. The key considerations are whether or not the existing area has the capacity to accommodate the additional traffic movements generated by the development and would not result in any burden on existing parking demand in the area.
49. Council parking policy states that car parking is provided within the limits prescribed (at least the minimum, and not more than the maximum).
50. Car parking has been provided at a maximum level for the size and location of the dwelling proposed. It is noted that on the basis of the revised site plan, the parking spaces indicated to the front of the dwelling are quite narrow at 2.1 metres, 0.4 metres short of the council standard. However, this part of the site is 5.4 metres at its narrowest, meaning it can theoretically accommodate 2 standard spaces. The occupants may choose to only own a single car, providing them with more space to the frontage and still be in accordance with the council's minimum parking standard of one space.
51. The deletion of one of the existing spaces within the application boundary, will enable easier access to the parking / servicing area to the front of the dwelling.

Refuse, delivery vehicles and fire appliances would utilise the extant access that serves the existing parking spaces that serve the flats.

52. The revised access arrangement would result in the loss of two parking spaces serving the flats. This replicates the arrangement in the previous application, which was not cited as a reason for refusal by the Council, and was considered an acceptable arrangement by the Inspector's decision.
53. As the area in question is within the applicant's ownership, they were invited to clarify the state of parking availability for the wider flatted development at Howard's Mews in terms of those allocated to tenants and free spaces.
54. Although two parking space is proposed to be lost to the existing flats on Howard Mews, 51 parking spaces would be retained. These would lead to a one to one provision for each flat. There are also a couple of non-defined spaces on the entrance road that are informally used. Therefore the loss of two parking spaces is not considered to be a reasonable ground to refuse the planning application.
55. However, to ensure that appropriate parking could be provided across the whole site, a condition could be recommended if the application were recommended for approval for the re-lining of the existing parking spaces on site to ensure adequate provision of car parking for existing and future tenants.
56. Bin storage and secure / covered cycle storage has been identified in the revised plans and is deemed acceptable. Although, no details have been provided on where the bins are to be collected. This matter can be secured by condition.
57. A resident has stated that the wider area including the junction Howard Mews / Denmark Road is already subject to a high level of vehicle movements that has an adverse impact on highway safety. There may well be incidences whereby unauthorised parking may result in some instances of vehicular and pedestrian conflict in the area. However, the development site is some 40 metres from this area, so it would be unreasonable to conclude that a relatively small scale development would result in additional traffic movements which would deliver demonstrable impacts on highway safety of the wider area.
58. In conclusion, the local highway authority has confirmed that the parking and access arrangement are acceptable for a development of this scale. The addition of one dwelling along is not considered to significantly increase traffic or reduce safety around the site.

### **Main issue 6: Amenity**

59. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
60. The proposed dwelling requires consideration in terms of impact on the amenity of existing residents around the site and the amenity of future residents of the proposed dwelling.
61. Specifically, does the current proposal address the conclusions raised by the planning inspector in the recently dismissed appeal?

Existing residents

### *Amenity space*

62. In the previous application concern was raised that part of the application site should have been allocated as parking and external amenity space for the flats. As the Inspector' report did not cite this matter as being an issue of concern, officers consider that the principle of residential development of the site is acceptable and this issue would not represent a reason for refusal of the application.

### *Privacy*

63. The proposed dwelling would be around 8m from the south facing windows on the block of flats forming 37 to 51 Howard Mews. This is in close proximity to main habitable windows that have previously not been overlooked and look out onto a more private area to the rear of existing dwellings. However, due to their only being a single window at ground floor level (serving a bedroom) and 3 no. roof lights serving a non-habitable space, all of which is set behind existing boundary screening no significant overlooking of the opposing properties would result.
64. In light of the dwelling being single storey set behind new boundary treatment in the form of a 1.8 metre high close boarded fence, no other loss of privacy of any other adjoining property will result. The new bedroom window to the east elevation will partially overlook the rear amenity area of the adjoining property. This minor impact can be overcome by imposing a condition requiring additional screening at this point.

### *Outlook, daylight and overshadowing*

65. The existing occupants of the flats to the north and users of nearby rear amenity spaces of adjoining properties would currently experience an unrestricted view towards the landscaped rear gardens of the properties along Lawson and to the west. The originally proposed design with a higher part of the roof (5.4 metres) still delivered a level of massing which was still considered oppressive, especially from the perspective of the flats to the north.
66. The applicant's willingness, to adopt a low profile roof and sensitive sedum roof will mean that the dwelling is significantly improved over what was originally proposed and would also result in a significant reduction in overbearing impact, or overshadowing in comparison to the appeal scheme.
67. The development in the context of the existing boundary treatment and landscaping would not result in any significant overshadowing or loss of daylight of surrounding flats or external amenity areas. This is primarily due to the adoption of a flat roofed form (3.0 metres at its highest point).
68. The reduction in scale of the development to a single storey in height will also ensure that the proposals will result in only minimal overshadowing of no. 71 Lawson Road in the late afternoon. Given that the amount of overshadowing is minimal over the course of a day, the impact is not considered to be significant.
69. The applicant' willingness, to further reduce the massing of the building is commended. The deletion of the higher part of the roof and replacing it with a flat roof has in significantly cancelled out any of the concerns relating to loss of outlook and overshadowing. Indeed, the use of a sedum roof will further enhance the visual experience for those viewing the development from the existing flats.

## *Noise disturbance*

70. The potential impact of an additional residential dwelling upon the amenity of neighbouring occupiers in terms of noise nuisance has also been considered. The likely noise from one additional dwelling is of a scale and intensity of use which could not be considered significant in the context of the existing residential environment in terms of extent and type of noise generated is not alien in a residential environment.
71. It is acknowledged that there may be some disturbance to nearby residents during the construction. However, in light of the small scale nature of the development such impacts are likely to be temporary and not untypical of construction activities that are experienced in an urban environment.

## *Summary*

72. The revised proposal represents a considerable reduction in the scale and height of the dwelling. Such a change results in a development which cannot be reasonably viewed as delivering significant impacts on the amenities of neighbouring properties.

## *Future residents*

73. The proposed unit at 70sqm would fall marginally below the space standards specified for three bedroom units by policy DM3 (74sqm). However the proposed unit would meet the minimum standards for one or two bed units and if one of the smaller bedrooms were considered to be a study space rather than a bedroom, then the proposals would meet required space standards for this level of occupation. In addition the proposals would provide adequate private outdoor amenity space, cycle storage and refuse storage space and therefore when all these factors are considered in the round it is considered that the proposals would provide a good standard of amenity for future occupiers.
74. The issues raised above in relation to overlooking would be relevant to the future occupiers of the new dwelling. That being said, this should be considered in the context that the site is already a rear garden which was already overlooked by adjoining properties.
75. Whilst the privacy of users of the bedroom on the northern side of the dwelling is broadly acceptable, the outlook for what is the principle bedroom is not ideal as it will face towards car parking. Nevertheless, such an arrangement is not considered untypical in a relatively dense residential location.
76. Whilst the bedroom window next to the east side of the site will not be directly overlooked, it will have a low quality of outlook in the form of a 1.8 metre close boarded fence. However, the 3<sup>rd</sup> bedroom will benefit from its south facing aspect.
77. The primary asset of the new dwelling is that the new south facing lounge and kitchen / dining area will benefit from sunlight for a large part of the day, delivering a high level of amenity for the occupants.
78. It is acknowledged, that the new amenity area to the south of the dwelling will be visible from some flats with the Howard Mews development. However, as the area in question is already an overlooked rear garden is considered acceptable. Indeed, should the new occupants choose to do so, the garden is of a size which has the

capacity to accommodate additional planting and screening within the site to improve their sense of privacy.

79. The new rear garden is also of an adequate size providing the occupants with ample space for servicing and enjoyment of the site.

#### **Main issue 7: Energy and water**

80. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
81. 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.
82. The placement of solar panels on the roof is not a policy requirement for a development of this scale. That being said, it is considered to be a positive statement in promoting renewable forms of energy production which will help reduce energy consumption and carbon emissions.

#### **Main issue 8: Flood risk**

83. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
84. The site is located in a critical drainage area as defined in the development management policy document. The plan is at an advanced stage so significant weight can be applied.
85. The revised plans indicate that the majority of the site will be laid to permeable surfaces including the rear garden being laid to grass and the roof being laid to sedum. Although, the plan do not indicate the surface material for the parking area to the front of the dwelling.
86. The above measures are considered to be appropriate for a development of this scale ensuring that no significant surface water run-off will result. Although, the type of surface material for the parking area can be secured by condition.

#### **Main issue 9: Biodiversity**

87. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
88. The existing site is considered to be of low biodiversity interest due to its isolation from key sites of nature interest by surrounding built form and through the absence of mature trees or vacant buildings that could form habitat for protected bat species. That being said, it is overgrown, potentially providing habitat such as hedgehogs or nesting birds
89. With the above in mind, it is reasonable to impose a condition restricting any site clearance necessary to implement the development between September to February (inclusive), unless first inspected by a qualified ecologist before clearance takes place. Furthermore, small biodiversity enhancements could be implemented in the form of small trees and shrubs within the site for nesting birds and pollinating insects, replacing the loss biomass evident in the existing garden. This matter can be also be secured by condition.



90. In order to guide the developer in terms of good practice, it is recommended that an informative be added guiding the developer on good practice relating to site clearance, excavation and wildlife.

### **Compliance with other relevant development plan policies**

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable (but included in the proposal)
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

### **Other matters**

92. The positioning of existing parking bays in relation to a dwelling is a civil matter outside of planning. The relocation of a parking bay for a leaseholder is a matter that should be discussed with the freeholder of the land in this instance.
93. Access across private land in the ownership of the applicant as the freeholder is also a civil matter to be agreed outside of planning legislation under land ownership rights. The connection of new development to the main sewer and other services would also be a civil matter outside of planning, and subject to consents under other legislation. Therefore it is not reasonable to request this information through a planning application.

### **Equalities and diversity issues**

94. The site is flat meaning that there is easy access to the front door by wheelchair users. Although, it is noted that based on the indicative parking spaces within the forecourt area, the access to the front door would be quite narrow for wheel chair users.
95. Whilst the above arrangement is not ideal, the width of the forecourt can easily accommodate the required parking standard of 1 space meaning, that any less mobile occupants can easily gain access to the front door of the dwelling.

96. There are no other significant equality or diversity issues.

### **Local finance considerations**

97. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
98. This development would generate the payment of Community Infrastructure Levy to a sum of £5157.92 (unless self build exemption applies). In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

### **Conclusion**

99. The principle of a dwelling in location close to shops and services is acceptable.
100. The development is of a scale, design and layout which is sympathetic to the character of the area.
101. The provision of a flat roof dwelling will not result in any significant adverse impacts on the amenities of neighbouring properties.
102. The layout of the site provides is appropriate for the new occupants, providing adequate levels of private amenity space, parking and servicing without compromising the facilities available to the existing flats.
103. Other matters relating to biodiversity, tree protection, landscaping and surface water management can be secured by condition.
104. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

To approve application no 14/01286/F land rear of 63-71 Lawson Road. and grant planning permission, subject to the following conditions:

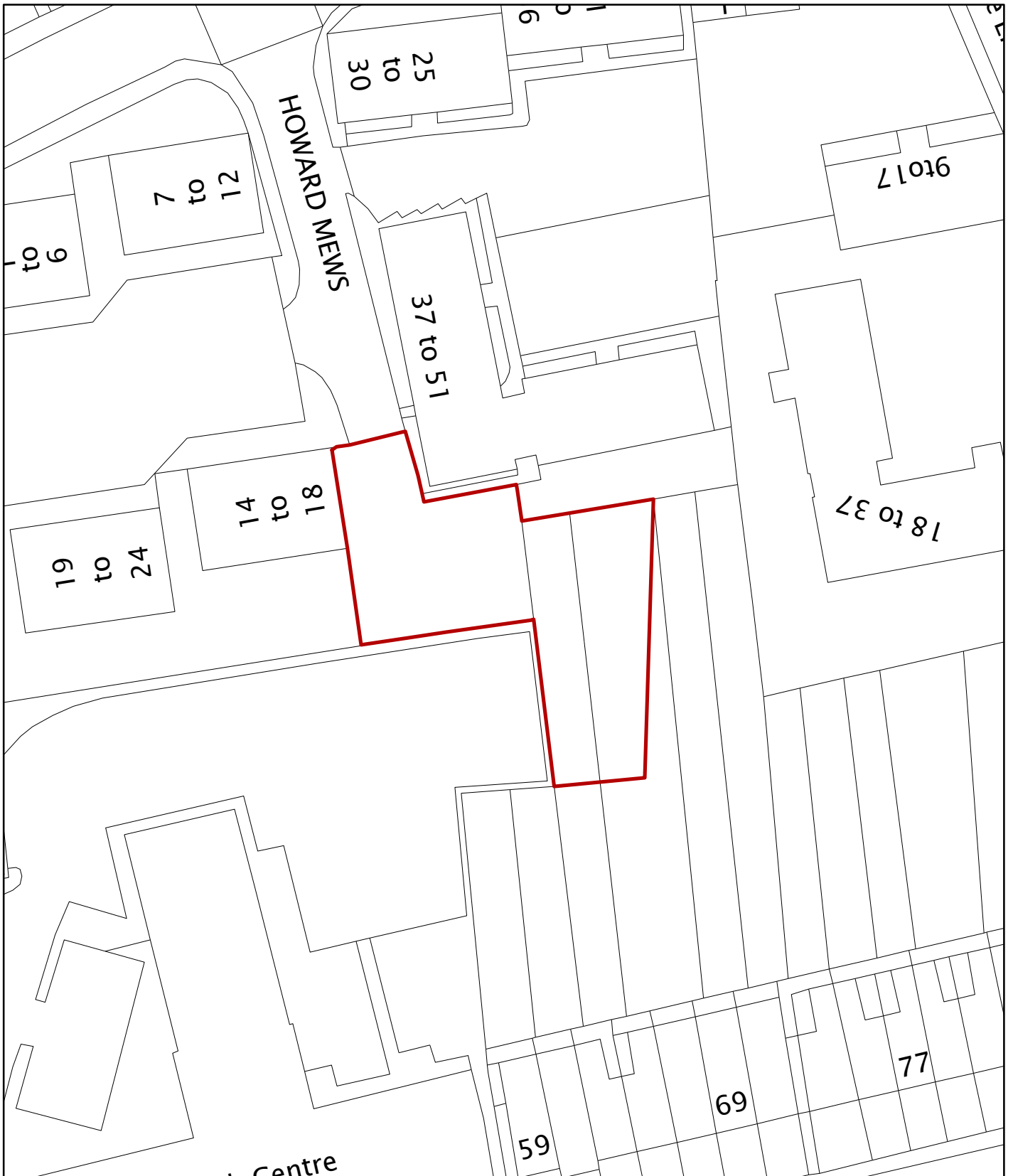
1. Standard time limit
2. In accordance with plans
3. Cycle and bin storage to be implemented prior to occupation
4. Location and details of bin collection area
5. Submission of Arboricultural Impact Assessment, method statement and tree protection plan
6. Details of existing soft landscaping to be retained and new hard / soft landscaping
7. No site clearance between March and September
8. Biodiversity enhancements
9. Implementation of boundary treatment
10. Further details of the white lining of existing parking spaces for existing residents within the development area
11. Details of water conservation measures

## Informatives

- Bins to be purchased prior to occupation
- Street naming
- Site clearance and works good practice (biodiversity)

## **Article 31(1)(cc)**

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 above.



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Planning Application No 14/01286/F

