

Report to Planning applications committee
 13 October 2016

Report of Head of planning services

Subject 16/00759/F - 137 Unthank Road Norwich NR2 2PE

Reason for referral Objection

Item

4(c)

Ward:	Nelson
Case officer	Ms Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Demolition of shop. Construction of 1 No. ground floor retail (Class A1) unit, 1 No. ground floor hot food takeaway and restaurant (Class A3 and Class A5) and 1 No. first floor dwelling.		
Representations		
Object	Comment	Support
15 1 petition	1	0

Main issues	Key considerations
1 Principle of development	Number of non-retail units Number of A5 units Vacancy of the building Demolition
2 Design	Issue of demolition Loss of original features Materials Out of scale development
3 Residential amenity	Increase in HMO accommodation Noise and odour pollution Litter
4 Parking, highways and servicing.	Increased congestion Parking problems Proximity to pedestrian crossing Waste collection and storage.
Expiry date	26 July 2016
Recommendation	Approve



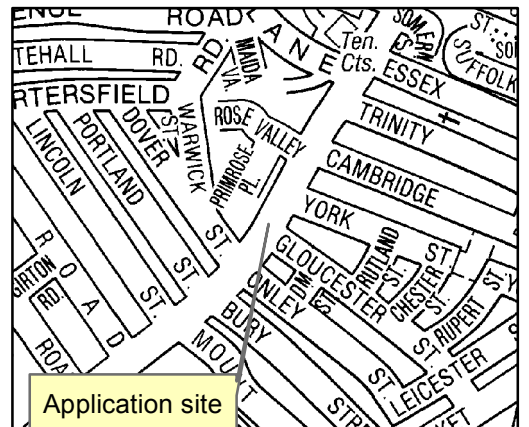
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Planning Application No 16/00759/F
 Site Address 137 Unthank Road

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The subject site is located on the North East side of Unthank Road, South West of the City Centre. The subject building was previously used as a hardware store and ironmongers. The site contains the main building to the front of the site, a single storey flat roof extension, a small detached outbuilding and a large workshop outbuilding. The site is located between (but outside of) the Heigham Grove and Newmarket Road Conservation Areas and is located within the parade of shops (of mixed uses) within the Unthank Road Local Retail Centre. The surrounding area also includes features retail and commercial uses as well as a high proportion of residential accommodation. Off-road parking is present on the forecourt area at the front of the site in close proximity to the pedestrian crossing. The existing building has been vacant for at least 8 years and is in a state of disrepair.

Constraints

2. The site is located within a Local Retail Centre.
3. The site is located within a Critical Drainage Area.

Relevant planning history

- 4.

Ref	Proposal	Decision	Date
08/01062/U	Change of use from ironmongers/DIY store (A1) to residential letting and estate agency (A2).	REF	23/12/2008
13/00900/F	Demolition of existing shop, outbuildings and erection of 1 No. shop with 2 No. dwellings above.	WITHDN	22/08/2013
14/00388/F	Demolition of the existing shop, outbuildings, retention of the former workshop building and erection of a new building containing a shop (A1) and cafe (A3) on the ground floor and 1 no. dwelling above. The proposal also includes an external sales area to the rear and front forecourt.	APPR	06/06/2014
16/00306/F	Demolition of shop. Retention of outbuildings and erection of 1 No. restaurant / cafe (class A3) and 1 No. hot food takeaway (class A5) with 1 No. four bedroom dwelling above.	WITHDN	29/04/2016

The proposal

5. The proposal is for the demolition of the existing retail unit and replacement with 1 No. retail unit, 1 No. hot food takeaway/restaurant. The large warehouse outbuilding to the rear is to remain as existing. The residential accommodation comprises an external access to the rear of the site, with outdoor amenity space at the rear which contains cycle and bin storage. The commercial units include an outdoor seating area and cycle parking to the forecourt area.
6. The application has been revised. The originally submitted proposal also included the conversion of the main ironmongers' outbuilding to an additional hot food takeaway/restaurant unit. This has been removed from the proposal due to concerns relating to the over-intense use of the site and adverse effects on residential amenity. In addition, parking provision has been removed from the proposal due to highway safety concerns.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1 x 4 bedroom dwelling
No. of affordable dwellings	None
Total floorspace	356m² total floorspace 128m² market housing 228m² Retail and hot food takeaway use
No. of storeys	2 storeys
Max. dimensions	Approximately 4.50m x 7.70m, 5.30m at the eaves and 7.20m at maximum height
Appearance	
Materials	Materials to be secured by condition
Energy and resource efficiency measures	To be secured by condition
Operation	
Opening hours	08:00-23:00
Ancillary plant and equipment	External ventilation for the A3/A5 use – details to be secured by condition

Transport matters	
Vehicular access	None proposed
No of car parking spaces	None proposed – car free housing permitted in this area. No parking permits would be provided.
No of cycle parking spaces	3 x cycle parking spaces – details to be secured by condition.
Servicing arrangements	Commercial and residential bin stores provided at the rear of the site and collection to be at the front of the site. Details of bin store to be secured by condition.

