

Planning applications committee

Date: Thursday, 04 September 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

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Agenda

Pre-application briefing 9.00am

There will be a pre-application briefing at 9am in the Mancroft room on proposals for residential development on the site of the Ferry Boat Inn, King Street, Norwich. Committee members, ward members and interested parties are welcome to attend

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

To agree the accuracy of the minutes of the meeting held on 7 August 2014.

Minutes

5 - 16

4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10am on the day before the meeting.

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

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

Please note:

- The formal business of the committee will commence at 9.30am
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 1pm and 2pm if there is any remaining business.

	Summary of planning applications for consideration	17 - 18
	Standing duties	19 - 20
4.1	Application no 1400911F Former chapel, Chantry Road, rear of Theatre Royal	21 - 60
4.2	Application no 1400401VC, land and buildings rear of and including 293-293A Aylsham Road, Norwich	61 - 80
4.3	Application nos 1400850F and 1400874 Three Score, land south of Clover Hill Road, Bowthorpe	81 - 106
4.4	Application No 1400833F 216 Unthank Road, Norwich	107 - 124
4.5	Application No 1400633F Storage land west of 27 Vulcan Road North, Norwich	125 - 136
4.6	Application No 1401070NF3 Heathgate open space, Heathgate, Norwich	137 - 146
4.7	Application No 1400630F Aldwych House, Bethel Street, Norwich	147 - 170
4.8	Application no 1401120F Land adjacent 240 Hall Road, Norwich	171 - 184
4.9	Application No 1400840F Rear of 25 Clabon Road, Norwich	185 - 206
4.10	Application No 1401002F 14 Mill Hill Road, Norwich	207 - 218

Date of publication: **Monday, 01 September 2014**

Planning applications committee**9.30am to 12.35pm****7 August 2014**

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

Apologies: Councillors Blunt and Grahame

1. Declaration of interests

Councillor Henderson declared a disclosable interest in item 11 (below) application no 14/00716/NR3 St James House, St James Close, Norwich, NR3 1NU, because she rented a garage at the site.

2. Minutes

RESOLVED to approve the minutes of the meeting held on 3 July 2014.

3. Application no 14/00818/VC Former Bally Shoe Factory Ltd, Hall Road, Norwich, NR4 6DP

The senior planner (development) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of a late representation asking whether the proposed contribution of £20,400 was adequate mitigation for the removal of the community use clause from the S106 agreement and an update on the applicant's energy strategy.

During discussion the senior planner, together with the planning development manager, referred to the report and answered member's questions, which included an explanation on the access arrangements and the car park layout. A member said that it would have been helpful to have a plan showing the gradients of the site. At the invitation of the chair, the agent confirmed that the company had reduced its energy requirements in the two years since the original application was made. Although there was some regret that the higher percentage of renewable energy use could not be achieved, a member praised the applicant's energy strategy for its use of renewable energy generation technology. Members noted that local residents were keen to see this derelict site developed.

Discussion ensued on the proposed variation of the S106 agreement to remove community use provision for the use of the gym. Members sought assurance that the community would not miss out on funding. Councillor Herries proposed that the

applicant's contribution should be £55,000 paid over a five year period. The senior planner explained that the actual value of the community use clause in the S106 agreement could not be evaluated because it was dependent on the number of concessions taken up by the local community at the gym. The council's sports and equity development officer and neighbourhood team had considered the cost of delivering a health improvement programme at the new community centre which would have wider health and social benefits to the local community and considered that it could be delivered for £20,400 which the applicant had agreed to pay as a commuted sum. The programme was designed to be self-financing in future years. Members were advised that a larger commuted sum could be considered to be onerous on the applicant and would require further negotiation. Councillor Herries withdrew the proposal.

During discussion some members expressed concern about proposed change to the conditions to increase the proportion of the sales area for the sale of non- food items (comparison goods) to 40% and that the total floor space of the proposed supermarket exceeded the maximum set out in the revised policy. Councillor Neale said that he intended to abstain from voting for this reason.

RESOLVED with 7 members voting in favour (Councillors Gayton, Sands, Ackroyd, Button, Herries, Woollard and Bradford) and 4 members abstaining (Councillors Boswell, Jackson, Neale and Henderson) to approve application no 14/00818/VC Former Bally Shoe Factory Ltd, Hall Road, Norwich, NR4 6DP and grant planning permission, subject to:

(1) the completion of a Deed of Variation to agree changes to the S106 Obligation signed previously in relation to application ref:12/02003/F, to allow the payment of commuted sum for the resourcing of a health improvement programme

(2) the following conditions:

1. Non-standard time limit – 3 July 2016.
2. Development undertaken in accordance with approved plans and documents;
3. Phasing details.
4. Phasing of family pub – as agreed 14/00723/D
5. No subdivision of superstore;
6. Comparison retail not to be accessed separately to the convenience food store or run independently;
7. Net floor space within the ASDA store not to exceed 3,406sqm net (excluding the first floor cafe) and comparison floor space to be limited to 1,362sqm net;
8. Café to be provided at first floor level of the ASDA store
9. Details of the café glazing to be agreed;
10. Removal of permitted development rights for the insertion of a mezzanine floor within the ASDA store;
11. 'Retail units' to be A1, A2, A3 or A5 only/shall not be combined to form less than 4 units in total/at least 1 retained in A1 use and no more than 2 of each of A2, A3 or A5;
12. Community centre only to be used as a community centre;
13. Details of the ongoing management and maintenance of the community centre to be agreed;
14. The D2 'gymnasium' restricted to a D2 sports use;

15. Removal of permitted development rights at the restaurant/pub to change to A2;
16. No use of the public house between 00:01 and 06:59 on any day;
17. No use of the any hot food takeaway at the upper level of the retail units beyond 23:00 on any day (until 07:00 on the following day);
18. Business units only to be used for B1 or B8 use only;
19. Submission of landscaping details for each phase, including all hard and soft treatments, also including lighting plans and the provision of offsite landscaping on highway land/Landscaping to be maintained and any new trees/shrubs lost to be replaced;
20. Compliance with the submitted arboricultural statement and submission of further method statements to be agreed;
21. Root protection measures
22. Arboricultural details
23. Service/soak-away details
24. Agree details of materials including samples where necessary;
25. Agree details and provision of heritage interpretation;
26. Agree details and provision of bat and bird boxes;
27. Provision of access, parking and servicing areas;
28. Agreement of a construction traffic management plan and access route;
29. Provision of construction vehicle wheel cleaning facilities;
30. Provision of off-site highway improvement works;
31. Agree details of the interim travel plan;
32. Agree a full travel plan following occupation;
33. Details of any plant or machinery including details of noise mitigation;
34. Details of dust suppression;
35. Unloading of vehicles shall only take place directly to/from the designated delivery docking bay;
36. Delivery vehicle engines and refrigeration units fitted to delivery vehicles shall be switched off at all times when on site and stationary;
37. Contamination conditions for a scheme to deal with contamination
38. Contamination – verification stage;
39. Unknown contamination
40. Surface water pollution control
41. Surface water drainage
42. Scheme for water, energy and resource efficiency measures to be submitted in accordance with the energy efficiency statement and to additionally provide for photovoltaic panels on the community centre building and details of the provision of the sites energy from decentralised and renewable or low carbon sources.
43. Details of the design of the external veranda to the rear of the community centre.

4. Application no 14/00742/F 44A Mount Pleasant, Norwich, NR2 2DH

The planning development manager presented the report with the aid of plans and slides and answered a member's question on the design of the roof.

RESOLVED unanimously to approve 14/00742/F (44A Mount Pleasant) and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years.

2. In accordance with the approved plans
3. External facing materials
 - (a) Brickwork (including sample panel)
 - (b) Render (including sample)
 - (c) Roof material (including sample)
 - (d) Chimney detail
 - (e) Window and door surrounds (including sample and scale drawings)
 - (f) Window and door joinery (including material, finish and scale drawings)
 - (g) Eaves detail (including material, finish and scale drawings)
 - (h) Rooflights specifications
 - (i) Dormer design and materials
 - (j) Landscaping
 - (k) Bin and cycle store details
 - (l) Side windows fixed shut and obscure glazed
 - (m) Water conservation

Article 31(1)(cc) Statement

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

Informatives:

1. Considerate construction.
2. Community infrastructure levy.
3. Parking permits.
4. Permeable hardstanding.

5. Application no 14/00924/F 180 Angel Road, Norwich, NR3 3JD

The planning development manager presented the report with the aid of plans and slides. He explained that that in planning terms this was a finely balance proposal which would indubitably impact on the neighbouring properties.

The resident of the semi-detached property adjoining the applicant's addressed the committee and requested that slides and an image of a double decker bus to illustrate the mass and extent of the extension would have on his property and over shadow his mature garden. The resident of no 182 Angel Road also addressed the committee and outlined his concerns that the proposed extension would cause shadowing of his garden and that the view from his house would be of a large brick wall which he considered would be an eyesore.

During discussion the planning development manager answered members' questions. A member referred to the unusual position of the semi-detached dwellings which were set back from the line of houses and suggested that the applicant could consider extending to the front of the house instead of the rear. Members commented on the impact that the extension would have on the gardens of the neighbouring properties and that the brick wall would have an oppressive "prison like affect" on the garden of 182 Angel Road.