Site Address Land South of 35 to 51 Howard Mews

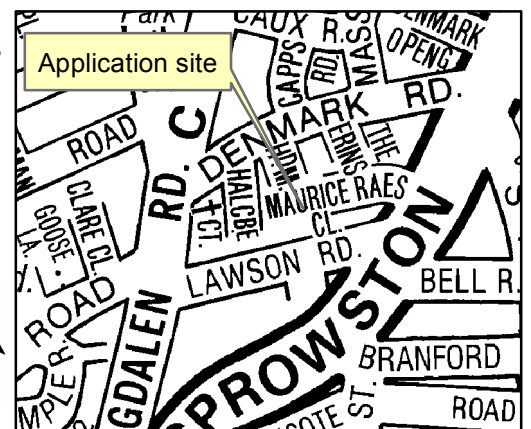
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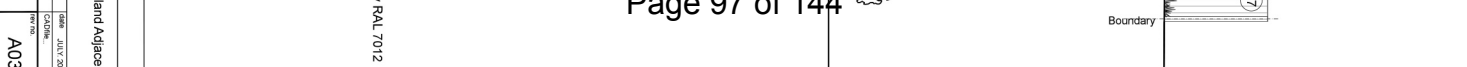
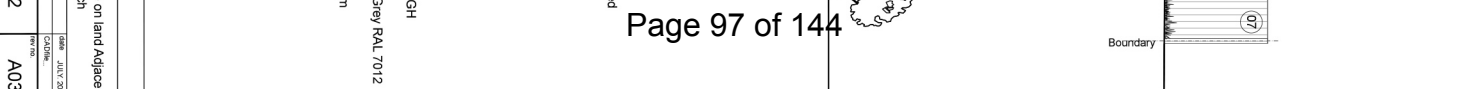
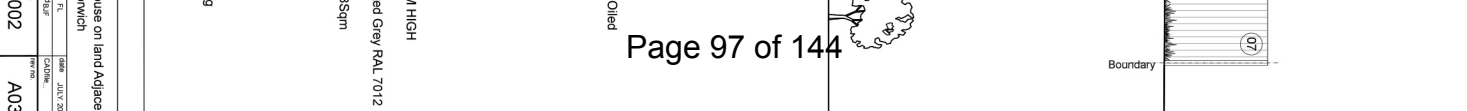
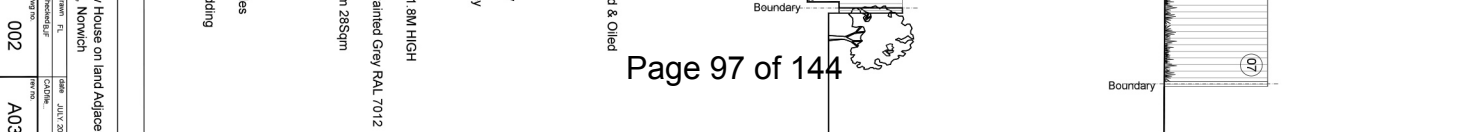
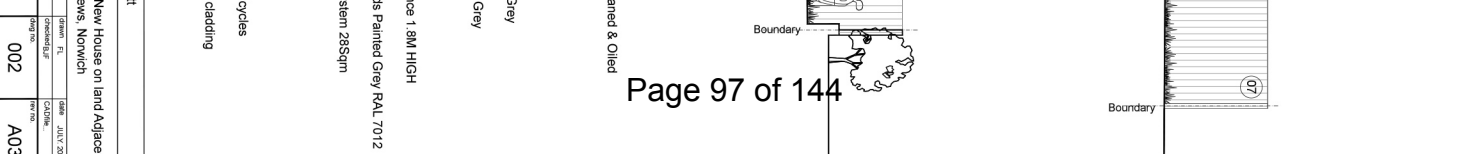
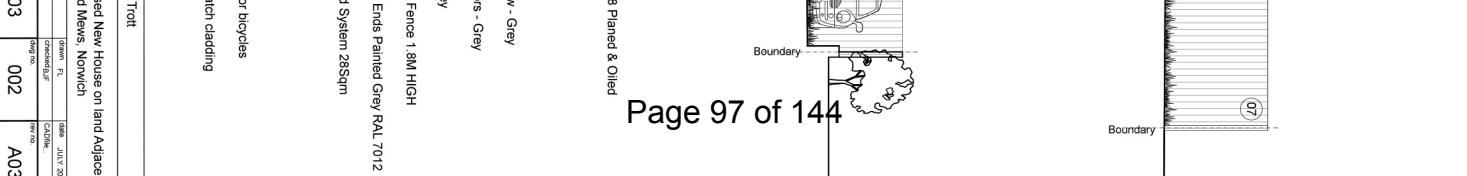
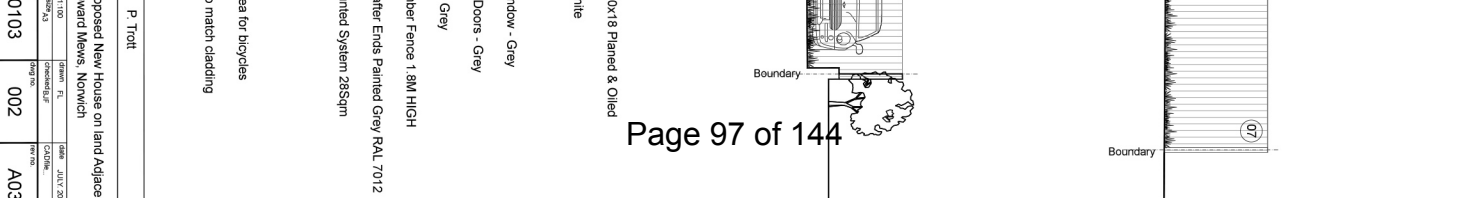
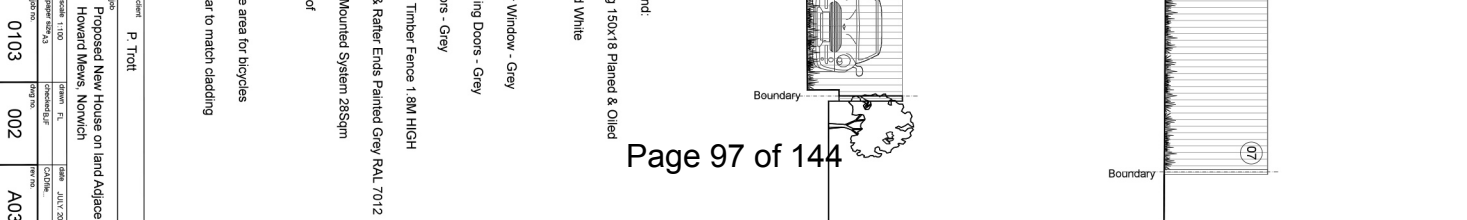
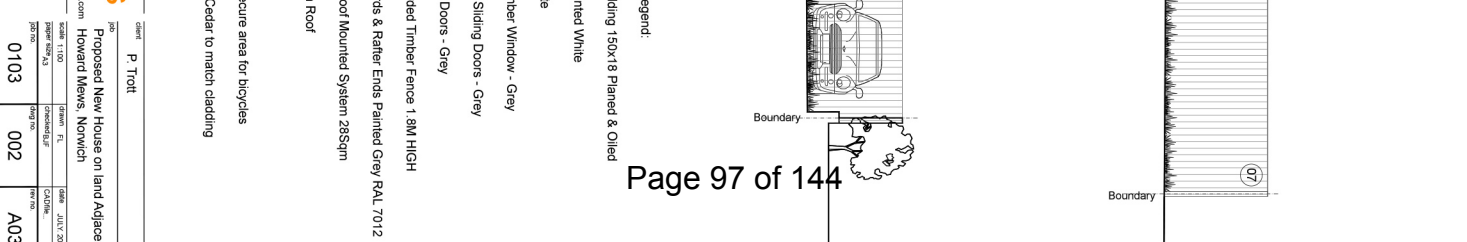
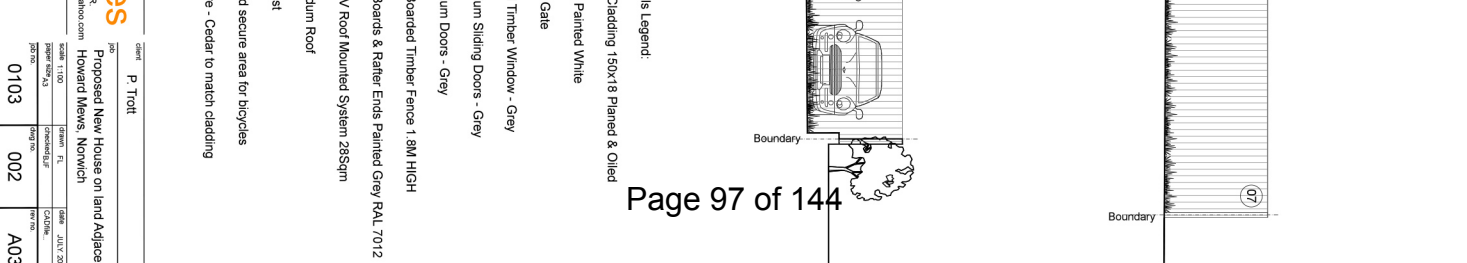
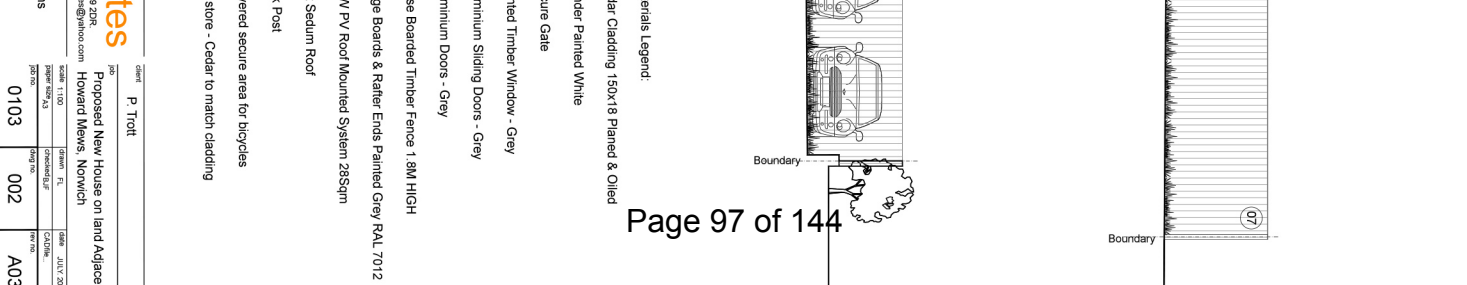
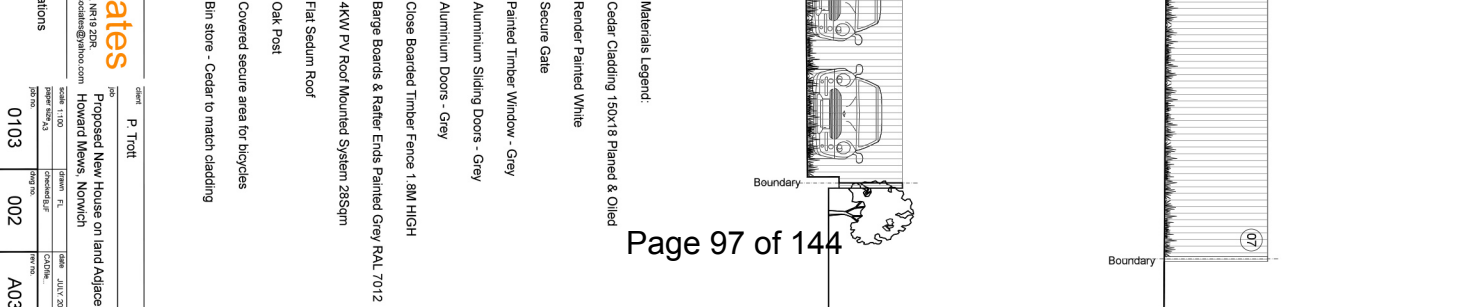
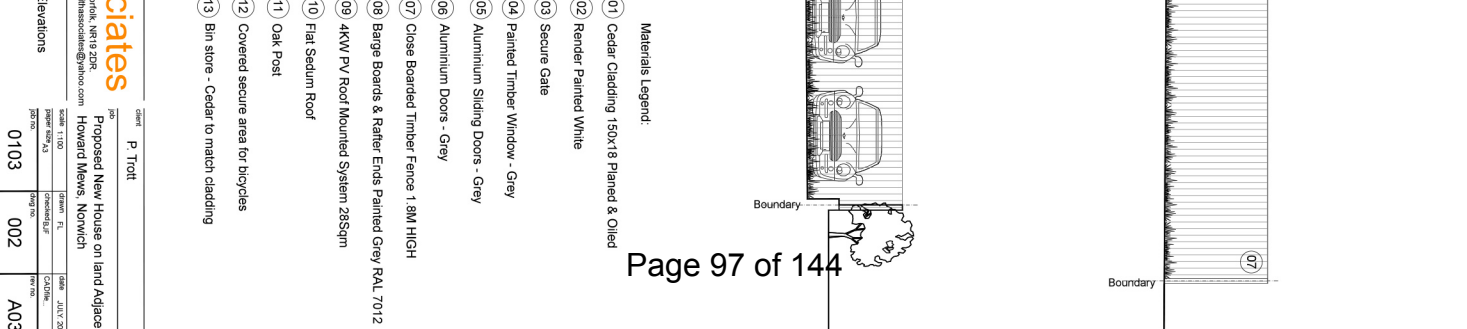
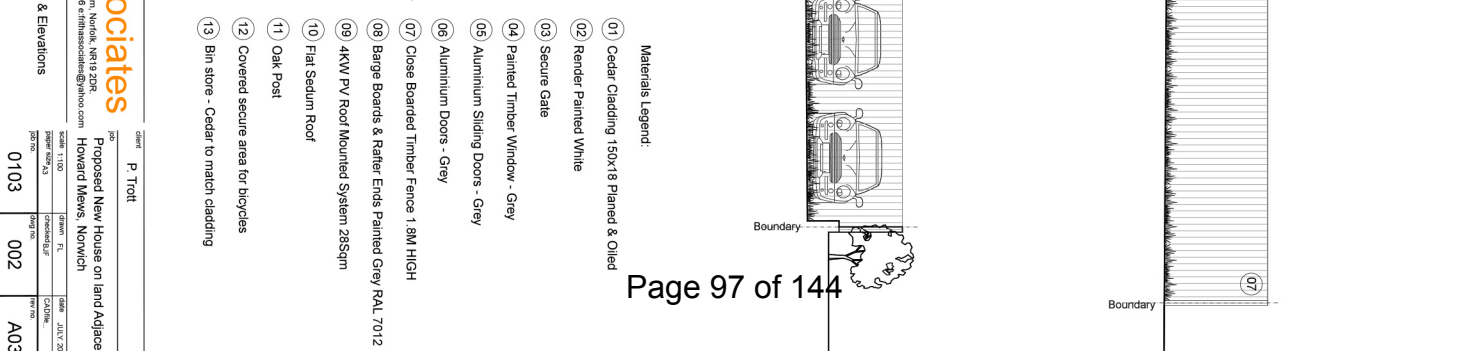