Representations

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

Issues raised	Response
Loss of retail unit and demolition of building	See main issue 1
Number of existing hot food takeaways which will be detrimental to the character of the area	See main issue 1
Loss of original features	See main issue 2
No details of materials	See main issue 2
Out of scale development	See main issue 2
Detrimental to residential amenity; noise and odour pollution, litter	See main issue 3
Parking and congestion problems	See main issue 4
Increased bin storage and collection	See main issue 4
Proposals will result in increase in HMO accommodation to the detriment of the character of the area.	No HMO's are proposed as part of this application.

Consultation responses

8. 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)

9. No objection in principle apart from the provision of parking spaces at the front. Vehicle access is difficult as the only section of dropped kerb is across the pedestrian crossing and the kerbed section is not an official vehicle access. The business premises would be entitled to business permits but the residential property would not. It would be preferable if the development would be car free with no vehicles allowed on the hardstanding. An operational car parking space could be allowed. This would free up the forecourt to be used for a seating area and give more space for cycle parking and perhaps landscaping. The footway is very narrow at this point and we would like to widen the footway taking land from the forecourt for this purpose by section 38 agreement. This would require resurfacing and protective bollards.

Norfolk police (architectural liaison)

10. The design of doors and windows should have certification to police preferred standards. Conversion of the outbuilding to a hot food takeaway with an unrestricted rear access could result in security issues for the occupiers. Recommend that appropriate fencing and access control systems are used. The gates should be positioned as close to the front as possible. As the site is located outside of the Late Night Activity Zone, the units should not be permitted to open past 00:00hrs.

Assessment of planning considerations

Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS19 The hierarchy of centres
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment

- DM8 Planning effectively for open space and recreation
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM24 Managing the impacts of hot food takeaways
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

14. 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

15. Residential key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
16. Non-residential key policies and NPPF paragraphs – JCS19, DM20, DM21, DM24 NPPF paragraph 23.

Principle of Demolition

17. The subject site is not an identified heritage asset (local or statutory) nor is it located within a conservation area. Therefore planning permission is not required for its demolition (only prior approval). In addition, the building could also be demolished under extant permission (14/00388/F), subject to discharging

conditions. This permission also demonstrated that, due to the current condition of the building, it would not be viable to use the existing building. Therefore, whilst it is regrettable to lose this historic feature of the street scene, there is not significant justification to refuse the proposal based on the loss of the original building. Therefore the principle of demolition of the building is acceptable subject to sufficient detail and design.

Principle of Use

18. No. 137 Unthank Road falls within the Unthank Road Local Retail Centre which is currently made up of 44 units. As of 29 September 2016, 20 of units were A1 retail use and 22 were non-retail. In accordance with policy DM21, the proportion of retail units (A1) within a local retail centre should not fall below 50% and the current percentage of A1 unit is 47.6%. There are currently four existing A5 units and two existing A3 units which together account for 14.3% of the units within the centre.
19. Due to the addition of a further unit to the site, the percentage of A1 units within the local centre will be further reduced to 46.5%. However, as the proposal includes the provision of a retail unit, there is no loss of retail units overall in the centre. The inclusion of the A3/A5 unit would then account for 16.3% of A3/A5 units within the centre overall. This is not considered to be a significant percentage of units. In addition it should be noted that the proportion of retail and restaurant floorspace is similar to the approved extant permission. As such the proposed mix of class A uses is considered appropriate for the centre in accordance with part a) of policy DM21.
20. Concerns were raised that there would be a significant number of A5 units along the parade which would detrimental the vitality and diversity of services within the centre (part b) of the policy). Including the new A3/A5 unit, the use would account for 16.3% of the units within the centre, which is considered to be a relatively small proportion. In addition, the existing unit has been vacant for at least 8 years and therefore it could be argued that an empty unit affects the vitality of the centre and that this proposal seeks to improve it.
21. Part c) of the policy states that the proposal should not be detrimental to amenity, traffic or the environment. These issues are addressed within main issues 3 and 4 of the report. .
22. Under part d) of the policy, the proposal should provide a community benefit or address a deficiency in the area. It could be argued that provision of active businesses will be beneficial to the area in comparison to the existing vacant unit. As such the principle of the proposed uses is considered to be in accordance with policy DM21.

Main issue 2: Design

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
24. The proposed building is of a similar height to the existing building and does not exceed the roof heights of the neighbouring units. It is noted that the proposed

building does extend further into the rear of the site than the existing building and is therefore of a greater massing than the adjacent units.

25. Whilst the existing building is currently not protected by any heritage designations, it is an attractive building prominent in the street scene. Therefore the details of the design should be suitable so that the proposal fits within the context of the surrounding area. The proposed materials include red brick, slate roof, and uPVC windows and doors to the rear of the site. The shop front is to be timber and the windows at the first floor on the front elevation are to be timber sliding sash design. The materials and details of the front façade are well related to the surrounding area and further details of the shop front are required by condition. The front forecourt area is proposed to be landscaped to improve its appearance and provide an outdoor seating area for the proposed units, as well as increasing the width of the footway. This will enhance the appearance of the frontage of the site in comparison to the existing situation.