Councillor Sands moved and Councillor Ackroyd seconded that the application be refused on the grounds that the proposed extension, with regard to the dwelling's unusual location on the site, would cause loss of amenity, loss of daylight and that the size and mass of the extension would be overbearing.

RESOLVED to with 9 members voting in favour of refusal (Councillors Gayton, Sands, Ackroyd, Boswell, Button, Henderson, Herries, Woollard and Bradford) and 2 members voting against refusal (Councillors Jackson and Neale) to refuse application no 14/00924/F 180 Angel Road, Norwich, NR3 3JD on the grounds of loss of amenity to the neighbours and because of the size and mass of the extension would cause loss of day light and shadowing to the neighbouring properties, and to ask the head of planning services to provide the reasons in planning terms.

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

The proposed two storey extension by virtue of its height, depth and proximity to the boundary would result in a significant detrimental impact on the amenities of numbers 178 and 182 Angel Road. The proposal would have an overbearing impact on the outlook of number 178 Angel Road, particularly when viewed from the rear windows of 178 Angel Road, due to the proximity of the extension to the boundary and due to the height and depth of the extension. The proposal would also lead to loss of light, overshadowing and an overbearing effect to the rear garden of number 182 Angel Road due to the unusual set back of 180 Angel Road within its plot and due to the depth and height of the extension. The proposals are therefore contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (2004), policy DM2 of the emerging regulation 22 Development Management Policies Development Plan Document (2013) and paragraphs 9 and 17 of the National Planning Policy Framework (2012).

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

6. Application no 14/00673/U Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP

The planning team leader presented the report with the aid of plans and slides and answered a members' question about the access to the pre-school activity centre.

RESOLVED unanimously to approve application no 14/0000673/U at Notcutts Garden Centre, Daniel Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within three years
2. The development approved shall be in accordance with the approved drawings, plans and details

3. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the premises, the subject of this permission, shall only be used as a pre-school children's activity centre (D2 use class) and for no other purposes including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
4. No use of the premises as a pre-school children's activity centre shall take place until:
 - (a) a Travel Information Plan has been prepared and submitted to and agreed in writing with the local planning authority. The Travel Information Plan shall:
 - (i) make provision for travel information to be publicised to staff and existing and potential future visitors to the site; and
 - (ii) specify the different methods to be used for publicity and the frequency of review; and
 - (b) the travel information has been made available in accordance with the Plan as agreed and, once made available, shall be maintained thereafter in accordance with the agreed review details.

This information shall include details of the public transport routes and services available within half a mile walking distance of the site, cycle parking provision and facilities for cyclists on site and any other measures which would support and encourage access to the site by means other than the private car.

Article 31(1)(cc) Statement

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

(The committee adjourned for a short break at this point. The committee reconvened with all members listed as present.)

7. Application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD

The planning team leader presented the report with the aid of plans and slides and explained that the application was for outline planning permission.

An immediate neighbour to the proposal site addressed the committee and outlined his objections to the development. A number of plans, including one showing similar plots in Eaton Rise, and photos taken from his garden and dining room were displayed at the meeting to illustrate his concern that the new dwelling would be too close to his house and was atypical to the surrounding large family houses.

The architect spoke on behalf of the applicant and explained that the development was to provide a single storey one bedroom house for a family member. The application was for outline planning permission and the detail of the design would be considered at reserved matters. The family used the south side of the garden and did not use the proposed development site as garden space.

Discussion ensued in which members expressed concern that approving development on this garden site could establish a precedent. Members were advised that the National planning policy framework (NPPF) stipulated that local planning authorities should consider adopting policies to resist inappropriate development on garden land; however the council did not have a policy or an emerging policy to resist developments in gardens Councillor Jackson moved, but later withdrew, an amendment to refuse the development as overdevelopment because of the NPPF policy 58.

Discussion ensued in which Councillor Sands proposed, seconded by Councillor Ackroyd, that members deferred consideration of the application for officers to discuss with the applicant the possibility of moving the redline of the site closer to the house at 36 Broadhurst Road and making it possible to move the proposed single storey dwelling on the plot. Members were advised that the applicant could choose to amend the application site or leave the application unchanged.

RESOLVED, with 9 members voting in favour (Councillors Gayton, Sands, Ackroyd, Boswell, Button, Henderson, Herries, Woollard, and Bradford) and 2 members voting against deferral (Councillors Jackson and Neale), to defer consideration of application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD to allow for officers to discuss amendments to the scheme with the applicant.

8. Application no 14/00719/F 222 Sprowston Road, Norwich, NR3 4HT

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

A resident of Tillett Road East addressed the committee and outlined his objections to the proposed change of use which included noise, increased odour from cooking, pointing out that there was already a fish and chip shop and a food processing plant in nearby Denmark Opening, and pressure on parking spaces.