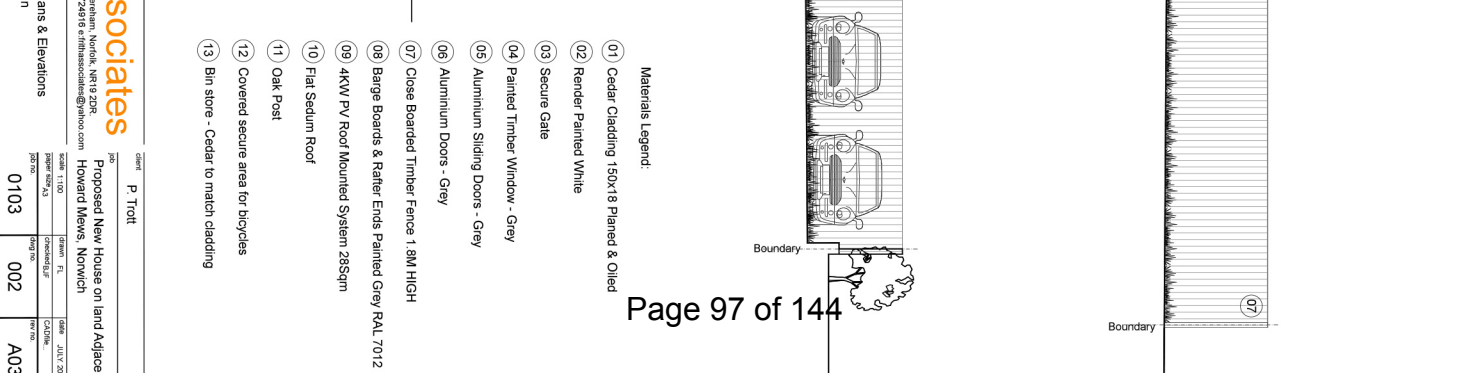
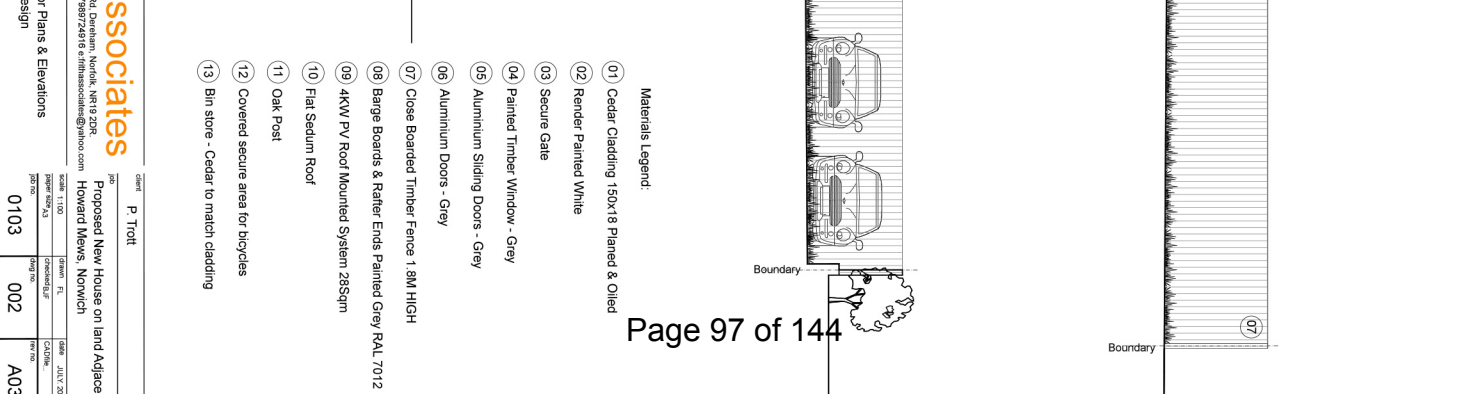
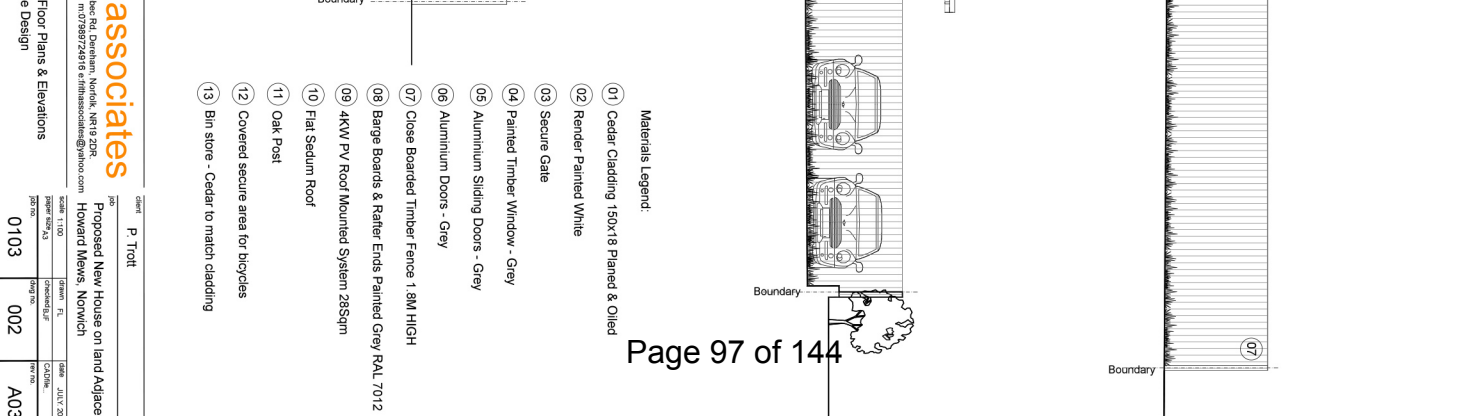
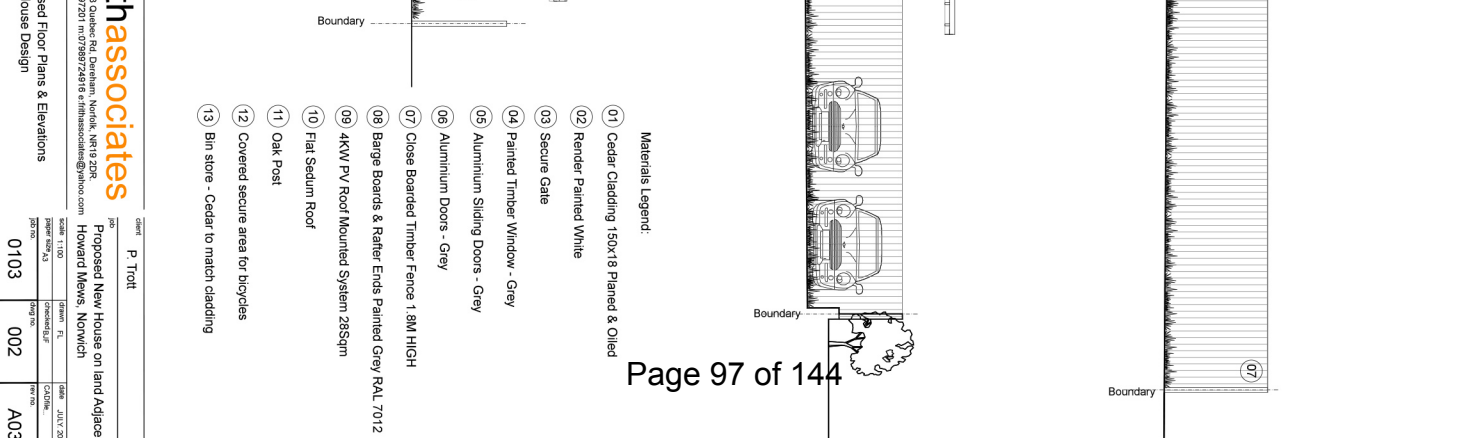
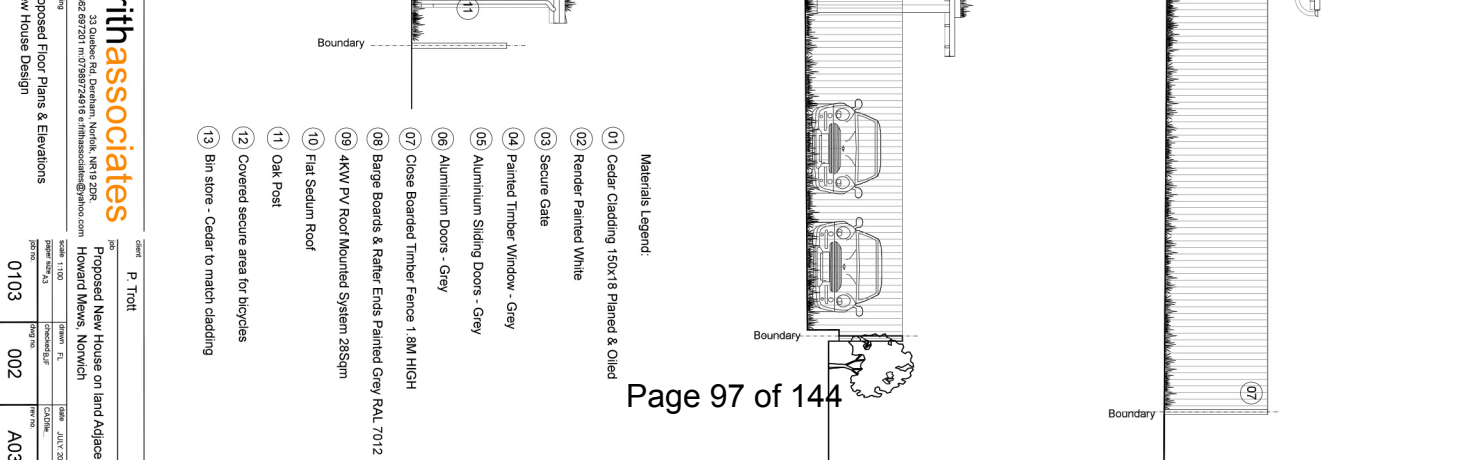
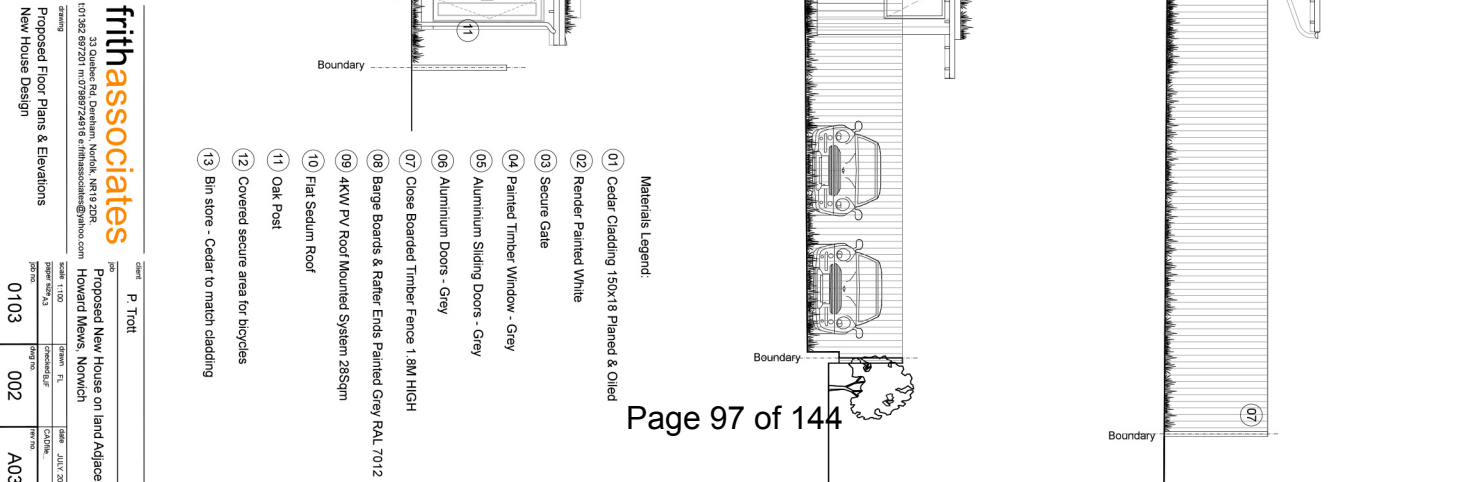
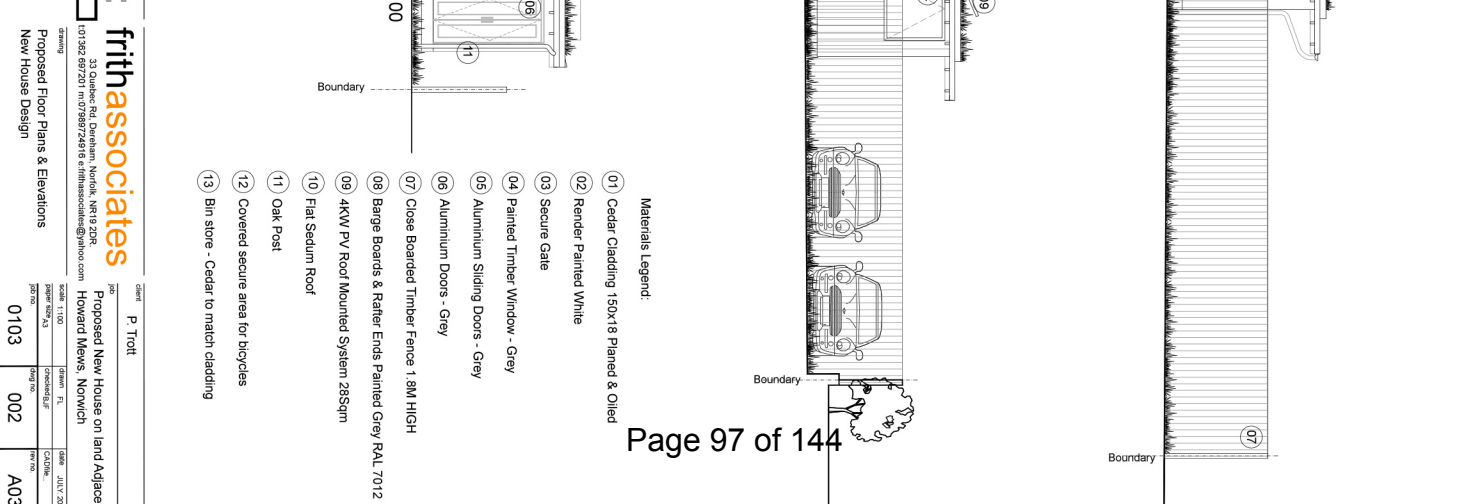
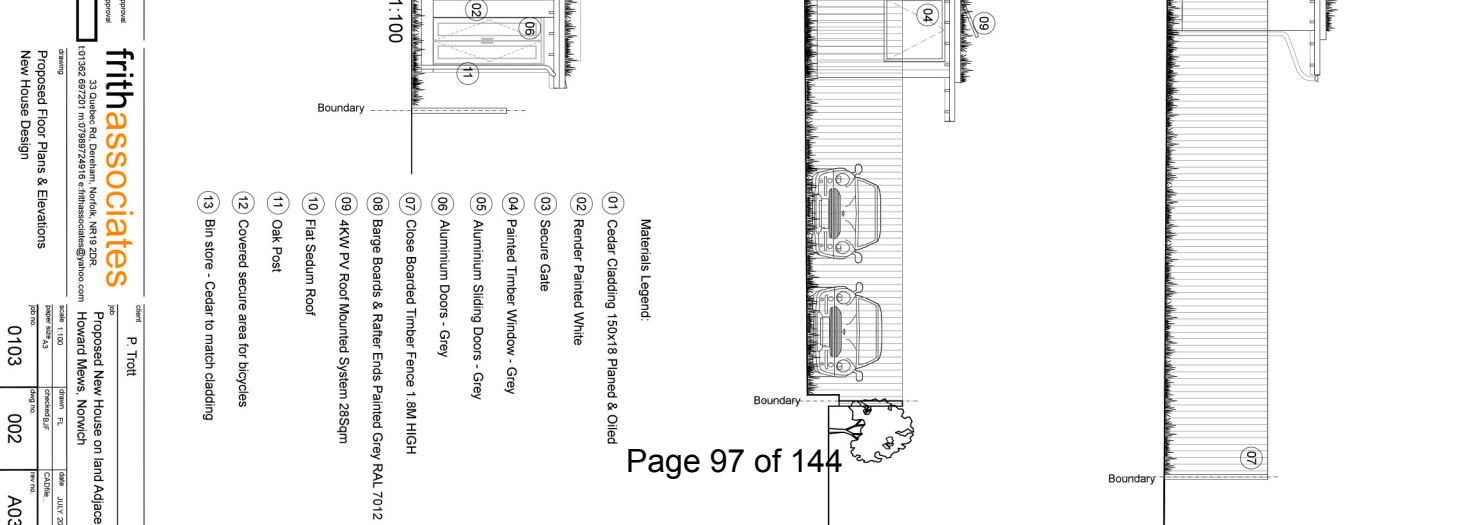
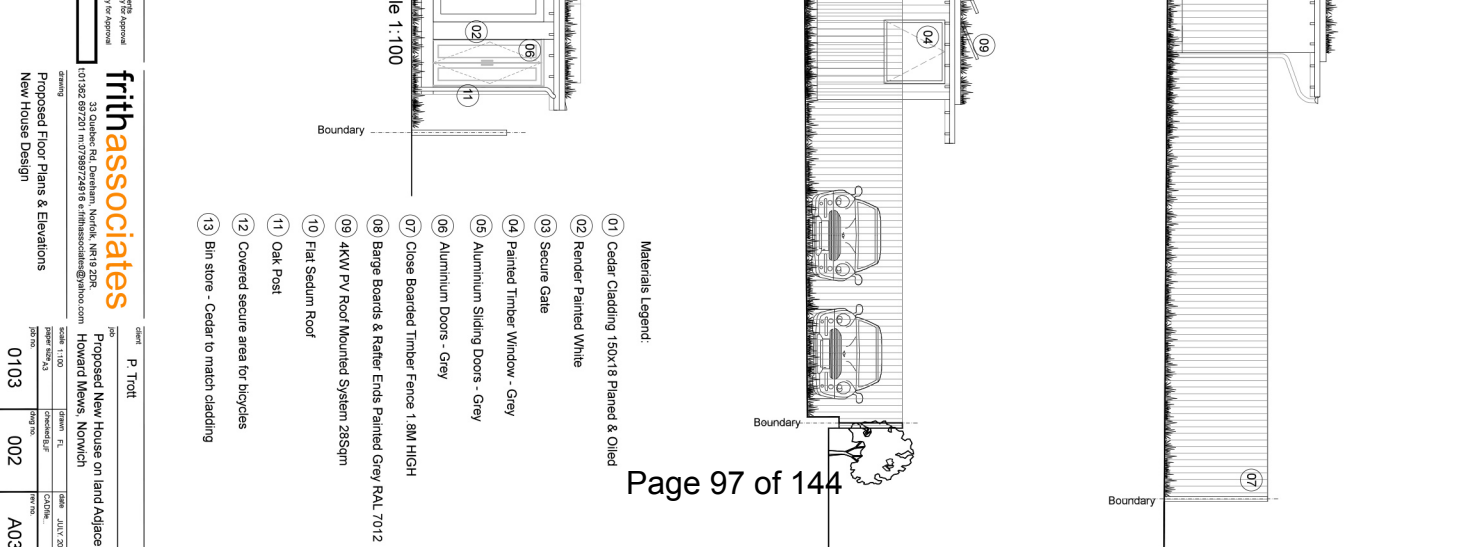
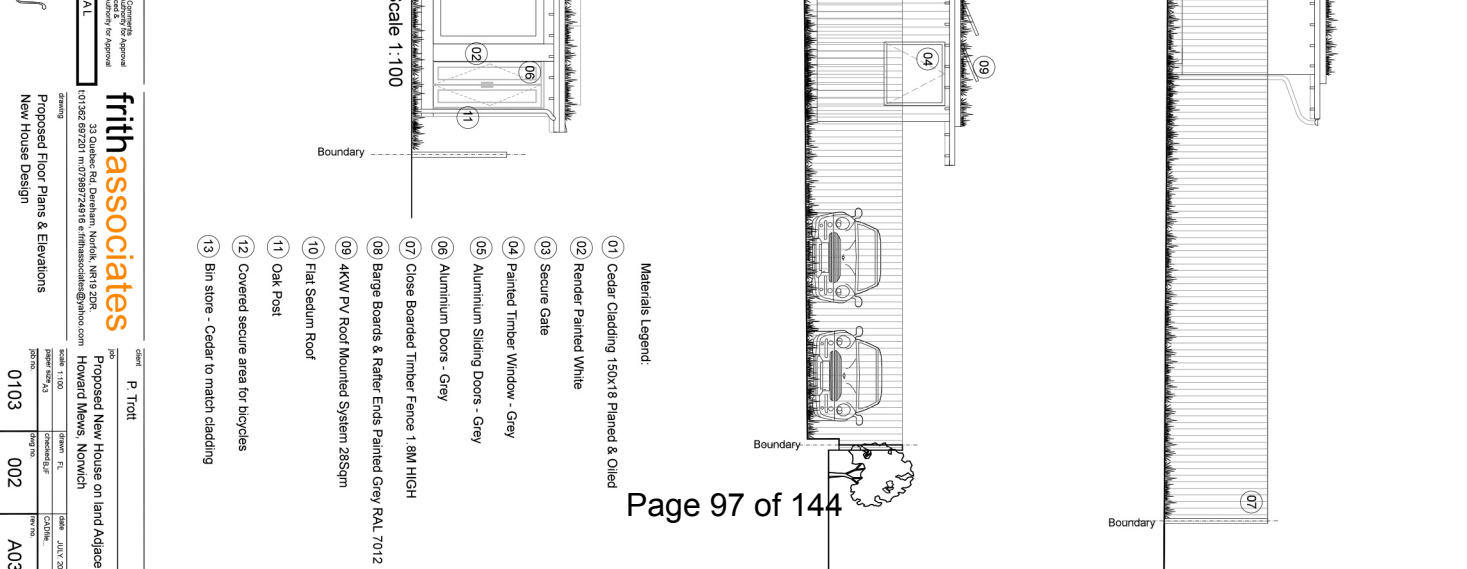
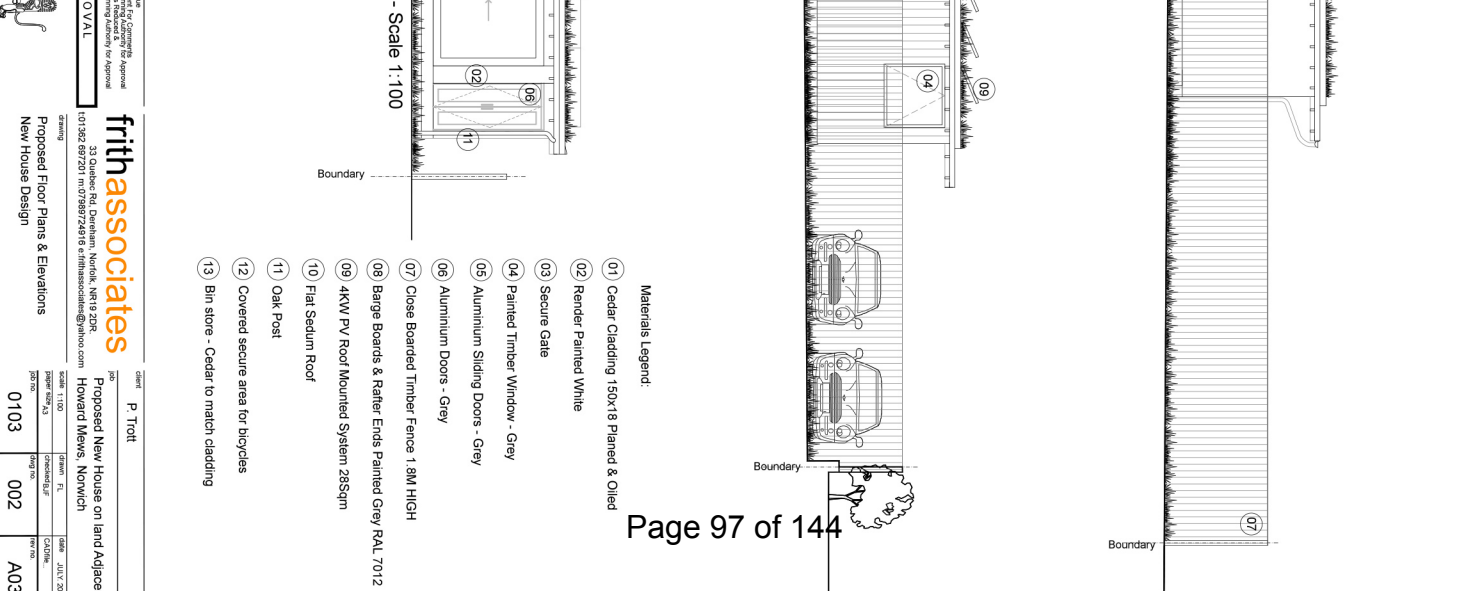
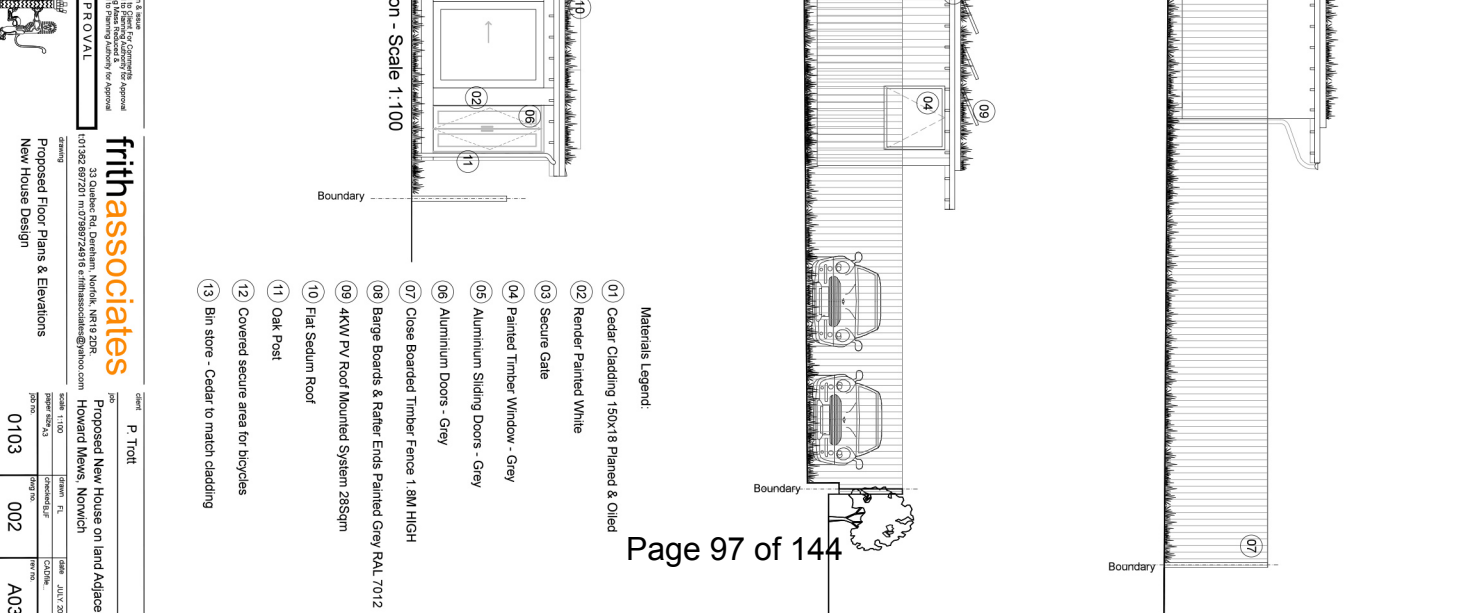
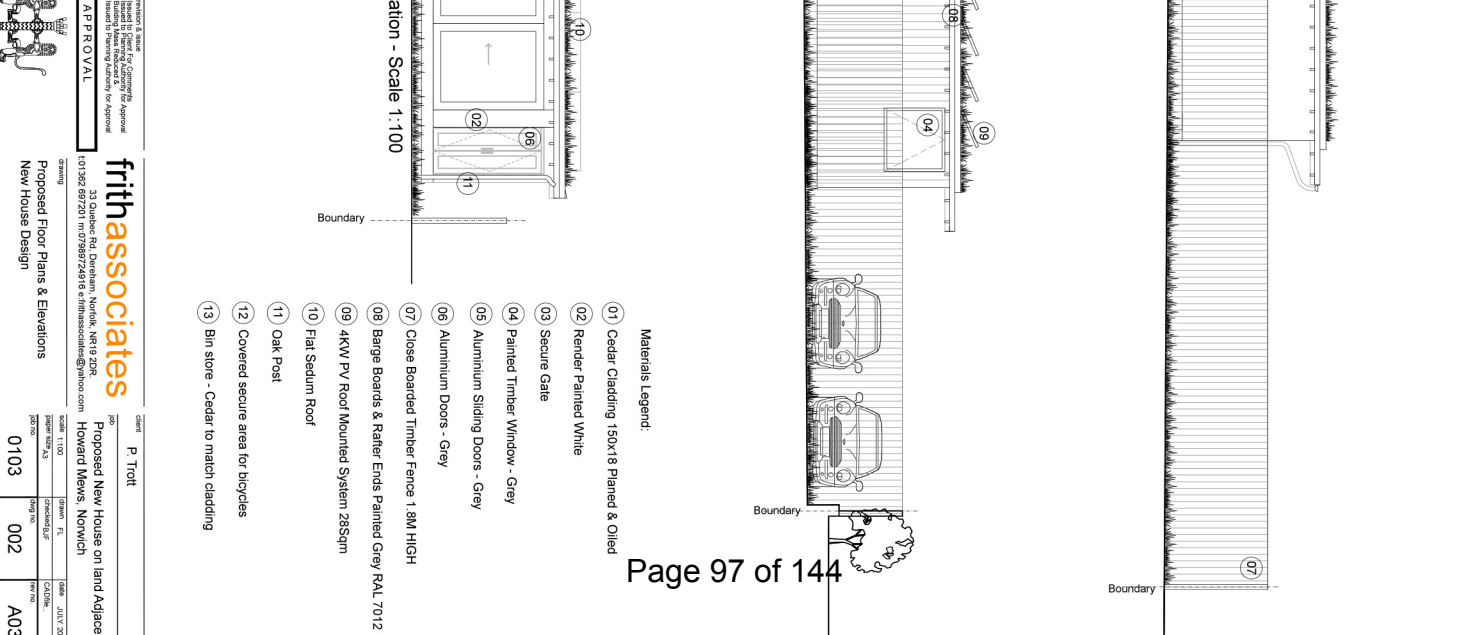
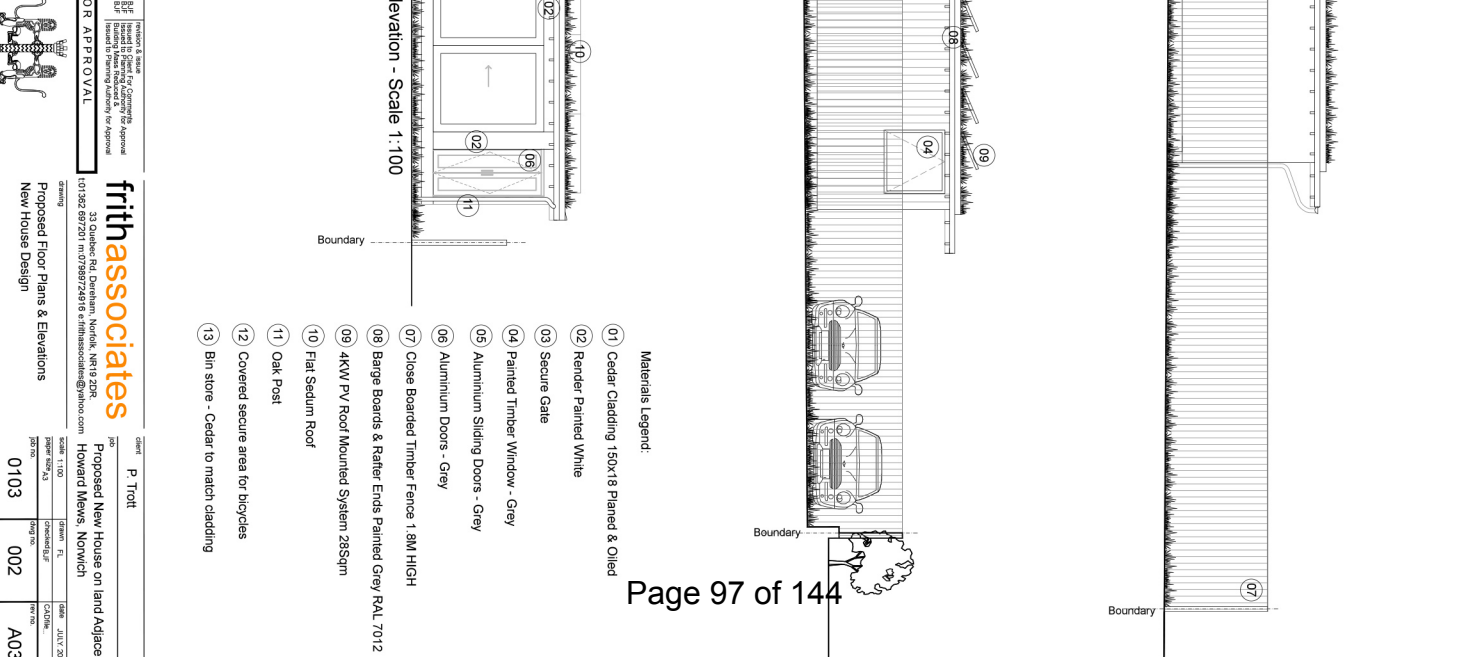
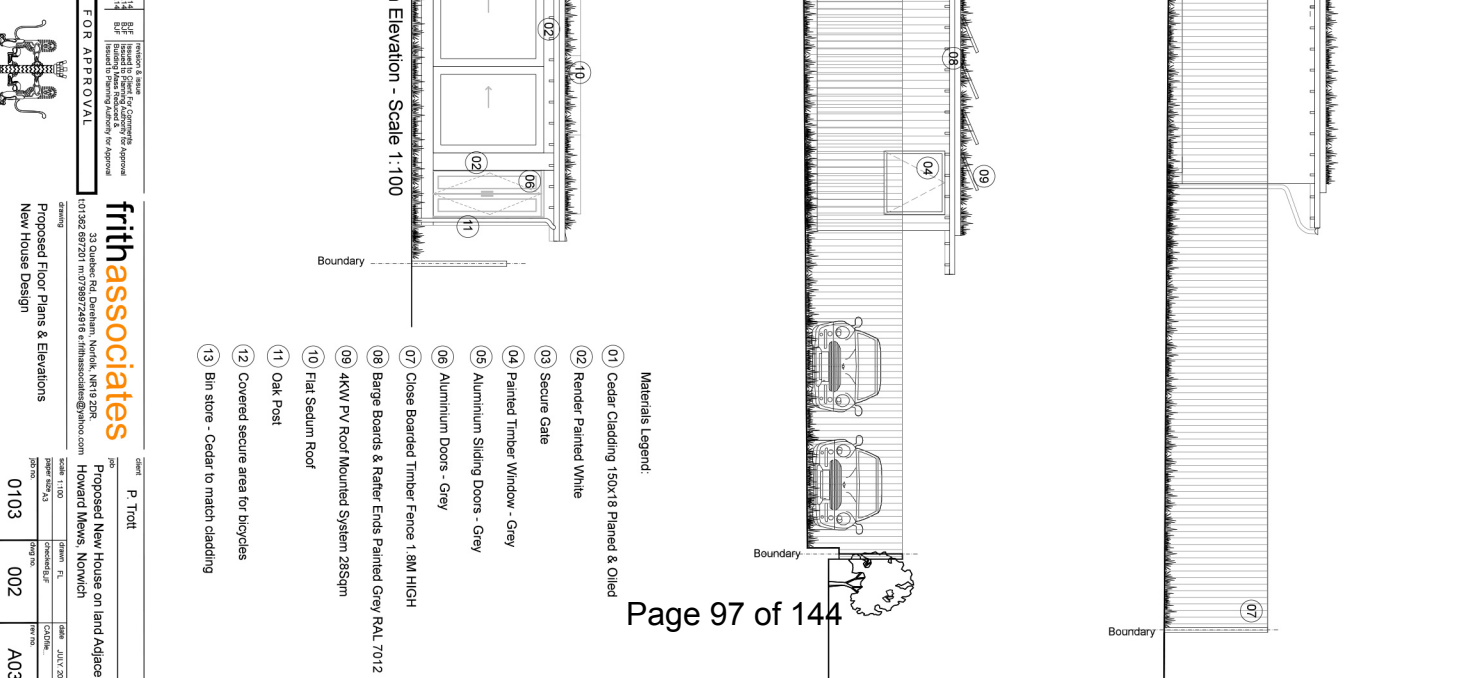
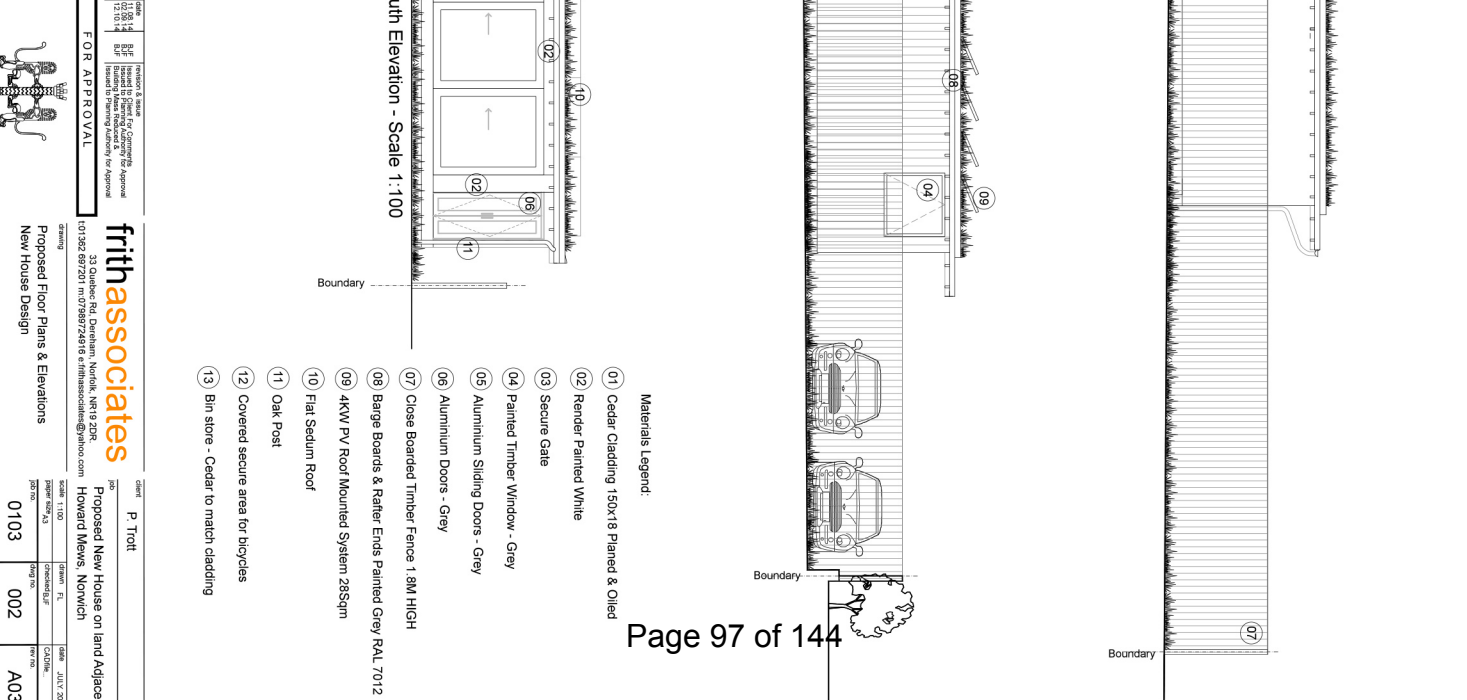
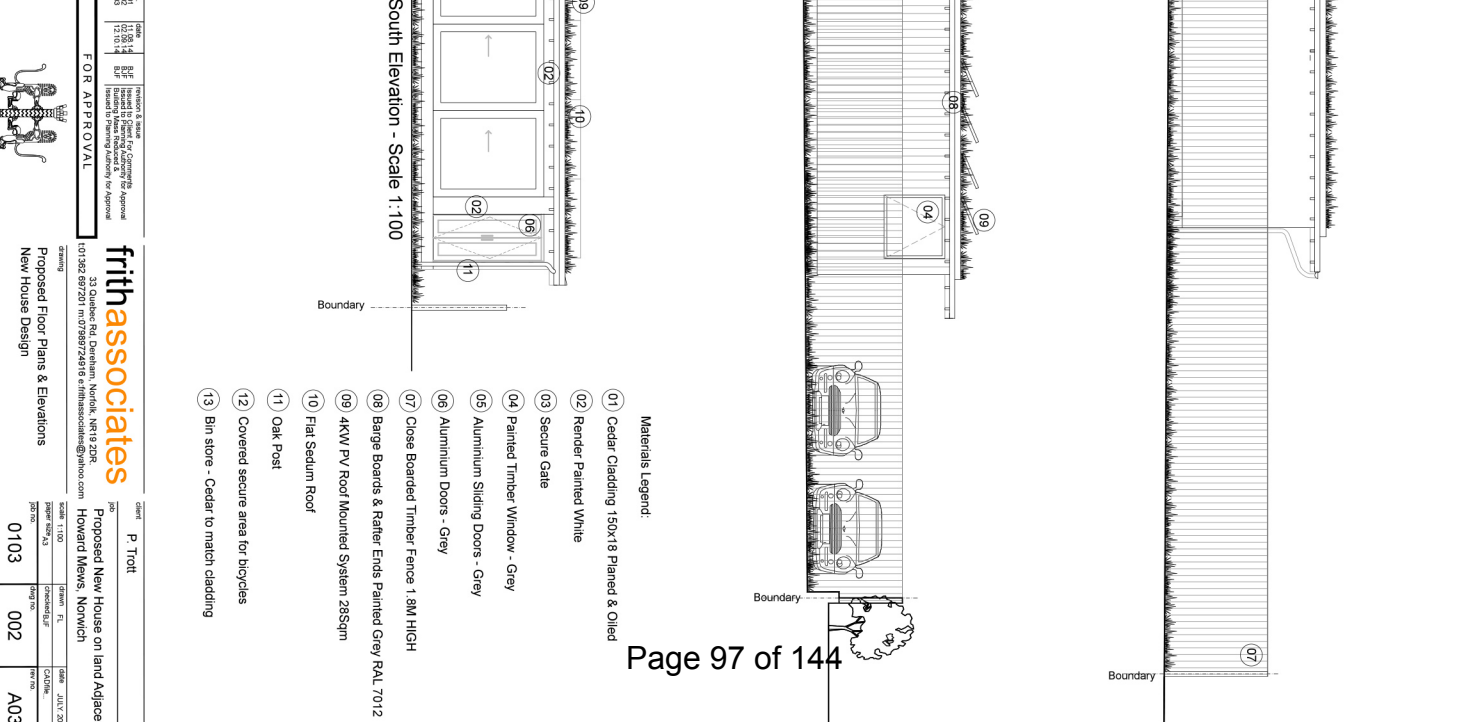
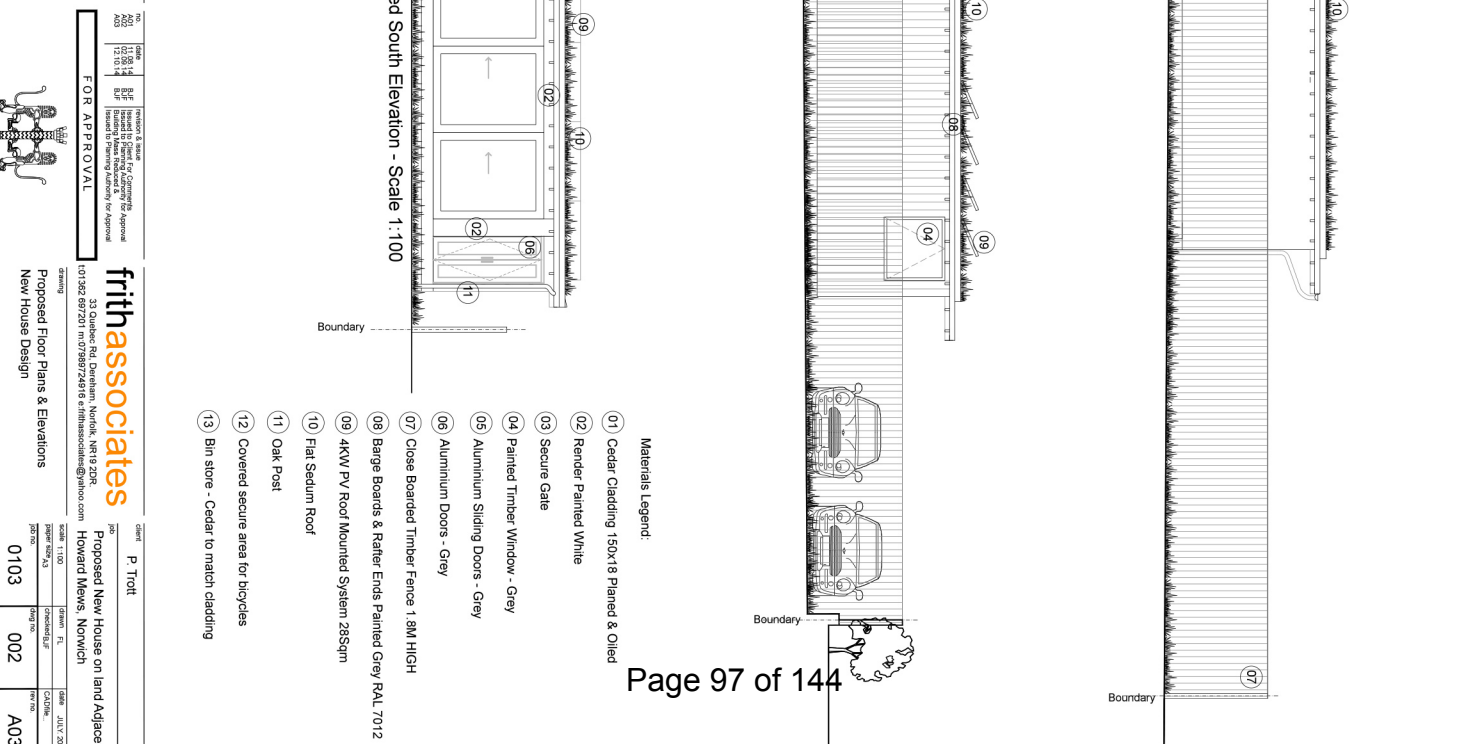