Main issue 3: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, DM12, NPPF paragraphs 9 and 17.
27. The proposed residential unit exceeds the national minimum internal space standards and benefits from outdoor external private amenity space. In addition, the position of windows is not considered to result in significant overlooking of the neighbouring properties. It is noted that the proposed building is of a greater depth than the existing, however this is not considered to result in any significant loss of light to neighbouring habitable rooms.
28. Concerns were raised regarding the potential for noise and odour pollution. The details of the extract ventilation proposed at the rear of the building are to be secured by condition. This will include the provision of evidence that the ventilation system is adequate for the A3/A5 use as well as evidence that proposed anti-vibration mounting and other noise dampening measures will be included to reduce the impact.
29. The proposed use has the potential to result in increased noise and disturbance as a result of customers entering and leaving the premises, sometimes late at night and waiting outside the premises. However planning permission has already been granted for an A3 use at the site, with potential for some take away trade. The site is within a local centre where A5 uses are to be expected and the surrounding area includes a mix of uses. A condition will also be included restricting opening hours to between 08:00-23:00hrs on any day and deliveries and waste collections between 07:00 and 19:00 hrs, except Sundays and Bank Holidays. As such the proposed units are not considered to detract unduly from the amenity of occupiers in the surrounding area.

Main issue 4: Transport

30. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, DM32 NPPF paragraphs 17 and 39.

31. Concerns have been raised that the proposed development would result in increased congestion from customers trying to use the originally proposed parking area on the forecourt. This proposed parking area has been removed from the front forecourt area due to concerns that the number of potential vehicles crossing the pavement (which is currently not an approved vehicle crossover) would be dangerous due to the proximity to the pedestrian crossing. Policy DM31 states that one disabled parking space should be provided for a site of this size (for A1/A3/A5 use), however the provision of parking onsite is arguably detrimental to pedestrian movement and therefore in this instance no off street provision is considered acceptable.
32. In addition, the revised proposal does not include parking for the residential unit. In accordance with DM31, new dwellings in this location along high quality public transport corridors are permitted to be car free. The residential unit will have secure cycle storage to the rear of the site and will not receive parking permits for on street parking. The proposed commercial units will receive business permits and also provide cycle parking, with the aim of promoting more sustainable transport methods. Adequate bin stores have also been proposed.
33. The applicant has agreed to negotiate with Norwich City Council regarding the provision of part of their land closest to the highway being used to widen the footway adjacent to the pedestrian crossing.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes – car free housing Business permits only to be provided
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition for hard landscaping materials
Biodiversity / protected species	JCS1, DM6	An ecology report has been submitted as part of this application stating that there was very little evidence suggesting that the building was being used by bats or birds. Therefore the demolition of the building is

		unlikely to result in harm to biodiversity in accordance with DM6.
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Equalities and diversity issues

35. There are no significant equality or diversity issues.

Local finance considerations

36. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
37. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
38. In this case local finance considerations are not considered to be material to the case.

Conclusion

39. The proposed demolition of the existing building is acceptable in principle. Whilst the percentage of A1 units is reduced within the retail centre, there is no actual loss of retail units. The provision of a further A3/A5 unit would not account for a significant proportion of the units within the retail centre and therefore, on balance, this proposal is likely to improve the vitality and diversity of the centre as opposed to retaining a vacant unit. The design of the building is acceptable. The proposals are also acceptable in terms of amenity and transport.
40. 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. 16/00759/F - 137 Unthank Road Norwich NR2 2PE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of all materials including specifically the shop front and front façade
4. Details of soft and hard landscaping including rear amenity area, front forecourt, boundary treatments, bollards etc.
5. Details of bin and cycle storage and parking
6. Prior to any occupation as an A3/A5 use details of extract equipment / silencers/anti-vibration mounting/insulation that can demonstrate operation at acceptable noise levels must be submitted.

7. The A3/A5 unit shall not be open between the hours of 23:00 and 08:00hrs on any day
8. No trade deliveries or waste collections to take place between the hours of 19:00 and 07:00hrs on any day and no deliveries or waste collection to take place on Sundays and Bank Holidays.
9. To be built to energy efficiency/water efficiency standards
10. Permitted development rights for fencing removed in order to protect the open nature of the forecourt area
11. All windows within the side elevations shall be obscure-glazed and non Opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed;

Informatives

It should be noted that separate advertisement consent should be applied for prior to erection of advertisements at the site.

If the residential dwelling is occupied at any time by more than six unrelated residents then a separate application should be submitted for a change of use to a House of Multiple Occupation (HMO).

The applicant/agent should undertake negotiations with the Highways Department of Norwich City Council regarding a S38 agreement for the adoption of part of the land outlined in this application for highway purposes.

Article 35(2)

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.

1:200



Retained Building

retaining wall
1.8m fence
with gate

1.8m fence
cycle shed

amenity area

steps
up

residential
bin store

commercial
bin store

steps
up

139

pedestrian
access to flat
with fire
escape gate

cycle rack

external seating and dining area

137

Bollards

135

133

131

1