The current occupier of 222 Sprowston Road spoke in support of the application and said that he had traded from the premises for over 30 years and had never had a complaint about the fish and chip shop next door. There was parking to the rear and front of the property.

Discussion ensued in which the planner answered members' questions and members considered the hours of operation and that any subsequent licensing application would need to abide by the planning condition. Environmental health officers had recommended that the operational use should not be beyond 23.00 hours in line with World Health Organisation guidance for residential areas. Also the applicant would have been required to submit a noise impact assessment to open the premises after 23.00. Councillor Sands moved that condition 7 should be amended so that the premises operated until 21.00 hours (in line with the adjacent fish and chip shop) and be closed on Sundays. The amendment was not seconded and therefore failed.

RESOLVED, with 5 members voting in favour (Councillors Bradford, Woollard, Neale, Herries and Henderson) and 6 members abstaining (Councillor Jackson,

Button, Boswell, Ackroyd, Sands and Gayton), to approve application no 14/00719/F 222 Sprowston Road, Norwich, NR3 4HT, subject to the following conditions:

1. Standard time limit.
2. Development in accordance with plans.
3. Details of refuse storage and cycle parking.
4. Use of the residential space contained within the premises to remain ancillary to the use as a takeaway and shall only be occupied by those persons having a close connection with the takeaway within this address.
5. No use of extract ventilation plant and/or machinery shall take place on the premises unless and until it has been enclosed with sound-insulating/absorbing material and mounted in such a way which will minimise transmission of structure borne sound and will ensure that noise levels emanating from the application premises shall not exceed 45dB at 63Hz C.B.F., 40dB at 125Hz C.B.F. and NR30 over the frequency range from 250Hz to 8KHz as measured at a position 1 metre outside any noise sensitive premises and shall not exceed 37 Db AT 63Hz C.B.F., 30dB at 125Hz C.B.F and NR20 over the frequency range from 250Hz to 8KHz as measured inside any adjoining noise sensitive premises, in accordance with a scheme to be first approved in writing by the local planning authority and once enclosed, it shall be retained as such thereafter.
6. No extract ventilation or fume extraction system shall be installed or erected on the site unless in accordance with a detailed scheme that has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises in pursuance of this permission, together with a schedule of maintenance. No use of the premises as hereby permitted shall take place until the approved scheme has been installed and is operational and thereafter it shall be retained in full accordance with the approved details and the maintenance of the system, including any flue, shall be carried out in accordance with the scheme as agreed.
7. No operational use of the premises which form the subject of this permission and outlined in red on the approved location plan shall take place other than between the hours of 07:00 and 23:00 on any day.

Informatives:

1. Refuse and recycling bins for residential development: All bins to be purchased by the applicant prior to occupation, in agreement with Norwich City Council city wide services department. Customer Contact Team: 0344 980 3333, info@norwich.gov.uk Contact transport@norwich.gov.uk for the refuse guide for developers.
2. Street naming and numbering: Contact Kay Baxter at Norwich City Council, tel 01603 21 2468 (Mondays and Tuesdays only).
3. Cycle stands: covered and secure or freestanding stands ii) Sheffield Stand: Brushed stainless steel.

9. Application no 14/00713/NF3 Heartsease Towers Park, Sale Road, Norwich

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

RESOLVED, unanimously, to approve application no 14/00713/NF3 Heartsease Towers Park, Sale Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit.
2. Development in accordance with approved plans.
3. Landscaping (to include details of paving material and 'conservation cut')
4. Development in accordance with the arboricultural impact assessment.

10. Application no 14/00445/F - Old School Court Norwich

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports, circulated at the meeting, which contained a correction to the original report in that there were in fact two trees to be removed and replaced (T338 and T341). The supplementary report also summarised a further letter of representation from a previous objector and a proposal to amend condition 4 to require development to be carried out in accordance with the arboricultural impact assessment.

answered members' questions. She explained that the tree protection officer was satisfied with the proposed replacement of trees that were of "similar visual amenity" ie of the same size and amenity value of the tree that was being replaced, but not the same species.

RESOLVED unanimously to approve application 14/00445/F for Old School Court and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials to match.
4. Development to be carried out in accordance with the arboricultural impact assessment.

11. Application no 14/00716/NF3 St James House, St James Close, Norwich NR3 1NU

(Councillor Henderson, having declared an interest, left the meeting during consideration of this item.)

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

RESOLVED, unanimously, to approve application no 14/00716/NF3, St James House, St James Close and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. Roofing materials of extension and brickwork where existing doors or windows are to be blocked up to match existing.
4. Details of timber cladding to bin store and extension to be agreed.
5. Bin store and scooter store to be provided prior to occupation of the units following the refurbishment.
6. Protective barriers to trees.
7. Details of landscaping to be agreed.
8. Water efficiency measures for flats 1 and 2.