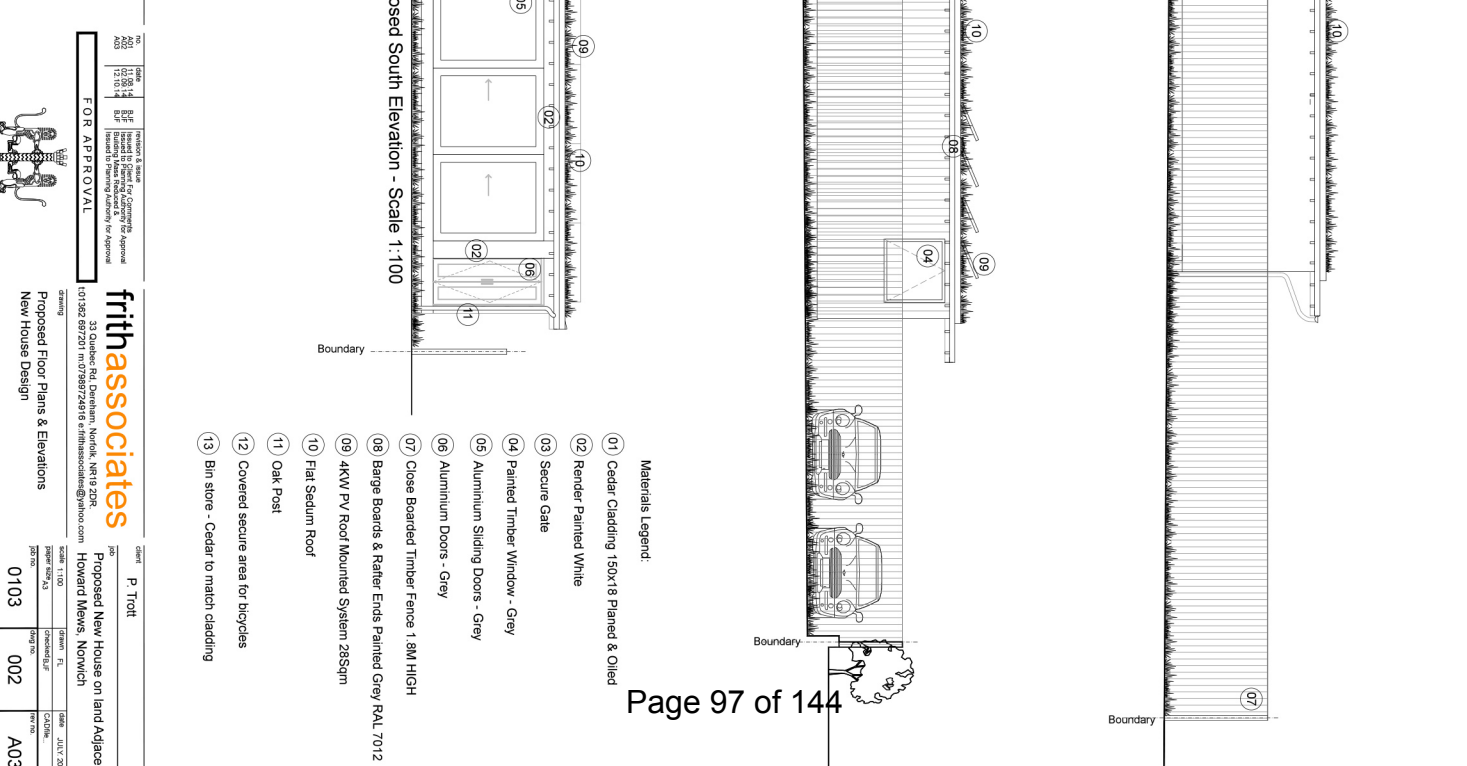
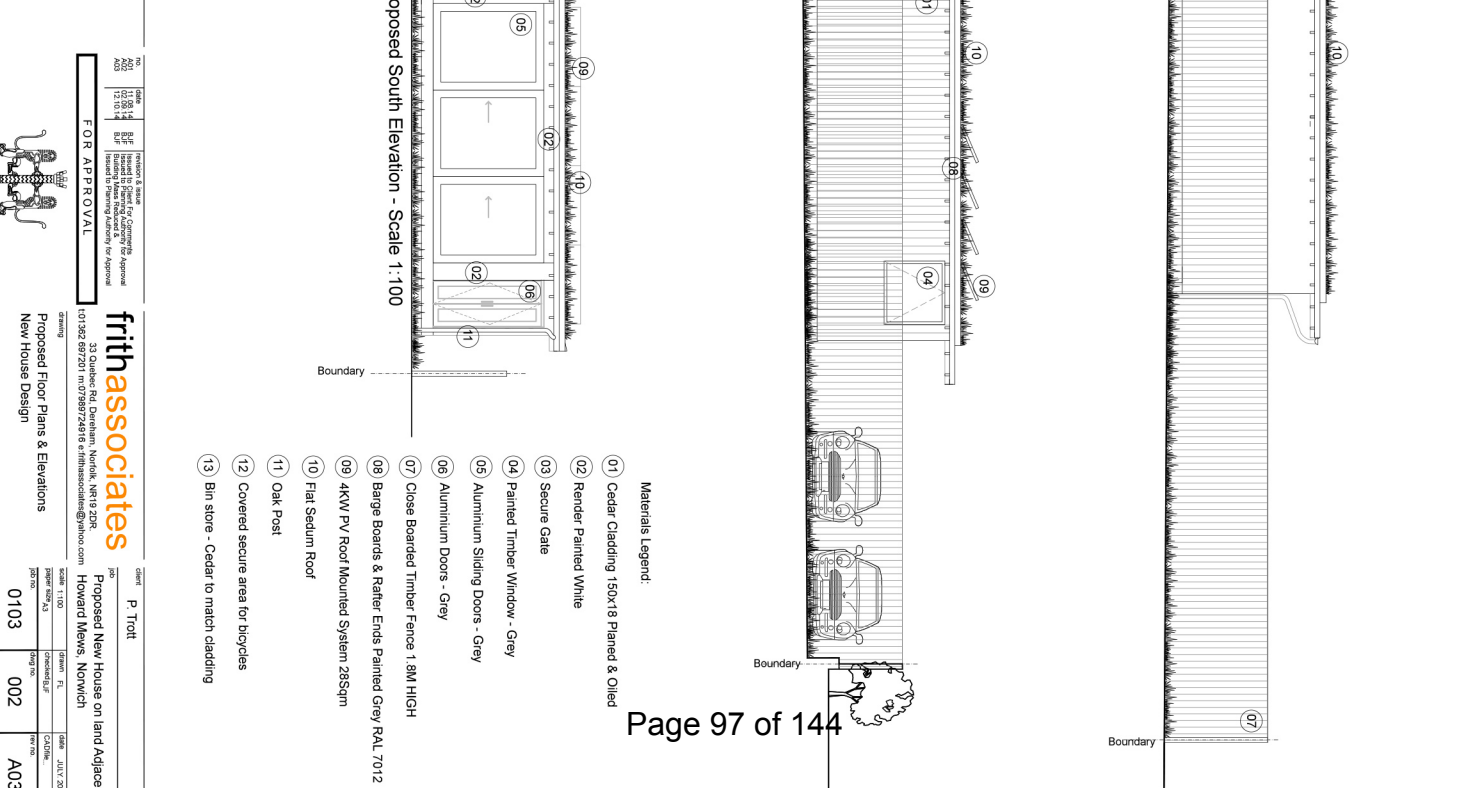
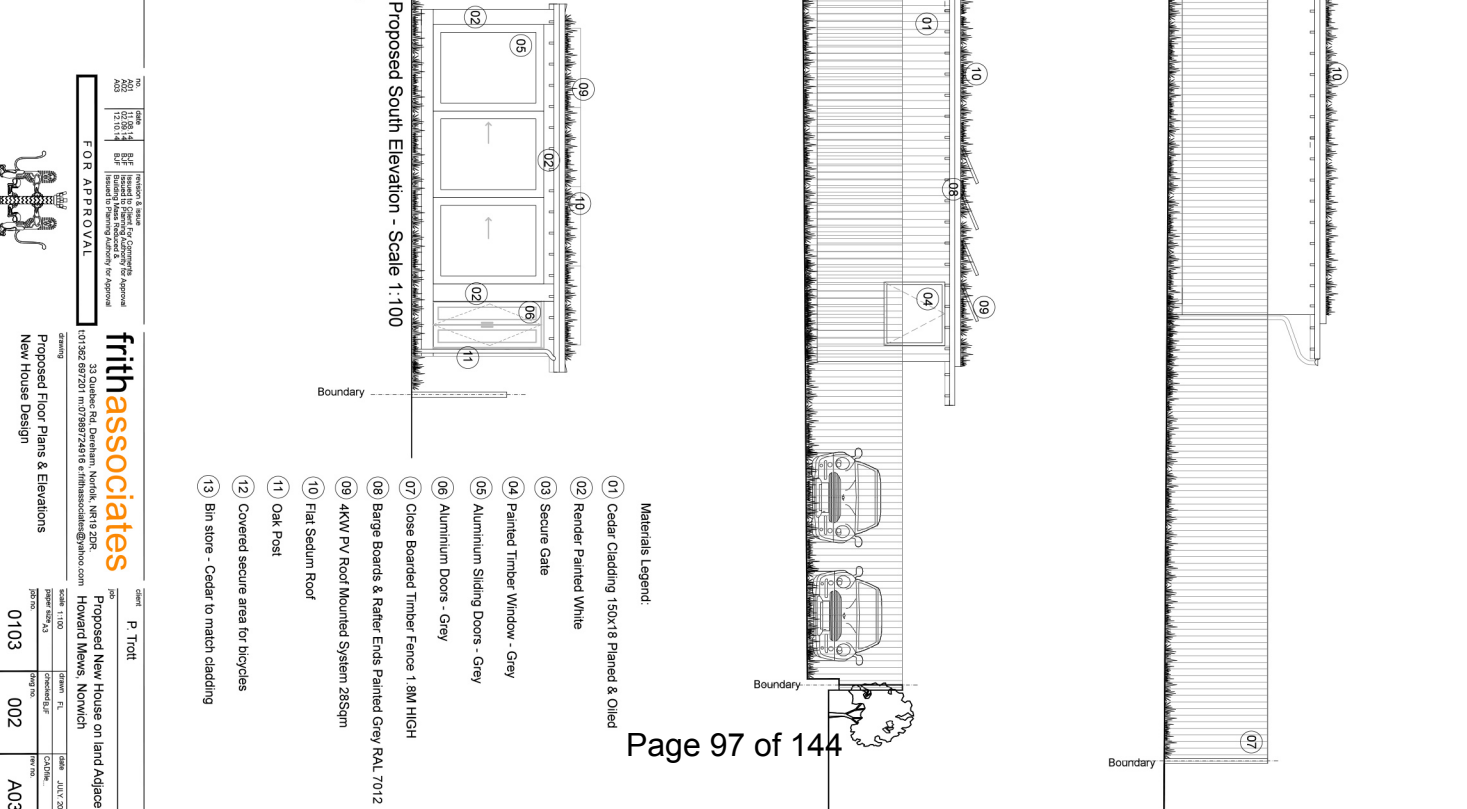
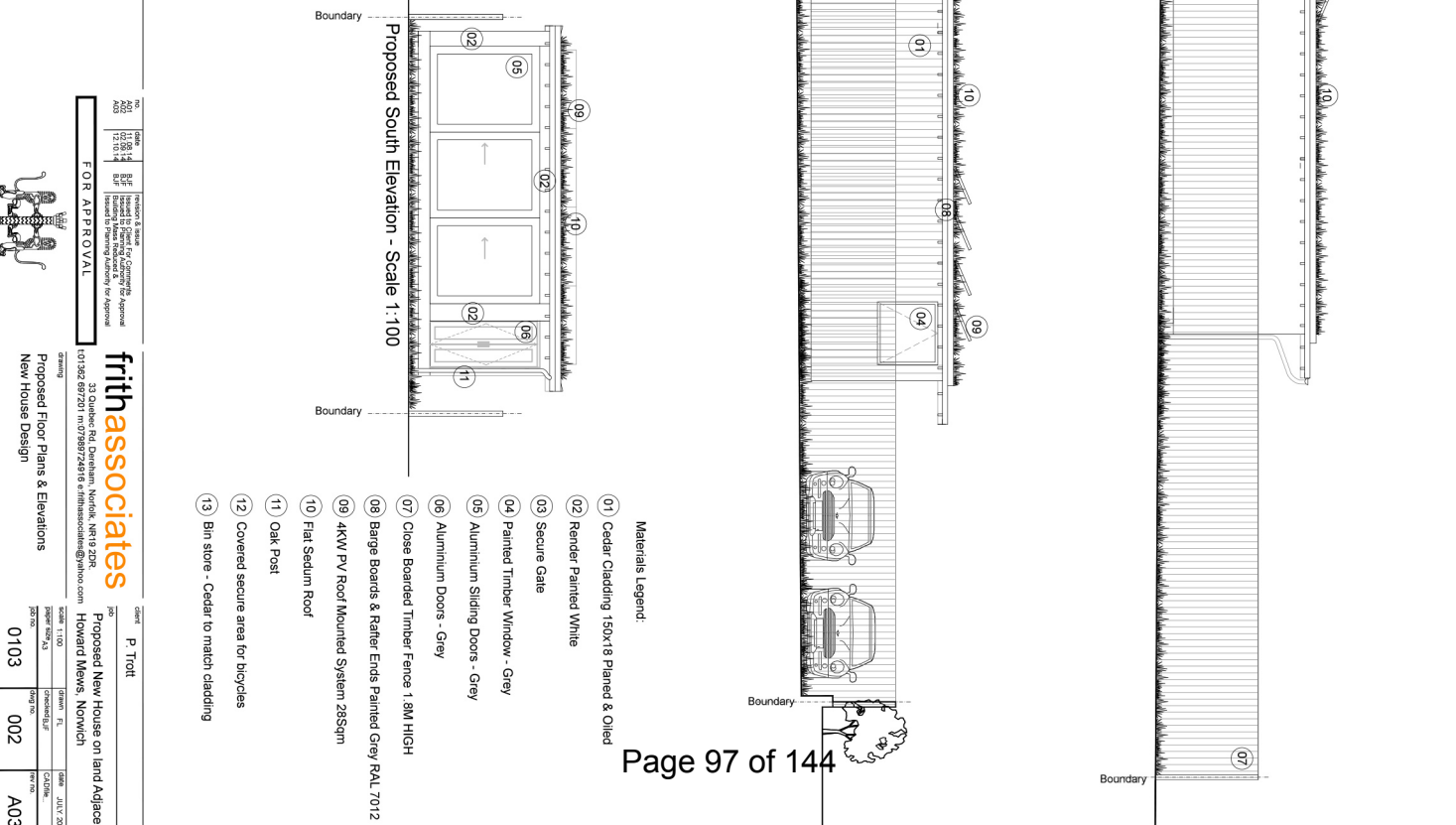
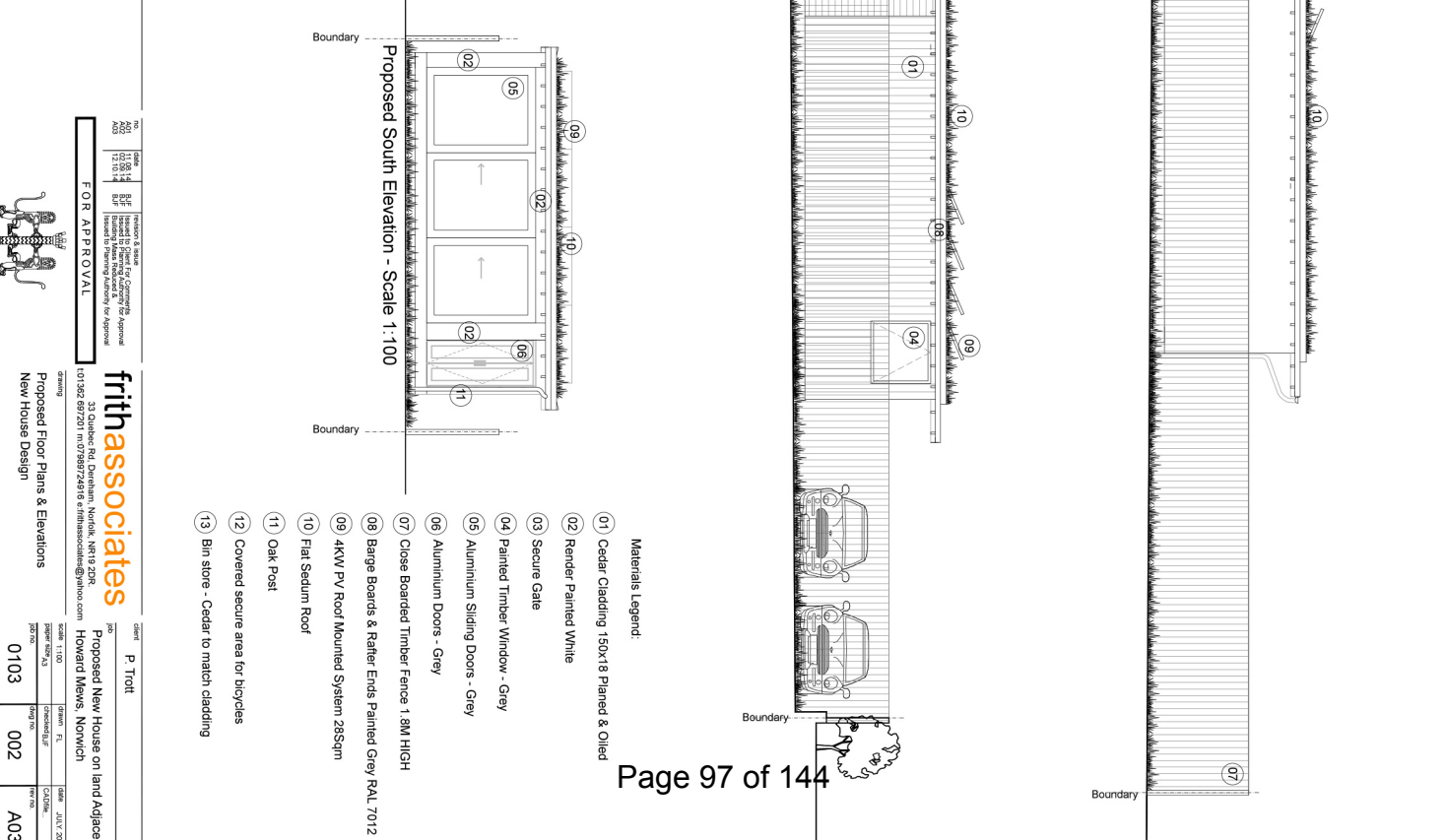
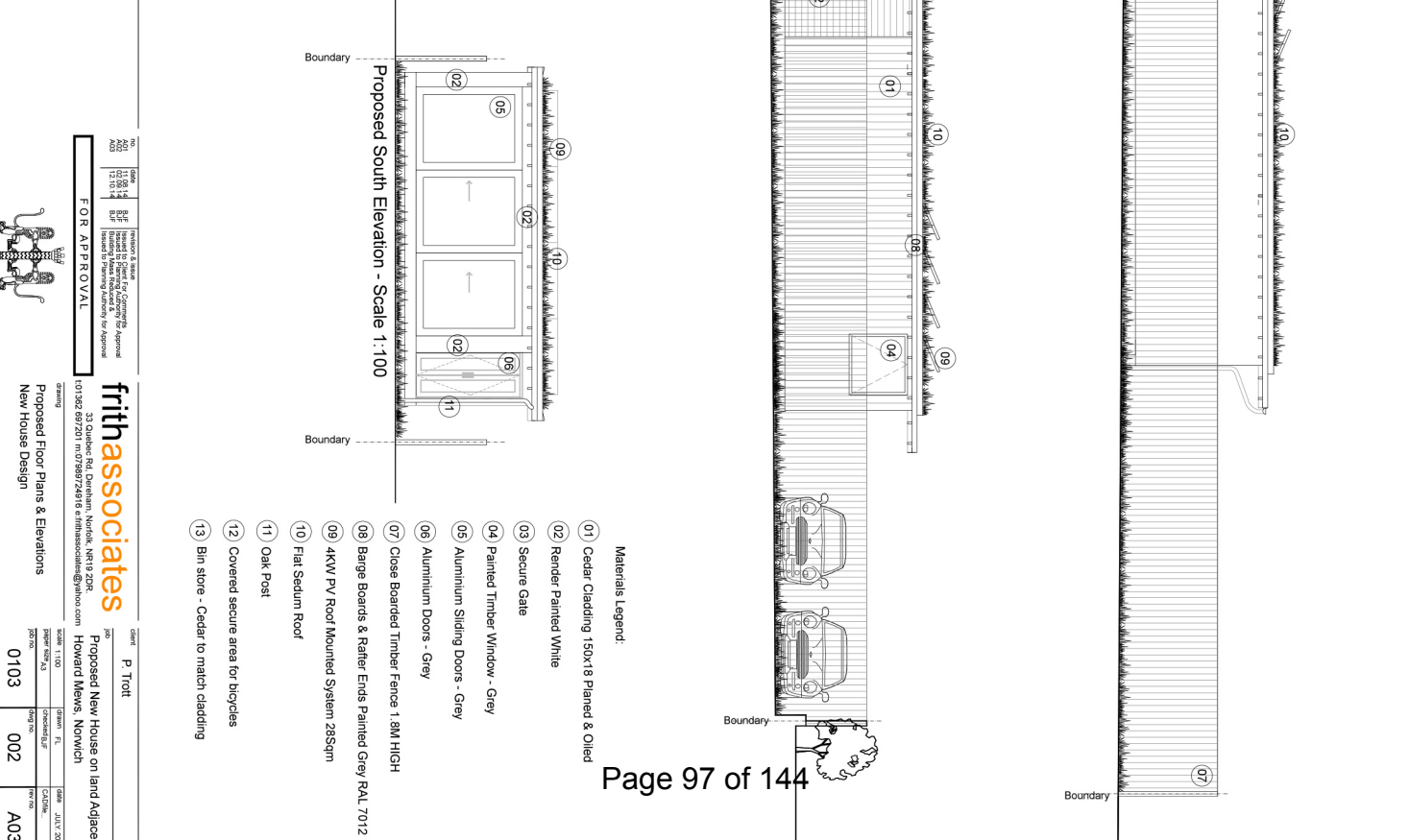
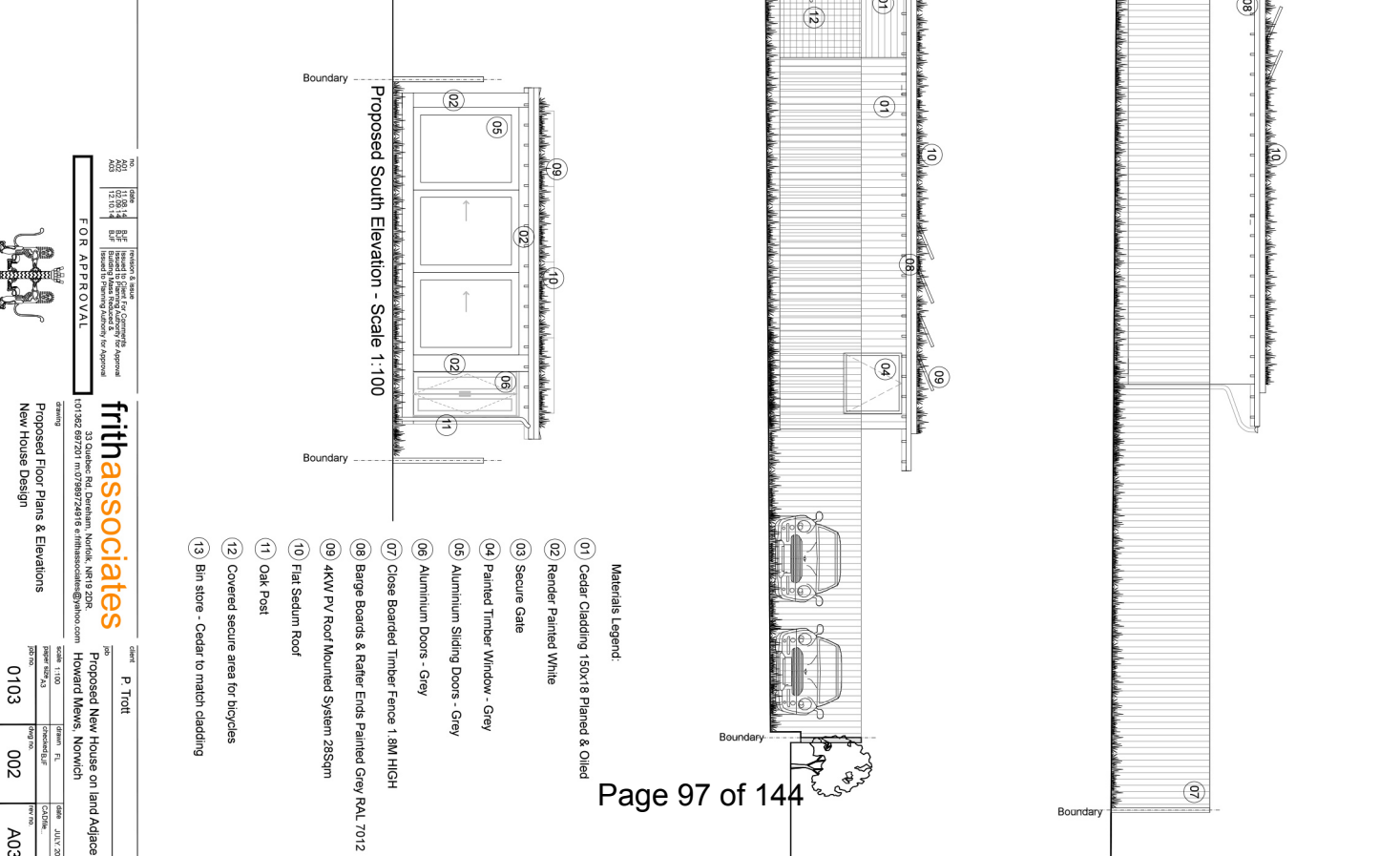
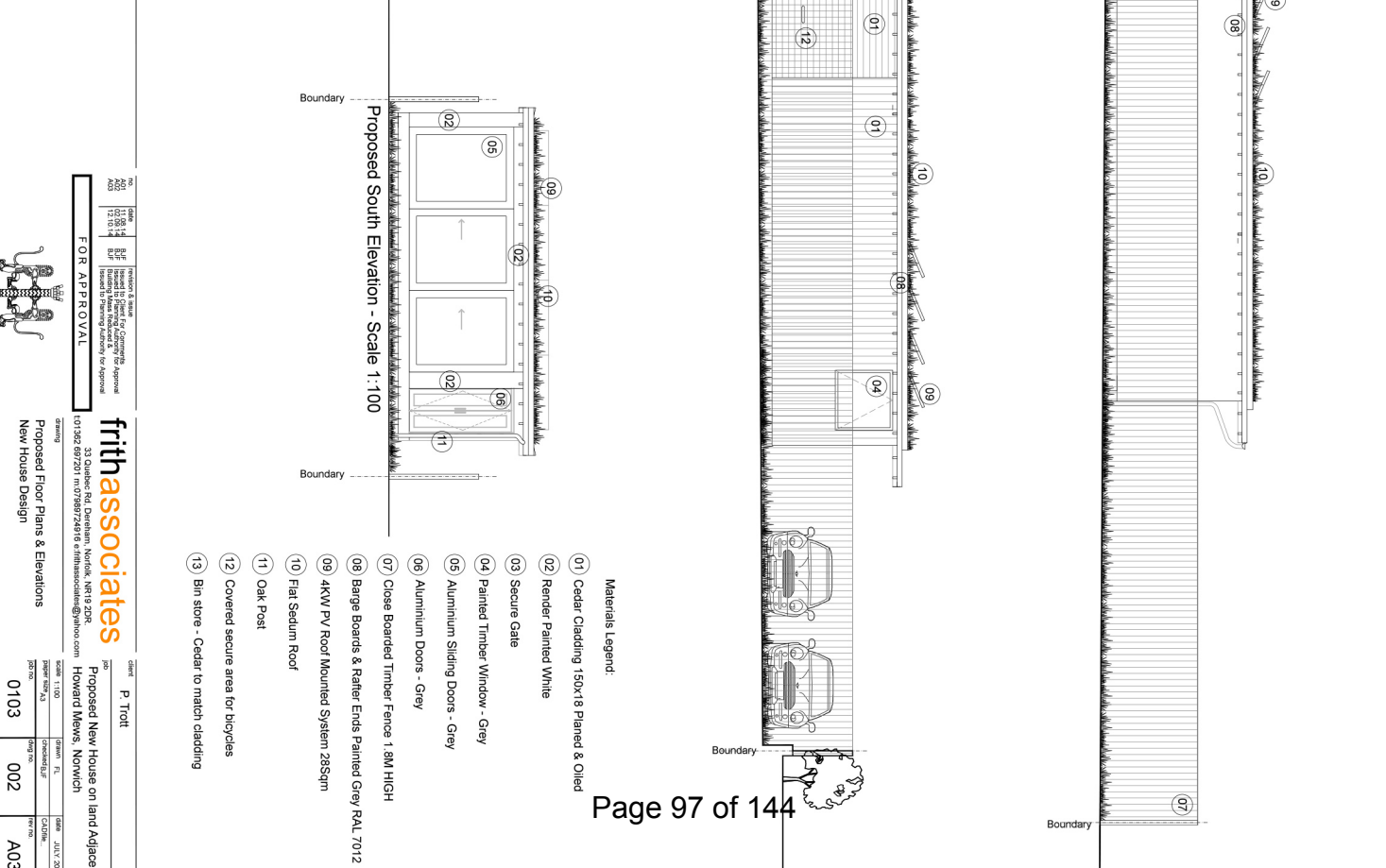
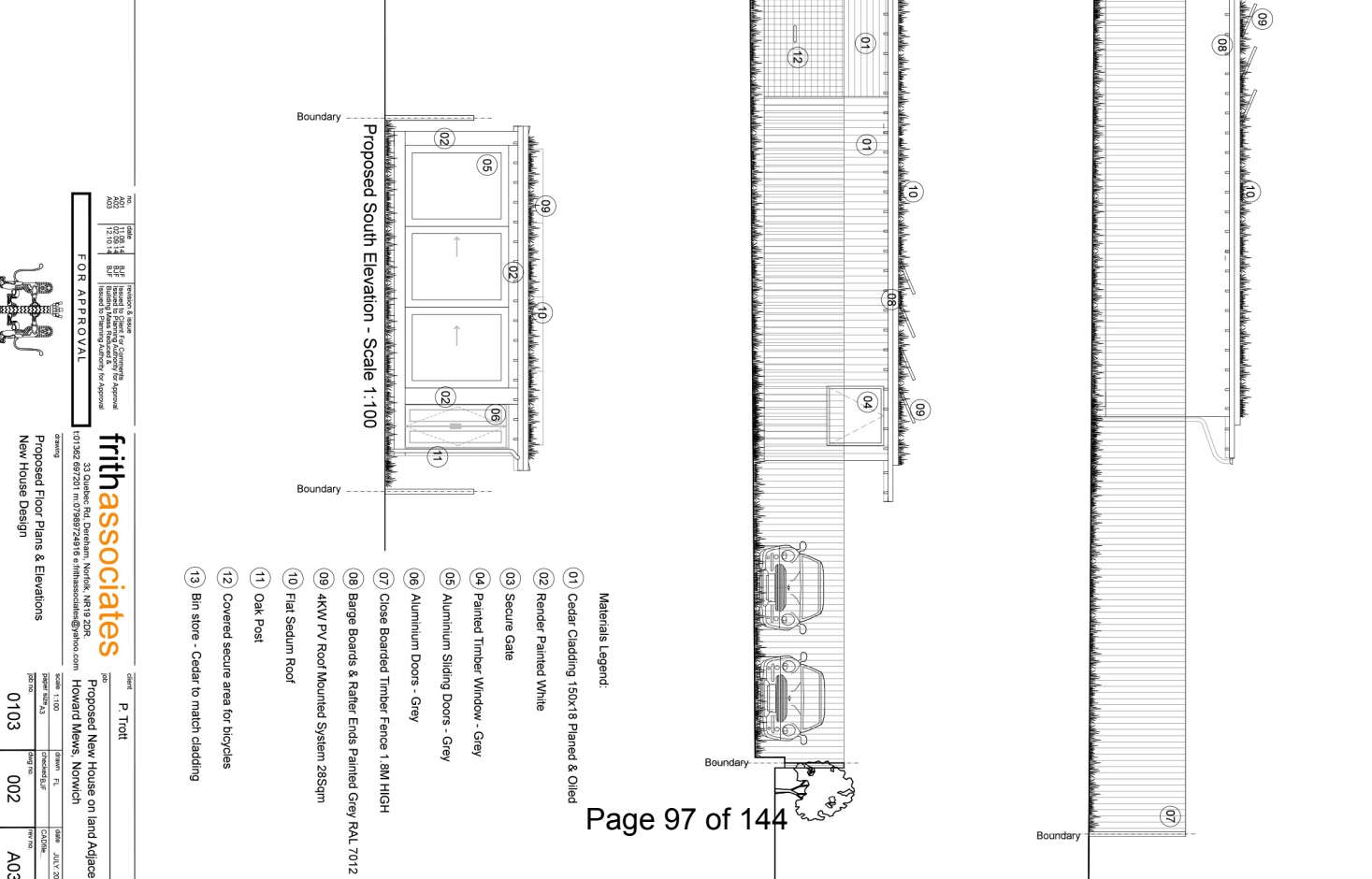
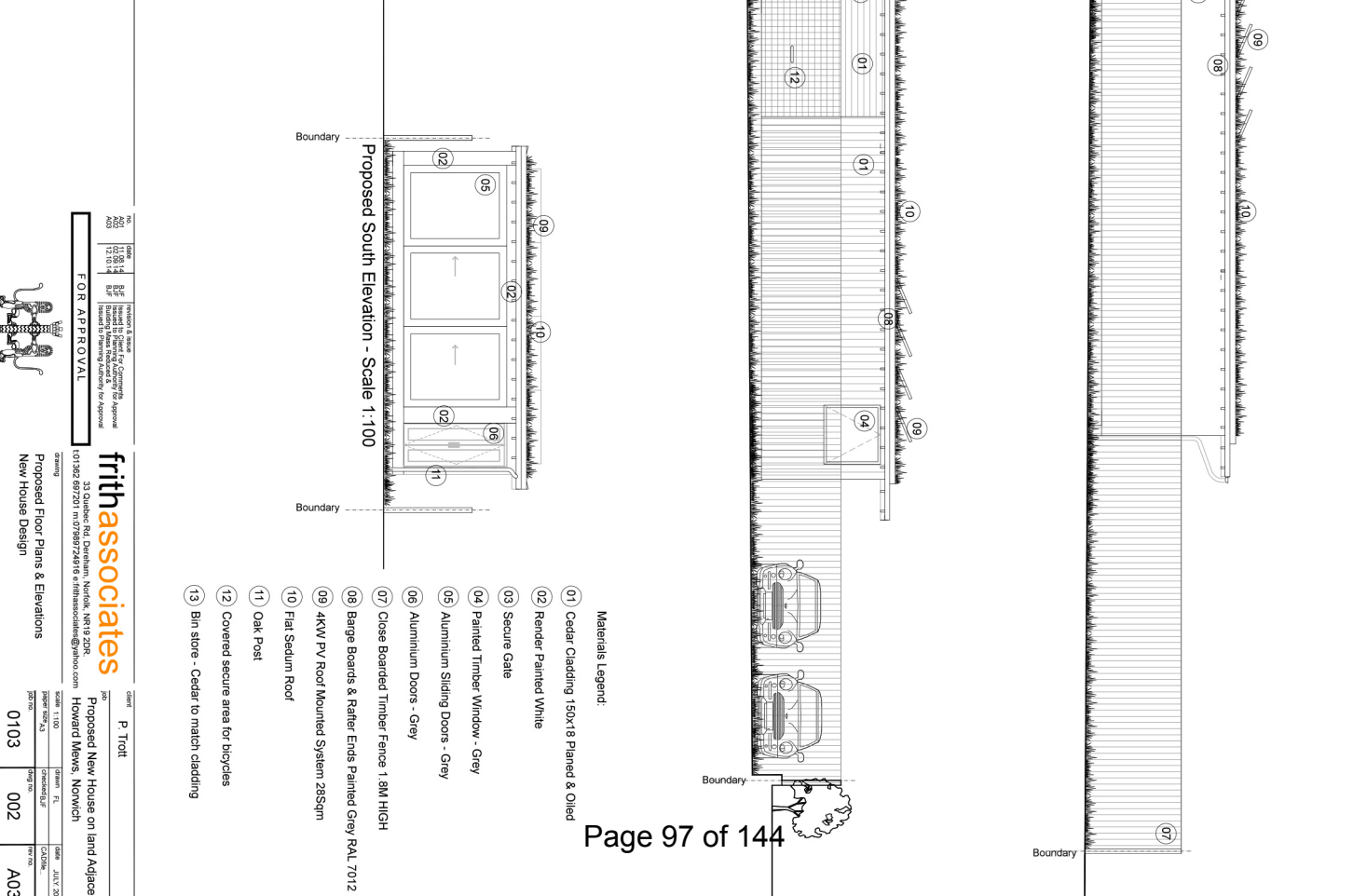
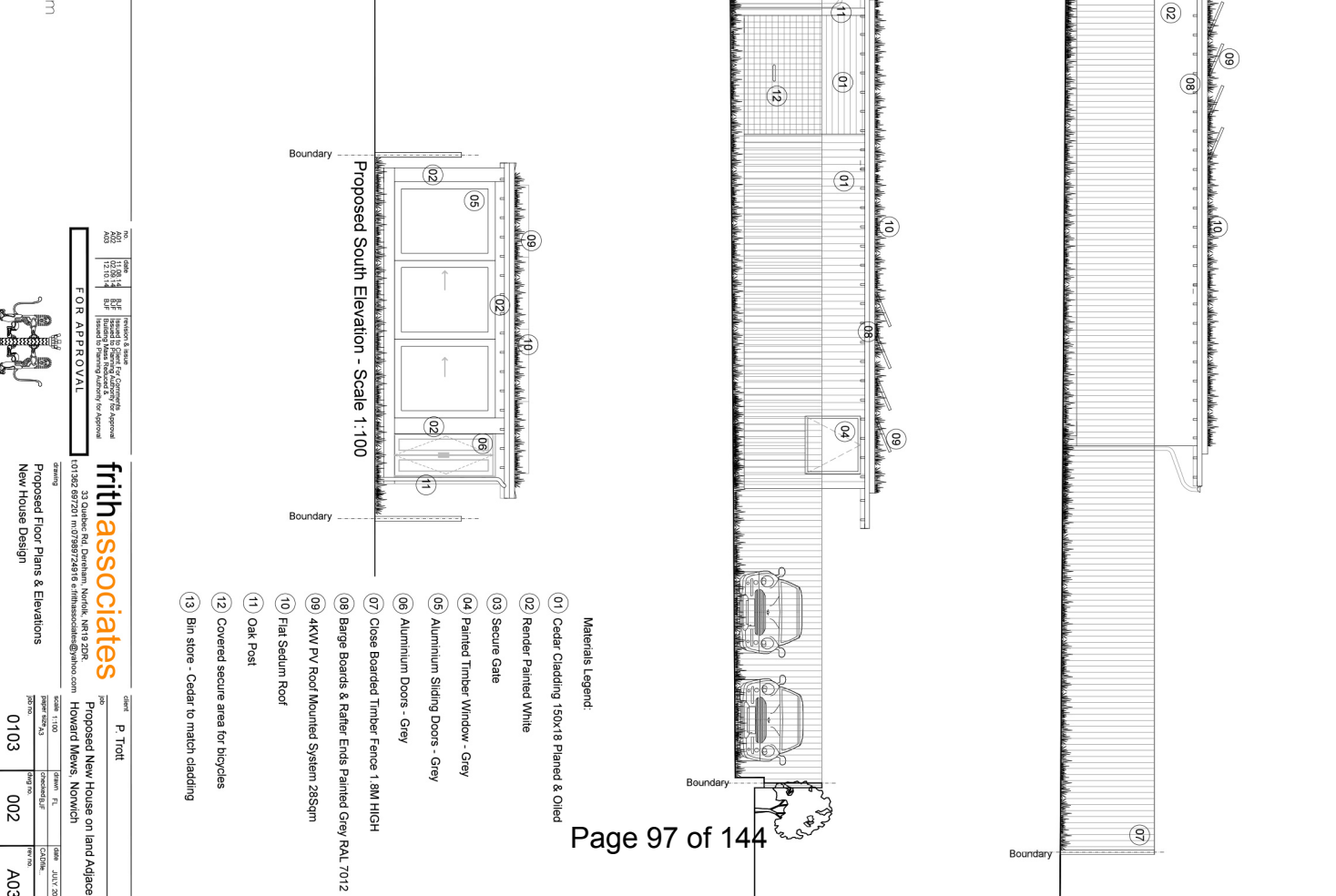
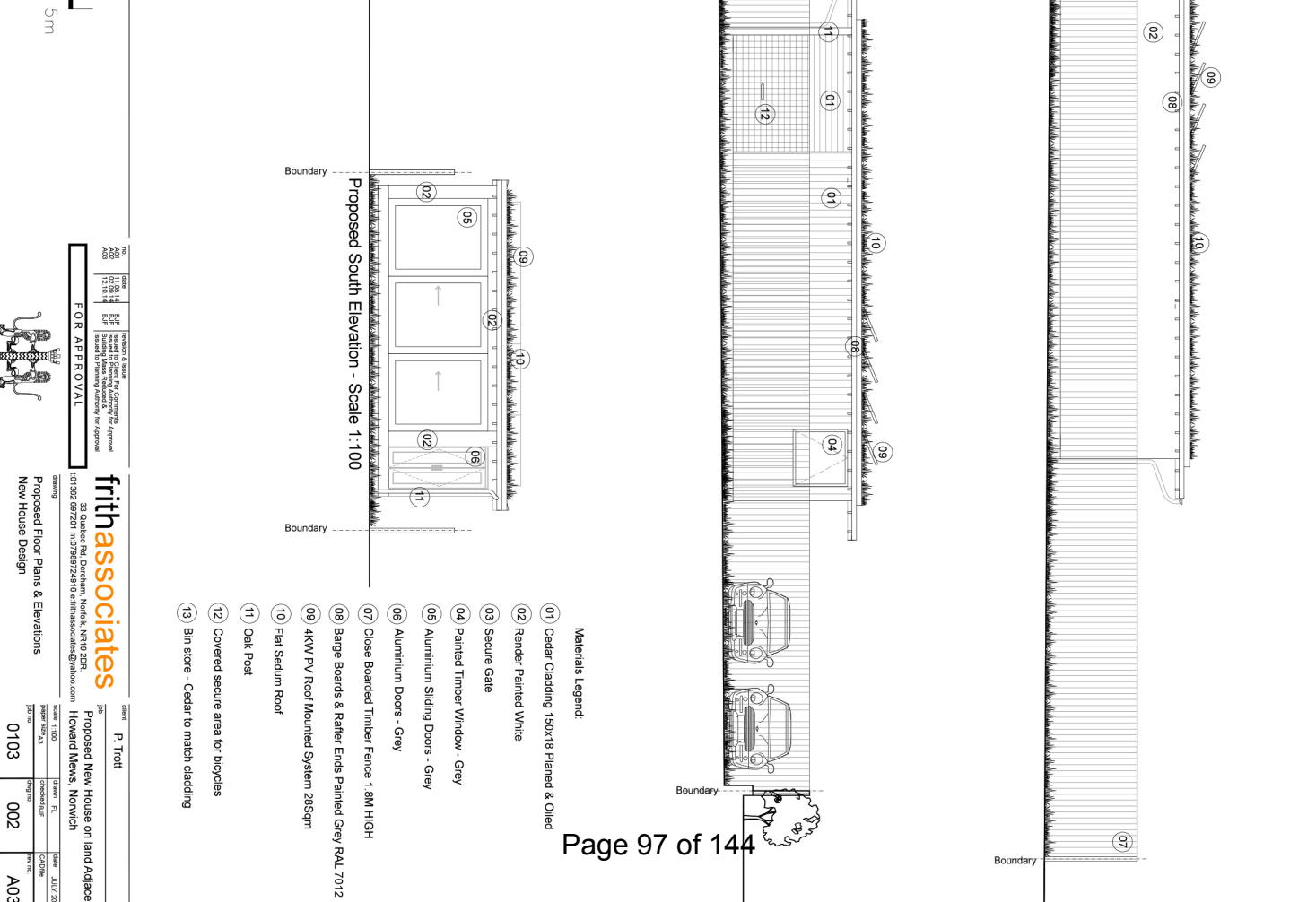
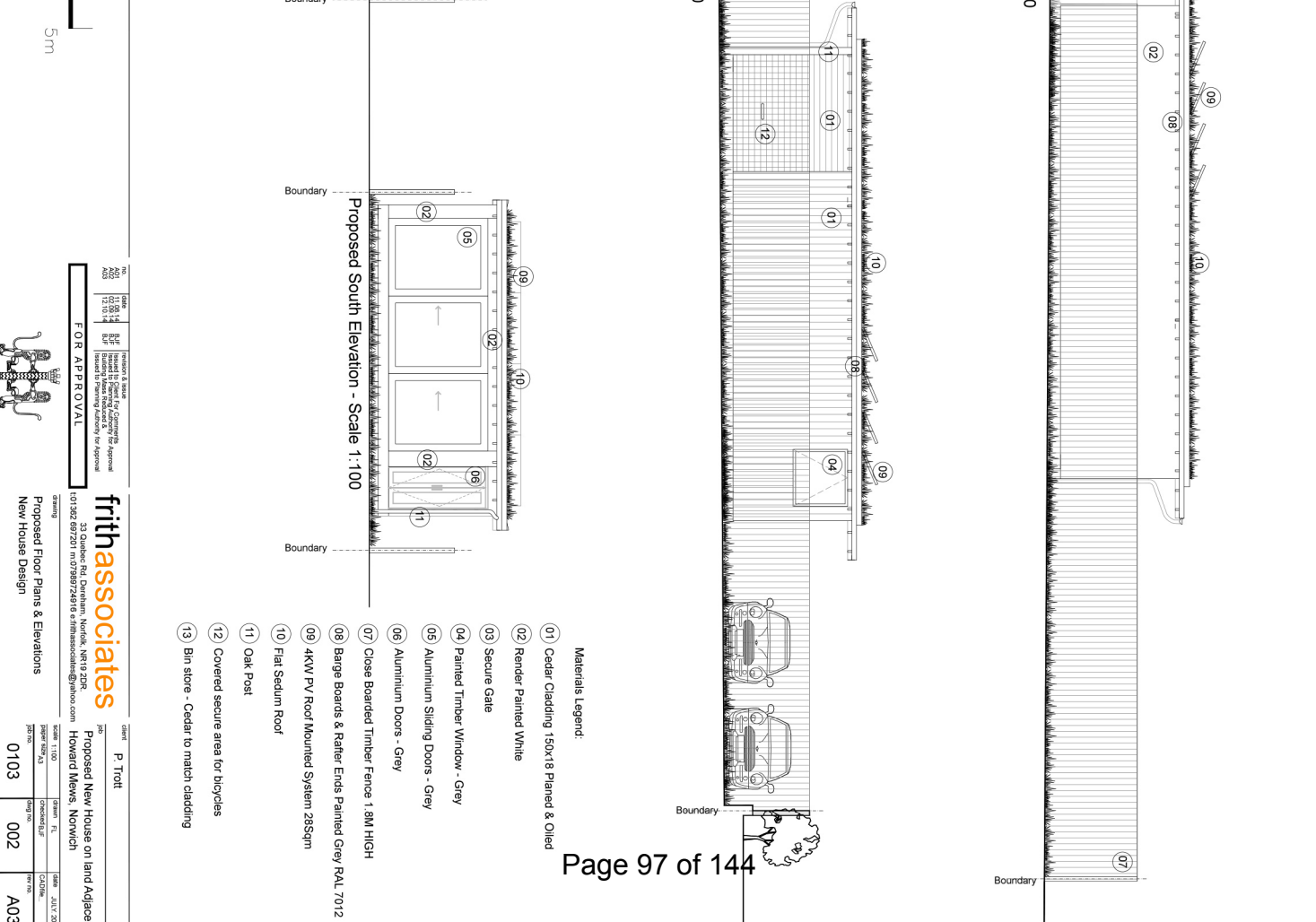
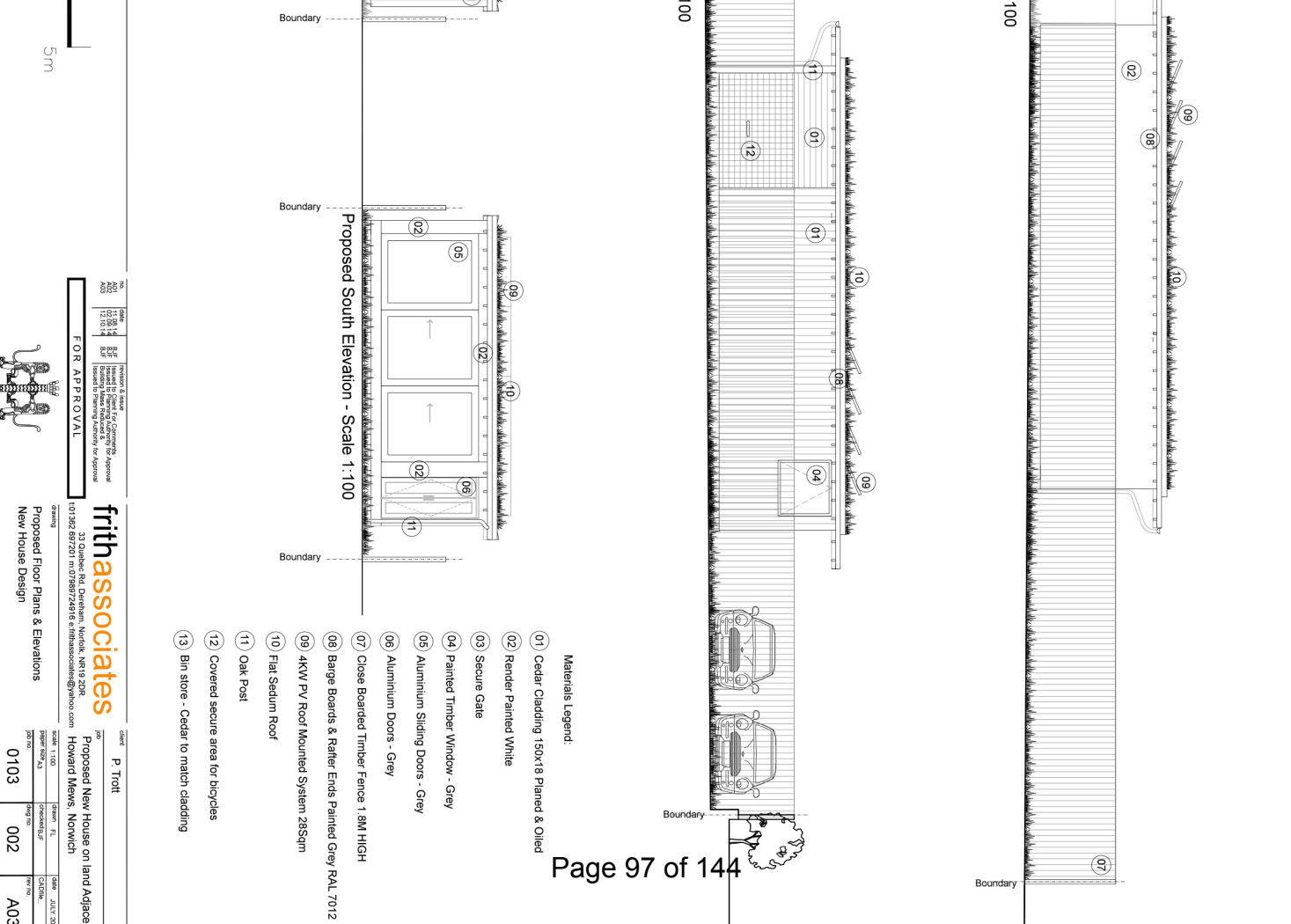
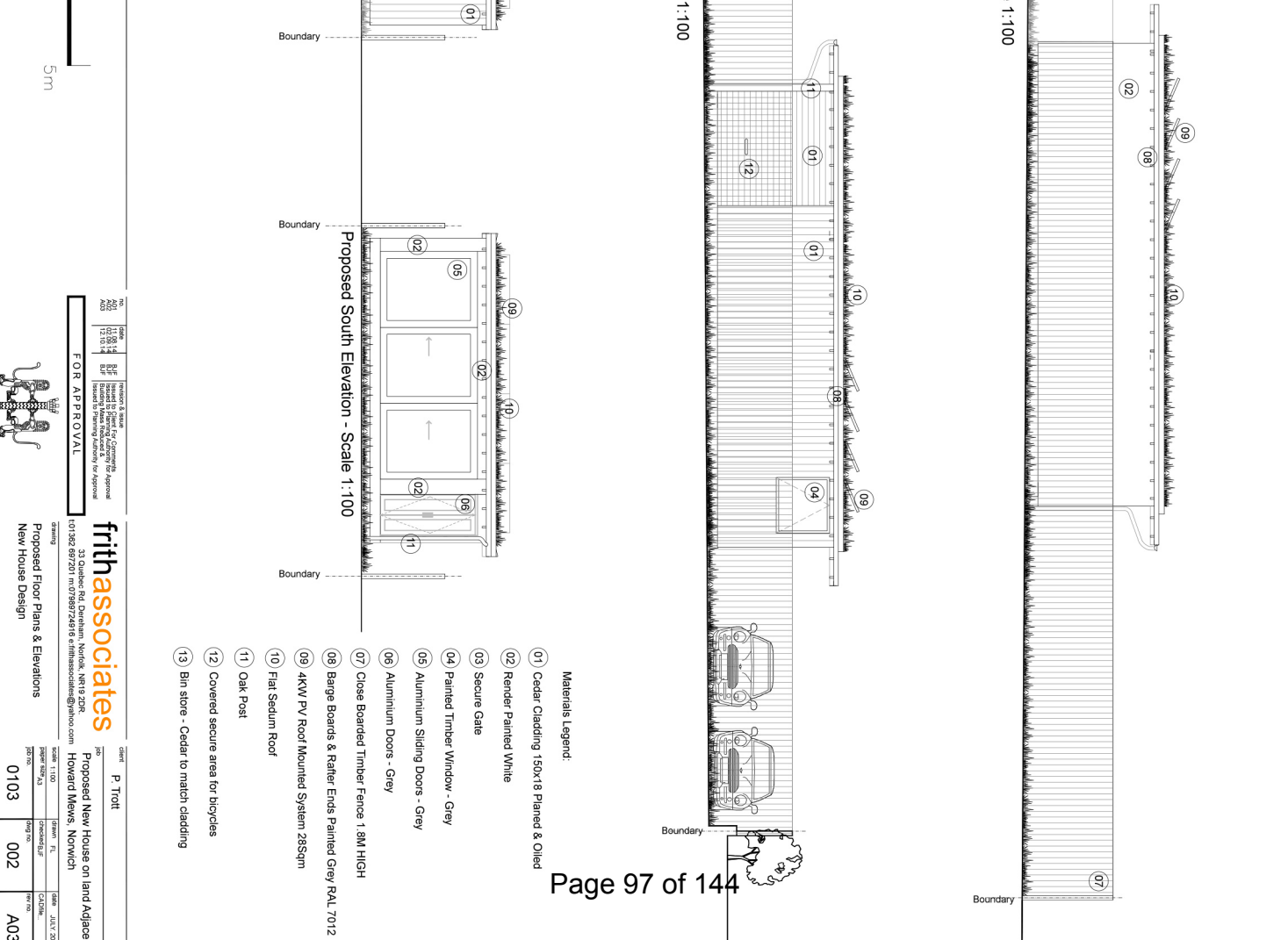
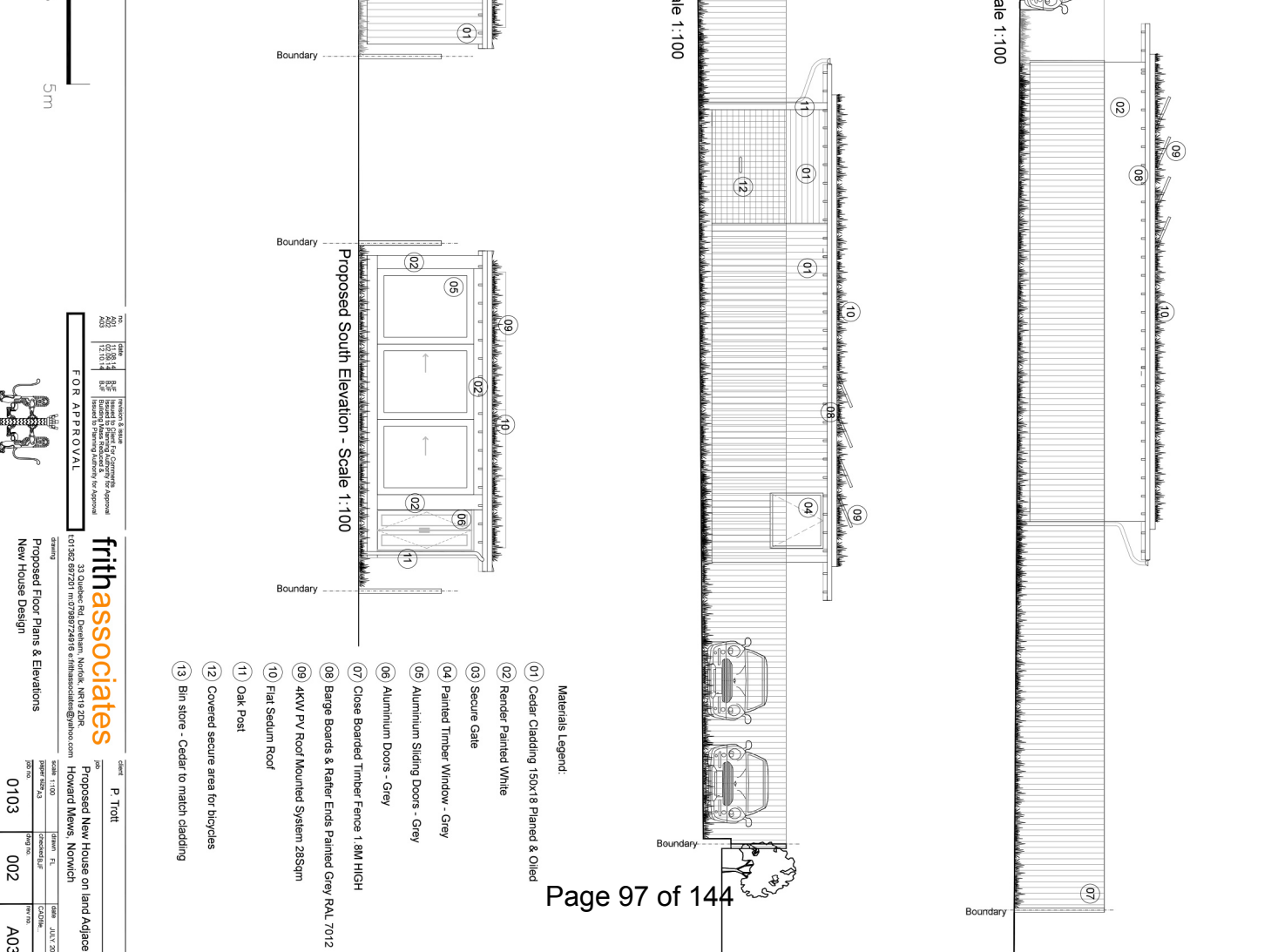
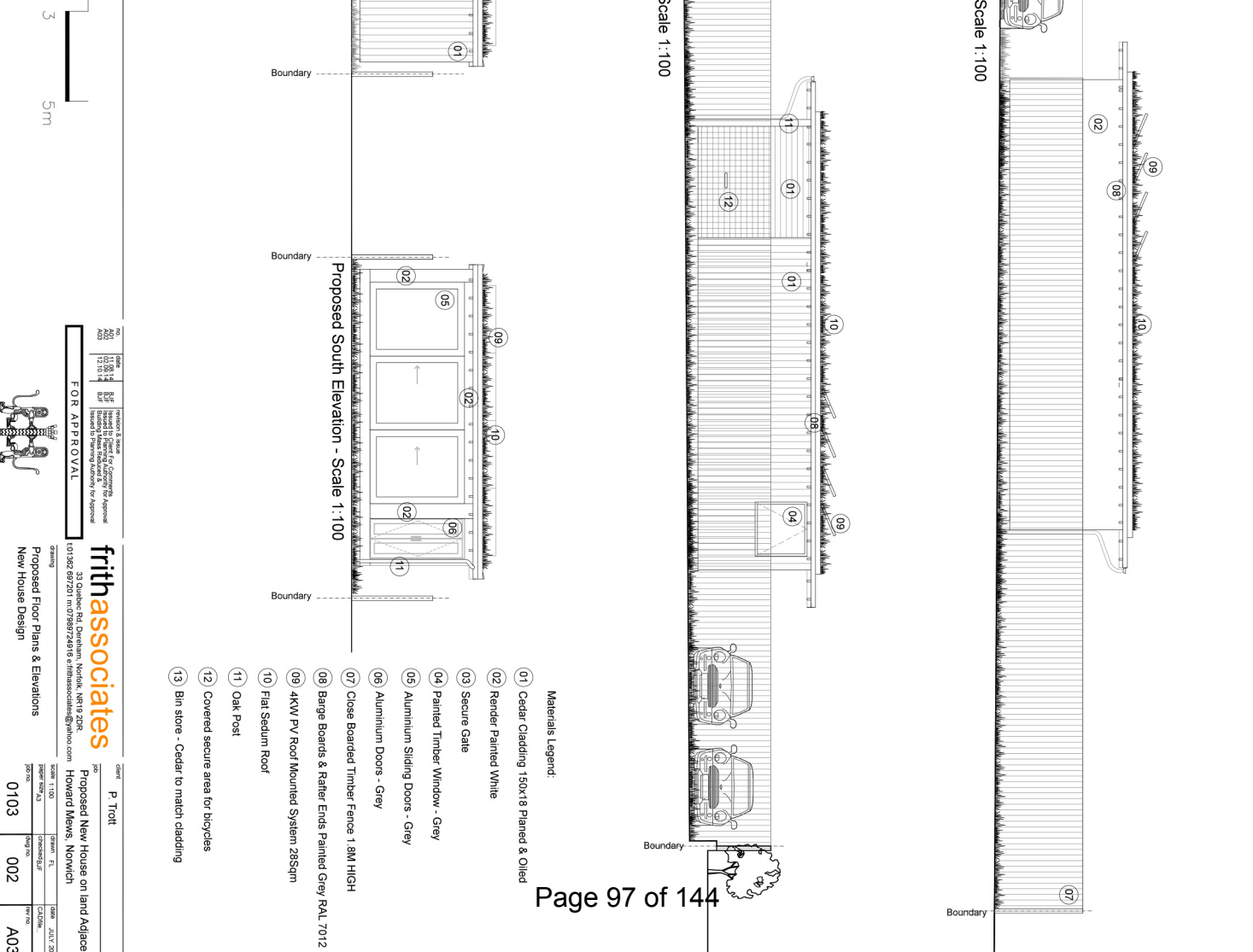
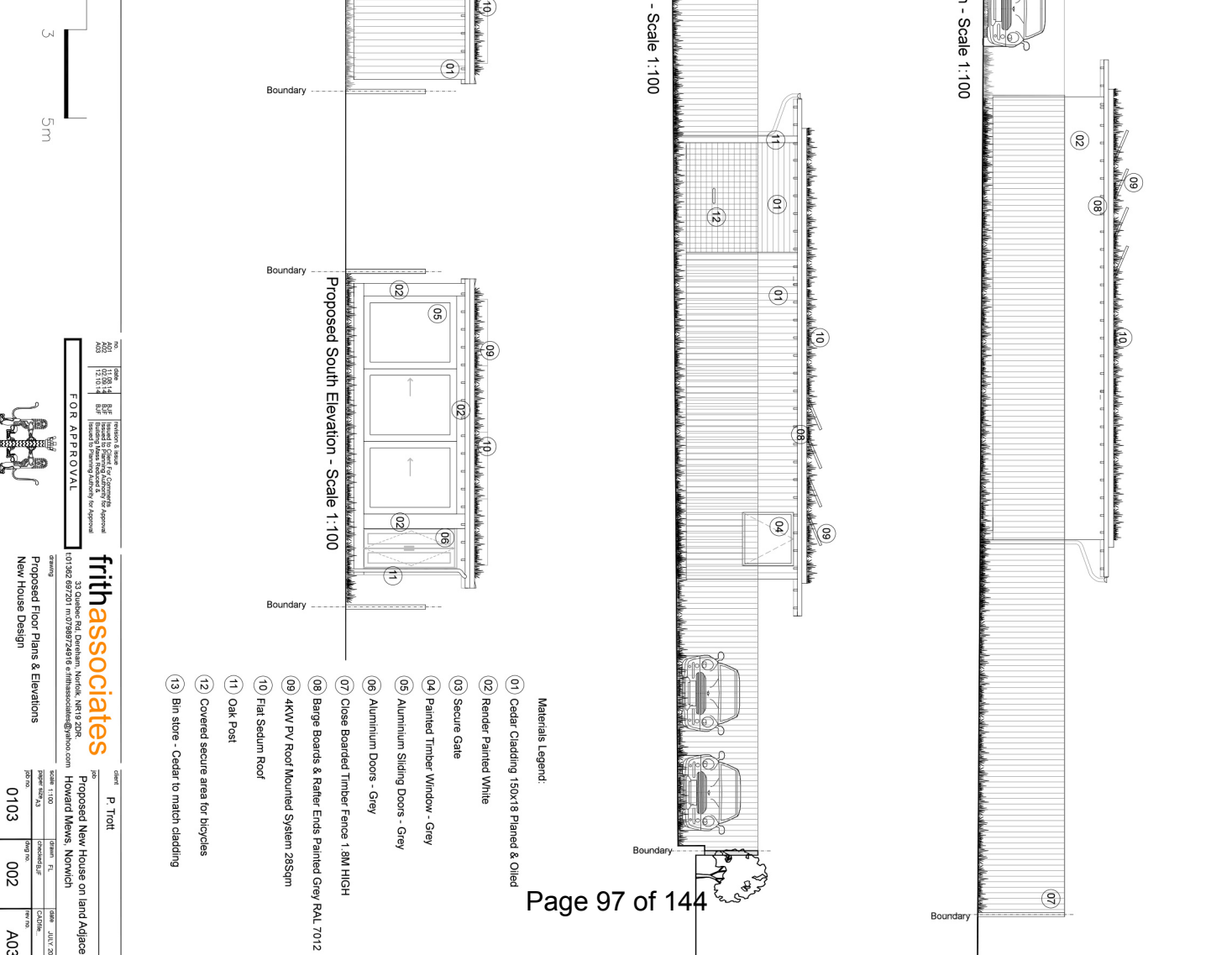