Informatives

1. Community infrastructure levy.
2. Tree protection barriers.
3. New dwelling will not be eligible for parking permits.

Article 31(1)(cc) Statement

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

(Councillor Henderson was readmitted to the meeting at this point.)

12. Performance of the planning development management service, 1 April to 30 June 2014 (Quarter 1, 2014 to 2015)

The planning development manager presented the report and pointed out that performance was generally positive as a result of improvements to speed up processing applications. There had been a slight dip in the performance for minor applications due to a change in working practices which gave applicants an opportunity to amend a scheme to secure a satisfactory outcome rather than the being issued with a refusal, with the associated costs and delay to the applicants and officers in dealing with a re-submission.

RESOLVED to note the contents of the report.

13. Performance of the planning development management service, Appeals – 1 April to 30 June 2014 (Quarter 1, 2014-15)

The planning development manager presented the report and answered a member's question. No appeals had been upheld during the period.

RESOLVED to note the contents of the report.

14. Performance of the planning enforcement service, 1 April to 30 June 2014 (Quarter 1, 2014-15)

The planning development manager presented the report and answered members' questions. He explained that there could be a variety of reasons why no new formal action was instigated during this quarter, including successful negotiation of cases before formal action was necessary.

RESOLVED to note the contents of the report.

CHAIR

Applications for submission to planning applications committee

Item 4

4 September 2014

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4.1	14/00911/F	Former chapel, Chantry Road, rear of Theatre Royal.	Rob Parkinson	Demolition of former chapel, and erection of 4-storey (1,080sqm) 80-114 seat auditorium and performance venue with education and skills training centre for the theatre (mixed use: Class D1 and D2), with ancillary workshop, storage and office space.	Objections	Approve
4.2	14/00401/VC	293-293A Aylsham Road. (Morrisons).	Rob Parkinson	Variation of Conditions 8 and 12 of planning permission 13/01928/F, to extend the approved store opening and delivery hours.	Objections	Approve
4.3	14/00850/F and 14/00874/RM	Three Score, Bowthorpe	Mark Brown (Steve Fraser-Lim presenting)	Construction of lagoon outfall and reserved matters relating to surface water drainage infrastructure for outline planning permission 13/02089/VC	City council application	Approve
4.4	14/00833/F	216 Unthank Road	Kian Saedi	Erection of dwelling with new vehicular access.	Objections	Approve
4.5	14/00633/F	Land west of 27 Vulcan Road North	Kian Saedi	Creation of self-storage site including erection of palisade fence, electric sliding security gate, installation of shipping containers, lighting and CCTV.	Objections	Approve

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4.6	14/001070/NF3	Heathgate open space	Steve Fraser-Lim	Cycle route and viewing mound	City council application	Approve
4.7	14/00630/F	Aldwych House 57 Bethel Street	Lee Cook	Alterations to roof and rear second floor extension to create 4 No. apartments and external alterations to the building including new window openings (Revised plans and description).	Objections	Approve
4.8	14/01120/F	Adj. 240 Hall Road	Joy Brown (Ian Whittaker presenting)	New dwelling.	Previously referred to committee	Approve
4.9	14/00840/F	Rear of 25 Clabon Road	John Dougan	Erection of 1 No. two bed dwelling	Objections	Approve
4.10	14/01002/F	14 Mill Hill Road	Lara Emerson (Steve Fraser-Lim presenting)	Replacement of flat roof with pitched roof, demolition of chimney, installation of rear pedestrian access gate from Heigham Grove	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 and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Planning applications committee
Date 4 September, 2014
Report of Head of planning services
Subject Application no 14/00911/F Former chapel to the rear of the Theatre Royal, Chantry Road.

Item
4.1

SUMMARY

Description:	Demolition of the building known as The Chapel, and erection of 4-storey (1,080sqm) 80-114 seat auditorium and performance venue with education and skills training centre for the theatre (sui generis mixed use), with ancillary workshop, storage and office space.	
Reason for consideration at Committee:	Objections Major Development	
Recommendation:	Approved	
Ward:	Mancroft	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	8th July 2014	
Applicant:	The Theatre Royal	
Agent:	Mrs Isabel Lockwood, Bidwells	