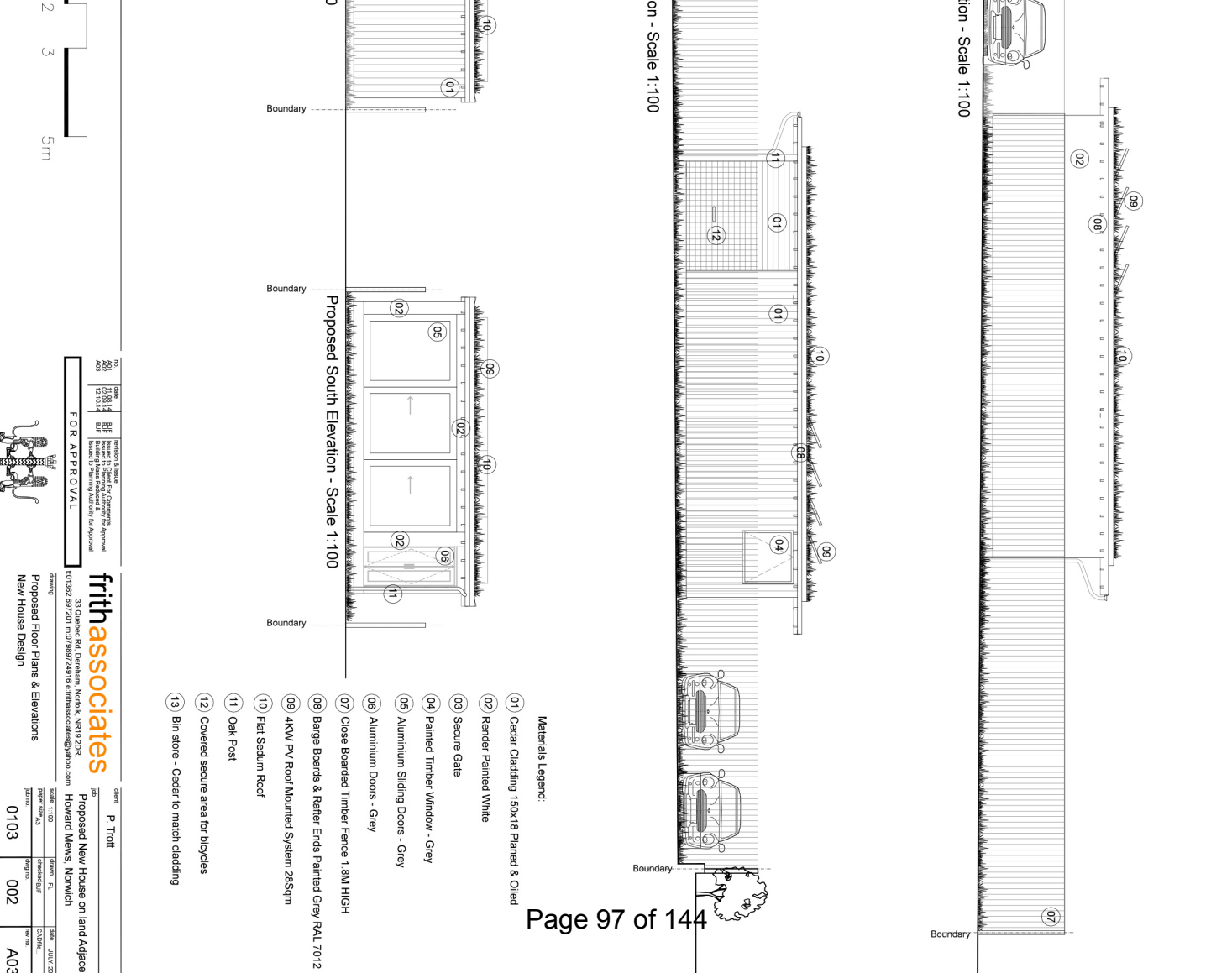
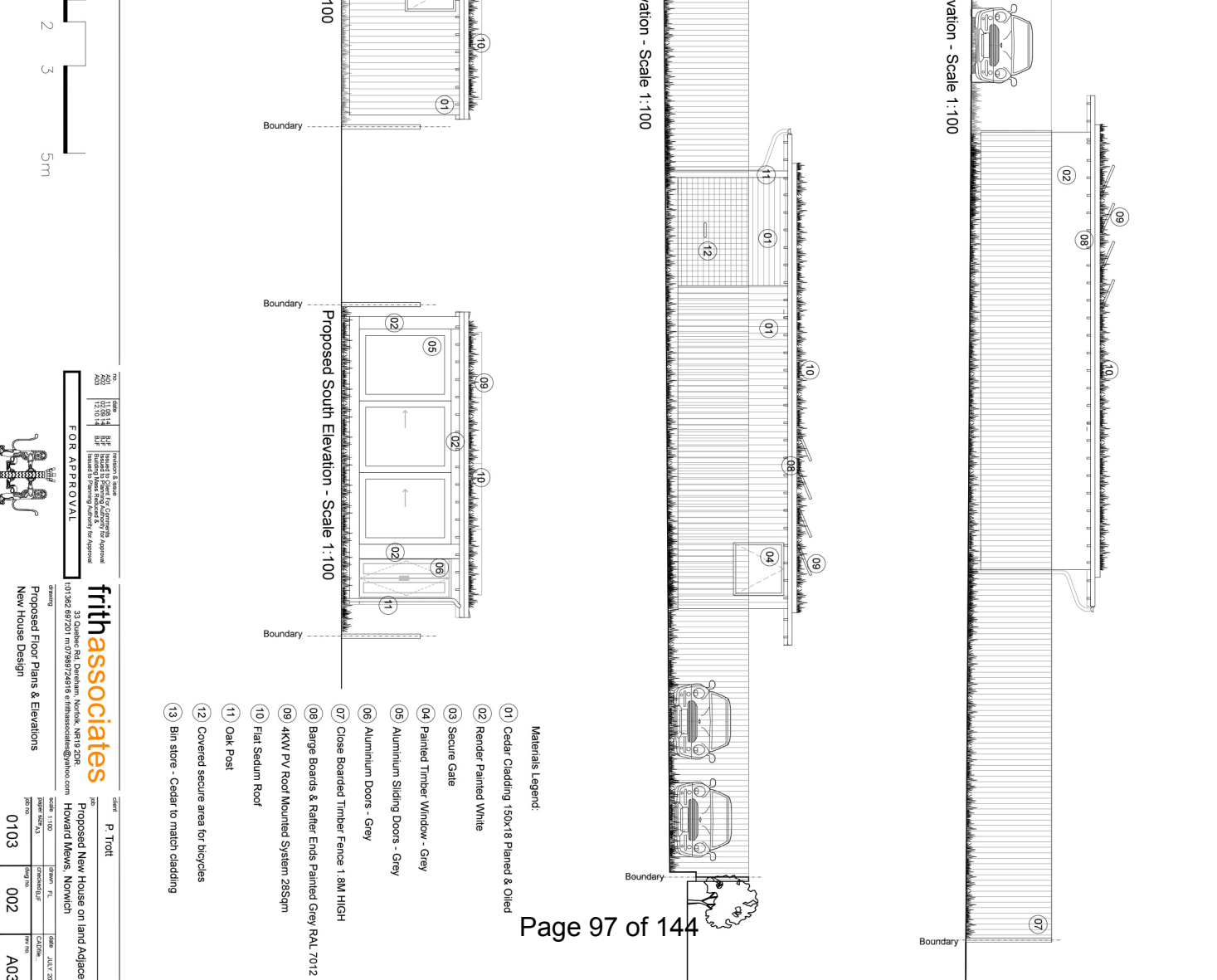
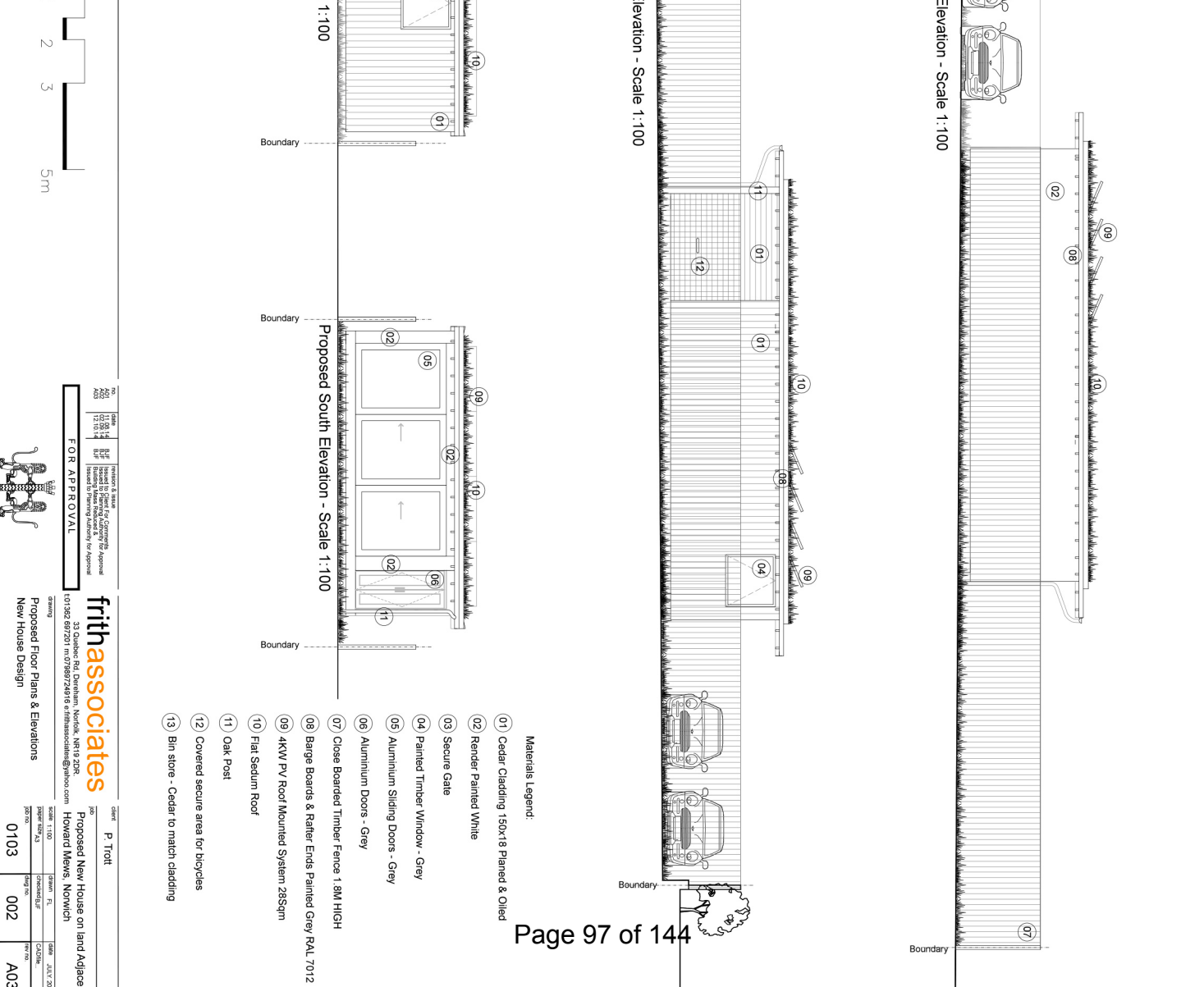
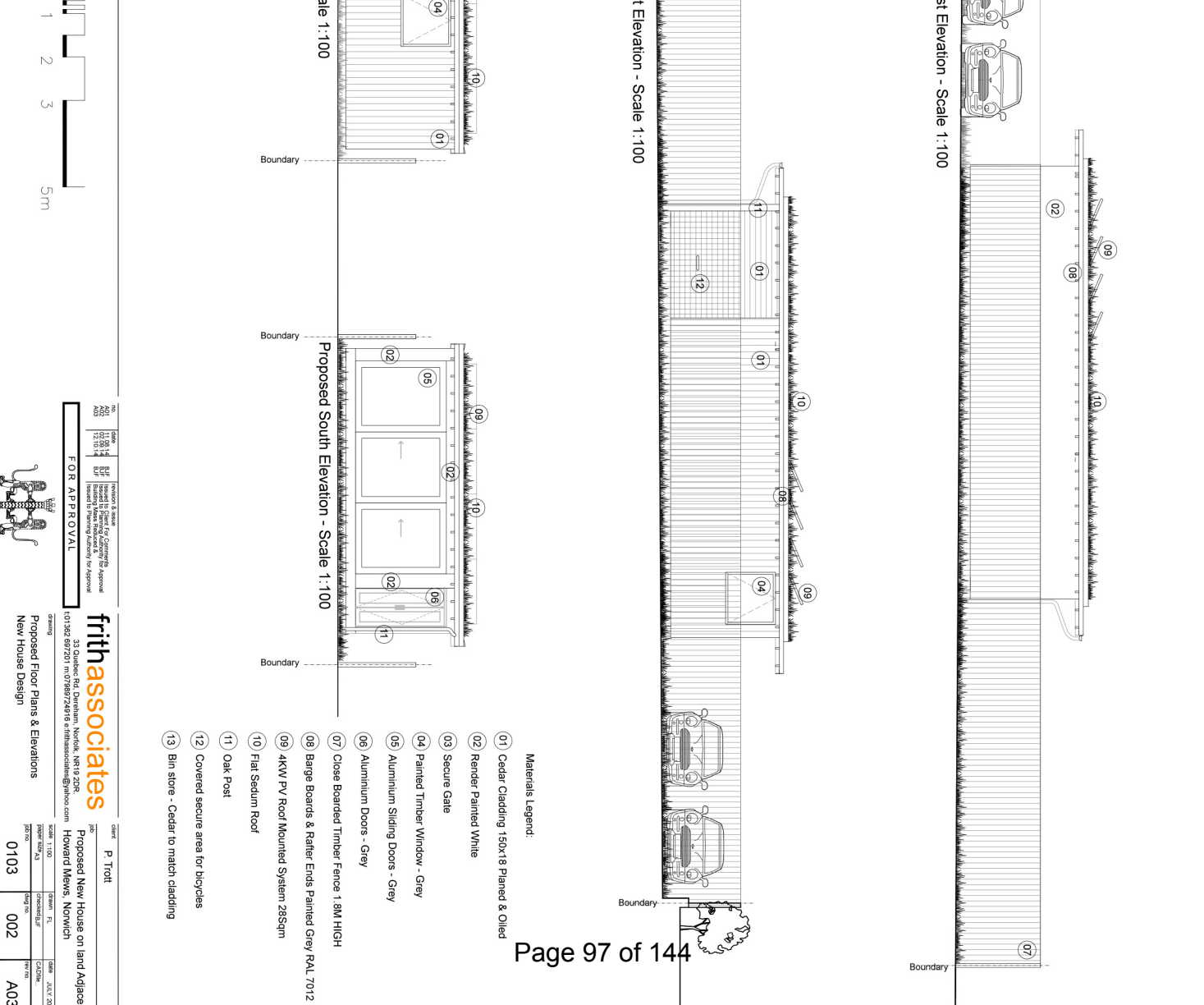
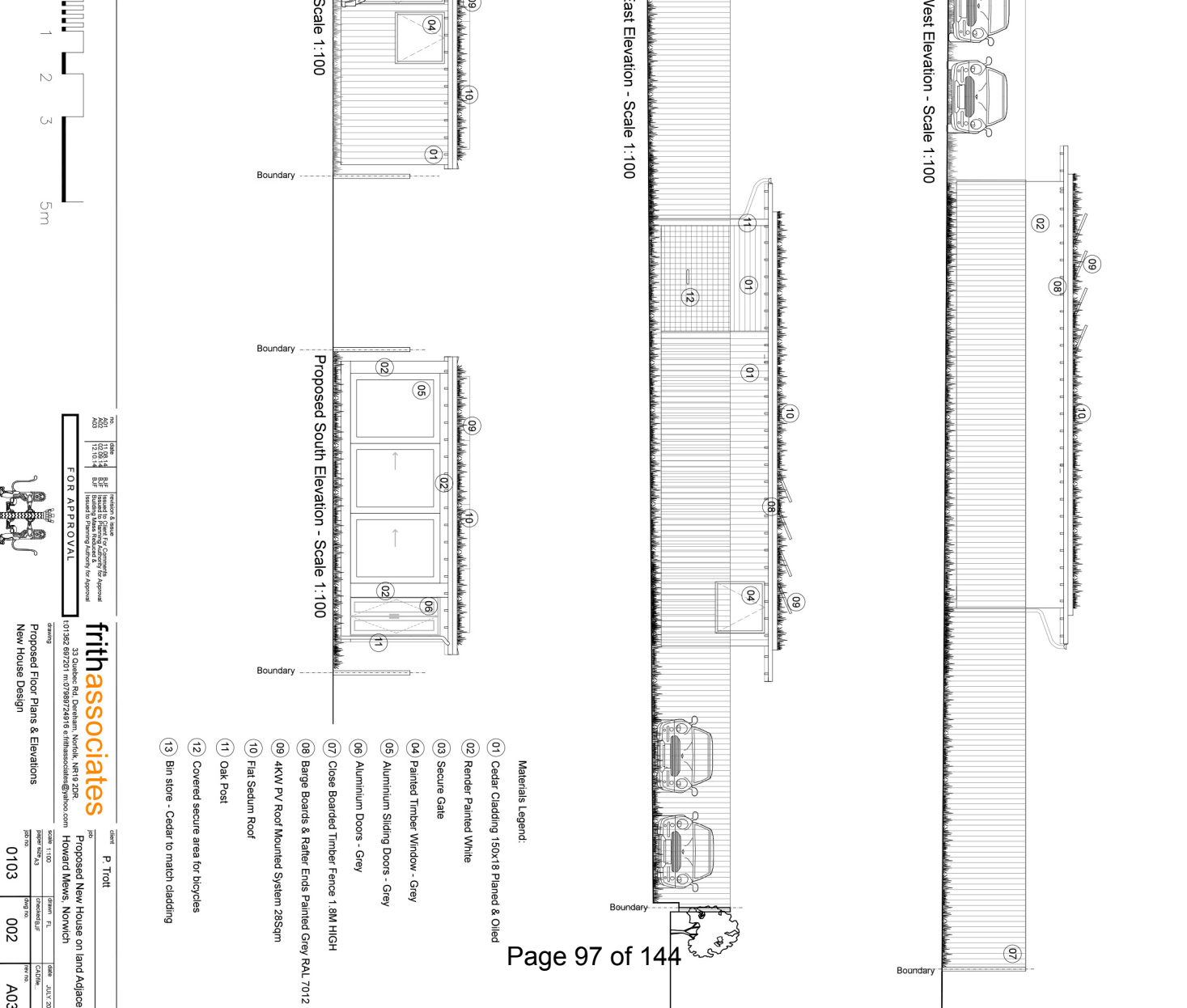
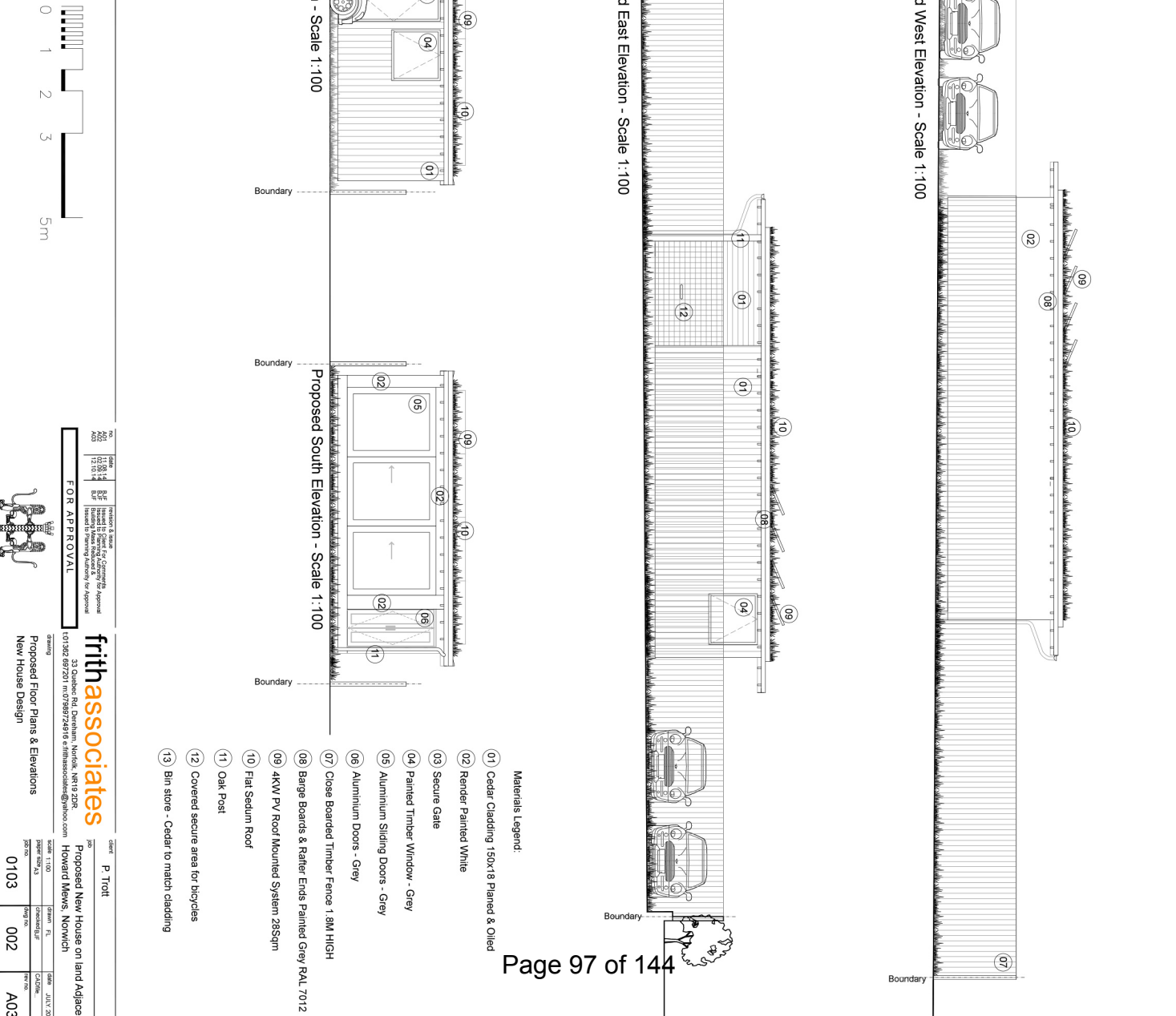
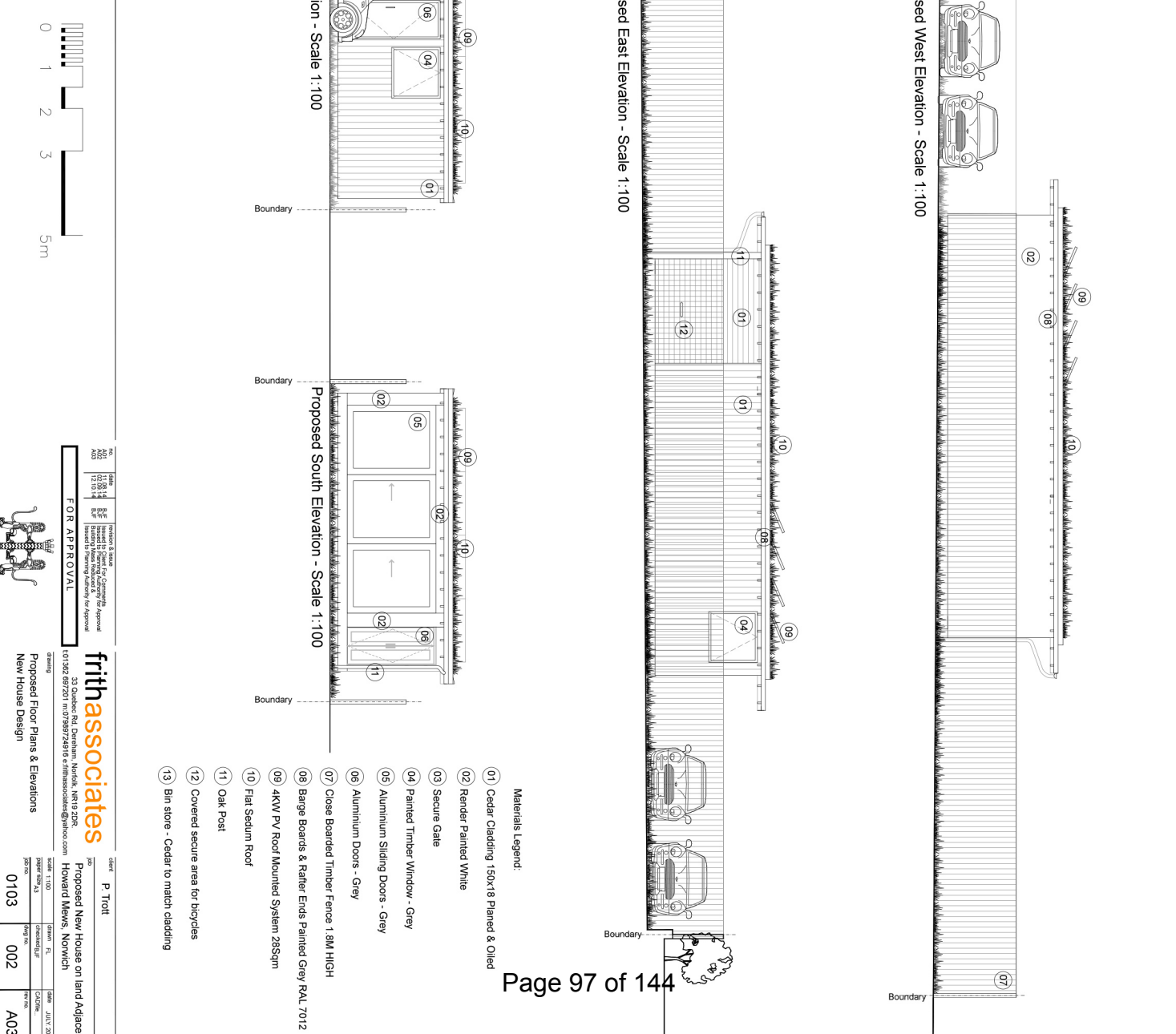
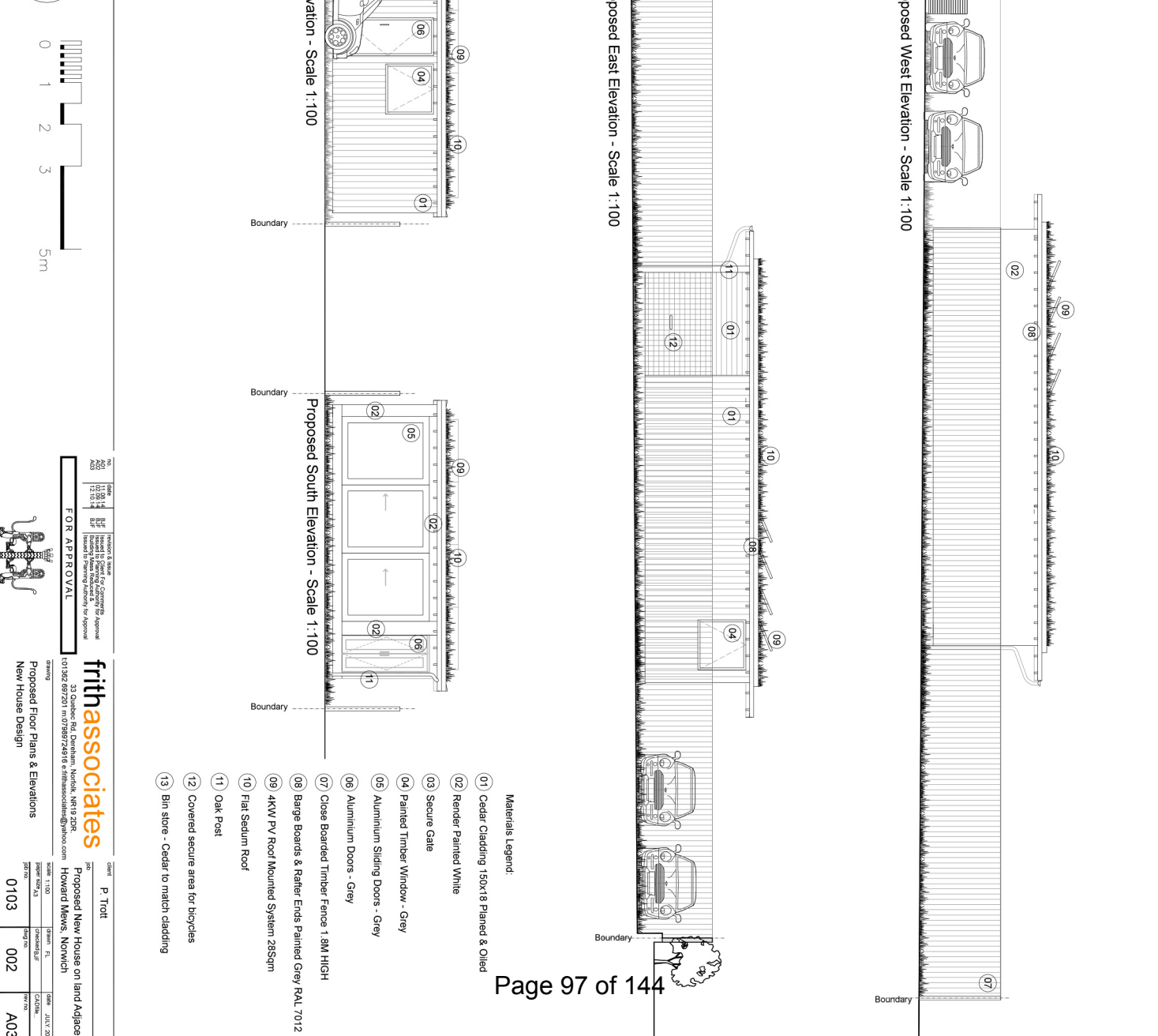
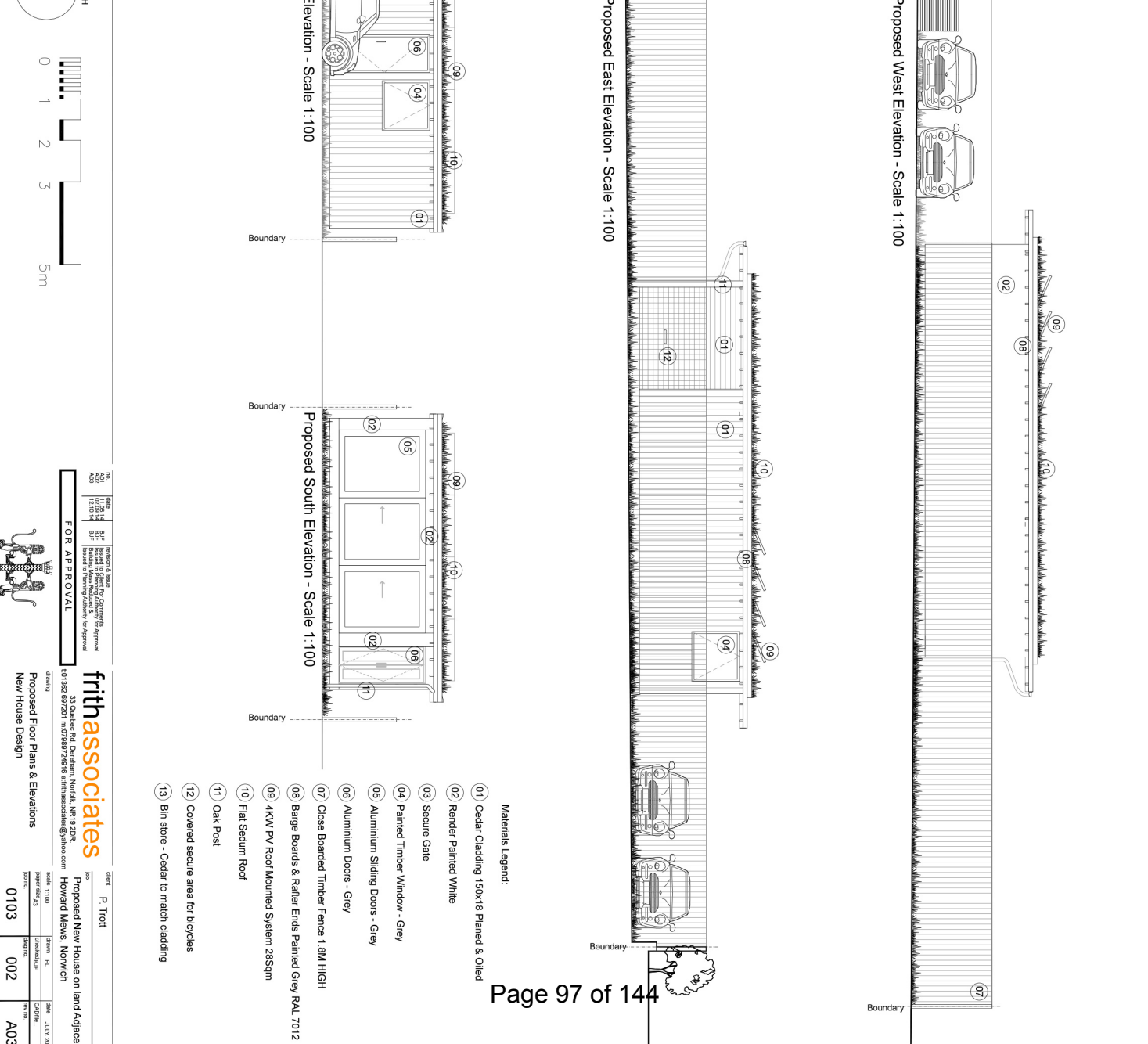
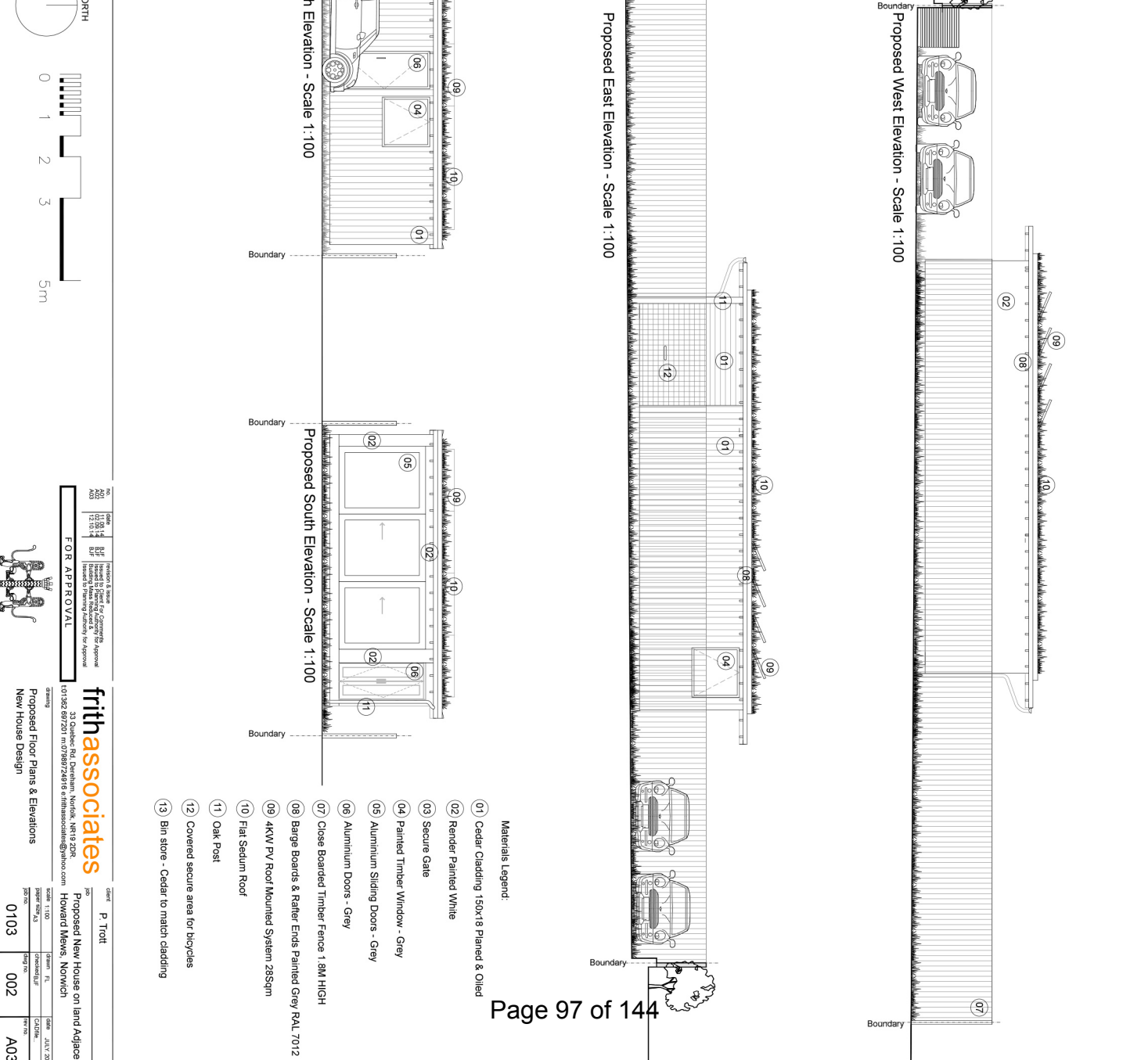
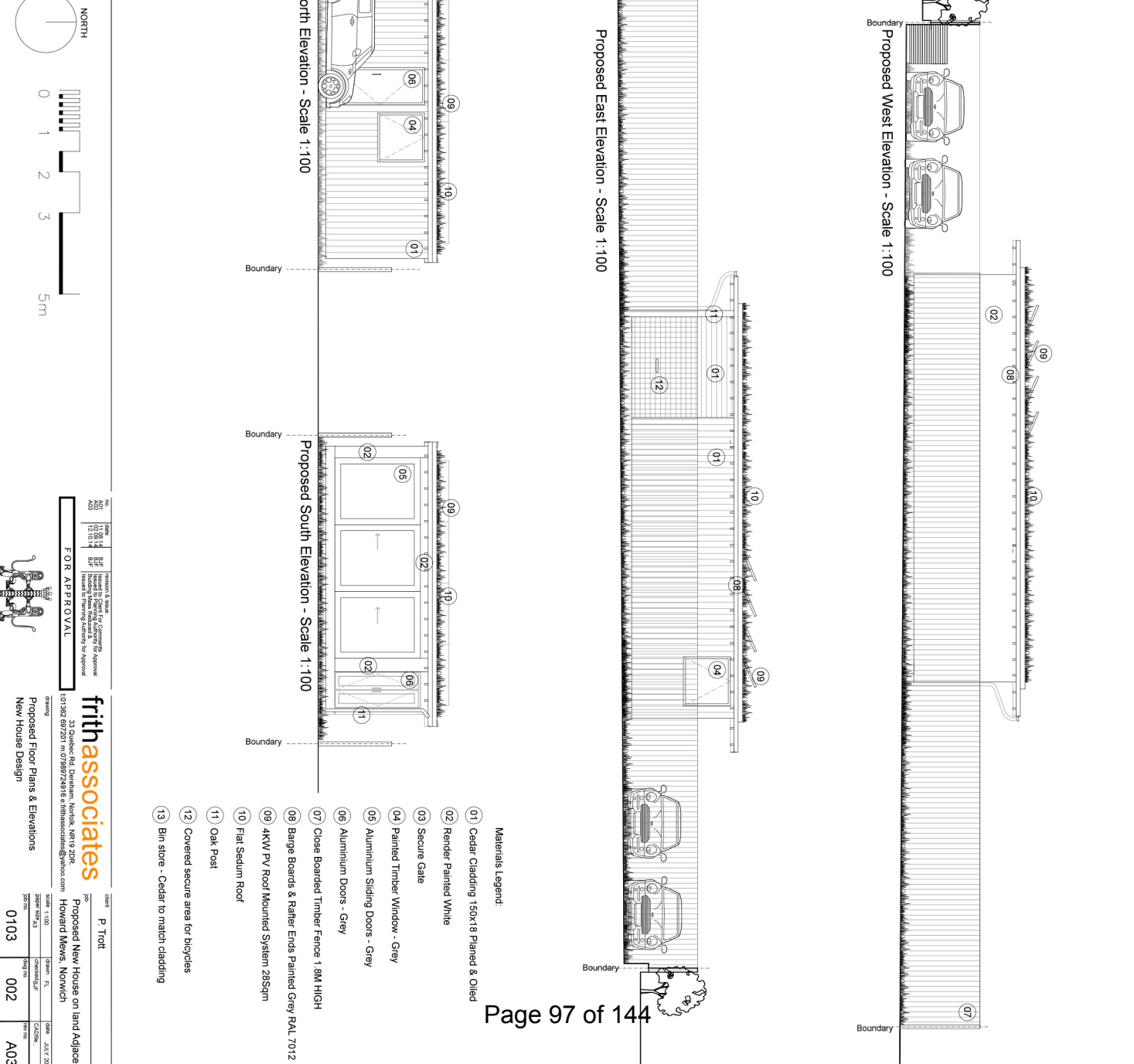
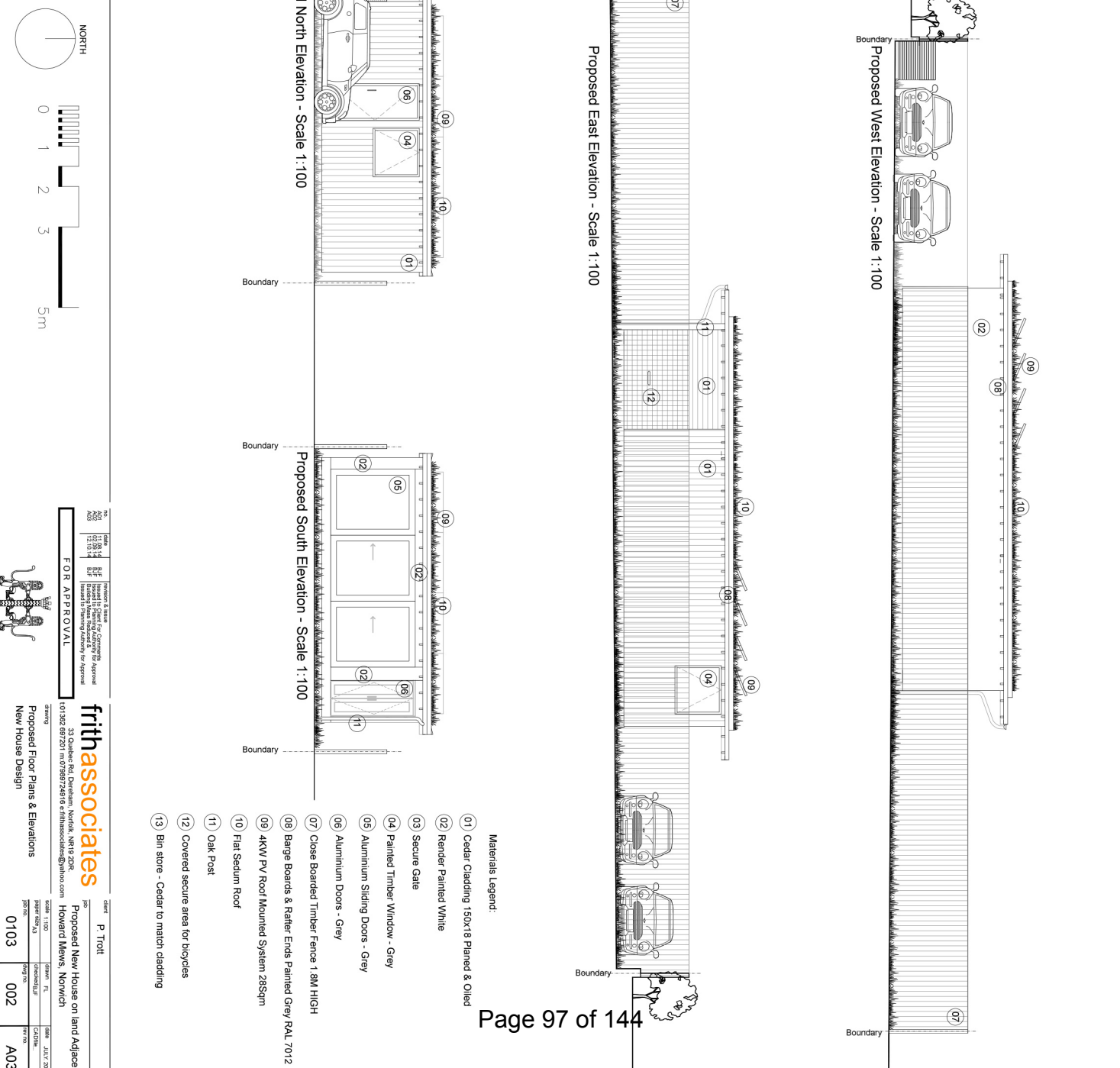
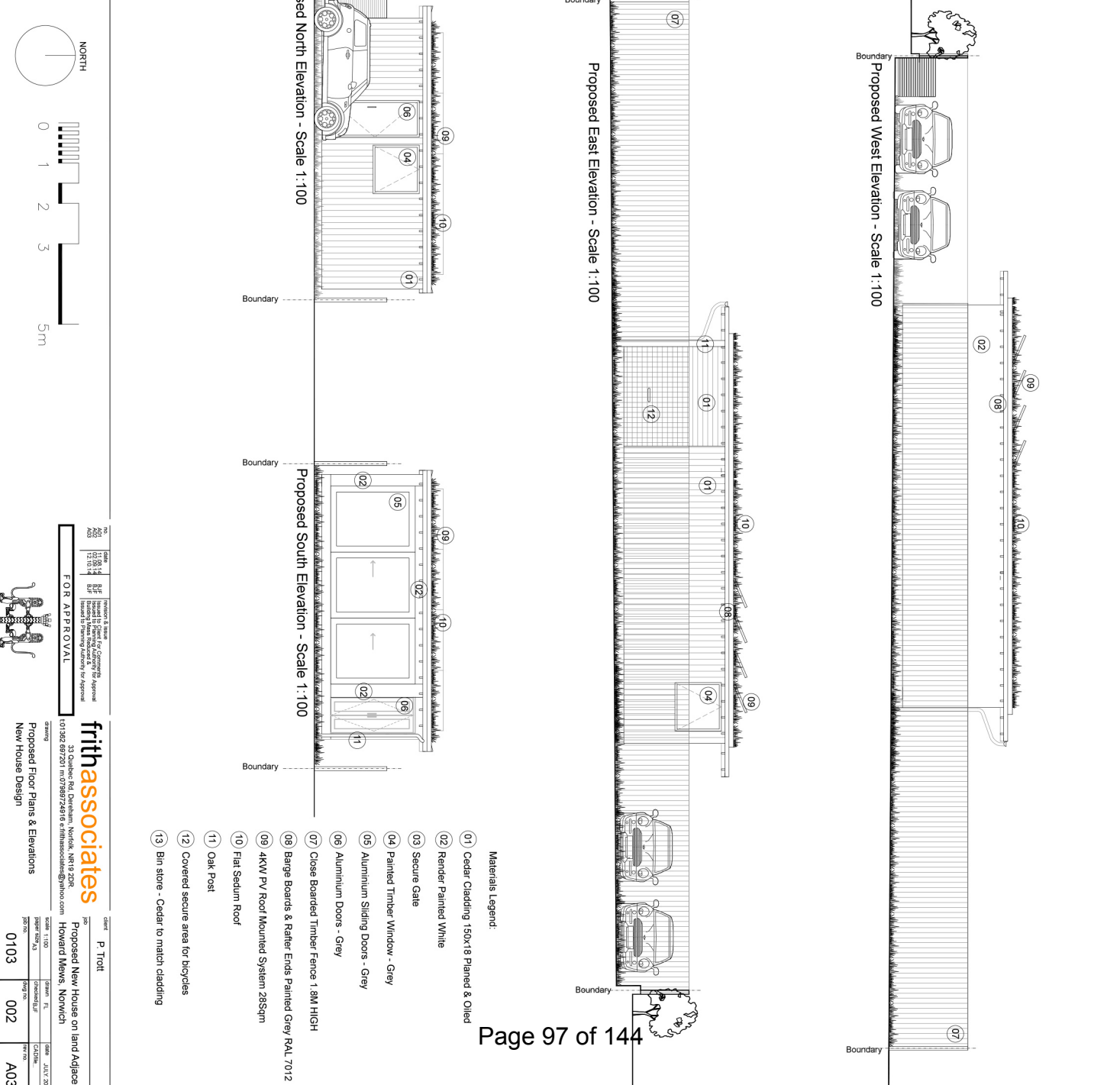
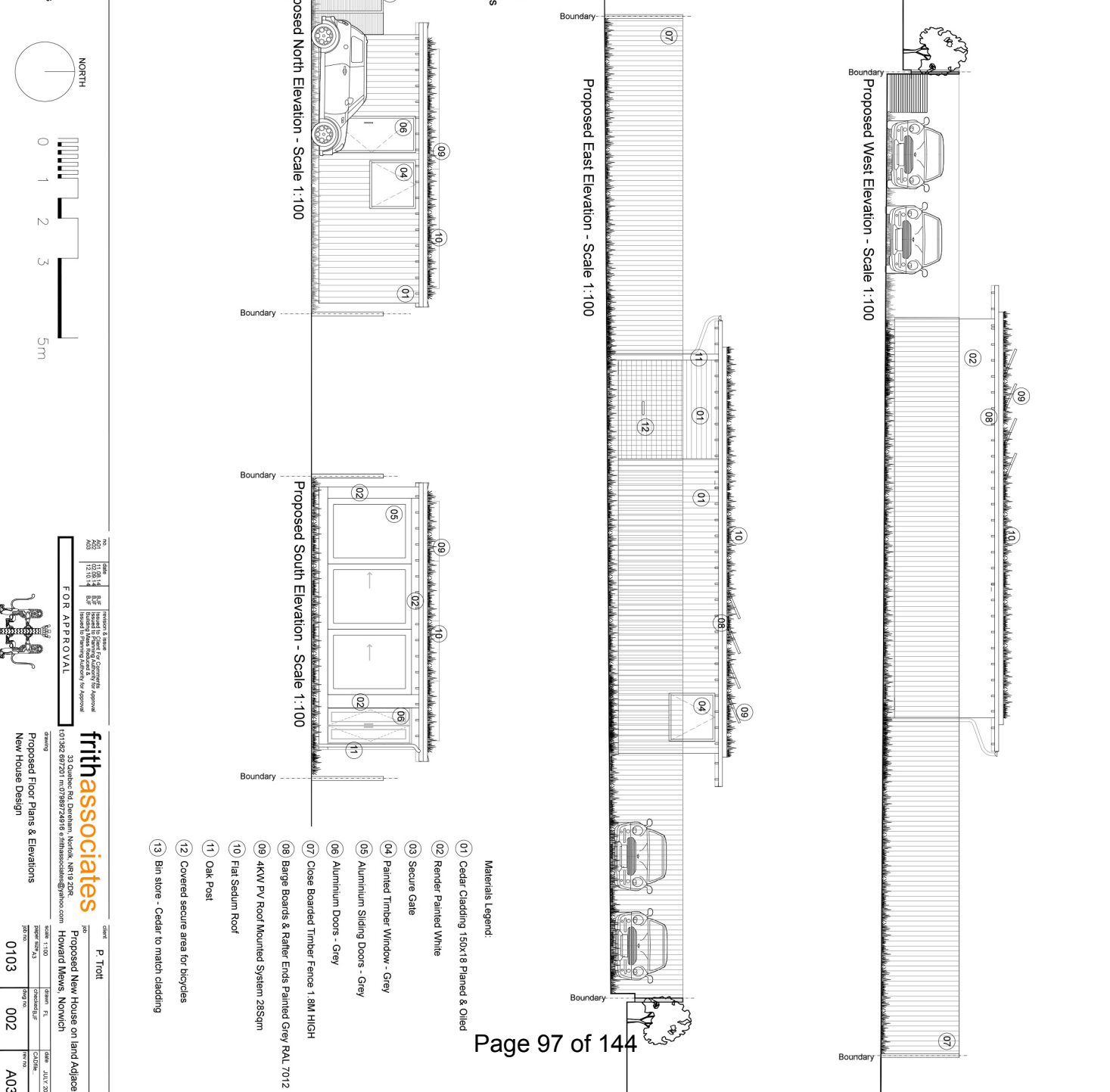
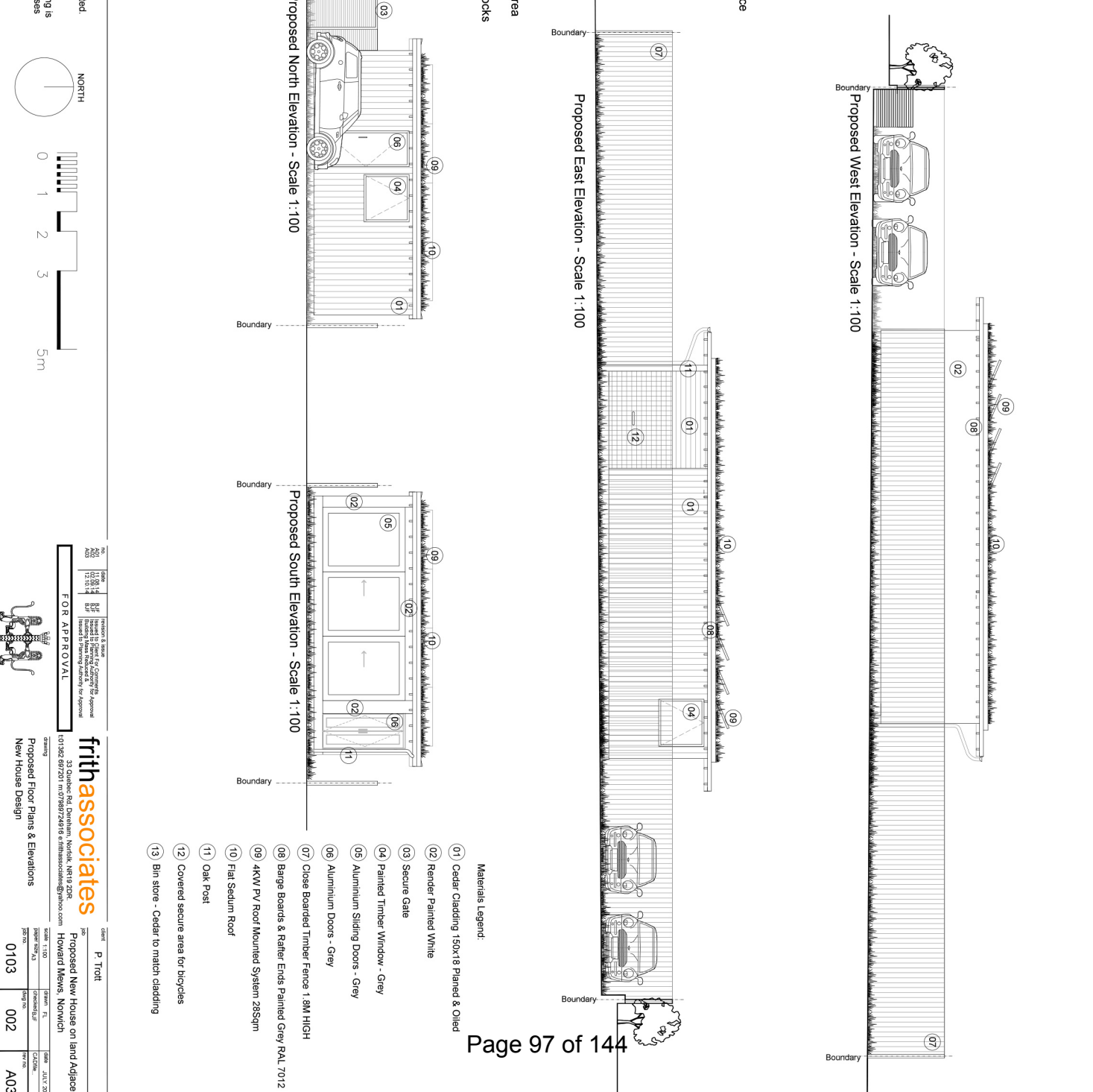
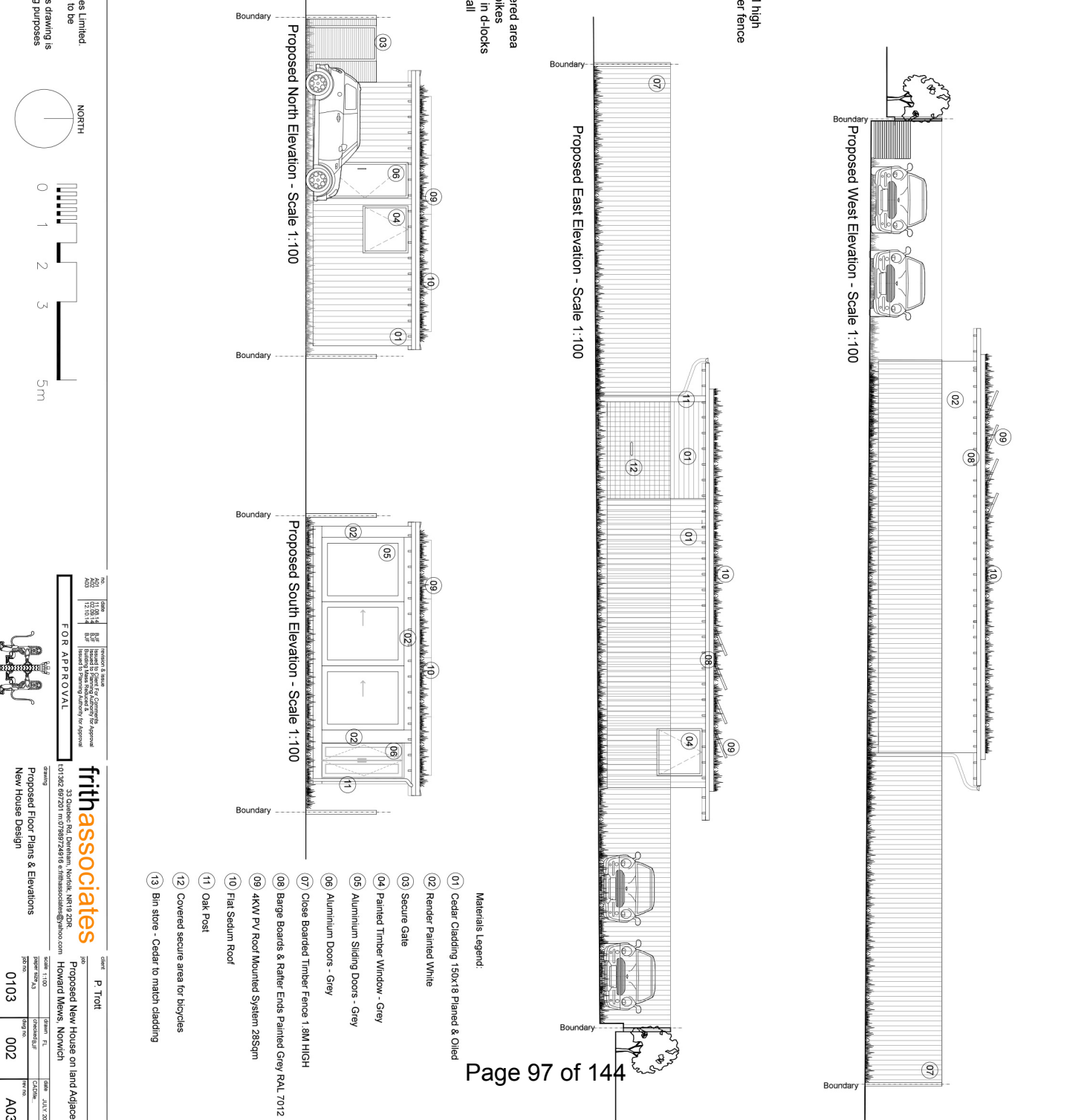
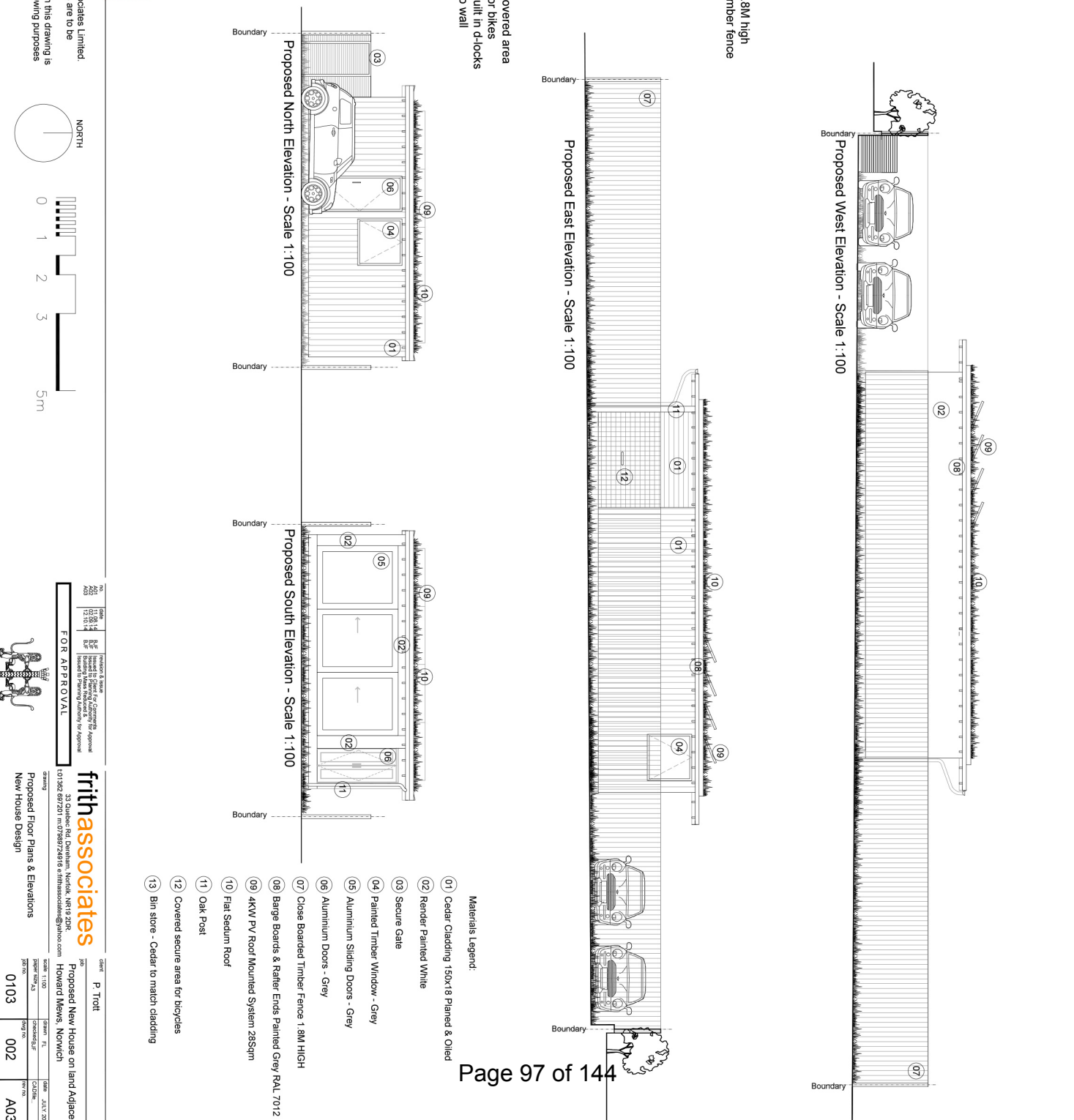
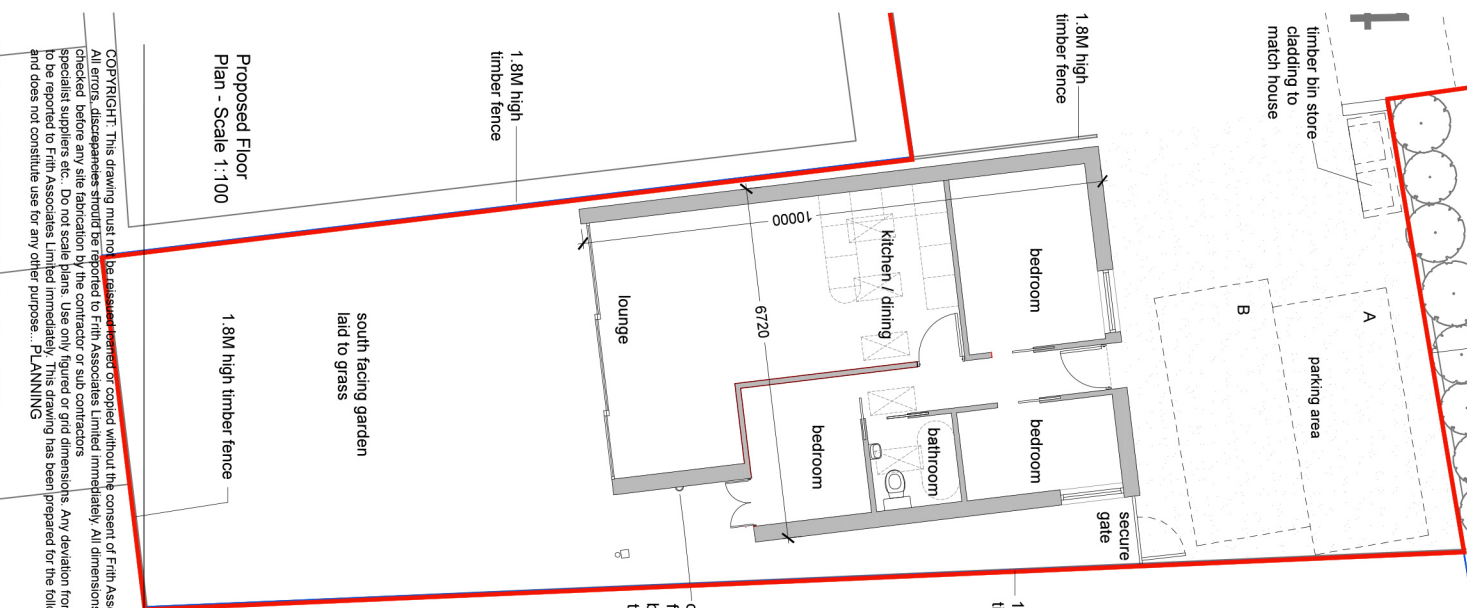