INTRODUCTION

The Site

Location and Context

1. The 'Chapel' building is a grey-brick, stone-gable building on the north side of Chantry Road within the demise of the Theatre Royal. It comprises the original Sunday School building with south-facing gable, and on the west elevation within the car park are the remains of a tower which originally connected the Sunday school to the main large church which stood on the car park site until its demolition in the 1970s. The northern elevation includes the remains of a historic brick and flint wall. Since its use as a Sunday School ended with the church's demolition in 1972, the building has been used as a studio theatre / rehearsal / classroom building, and is currently being used as a store and workshop for the Theatre's scenery makers.
2. Neighbouring the Chapel to the west is the Chantry Road 15-space public car park and, beyond, Chapelfield East and Chapelfield Gardens with its line of mature trees running along Chapelfield East. Northwest, adjoining the site is 17 Chapelfield East, the Ishan mosque and Islamic centre, and its neighbour 15 Chapelfield East, a building in community use. To the north is the Theatre Royal's 17-space private car park, and beyond, the 4-5 storey offices of Dencora House. Northeast and east

is the Theatre Royal itself which rises to 5-6 storeys, with 'back-of-house' service yard and additional parking at the rear next to the Chapel. To the south are the 4-5 storey neighbouring residential flats of the Chapelfield development and Intu Chapelfield's service yard on the corner of Chapelfield East.

3. The site is within the City Centre Conservation Area, within which Chapelfield Gardens is a Grade II listed Historic Park. This is also part of the city's Area of Main Archaeological Interest. The Chapel itself is a historic building dating from 1863 when it was built as an extension to an adjoining church built in 1857. It is neither listed nor locally-listed. There is a mix of heritage buildings and modern development of notable scale in this part of the city centre. Immediate neighbours include the 3-storey 15 Chapelfield East community centre which is a Grade II listed building; 17 Chapelfield East (1-2-storey Victorian gabled building) which is locally-listed, and, on the eastern side of the main Theatre Royal, the Assembly House is both a Grade I listed building and Ancient Scheduled Monument. The site is also within the field of view of a Corridor of Vision from Chapelfield West towards Chantry Road (defined by policy HBE13) which should be considered in the proposals.
4. Chantry Road falls within the existing Replacement Local Plan's designation of a City Centre Leisure Area (policy AEC1) and Visitor Attraction Area (policy TVA4). The general area of Chantry Road, Chapelfield Gardens, Theatre Street and Bethel Street is also identified as the Cultural and Civic Centre within the Local Plan (policy CC3).
5. Chapelfield East and Theatre Street are part of the Strategic Cycle Network. The current highways works underway are part of the Chapelfield East project which will see Chantry Road unaffected but by closing Little Bethel Street to vehicles two-way traffic along Theatre Street will allow cars coming into the city centre only as far as the large Chantry Car Park, so access and egress will only be possible from Chapelfield North.

Constraints

6. The site itself includes a row of lime trees to the north, and a sycamore to the west. The northern wall of the building is considered a historic asset, possibly dating from C16th.

Topography

7. Levels change by almost 1m, sloping down from Chantry Road to the north (car park).

Planning History

04/00124/C - Demolition of existing Studio Theatre. (Approved - 21/05/2004).

04/00126/F - Redevelopment of site with three storey building incorporating recording studios, teaching facilities and associated office space. (Approved - 21/05/2004).

05/00030/D - Conditions 9 and 10 of permission 04/00126/F: Completion of archaeological investigation of site. (Approved 01/02/2005). **05/00504/D** - Condition 4 of permission 04/00124/C: Contractual arrangements to redevelop site. (Application cancelled 04/01/2007).

Equality and Diversity Issues

There are significant equality or diversity issues; the new building will be fully accessible to disabled persons with a lift access to upper floors, The new leisure and education venue will further opportunities for all sectors of the community to actively engage in culture and theatre.

The Proposal

8. The redevelopment scheme proposes complete demolition of the existing workshop and stores building, and redevelopment of the site with a flat-roof 4-storey auditorium studio theatre and rehearsal space, with replacement workshop facilities and additional office space. It extends north into the Theatre's car park, as it has a larger footprint than the existing building, and there would be a consequent loss of 5 car parking spaces in the theatre royal's car park, retaining 12 spaces overall. The current proposals are taller and larger than the scheme previously approved in 2004.
9. The new building comprises the ground floor auditorium with capacity for 114 seats, positioned to the south against Chantry Road, with workshop and storage on the northern side next to the car park. The first floor contains stores and dressing rooms, but has little activity due to the high-ceiling auditorium. The second floor contains theatre-size rehearsal room, training room and lobby, and the third floor hosts office space, kitchen and plant rooms. With the main entrance lobby and full-height stair-core being on the east elevation, there is a direct relationship with the Theatre Royal and a visible sense of activity addressing Chantry Road when viewed from the east / outside the Assembly House or Chapelfield. A full-height glazed fire escape / secondary stairwell is on the west elevation overlooking the Chantry Road car park. The design is blocky, taking reference from the Chapelfield scale, and uses similar contemporary materials and treatments.
10. The applicant currently runs 'Theatre School' classes for young people at the Garage venue on Chapelfield North; these are on Saturdays and the Autumn 2014 timetable provides for 5no. 1hr / 1.5hr classes at a time throughout the day, hosting 382 pupils. It is proposed to use this new development as an Education, Training And Skills Centre (ETASC) to expand the classes on offer at the Garage; it is anticipated that classes will initially start by providing additional space for 222 students on Saturdays, in addition to providing a venue for school events and

studio theatre productions.

Representations Received

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received raising both support and concerns, citing the issues as summarised in the table below. In addition, Environmental Health and Transport colleagues experience a number of conflicts between the Theatre Royal's servicing and delivery activities and the impacts from congestion and noise on residents of the Chapelfield flats.
12. Members should note that the application is currently subject to additional public consultation because the initial consultation was found to advertise an inaccurate description of the proposals (note, no new or revised information has been submitted). This additional 21-day public consultation period expires on 10th September; Members are requested to note that any resolution to approve the application will be subject to the need to allow the consultation period to expire and reconsider any additional material objections if needs be. This is clarified in the recommendation at the end of this report.

Issues Raised	Response
Objections: <ul style="list-style-type: none">• Noise - Concern around the noise created in addition to the existing activities of the theatre, when noise can start at 10pm and last until 8am. It is requested that demolition and construction should not be allowed to coincide with successive theatre servicing during the early hours.• Traffic – Concern for the impacts on congestion and vehicle and pedestrian safety from the construction, the ETASC venue's loading as well as the Theatre, Chapelfield deliveries and general servicing on Chantry Road.• Road safety and parking – the existing on-street parking is lost to delivery vehicles and the narrow road is blocked to fire engines for example.• Construction dust will be a neighbour nuisance.	See paragraphs 27-33. See paragraphs 63-67. See paragraphs 27-33. See paragraph 31.
Support: <ul style="list-style-type: none">• the principle of the new facility is acceptable.	See paragraph 24.

Consultation Responses

13. **English Heritage** – The existing building should be considered a non-designated heritage asset. Its demolition does cause harm to the character and appearance of the city centre conservation area but public benefits of the proposal could outweigh the harm.
14. **Norfolk Historic Environment Service** – Do not accept the findings of the Heritage Impact Assessment, and consider that it does not give appropriate consideration to the importance of the building and its former boundaries including an existing 16th century wall. As such the decision should give more weight to the

value of the historic wall at the rear (north) of the existing building. Ultimately the removal causes harm to the conservation area. If the benefits of the development outweigh the harm of the loss of heritage then conditions should be used to require site investigation and photographic recording, and appropriate evaluation of any archaeological remains found at the site.

15. **Environmental Health Officer** – There are no objections in principle. The submitted noise assessment has shown that disturbance from noise from rehearsals and plant/machinery should not be caused. Conditions on a permission should require noise emissions to not exceed the tested levels. An informative note should provide guidance on construction practice to minimise nuisance from noise, working times and dust control.
16. **Environment Agency** – The existing and former uses could present a contamination risk. The development is acceptable but a condition should be used for precautionary contamination treatment.
17. **Local Highway Authority** – No objection subject to the need to enhance cycle parking on site and provide the travel plan suggested. 22.8.14 – The revised car park and cycle store provision is much improved and meets the appropriate standards.
18. **Tree Protection Officer** – No objection. Conditions are required to minimise harm to protected trees through compliance with submitted Arboricultural Impact Assessment.
19. **Ecology Officer** – The building appears unlikely to house roosting bats. The development is acceptable subject to conditions requiring an additional bat survey if not commenced after two years, and to include bird nesting boxes within the development design.
20. **Travel Plan Officer** – There are no substantive commitments to providing a Travel Plan as yet, but the guidelines in the template Framework Travel Plan will provide a sufficient basis from which to use planning conditions to require an Interim Travel Plan followed by appropriate travel pattern surveys and subsequent Full Travel Plan.
21. **County Council Strategic Highway Authority** – No comments to make.
22. **The Theatres Trust** – Support. The Theatre Royal has a considerable reputation for its youth work and education programme, which enables the young people of Norwich and Norfolk to learn theatre skills and develop an understanding of theatre, and expanding the education programme is supported. The facility is a simple but effective flexible performance space to help training, and provides good sized rehearsal room, practical training area, break out spaces, dressing rooms, toilet facilities and offices, and is fully accessible. Both the ETASC and Theatre Royal will complement each other but work safely and independently, and the function of the workshop area is safely separated from the main activities of the ETASC building.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

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

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Conserve heritage assets in a manner appropriate to their significance