**NORWICH**  
City Council

PLANNING SERVICES

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NORTH

no. A01	date 12.10.14	revision & issue B.1F	issued to Planning Authority for Approval
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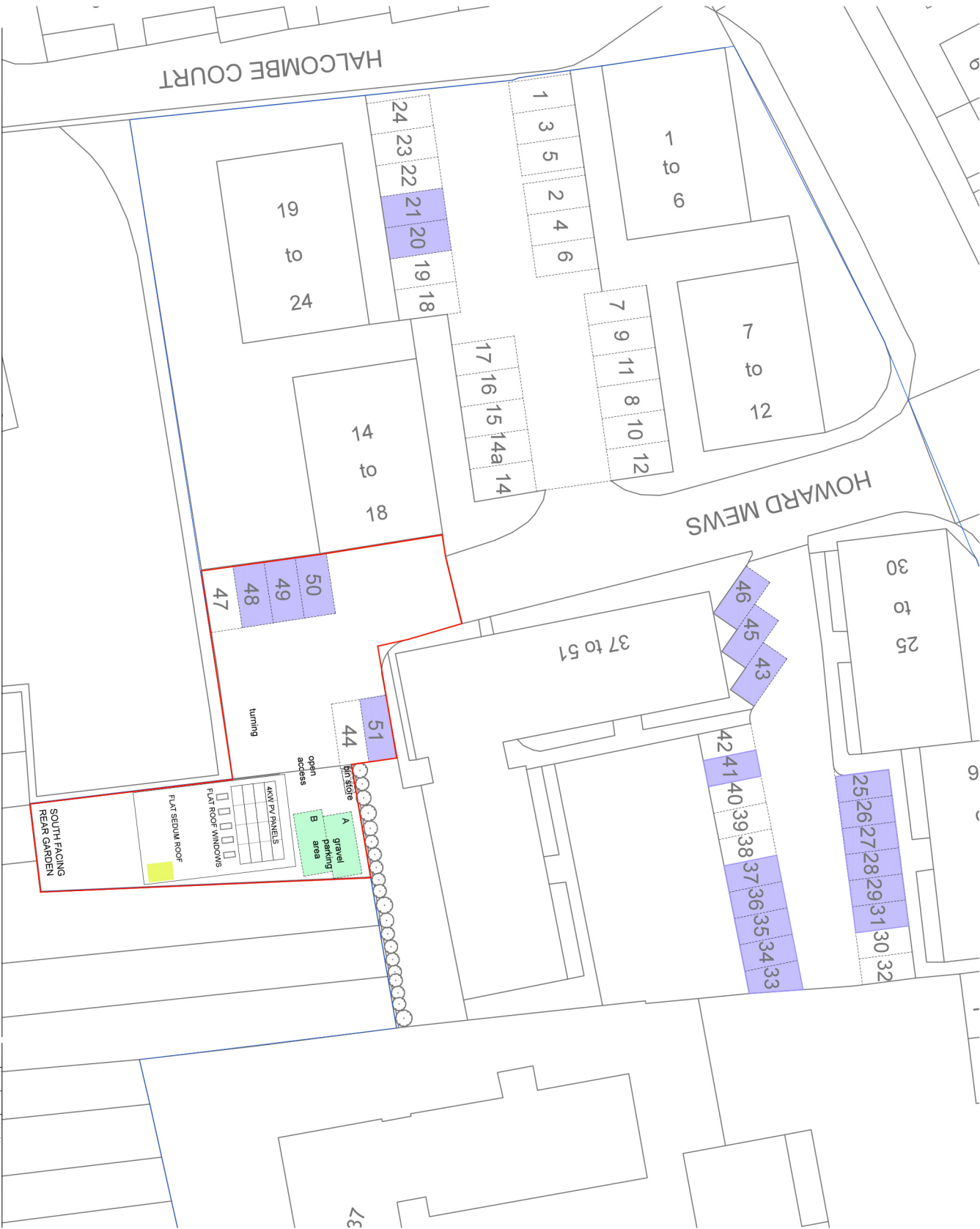






Mr. J. J. O'Connell  
Chairman, Planning Committee

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33 Quebec Rd, Dereham, Norfolk, NR19 2DR.  
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drawing

client	P. Trott			
job	Proposed New House on land Adjacent to Howard Mews, Norwich			
scale	1:300	drawn	FL	date
paper size	A3	checked	BJF	CADfile
date	12.12.01	checked date		

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	PROPOSED NEW SPACES
	SPACES ALLOCATED BY LEASE
	REMAINING SPACES
	BICYCLE STORAGE AREA

**Report to**

Planning applications committee

Item

4 December 2014

**Report of**

Head of planning services

**Subject**

Application ref: 14/00957/F Site between 95 and 111 Adelaide Street Norwich

**Reason for referral**

Objection

**4E**

<b>Site address</b>	Site between 95 and 111 Adelaide Street Norwich
<b>Ward:</b>	Mancroft
<b>Case officer</b>	Mrs Joy Brown 01603 212543 <a href="mailto:joybrown@norwich.gov.uk">joybrown@norwich.gov.uk</a>

<b>Development proposal</b>		
Erection of 3 No. flats.		
<b>Representations to original proposal</b>		
Object	Comment	Support
4 (two from same address)	0	0
<b>Representations to amended proposal</b>		
1	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
<b>Main issue 1: Principle of development</b>	Housing supply
<b>Main issue 2: Design</b>	Impact on streetscene, setting, mass, height
<b>Main issue 3: Heritage</b>	Impact upon neighbouring locally listed Bread and Cheese Public House
<b>Main issue 4: Amenity</b>	Impact upon neighbouring residents and provision of satisfactory living conditions for future residents
<b>Main issue 5: Transport</b>	Development with no off street car parking
<b>Expiry date</b>	29 <sup>th</sup> October 2014 Agreed extension of time until 12 <sup>th</sup> December 2014
<b>Recommendation</b>	Approve

## The site and surroundings

1. The site is situated on the western side of Adelaide Street near the junction with Nile Street. It is a vacant plot to the north of 91-95 Adelaide Street (which is a relatively modern terrace) and to the south of the Bread and Cheese public house (111 Adelaide Street) which is a locally listed building (non-designated heritage asset).
2. The surrounding area is mainly residential with it being characterised by two storey 19<sup>th</sup> century terraces. There are also some flats and bungalows in close proximity to the site.

## Constraints

3. The site is not within a conservation area but the site is adjacent to a locally listed building.
4. The site is relatively flat and is currently covered in fairly dense vegetation.

## Relevant planning history

Ref	Proposal	Decision	Date
03/00230/F	Erection of dwelling	Approved	07/11/2003
04/00200/D	Condition 5: details of glazing for previous planning permission 03/00230/F	Approved	08/04/2004

Application 03/00230/F was granted subject to a condition that development shall commence within five years of the permission. The site is currently overgrown and from the officer's site visit there was little evidence that works had commenced. However the applicant has submitted an email from CNC building control which sets out that a commencement inspection took place on 22<sup>nd</sup> November 2006 and a further visit was undertaken on 30<sup>th</sup> March 2007 where the drains were checked. On this basis it would appear that development was commenced within the required time period and therefore application 03/00230/F for the erection of a dwelling can continue to be implemented.

## The proposal

5. The application seeks full planning permission for the erection of three flats (2 no. two bedroom and 1 no. one bedroom). The proposed building will be three storey with one flat accommodating each floor.
6. The proposed flats are of a contemporary design with the proposed building being mainly rendered with a flat roof. The building will be attached to the neighbouring public house and will be separated from the neighbouring terrace block by a pathway which provides access to the rear of 95 Adelaide Street.



7. The proposal has been amended during the process of assessing the application to take into consideration some of the concerns raised by the planning officer and conservation and design officer. Previously it was proposed that the building would be forward of the existing build line. This has now been revised so the proposed building will be no further forward than the neighbouring terrace. Furthermore it is now proposed to set the second floor back by 0.5m. Other amendments include reducing the number of bedrooms on the second floor from two to one, simplifying the palette of materials, replacing side windows in the rear projection element with high level windows, providing a screen to the roof top terrace, changes to the landscaping and introducing a gate to the side pathway.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>3</b>
No. of affordable dwellings	<b>0</b>
Total floorspace	<b>168 sqm (GIA)</b>
No. of storeys	<b>3</b>
Max. dimensions	<b>Height – 8.4m (excluding solar panels), Width – 6.1m, Depth – 13.6m</b>
<b>Appearance</b>	
Materials	<b>Cream render with red brick details and sarnafil dark grey roof</b>
Energy and resource efficiency measures	<b>Solar panels will be installed on the flat roof</b>
<b>Transport matters</b>	
No of car parking spaces	<b>0</b>
No of cycle parking spaces	<b>6</b>
Servicing arrangements	<b>Sufficient space is provided for 6 x 240 litre bins</b>

### Representations

8. Adjacent and neighbouring properties were notified in writing of the application as submitted. Three letters of representation were received (although two letters were from the same address) citing the issues as summarised in the table below. A fourth

letter of representation was also received from the Norwich Society. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The proposed building is of a totally different style to the existing properties. It is three storeys whereas most buildings are two storeys. It is also set forward of the front building line. The site is of similar size to the adjacent houses so it would be more appropriate to have a similar type of house in this established residential area.	See main issues 2
The contemporary design while acceptable in itself, is out of keeping in this small scale terraced context and creates problems of overlooking for neighbours. The three storeys make the proposal well above the height of the adjoining properties.	See main issue 2 and 4
The south wall will create a narrow, dark and potentially dangerous alleyway. A gate on the front would help reduce potential for anti-social behaviour.	A gate has been added to the proposal.
The proposal will result in overlooking to the gardens of the neighbouring terrace, 2 Arderon Court and properties to the rear of Waddington Street as there are windows within the side elevation and there is a roof terrace and balcony. This could also result in increased levels of noise.	See main issue 4

9. A further consultation took place on the amended proposal. One letter of representation has been received. This letter states that their objection to the application as submitted still stands and that by moving the building back it will be very intrusive and block out natural light to the garden and property of the adjacent dwelling. Furthermore the neighbour feels that no consideration has been taken regarding the large tree which is in close proximity to the plot. Carrying out building works could have safety concerns as roots will be disturbed.

## Consultation responses

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

## **Design and conservation**

11. No objection to the principle of a contemporary design approach but the initial design did not adequately take account of its context.

## **Environmental protection**

12. No comment

## **Highways (local)**

13. No objection. The location will encourage residents walk and cycle. The site is outside of the controlled parking zone but car ownership levels tend to be lower than average in this inner urban location. The provision of cycle and bin storage is adequate.

## **Natural areas officer**

14. The period when site clearance should not take place (except in the presence of a qualified ecologist) should be extended to the end of August.

## **Tree protection officer**

15. No comment

# **Assessment of planning considerations**

## **Relevant development plan policies**

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 Remainder of Norwich area
- JCS20 Implementation

### **17. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

## **Other material considerations**

### **18. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

## **Case Assessment**

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

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

20. Key policies and NPPF paragraphs – DM12, DM13, NPPF paragraphs 49 and 14.

21. The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:

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

22. The principle of three flats on this vacant site is therefore acceptable and will help meet the housing needs within Norwich. As such the main issues in assessing any future application on the site are design and the impact upon the neighbouring locally listed building, the impact upon living conditions of future and existing residents, trees and ecology. These are addressed below.

### **Main issue 2: Design**

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.

24. The proposed development is on a vacant site within a predominately residential area which is characterised by two storey 19<sup>th</sup> century terraces. The terrace directly to the

south of the site however is much more recent than this and the public house to the north dates from the mid 19<sup>th</sup> century.

25. Consent has previously been granted on the site for a contemporary dwellinghouse and although this does form some kind of precedent, it must be noted that this was permitted over 10 years ago and since this time the City of Norwich Replacement Local Plan was adopted in 2004 and the Development Management Policies Local Plan was adopted in 2014. Furthermore the adjacent public house has since been identified as a locally listed building and therefore careful consideration does need to be given to whether the proposed flats are appropriate in this setting taking into consideration the stronger design policies which are now in place.
26. Notwithstanding the above, it is considered that a contemporary building is appropriate within the setting and it is of my opinion, that this is better than trying to create a pastiche development particularly given that the terraces to the south are of no particular architectural merit. The main issue however is creating a contemporary dwelling that takes account of its setting and does not have a detrimental impact upon the significance of the neighbouring heritage asset.
27. The application as submitted failed to do this and the design was considered to be over-bearing to its neighbours due to its mass, particularly with the proposed building being forward of the main building line, and due to the prominence of the second floor.
28. Following discussions and negotiations with the applicant the proposed has been revised so the building is set back behind the build line of the neighbouring terrace which also allows for a front garden wall which makes the building appear more recessive and visually enables the continuation of other walls and therefore this horizontal element along the street. The second floor has also been set back behind a parapet which helps reduce the massing of the front and north facing elevations and improves the relationship between the proposed building and the pitched roofs of the other building on the street.
29. Therefore it is considered that the revision addresses the concerns previously raised and that subject to conditions relating to materials, fenestration and landscaping the proposed development although very different from the surrounding buildings, does now adequately take account of its setting.

### **Main issue 3: Heritage**

30. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
31. The site is situated adjacent to the Bread and Cheese Public House which is locally listed and an early example of a corner public house, which is still in use after 150 years. Therefore it is important that the application is assessed in terms of its impact upon the significance of this non-designated heritage asset, in line with paragraph 135 of the NPPF.
32. The application as submitted was considered to dwarf the public house due to its size, mass and positioning and therefore would have caused some harm to the setting of the building and therefore its significance. The proposed amendments, including pushing the front elevation back in line with the neighbouring terrace and setting the second floor back even further behind a parapet, have helped reduce the

harm to the neighbouring building. It is considered that the harm has been reduced enough, that a refusal could no longer be justified.

#### **Main issue 4: Amenity**

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

##### *Impact on living conditions of neighbouring residents*

34. With regards to the impact upon neighbouring residents, the main issues for consideration are the impact upon neighbouring properties to the south (91-95 Adelaide Street), properties the rear (74-76 Waddington Street) and number 2 Arderon Court. It is not considered that the proposal will have an impact upon the owner or patrons of the public house.
35. With regards to the properties to the south, it is considered that the proposal may result in some loss of light and overshadowing to 95 Adelaide Street; however due to the orientation and the gap provided by the pathways between the plots any loss of light and overshadowing will not be of significant harm and therefore would not be at an unacceptable level. Concern was raised with the applicant that due to there being windows within the side elevation of the projection and due to there being a roof terrace, the potential for overlooking to the terrace to the south was at an unacceptable level. The proposal has since been amended so any windows within the side elevation at first floor level and above are either high level or obscured. Furthermore a screen has now been provided on the roof terrace which will prevent overlooking. Details of this screen should be conditioned to ensure that it is of appropriate height and material.
36. With regards to the impact upon the properties on Waddington Street due to the distances involved the proposal is not likely to result in any loss of light or overshadowing. It is however acknowledge that there will be a minimal increase in overlooking; however due to screening provided by the large conifer tree, the level of overlooking is no worse than can be expected in a tight urban context such as this.
37. Finally consideration needs to be given to the impact upon the living conditions of residents of 2 Arderon Court as their garden extends to the southern boundary of the Bread and Cheese public house. The proposed flats are not likely to impact upon the internal living space of this bungalow however it is acknowledged that the proposal could result in some overshadowing in the morning to the lower end of their garden and increase overlooking to this section of the garden too. However bearing in mind existing levels of overlooking, it is not considered than any increase in overlooking will be significant enough to justify a refusal.

##### *Living conditions for future residents*

38. It is considered that the proposed flats will just about provide sufficient internal space for future residents and that the proposed openings providing satisfactory light into all of the properties. The two lower flats are two bedroom with the top floor flat being one bedroom. The space standards set out within the supplementary text to policy DM 2 of the emerging local plan gives an indicative minimum gross internal area of 50 sq.m for a one bedroom, two person dwelling and 61 sq.m for a two bedroom, three person dwelling. The proposed flats are 50 sq.m, 51 sq.m and 47 sq.m which are slightly below the minimum standards. The suggestion was made to the applicant that it may

be better to reduce the number of flats on site to allow for better internal space; however they wish to proceed with the number of flats proposed. Although the flats are slight tight, the open plan layout does seem to work relatively well and therefore it would be difficult to refuse an application on there being a lack of space in this instance.

39. With regards to external amenity space, this is by no means ideal as one of the flats has no external space (other than a Juliet balcony). The ground floor flat will have a very small garden and the upper floor will have a small roof terrace. Neither of these spaces will be overly private however given that it is unlikely that the flats will be occupied by families and as the site is within walking distance of a number of public open spaces such as the Wensum Park West, in this instance, it is not considered that there are sufficient grounds to refuse an application on the lack of external amenity space.

40. The site is situated adjacent to the Bread and Cheese public house. As part of the application a noise impact assessment was submitted. Norwich City Council's Environmental Protection Officer is satisfied with the information submitted and therefore it is not considered that noise from the adjacent property is likely to cause an unsatisfactory living condition to future residents of the site.

### **Main issue 5: Transport**

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

42. The development will be car free and although the site is not situated within a controlled parking zone, the local highway officer has no objection to the proposal as car ownership levels tend to be lower than average in this inner urban location. This is likely to be a result of the site being situated in a sustainable location with easy access to buses and due to the site being situated in cycling and walking distance of the city centre and local shops and services on Dereham Road.

43. It is proposed to have sufficient cycle storage space for six cycles (two per flat) which although not covered should be relatively secure subject to a condition requiring further details of the tethers.

### **Compliance with other relevant development plan policies**

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>No car parking is provided and the site is not situated within a permit area. No objection from local highway officer due to sustainable location.</b>
Refuse	DM31	<b>Yes subject to condition</b>

Storage/servicing		
Energy efficiency	JCS 1 & 3 DM3	<b>Yes the proposal exceeds local requirements</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

### **Other matters**

45. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

- Trees - There is one large conifer tree in close proximity to the site. The tree officer has confirmed that he has no objection to the proposal.
- Landscaping - Due to the size of the site there is little scope for landscaping; however a condition should be attached to any future permission requiring details of the front and rear curtilage to ensure that the proposal is of good design and the space is suitable for the enjoyment of residents.
- Biodiversity – There is no evidence of any protected/important plant or animal species on the site or habitats of potential value to support such species. A condition should be attached relating to site clearance during bird nesting season.
- Energy and water - As the proposal is for three flats there is no requirement for the development to include a source of renewable energy. The proposal does however include solar panels on the roof which is supported. No water efficiency calculations have been provided as part of the application. A condition should be attached to any permission to ensure that the proposal satisfies the requirements of Joint Core Strategy policy 3.

### **Equalities and diversity issues**

46. There are no significant equality or diversity issues.

### **S106 Obligations**

47. The proposal is for less than five dwellings and as such affordable housing is not required.

### **Local finance considerations**

48. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.



49. This development would generate the payment of Community Infrastructure Levy to a sum of £12,600 (index linked) (unless any relief for self-build is successful) and New Homes Bonus grant. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

## **Conclusion**

50. The proposed flats are contemporary in nature and due to their size and form, create a relatively intensive use of the site in an area which is characterised by two storey dwellinghouses. However the applicant has revised the proposed to mean that although the flats are very different to other buildings within the area, it does adequately take account of its setting and will not cause significant harm to the significance of the neighbouring locally listed Bread and Cheese Public House.
51. The flats are relatively small with little external amenity space however on balance they are considered to provide a satisfactory living condition for future residents of the site. Furthermore although the proposal will have an impact upon neighbouring residents, it is not considered that the impact is of such significant harm to justify a refusal.
52. Furthermore although the previous application on the site was granted over 10 years ago, the development did commence and therefore lawfully can be completed. There are a number of differences between the previous consent and this application, however in terms of the design and impact upon the streetscene this current application is considered to fit in slightly better. Other aspects of it on the other hand, including the impact upon neighbouring residents and the intensification of the development are slightly worse.
53. Overall therefore it should be noted that this is a relatively finely balanced judgement and members are asked to particularly consider the photographs and plans presented at Committee to make a properly informed consideration of the merits of the objectors concerns. The absence of a 5 year housing land supply is also of importance as it is felt that it cannot be demonstrated that adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of an additional three flats.
54. On balance, the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that on balance, there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

For the reasons outline above the recommendation is to approve the application subject to the conditions listed below:

1. Standard time limit (3 years)
2. In accordance with plans
3. Details of external facing and roofing materials
4. Details of windows and doors, canopy above front door, parapet
5. Details of bin stores, cycle stores, all external amenity areas, boundary treatments, gate to passageway. Provision prior to occupation and to be retained in perpetuity

1. Details of screen to roof terrace. Provision prior to occupation and to be retained in perpetuity
2. Details of solar panels and mesh screen
3. No site clearance during nesting season( March to August inclusive) unless agreed
4. Windows in side elevation to be obscured glazed
5. Water conservation and drainage

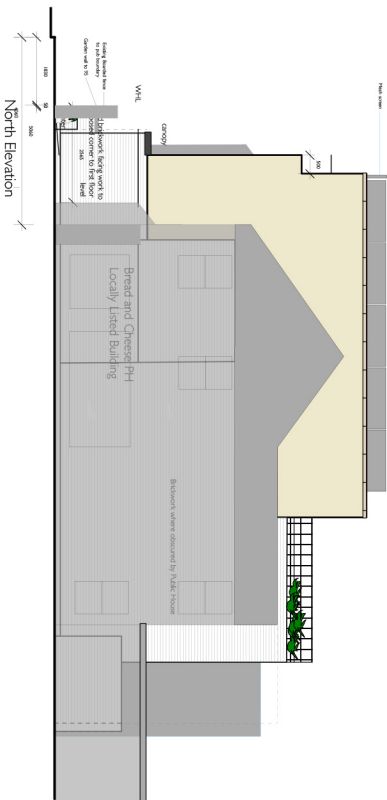
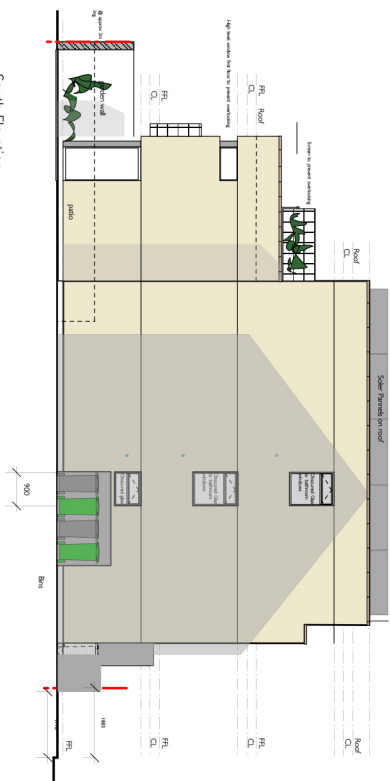
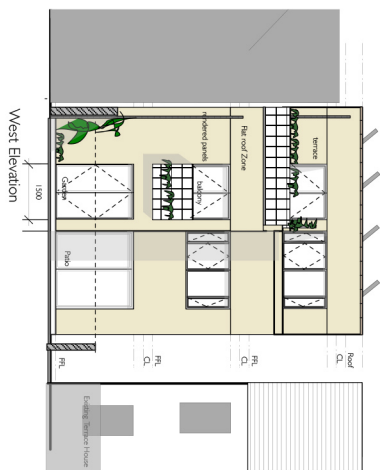
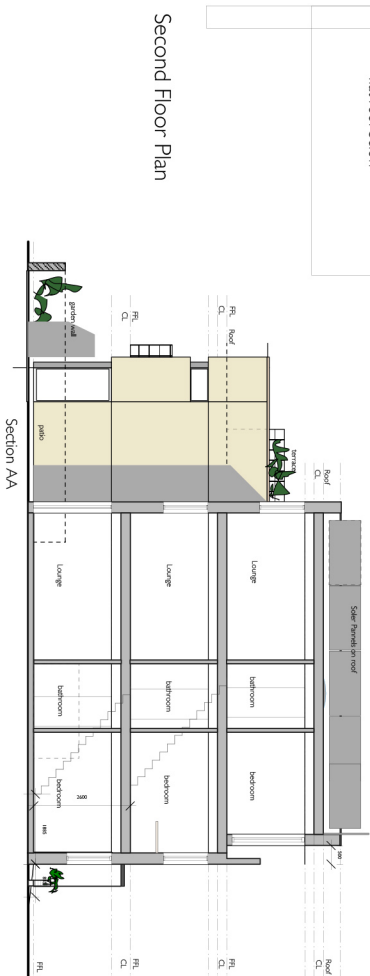
#### Informatives

1. Community infrastructure levy
2. Refuse and recycling bins
3. Street naming and numbering

#### **Article 31(1)(cc)**

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.









**Report to:** Planning applications committee

**Item**

4 December 2014

**Report of:** Head of planning services

**Subject:** Application ref: 14/01436/VC Aldi, 174 – 178 Plumstead Road

**Reason or referral:** Objection

**4F**

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<b>Site address</b>	174 - 178 Plumstead Road Norwich NR1 4JZ
<b>Ward:</b>	Crome
<b>Case officer</b>	Mrs Joy Brown - Joybrown@norwich.gov.uk

<b>Development proposal</b>		
Variation of condition 13 of planning permission (12/01569/VC) to allow deliveries between 06:00 - 23:00 Monday to Saturday and between 07:00 - 23:00 on Sundays and bank holidays.		
<b>Representations</b>		
Object	Comment	Support
3	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
Amenity	Impact upon neighbouring residents to the south and south east.
<b>Expiry date</b>	30 December 2014
<b>Recommendation</b>	Approve

## The site and surroundings

1. The site is located on Plumstead Road to the north of the city. The vehicular access to the site is via Plumstead Road, with the exit to the site on Harvey Lane to the east of the site. The access is restricted to turning left into the site only and exiting by turning left only.
2. There are a number of commercial uses to the north of the site that form Plumstead Road District Centre, a public house to the north east of the car park and residential uses to the west, south and south east of the store. The car park is shared with the Heartsease Public House.
3. The servicing and delivery bay is located on the south side of the store adjacent to the boundary with neighbouring residents. There is a 2m wooden board fence along this boundary.

## Constraints

4. The site is situated within the Plumstead Road District Centre.

## Relevant planning history

- 5.

Ref	Proposal	Decision	Date
08/00593/F	Construction of new retail food store, associated parking and landscaping	Approved	04/03/2009
09/00293/D	Details of Condition 2: Walls and roof; Condition 3: Boundary walls and fences; Condition 4: Car parking; Condition 5: Pedestrian access routes; Condition 6: Landscaping/planting scheme; Condition 10: Reversing alarms; Condition 18: Off-site highway improvements; Condition 20: The car park management plan; Condition 21: Traffic management scheme; Condition 25: 10% of predicted energy from renewable sources; for previous planning application (08/00593/F) 'Construction of new retail food store, associated parking and landscaping.'	Approved	18/09/2009
09/00501/D	Conditions 8 and 24 of previous planning application 08/00593/F.	Approved	18/09/2009
09/00684/D	Details of Condition 16: noise and vibration remediation and Condition 20: car park management of previous planning permission 08/00593/F	Approved	16/09/2009



	'Construction of new retail food store, associated parking and landscaping'.		
09/01366/D	Details of Condition 22 - Travel Plan of previous planning permission 08/00593/F 'Construction of new retail food store, associated parking and landscaping'.	Approved	10/08/2010
12/01569/VC	Variation of Condition 15 from 'No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 07:30 to 22:00 Monday to Saturday and 09:00 to 16:00 hours on Sundays/Bank Holidays' to 'No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 06:30 to 23:00 Monday to Saturday, and 09:00 to 16:00 hours on Sundays/Bank Holidays' of previous planning permission 08/00593/F 'Construction of new retail food store, associated parking and landscaping'.	Approved	04/02/2013

## The proposal

6. The application seeks to vary condition 13 of planning permission 12/01563/VC relating to the hours for deliveries and refuse collections from the existing supermarket on the site.
7. The wording of the approved condition 13 is as follows:  
  
 “No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 07.00 to 23.00 Monday to Saturday, and 09.00 to 16.00 hours on Sundays/Bank Holidays. For the avoidance of doubt, no delivery vehicles may enter the site outside of these hours”.
8. The proposed wording is as follows:  
  
 No deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 06.00 to 23.00 Monday to Saturday, and 07.00 to 23.00 hours on Sundays/Bank Holidays. For the avoidance of doubt, no delivery vehicles may enter the site outside of these hours.
9. Extending the delivery and servicing hours will, in the view of the applicants, enable delivery vehicles to manoeuvre in the car park when the store is closed and would allow delivery vehicles to service more than one store prior to them opening for trade. The opening hours of the store were not restricted by condition on the approved application 08/00593/F or the more recent variation of condition application 12/01569/VC.

## Summary information

Proposal	Key facts
<b>Operation</b>	
Opening hours	These were not conditioned as part of the previous applications.
<b>Transport matters</b>	
Vehicular access	No changes to existing arrangement
No of car parking spaces	No changes to existing arrangement
Servicing arrangements	To extend the servicing times from 07.00 to 23.00 Monday to Saturday, and 09.00 to 16.00 hours on Sundays/Bank Holidays to 06.00 to 23.00 Monday to Saturday, and 07.00 to 23.00 hours on Sundays/Bank Holidays.

## Representations

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

Issues raised	Response
This is a residential area and engine noise and refrigeration units create a nuisance to properties which are only 30 metres away from the delivery bay. Extending the servicing times will spoil more Sundays by having increased noise from the loading bay.	See main issue 1.
Noise is a nuisance from staff arriving at 3.30am to get ready for the delivery that arrives at 6.30am (not 7.30 as previously agreed.)	It is not appropriate or reasonable to condition hours that staff can be on the premises.
Extending servicing hours could create a problem between articulated lorries using the car park at the same time as pub goers.	It is unlikely that there would be an increase in the total number of vehicle movements and it is unlikely that pub goers would use the car park between the hours of 0600 and 0700. Increasing the hours of servicing on a Sunday could result in delivery vehicles using the car park at the same time as the

	public house is open however this is no different to the current situation on other days of the week.
If permission is granted it will pave the way for 24 hour delivery.	A further application would be needed and this would be assessed on its own merit.
This is a very busy area and could not cope from a safety point of view with large lorries during daytime hours.	It is unlikely that there would be an increase in the number of vehicle movements or the size of vehicles from the proposed changes to servicing hours.
There are supposed to be no right turns out of Aldi but this is not enforced.	This is an enforcement issue and not relevant to this application. The condition relating to traffic management will be reapplied to this application should permission be granted.

## Consultation responses

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

### Environmental protection

12. No objection subject to a condition that restricts deliveries between 06.00 and 07.00 to no more than two. The conditions restricting early entry to the site and use of refrigeration plant on the delivery vehicles should be re-imposed on this permission.

### Broadland District Council

13. No comment (consultation with Broadland District Council expires on 3 December 2014)

## Assessment of planning considerations

### Relevant development plan policies

14. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS5 The economy
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS19 The hierarchy of centres
15. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM11 Protecting against environmental hazards
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM31 Car parking and servicing

### **Other material considerations**

#### **16. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF11 Conserving and enhancing the natural environment

### **Case Assessment**

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

#### **Main issue 1: Amenity**

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. As the application solely relates to the variation of hours for deliveries and servicing the key planning consideration is the impact upon residential amenity of the extended hours of vehicle movements on the site. The size of the store is not changing and so although the delivery hours are increasing it is unlikely that there would be an increase in vehicle movements from the proposed variation of condition only.
20. With regards to the impact upon neighbouring residents the main issue is the impact that the proposal will have upon the residents to the south (Supple Close) and south east (Harvey Lane) of the site as these residential properties are close to the servicing bay for the store with only a 2m wooden board fence along the boundary.
21. The proposed changes to the hours of servicing on Monday to Saturday are at a time which is considered as night time (night time is considered to be between 2300 and 0700). As such the applicant has submitted a noise impact assessment as part of the application which has made an assessment of existing and predicted noise levels between the periods of 2300 and 0000 and 0600 and 0700 at 117 Harvey Lane and for the properties on Supple Close.
22. The noise impact assessment shows that the existing noise level at 117 Harvey Lane between 0600 and 0700 is 60 dB L Aeq 1hr with the predicted being 51 dB.

The combined therefore is 61 dB which is a difference of +1 dB. For the properties at Supple Close the existing is 53 dB with the predicted being 46 dB. The combined is predicted at 54 dB which is a difference of +1 dB. The noise impact assessment therefore demonstrates that taking into account the existing noise levels, the likely noise from deliveries between 0600 and 0700 would not have a significant impact on the existing noise climate.

23. Furthermore as part of this application it is being sought to extend the servicing time on Sundays. World Health Organisation (WHO) guidelines do not differentiate between a weekday, weekend or public holiday and therefore the applicant is suggesting that there is no justified reason as to why deliveries should be restricted to between 0900 and 1800 hours. The noise impact assessment submitted with the application however does acknowledge that existing background noise may be quieter than those which have been measured in the survey and as such it is recommended by the survey that deliveries on Sunday and Bank Holiday are limited to daytime (0700 – 2300 hours) only.
24. Having reviewed the noise impact assessment, Norwich City Council's Environmental Protection Officer, has confirmed that he has no objection to the proposal to allow extended delivery times, subject to an additional condition being attached to any future planning consent requiring that no more than two deliveries to be carried out between the hours of 0600 and 0700. Therefore it is considered that the proposal is acceptable and will not have a significant detrimental impact upon the living conditions of neighbouring residents.

### **Other matters**

25. Should the application be approved it is necessary to reapply all 22 conditions from permission 12/01569/VC as these are all still relevant and enforceable.

### **Equalities and diversity issues**

26. There are no significant equality or diversity issues.

### **Local finance considerations**

27. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

### **Conclusion**

28. It is considered that an extension to the hours of servicing and delivery would not lead to a significant harm to the amenity of adjoining residents, subject to a condition restricting the number of delivery vehicles to two between the hours of 0600 and 0700 and subject to the previous conditions relating to early entry to the site and the use of refrigeration plant on the delivery vehicles being reapplied.
29. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

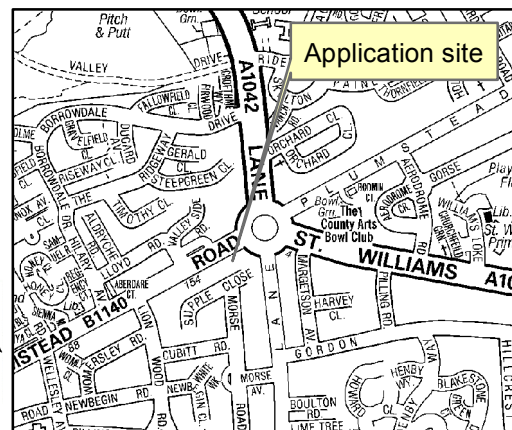
## **Recommendation**

To approve application ref: 14/01436/VC Aldi, 174 – 178 Plumstead Road and grant planning permission subject to the following conditions:

1. Walls and fences retained as agreed
2. Car parking, cycle and refuse storage retained as agreed
3. Pedestrian access through site retained as agreed
4. Landscaping retained as agreed
5. Replacement landscaping as required
6. Ventilation or fume extraction systems agreed as required
7. No storage of materials on site
8. No reversing alarms
9. Vehicle refrigeration units switched off
10. Vehicle loading and unloading as agreed
11. Delivery bay shroud retained as agreed
12. No cages used on site
13. Servicing and delivery hours 06:00-23:00 Monday to Saturday and 07:00-23:00 Sundays and Bank Holidays
14. Plant or machinery agreed as required
15. Retail sales type restriction
16. Highway improvement works completion
17. Car park management plan
18. Traffic directional signs
19. Travel plan implementation retained as agreed
20. Refuse storage screening for Heartsease Public House retained as agreed
21. 10% renewable energy on site retained as agreed
22. Highway matters implementation
23. No more than two deliveries each day between the hours of 06:00 and 07:00.

### **Article 31(1)(cc)**

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









**Report to**

Planning applications committee

**Item**

4 December 2014

**Report of**

Head of planning services

**Subject**

Application ref: 12/01598/VC Wentworth Gardens

**Reason for referral**

Amendments to previous planning committee resolutions and updates on outstanding matters

**4G**

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<b>Site address</b>	Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth Green, Norwich
<b>Ward:</b>	Eaton
<b>Case officer</b>	Rob Parkinson - robparkinson@norwich.gov.uk

Development proposal		
Variations to the terms of the approved Section 106 Agreement forming part of the planning permission 07/01018/F, as proposed to be varied through pending application 12/01598/VC: Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F (Erection of 78 dwellings). Variations concern tree felling strategy, tree works and landscaping proposals, and maintenance thereof, and drainage systems construction and ongoing management thereof.		
Representations		
Object	Comment	Support
n/a	n/a	n/a

Main matters for consideration	Key issues
Affordable Housing	1) Demand for existing affordable housing on site 2) Alternatives to on-site provision
<b>Recommendation</b>	Approve proposed changes to Section 106 Agreement.

## The site and surroundings

1. The site is the development known as Wentworth Gardens, for the most part completed and occupied, at the former Civil Service Sports Ground accessed from Wentworth Green and Brentwood. This item solely concerns Plots 40 and 41 of the original permission, accessed from Brentwood, as seen on the attached plan.
2. Committee is asked to consider only a proposed change to the terms of the affordable housing provision at the site, as currently required under permission 07/01018/F and the completed Section 106 Agreement of that permission.
3. There are no other changes proposed as part of this report which would affect the external appearance of the development, or its physical relationship to the surrounding residential area, or the other terms of the agreement or planning permission which have already previously been agreed by planning committee.

## Relevant planning history

4. **07/01018/F** – “Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space”, approved November 2009. The report to planning committee for this can be seen under committee meetings of 21 August 2008.
5. The permission and its Section 106 Agreement (S106) requires 30 per cent on-site Affordable Housing (23 out of the 78 dwellings), of which 75 per cent (17 dwellings) are to be social rented tenure, and 25 per cent (6 dwellings) were to be ‘shared ownership’ tenures.
6. Committee approvals since then have twice allowed changes to the S106 terms of affordable housing provision, on 11 November 2010 and 23 August 2012.
7. The approved changes of November 2010 and August 2012 allow the 25 per cent ‘shared ownership’ units to instead be delivered as intermediate tenures, being either Shared Ownership, or Affordable Rent or Shared Equity housing. Affordable Rent means housing available at rents of 80 per cent of the market rental value. The Shared Equity housing means housing which would be marketed and sold at 75 per cent of the open market value, with the remaining 25 per cent equity in the property being transferred to the City Council. This is the format of affordable housing which has most recently been pursued by the applicant for all 6 intermediate tenure affordable houses.
8. The Committee report and minutes of November 2010 are available on the council’s website.
9. **12/01598/VC** - This is a current application pending issuing of the decision notice for changes to the agreed tree protection, landscaping and drainage schemes, the merits of which were approved by Committee on 14 February 2013.
10. Subsequently, on 6 February 2014 Planning Committee then approved further changes to the S106 relating to financing of the drainage scheme and the extent of highways works required by the developer, contrary to previous expectations of the original S106.

11. The decision notice for application 12/01598/VC has not yet been issued because of delays in agreeing the associated Section 106 Agreement which is varied by both the conditions and obligations on management and financing of tree belts, drainage, highways works and affordable housing amongst other technical matters.
12. The matters in this item are the final elements of the Agreement in need of variation before the decision can be issued.

## The proposal

13. The applicant seeks authority to dispose of the development's final two affordable housing dwellings to the open / private sector market rather than be used as affordable housing. In compensation for their loss from the affordable housing stock, the applicant and officers propose that a financial contribution commuted sum be paid to the Council for providing alternative affordable housing off-site.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>78 originally, 78 remaining</b>
No. of affordable dwellings	<p><b>ORIGINAL PERMISSION: 23 on site, comprising 17 at social rent tenure and 6 at intermediate tenures;</b></p> <p><b>REVISED PROPOSALS: 21 on site, comprising 17 at social rent tenure and 4 at shared equity tenure, and a financial contribution for off-site provision by the Council.</b></p>

14. These specific affordable housing proposals have not been advertised on site as there are no material changes to the way the scheme appears or functions, and the original permission did not determine which dwellings would be affordable at the time permission was granted.
15. The amendments have been discussed in detail and agreed in principle with the Council's Strategic Housing department, which has worked with the applicant for some months to try and find appropriate occupants for the two remaining units.

## Assessment of planning considerations

### Relevant development plan policies

16. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS4 Housing delivery
  - JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM12 Ensuring well-planned housing development
- DM33 Planning obligations and development viability

**Other material considerations**

**18. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes

**19. Guidance:**

- Interim Statement on the off-site provision of affordable housing in Norwich (December 2011)
- Draft Affordable Housing Supplementary Planning Document, anticipated for consideration by the Council's Sustainable development panel 17 December 2014, and adoption by Cabinet on 14 January 2015.
- National Planning Policy Guidance

**Case Assessment**

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

**Main issue 1: Demand for existing affordable housing on site**

21. All 17 social rented properties and 4 of the 6 intermediate tenure dwellings have been successfully transferred to a Registered Provider as affordable housing. However, there are two 2-bedroom bungalows that remain unsold and the developer is keen to dispose of them. Being intermediate tenure units the developers' possible options for use as affordable housing include shared equity, shared ownership and affordable rent tenures (as already previously approved by planning committee).
22. The two remaining bungalows have been advertised and marketed to the public and registered affordable housing providers as shared equity homes for over 18 months (both off-plan and as-built).
23. Shared equity homes enable an eligible purchaser to buy a shared of 75 per cent of the property, and in this case the remaining 25 per cent would be granted to the Council. Both parties would benefit from an increase in housing prices if the 75 per cent holder wished to sell, or the 75 per cent holder could gradually after 5 years begin to buy more of the 25 per cent equity from the Council. Because interested purchasers have to be on the housing needs register there appear to be few

purchasers who can afford the required purchase price of 75 per cent of the market sale value. For information at August 2013 the properties were available as below:

House type	Total purchase price	Minimum per cent deposit	Remaining mortgage needed (7 per cent)	Equity share (25 per cent)
2 bedroom bungalow with car parking space	£189,950	£9,498	£132,965	£47,487

24. Essentially, the applicant believes the lack of interest to be because the same purchase price (even when discounted) could provide a home of similar size elsewhere in the city, and up to 100 per cent of a property. Of the other forms of permissive intermediate tenure, Shared Ownership has similar issues with the market value cost being prohibitive because the terms only allow 50% of the property to be purchased in the first instance and then additional purchasing proves expensive. Similarly, Affordable Rent requires rent paid at 80% of market rents which is also prohibitive to most eligible residents as market rent values are so high in this area. Colleagues in Strategic Housing agree with these assessments.
25. Provision of affordable housing on site remains the council's preferred method, and is also the preference set out in government guidance, as this promotes social inclusion. However, despite four of the six shared equity homes having been sold to those in housing need, officers agree that the remaining units have been advertised for sufficient time to determine that there is no eligible interest, and alternative options should be considered for disposing of these bungalows.

## **Main issue 2: Alternatives to on-site provision**

26. It should be noted that if the only option made available to the developer was to require these two homes to be rented at social rent levels then it would not really be reasonable on the developer as they entered into the scheme expecting to provide 17 (75%) social rented units, and costed their scheme accordingly. Additionally, exceeding 17 would have been contrary to the policy which was in place at the time the decision was made (although current JCS Policy 4 would have required an 85 per cent social rent / 15 per cent intermediate tenure split of the affordable housing units, being 20 social rent units and 3 shared equity units). Nevertheless, the Council should not object if the developer wished to sell the units to a Registered Provider for use as Social Rented units, but the Section 106 would still need amending to allow this.
27. Assuming social rent is not favoured or feasible, it would not be acceptable to allow disposal to the open market with no mitigating measures to counteract the loss of affordable housing stock. It is considered entirely feasible and pragmatic for the developer to pay a commuted sum to the Council for the purposes of providing new affordable housing off-site, and the proposed calculation for doing so should be based on policy mechanisms wherever possible.
28. The Council introduced such a calculation methodology in December 2011, as contained and discussed in the Interim Statement on the off-site provision of

affordable housing in Norwich (the 'Interim Statement') (endorsed by Cabinet 9<sup>th</sup> December 2011).

29. The Interim Statement interprets the provision within Joint Core Strategy 4 whereby a scheme which cannot provide affordable housing due to design constraints, practical difficulties or lack of interest from registered providers can be allowed to make a financial contribution commuted sum to the Council for equivalent off-site provision. The Interim Statement was intended to be applied to a scheme at the planning application / pre-development stage; however the principles can still be applied to this case retrospectively because it includes a practical calculation methodology based on the overall floorspace created by developments from which a proportionate quantum of floorspace is extracted for the share of affordable housing as would be expected by policy. Normally the affordable housing element would represent an amount of floorspace proportionate to the development's overall residential floorspace being created, but in this case the permission requires 30 per cent affordable housing (rather than the 33 per cent as would now be expected by JCS4). The affordable housing (AH) floorspace is then multiplied by a standard city-wide £/sq.m cost for land purchase and construction (£1,130.94), and £1,000 is added for legal matters. The Interim Statement calculation method is shown below:

Scheme's net internal floorspace Sqm x % AH x £1130.94 + £1000 = **£ commuted.**

30. However, within Wentworth Green there are two key differences: Firstly, there are two units outstanding for which the actual floorspace areas are known (58 Sqm each, totalling 116 Sqm), whereas in percentage terms the two units represent 8.7 per cent of the 23 affordable houses. Secondly, the mix of units chosen for affordable housing (in consultation with Strategic Housing colleagues) was not representative of the overall floorspace provided on site. This means the standard calculation should not really be applied to this retrospectively, and it is considered more appropriate and reasonable to calculate the commuted sum based on the actual floorspace built, not the theoretical proportion expected pre-development.
31. The two calculations are shown below, and although the Interim Statement standard calculation would generate a significantly increased value, this is not considered an appropriate sum to require for the reasons explained above. The lower figure generated from factoring-in built floorspace is both fair and reasonable.
32. The approved scheme has provided a total 6,978.18 Sqm floorspace, 30% of which would have been 2,093.45 Sqm for all affordable housing floorspace, within which the 8.7 per cent share for two units would be 182.13 Sqm. This creates a sum as below:
- $182.13 \text{ Sqm} \times £1130.94 = £205,978.67 + £1000 \text{ legal fees} = \textbf{£206,978.67}.$
33. In contrast, the built internal floorspace of the two bungalows is a combined 116 Sqm, so a proportionate commuted sum to replace the actual floorspace lost is:
- $116 \text{ Sqm} \times £1130.94p = £131,198.04p + £1000 \text{ legal fees} = \textbf{£132,198.04}.$
34. Although the developer has not suggested that a commuted sum would be unviable, it is recognised that even the lower site-specific value is a significant sum of money, and the developer may seek to negotiate around this. Officers consider it necessary to allow some negotiation if it is supported by justifiable and robust

argument, including viability evidence if necessary, in the interests of ensuring occupation of available homes. To this end it is appropriate for the Section 106 to require the payment of £132,198.04 or an alternative sum to be first agreed by the Head of Planning in consultation with strategic housing colleagues, such sum to be required prior to the disposal or first occupation of either of the two remaining bungalows through open market disposal.

35. It is worth noting that the emerging Affordable Housing Supplementary Planning Document (expected to be adopted in January 2015) is proposing to use the same calculation methodology and figures / costs as those within the Interim Statement.

#### **Other matters: Updates on tree belts, drainage facility, playing fields, landscaping and highways works**

- Tree belt contributions will be paid for by the developer as required within the S106, with works and specified expenditure phased over some years as agreed previously. Residents are not pay for this unless the works exceed the sums already forecasted and budgeted for between developer and management company.
- The surface water drainage facility will be maintained by the management company using a budget specified in the S106, which comes from the overall estate management costs (£6.41 per dwelling per annum). Residents are not billed for surface water drainage by Anglian Water (they are only billed for foul drainage as they have mains sewer connections).
- Playing fields are expected to be constructed to a certain specification as per the landscaping proposals and maintenance and management plans presented within the application 12/01598/VC. To date there is some discussion about the success of the playing fields, which do not appear to have been provided to the expected method or specification. The developer will be required by planning condition and S106 to fulfil these commitments once the permission is issued. There was no original requirement to provide sports pitch markings on site; this is a matter for the residents association.
- Landscaping has not yet been provided to the specification proposed in the landscaping strategy within application 12/01598/VC. This will be required prior to occupation of the final units available on site, but some pragmatism will be required in that timescales should align with any necessary repairs to the playing fields. Some additional works remain to be resolved in the area behind 123 Greenways which are being discussed with the applicant.
- Previous committee decisions have resolved that a number of the original highways works required by the S106 are not actually necessary, and the only obligation being carried forward is to install cycle/pedestrian signage.

#### **Equalities and diversity issues**

36. There are no significant equality or diversity issues; the two remaining affordable housing units have been available on site for some months now in line with the terms of the planning permission, as shared equity tenure, and it is known that shared ownership and affordable rent do not prove feasible in this location. As neither the developer, Council or Registered Providers have been able to secure

appropriate interest in the two units it is considered more equitable to those on the housing needs register to secure funding for new affordable homes elsewhere in the city at prices and tenures which are more affordable to the greater majority in need.

## **S106 Obligations**

37. It is recommended that officers continue to revise the draft Section 106 Agreement Deed of Variation to include the multiple amendments detailed in previous committee resolutions (the last schedule of which was seen in February 2014) and the inclusion of a clause to allow the payment of an Affordable Housing Commuted Sum as may be necessary, to an amount to be agreed with Officers based on the principles of the calculation methodology within the 'Interim Statement on the off-site provision of affordable housing in Norwich' document of December 2011.

## **Local finance considerations**

38. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.
39. This development would not generate Community Infrastructure Levy payments but using a commuted sum for affordable housing would not only help provide replacement affordable housing stock, but also attract New Homes Bonus grant. In this case, other than the overall question of securing contributions in lieu of continued on-site provision under Main Issue 2 above, other financial considerations are relatively limited and therefore limited weight should be given to them in the determination of the planning application.

## **Conclusion**

40. Given the price of market housing units in Eaton it is understood that people in housing need cannot particularly afford the forms of intermediate tenure required by the permission. If the developer cannot transfer them to a Registered Provider for use as social rent tenures, then the only recourse is for the developer to be allowed to dispose of the units to the open market, but if this does prove to be the case it is necessary to ensure the developer provides the Council with appropriate funding for building affordable housing provision elsewhere in the city.
41. The general principles of maintaining an overall provision of affordable housing across a mix of unit types and tenures, and creating mixed communities at this site and other sites where commuted sums could build affordable homes, is supported by policies JCS4, DM1 and DM12, and the national planning policy framework. The use of a commuted sum to do so is in line with the objectives of JCS4, the existing guidance of the Interim Statement, the emerging Affordable Housing Supplementary Planning Document, and the provisions of the Community Infrastructure Levy regulations. As such the proposed amendment to the Section 106 Agreement and the subsequent issue of permission for application 12/01598/VC means the development will remain in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.



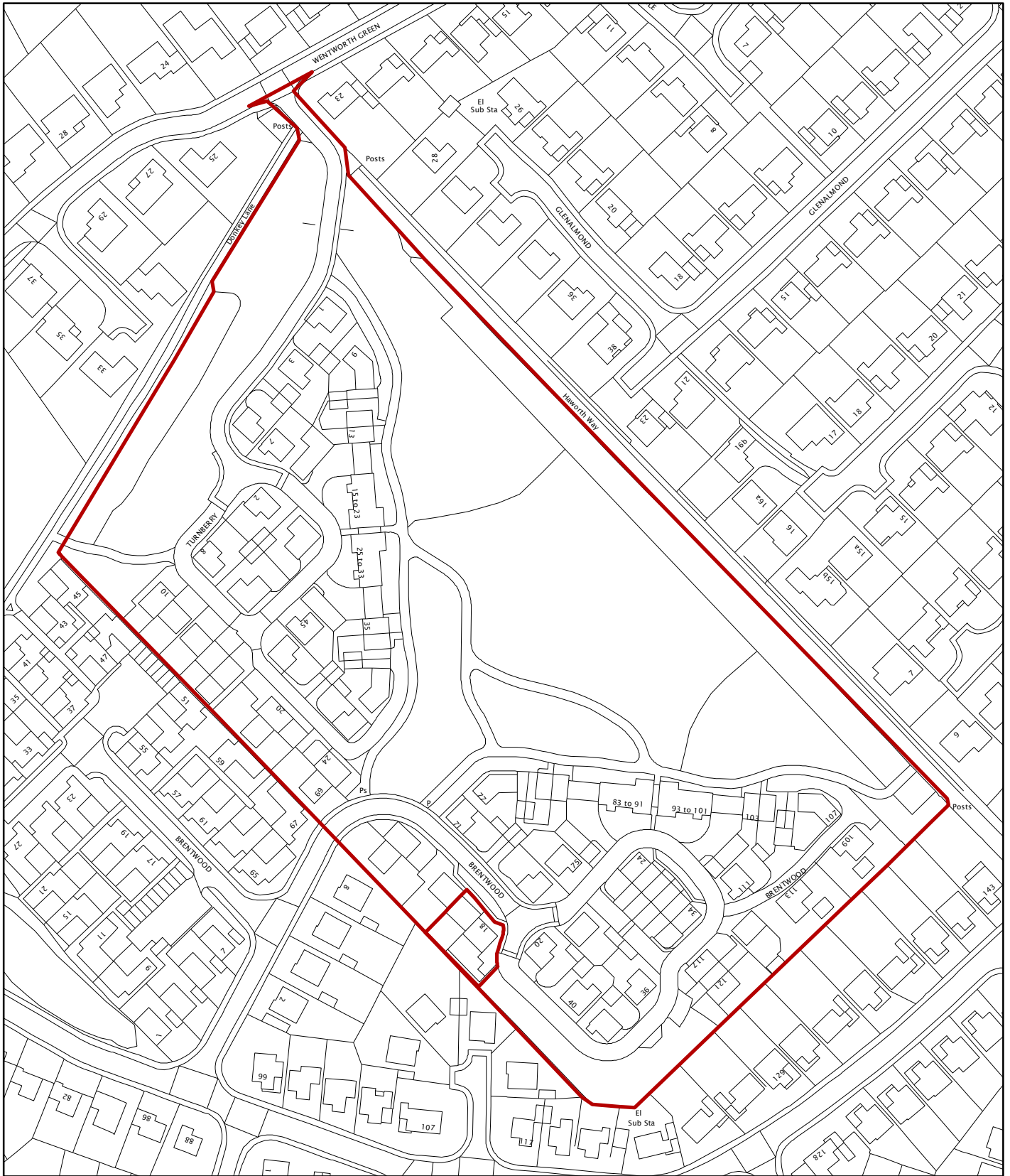
## **Recommendation**

For the reasons outline above the recommendation is to approve the application 12/01598/VC Wentworth Gardens subject to the conditions and amended planning obligations as set by previous planning committee resolutions on 14 February, 2013 and 6 February, 2014, and subject to the following additional amendments to the Section 106 Agreement:

1. The two outstanding shared ownership bungalows can be used for either intermediate tenure (for the avoidance of doubt being shared ownership, intermediate rent or shared equity housing), or social rent tenure.
2. In the event they remain unfeasible as affordable housing the two bungalows can be disposed of to the open market only if a commuted sum financial contribution payment is first made to the Council; this sum being £132,198.04 index-linked, or an alternative sum to be first agreed by the Head of Planning in consultation with strategic housing, such sum to be required prior to the first occupation of either of the two remaining bungalows following open market disposal.

### **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 the appropriate conditions and for the reasons outlined in the above officer report and preceding officer reports and planning committee resolutions.



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Planning Application No 12/01598/VC  
Site Address Wentworth Green

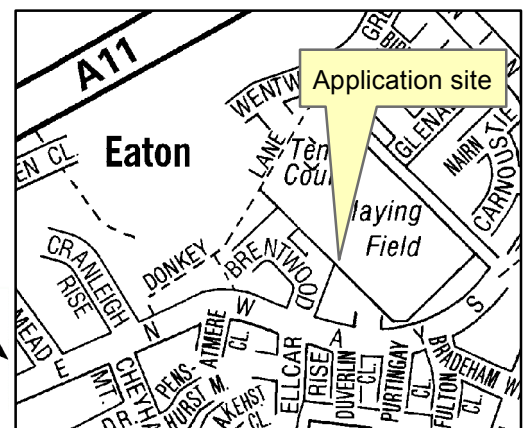
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**NORWICH**  
City Council

PLANNING SERVICES

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**Report to** Planning applications committee

**Item**

4 December 2014

**Report of** Head of planning services

**Subject** Application ref: 14/01474/F 77Earlham Road

**Reason for referral** Objections

**4H**

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<b>Site address</b>	77 Earlham Road Norwich NR2 3RE
<b>Ward:</b>	Nelson
<b>Case officer</b>	Mr Stephen Polley - stephenpolley@norwich.gov.uk

<b>Development proposal</b>		
Erection of single storey extensions to side, rear and basement and creation of roof terrace.		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
1.Principle of development	The creation of a covered walkway, extension of the basement level and creation of a roof terrace.
2. Design	The impact of the covered walkway and extension to the basement level on the character and appearance of the original dwelling and surrounding conservation area.
3. Residential amenity	The impact of the proposals upon the amenity of neighbouring occupiers in terms of overlooking, noise disturbance, daylight.
<b>Expiry date</b>	2 December 2014
<b>Recommendation</b>	Approve

## The site and surroundings

1. The site is located on the northern side of Earlham Road, immediately to the west of the city centre. The local area predominantly consists of large two storey semi-detached and terraced dwellings built circa 1900. To the west is the adjoining semi-detached dwelling 79 Earlham Road, and immediately to the east is Frances Court, a three storey apartment block, both of which are locally listed buildings. The site originally formed part of Argyle Terrace but having suffered bomb damage during the Second World War, the site was redeveloped circa 1950, with only 79 Earlham Road remaining. The site fronts Earlham Road to the south which is partially screened by mature planting. The rear of the site is approximately 2.5m lower than the front where an existing garage accessed via land behind Frances Court, store rooms and a garden which extends by approximately 20m to the boundary with 2 Gladstone Street to the north.

## Constraints

- Article 4 direction – Heigham Grove Houses
- Conservation area – Heigham Grove

## Relevant planning history

Ref	Proposal	Decision	Date
14/00009/F	Erection of single storey side and rear extension, roof terrace and creation of basement.	Approved	07/02/2014

## The proposal

The proposal comprises of three distinct parts;

- The erection of a covered walkway to the side of the property
- The extension and conversion of the basement to provide living accommodation, a bedroom and a bathroom. A new staircase will link the basement with the main house via a new internal staircase. Two sets of bi-fold doors will provide access to the rear garden and a new door will be created in place of the existing garage door
- The creation of a raised terrace above the proposed basement

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	Less than 15sq.m. new internal floorspace, 23sq.m. roof terrace
No. of storeys	Single storey covered walkway and extension to single storey basement level
Max. dimensions	Existing basement level extended by 2m from depth
<b>Appearance</b>	
Materials	Cedar clad covered walkway, brick extension to match existing
Construction	Flat roof to rear and timber clad walkway to side of dwelling

## Representations

1. 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. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The proposed roof terrace will affect the privacy of surrounding properties as overlooking increases	See main issue 3
The proposed roof terrace will lead to an increase in noise disturbance	See main issue 3
The proposed roof terrace will allow for overlooking into the bedroom windows of Flats 1 and 2 of Frances Court	See main issue 3
Building work will result in noise disturbance to Frances Court	See other matters
The proposed plans do not show how rainwater will be discharged	See other matters

## Consultation responses

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

### Design and conservation

3. The proposals do not look out of place in proportional terms. The brick and roof materials should be conditioned. Samples should be provided for assessment. The side lean-to structure will have little impact on the street scene considering its location between the two buildings.

## Assessment of planning considerations

### Relevant development plan policies

4. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
5. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM9 Safeguarding Norwich's heritage

### Other material considerations

6. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design
  - NPPF12 Conserving and enhancing the historic environment

### Case Assessment

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

### Main issue 1: Principle of development

8. The principle of extending an existing dwelling is acceptable subject to the development being of an appropriate scale and design which is sympathetic to the

character of the surrounding conservation area, the appearance of the original dwelling and the amenities of neighbouring properties.

### **Main issue 2: Design**

9. The proposed covered walkway to the side of the original dwelling is small in terms of scale and is to be set back from the original front elevation, and will have only a limited impact on the overall appearance of the property as a result. The materials proposed will not match that of the original dwelling. However they will appear to be sympathetic to the character and appearance of the original dwelling and surrounding area by using a cedar wood finish. The proposed works to the basement and new roof terrace will largely not be visible from public land and are considered to be acceptable in terms of scale and form.
10. The materials to be used are to be agreed by condition to ensure that the works do not have a negative impact on the character and appearance of the original dwelling or the wider conservation area. The proposed roof terrace will create a raised platform approximately 2.5m above the ground level of the rear garden and the parking area to the rear of Frances Court.

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

11. The proposed covered walkway will have no impact of the amenity of neighbouring properties as it is to be erected only on the side elevation of the property, set back from the front and rear original walls of the original dwelling and those of Frances Court to the east.
12. The works to the basement rooms of the existing dwelling and ground floor will involve the installation of new windows and sliding doors and the erection of a single storey extension to what is currently the garage. The new windows and doors will not result in any additional overlooking as they replace the existing windows and doors, or they are located at the basement level where they look directly into the rear garden.
13. The extension creates a new family room which will project by an additional 2m from the rear wall of the existing garage and will have a maximum height of 2.5m. The extension is to be built 1m away from the boundary with Frances Court, creating a new side passage at ground floor level with a single door replacing the existing garage door on the same boundary. The extension can therefore be considered to be modest in scale, with no significant loss of light or outlook expected as a result of the proposals.
14. The flat roof area above the extension will create a new roof terrace area with an area of approximately 23sq.m. The roof terrace features a metre high fence providing additional screening to the east and north sides. Particular concern has been raised that the new terrace will allow for an increase in potential overlooking to flats within Frances Court and the rear gardens of Gladstone Street on the northern boundary.
15. The boundary to the west with 79 Earlham Road features a high brick wall and thick vegetation and the boundary with 2 Gladstone Terrace features a similarly high brick wall, preventing any overlooking into the rear garden of the property. The terrace will allow for some overlooking to the rear of Frances Court. However much

of that view is only over the service yard with the bedroom windows being some 2.5m behind the rear wall of 77 Earlham Road. It should also be noted that the previously approved scheme also included a terrace in a similar position to that currently proposed. However the current proposal has been altered from that previously approved to include a 1m gap between the roof terrace and the boundary with Frances Court, lessening the potential for overlooking to occur.

16. The roof terrace will provide an additional raised space which may allow for an increase in the volume of noise generated by the occupants of 77 Earlham Road. However, the roof terrace is approximately 16m away from the boundary with 2 Gladstone Street and the boundary with 79 Earlham Road is well screened by a large wall which should mitigate any potential increase in noise disturbance. The increase should be minimal compared to the current use of the rear garden which already provides a small terrace area. It should be noted that the current proposal is now 1m away from the boundary with Frances Court compared to the previously approved application, which will help to minimise the potential impact caused by noise. It is therefore considered that potential noise disturbance caused by the new roof terrace will be minor.

### **Other matters**

17. With regards to the potential for building works to create noise disturbance, there is unlikely to be excessive or long-lasting noise and disturbance created during construction since the proposed scheme is of a small scale.
18. With regards to the plans not clearly indicating how rainwater will be discharged, the proposal at this stage is not required to clearly show such details. A Building Regulations application will cover such issues and should ensure that rainwater is adequately discharged prior to completion of the scheme.

### **Equalities and diversity issues**

19. There are no significant equality or diversity issues.

### **Local finance considerations**

20. None.

## **Conclusion**

21. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.
22. The development is of a scale, design and appearance which will not result in significant harm to the character of the area or the amenities of neighbouring properties.

## **Recommendation**

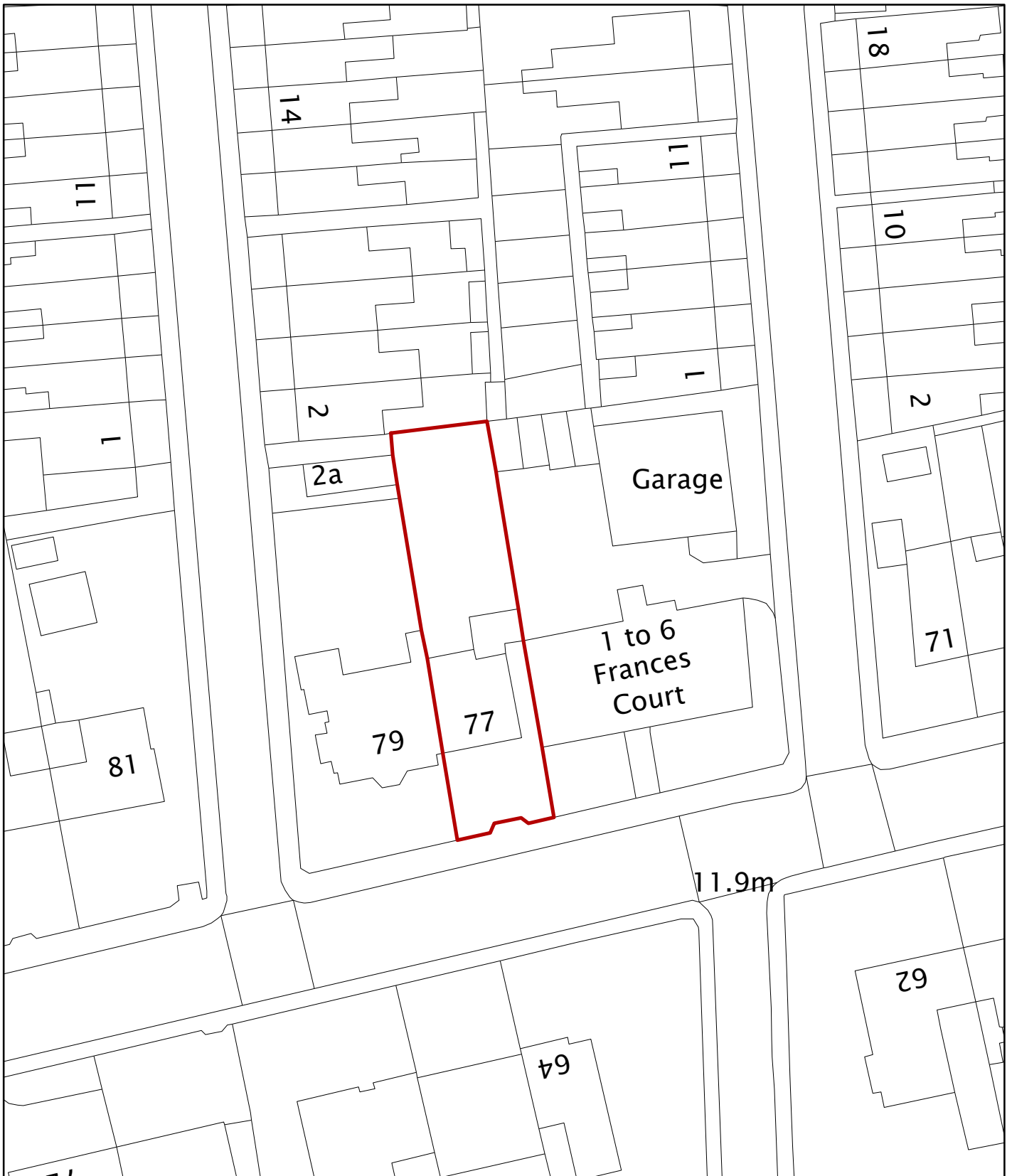
To approve planning application 14/01474/F 77 Earlham Road, Norwich and grant planning permission, subject to the following conditions:



1. Commencement within 3 years
2. In accordance with plans
3. Materials to be agreed with local planning authority

**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.



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Planning Application No 14/014745/F  
Site Address 77 Earlham Road

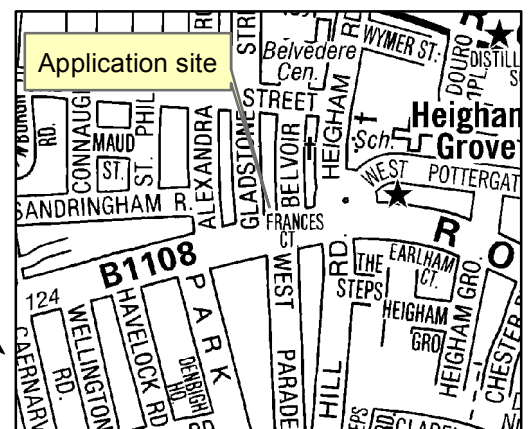
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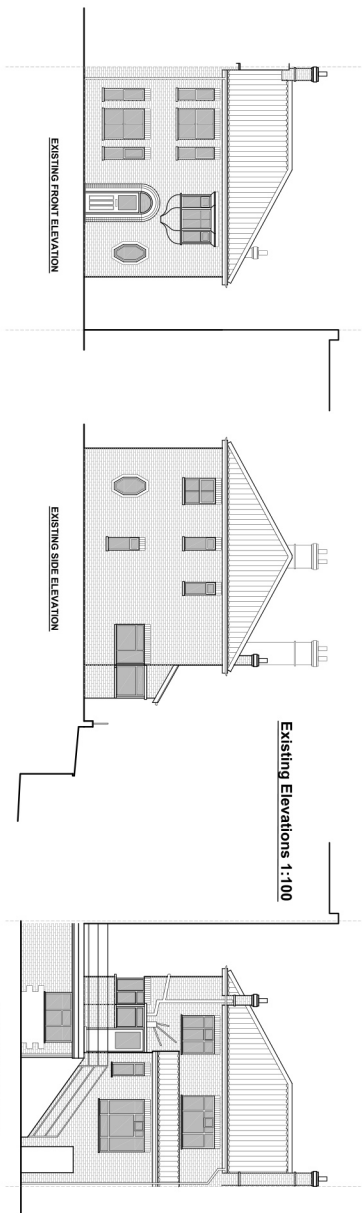


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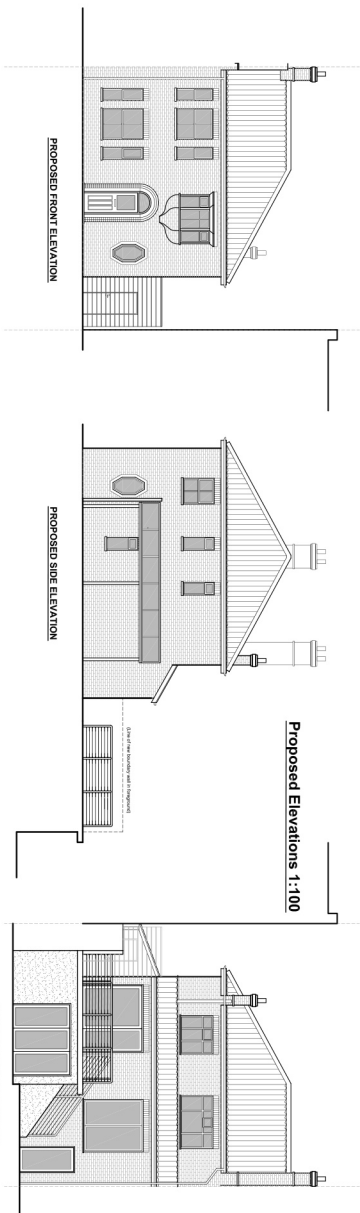
PLANNING SERVICES

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Existing Elevations 1:100



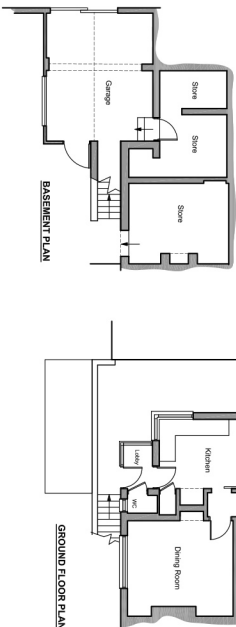
Proposed Elevations 1:100



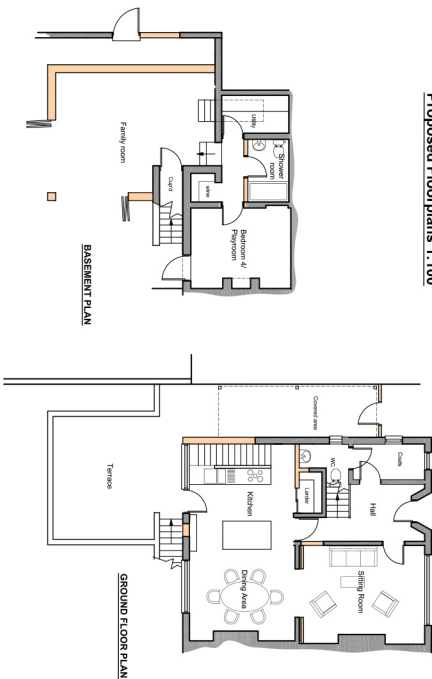
Existing Site Plan 1:200

Proposed Site Plan 1:200

Existing Floorplans 1:100



Proposed Floorplans 1:100



Location Plan 1:1250



**A SQUARED ARCHITECTS**

**RIBA**   
1 THE ROYAL ARCHITECTS  
200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Client: Mr & Mrs Poulson

Extension and alterations to  
77 Earham Road  
Norwich

Existing & Proposed Drawings

Scale: 1:100/20/1250@A1  
Date: December 2013

Drawn By: mja  
Checked By: mja  
Drawing No: 13/34/01 A