Paragraphs 203-206 – Planning conditions and obligations

Section 1 – Building a strong, competitive economy

Section 2 – Ensuring the vitality of town centres

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

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

Section 11 – Conserving and enhancing the natural environment

Section 12 - Conserving and enhancing the historic environment

Section 13 – Facilitating the sustainable use of materials

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 5 – The economy

Policy 6 – Access and transportation

Policy 7 – Supporting communities and protecting quality of life

Policy 8 – Culture, leisure and entertainment

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 11 – Norwich City Centre

Policy 20 - Implementation

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

NE3 - Tree protection, control of cutting and lopping

NE9 - Comprehensive landscaping scheme and tree planting

HBE3 – Archaeology assessment in Area of Main Archaeological Interest

HBE7 – Evaluation of standing archaeology and significant buildings

HBE8 - Development in Conservation Areas

HBE9 – Development affecting Listed Buildings

HBE12 - High quality of design in new developments

HBE13 – Gateways and strategic corridors of vision

EP1 - Contaminated land

EP16 - Water conservation and sustainable drainage systems

EP17 –Protection of watercourses from pollution from stored material, roads & car park

EP18 - High standard of energy efficiency in new developments

EP22 - High standard of amenity for residential occupiers

TVA1 – Proposals for new visitor attractions - access

TVA4 – Proposals for visitor attractions with priority areas and sequential approach

TVA8 - Heritage interpretation

AEC1 – Major art and entertainment facilities – location and sequential test

TRA3 – Modal shift measures in support of NATS
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision
TRA12 – Travel Plans for employers and organisations in the city
CC3 – Cultural and Civic Area – appropriate uses

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)
Statement of Community Involvement (July 2013)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011: Local financial considerations

Emerging policies of the forthcoming new Local Plan:

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

- DM1** Achieving and delivering sustainable development
- * **DM2** Ensuring satisfactory living and working conditions
- * **DM3** Delivering high quality design
- DM7** Trees and development
- DM9** Safeguarding Norwich's heritage
- * **DM22** Planning for and safeguarding community facilities
- * **DM23** Supporting and managing the evening and late night economy
- * **DM28** Encouraging sustainable travel
- * **DM30** Access and highway safety
- * **DM31** Car parking and servicing

Procedural Matters Relating to the Development Plan and the NPPF

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

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

*In the case of emerging policies DM2, DM3, DM22, DM23, DM28, DM30 and DM31 these are afforded only very limited weight due to being subject to objections before, and possible modifications after, the examination stage. Their objectives are however consistent with saved Local Plan adopted policies HBE12, EP22, AEC3, AEC1, TRA3, TRA5, TRA6, TRA7 and TRA8.

Principle of Development

Policy Considerations

23. Demolition of the existing building is discussed in further detail below, but the regrettable loss of the building has already been approved in principle in 2004 as a means to facilitate redevelopment. In summary, in the context of the NPPF and development plan, the benefits of the new use mean the demolition is still considered acceptable on balance.
24. The principle of the new development is also acceptable. The use is a 'main town centre' use within the guidance of the NPPF, and is particularly supported in this Cultural and Civic Centre of the city centre through Local Plan policies TVA4 and CC3 as a cultural facility and tourist attraction. As an art and entertainment, and later evening use, this is an appropriate location for a leisure facility, as set out in policy AEC1.
25. In planning use terms, the building has characteristics of a mix of both D1 'Non-Residential Institutions' Use Class (the classroom facilities) and a sui generis theatre Use Class (the auditorium) within the Town and Country Planning (Use Class) Order 1987 [as amended]. The workshop and stores and offices are considered ancillary to the main activities. As a hybrid of uses it is considered that the whole development should be categorised as 'sui generis' ('a class of its own') and therefore need permission to revert to alternative uses even if other possible permitted development changes exist for other similar use class types.

Other Material Considerations

26. There are no transportation concerns to necessitate any restriction on numbers of students or visitors to the auditorium, and all the emerging Local Plan policies are supportive of the principle of the new use.

Impact on Living Conditions and Neighbouring Amenity

Noise and Disturbance and Hours of Use

27. Amplified noise emissions should not exceed the Council criteria levels of 45dB at the Chapelfield flats, and plant and machinery noise should not exceed the lowest background noise levels during hours of operation. A noise assessment has shown how the scheme's design will operate within the specified noise limits, to the Environmental Health Officer's satisfaction. The assessment has shown that a maximum likely noise emission of 91dB in the auditorium and 80dB in the rehearsal studio will be sufficiently attenuated by the building and neighbours' standard double glazing to mean the emissions fall within the Council's standard, even if both the auditorium and the rehearsal studio are used simultaneously.
28. Although the building is of standard construction, both auditorium and rehearsal space will be well insulated internally to prevent interference, and the ventilation systems will have acoustic attenuation meaning that emissions through the ventilation system is negligible.
29. To ensure there are acceptable levels of amenity for residents, permission would use conditions requiring amplified noise emissions to not exceed the Council criteria levels of 45dB at the Chapelfield flats, and to ensure maximum music levels

of 91dB in the auditorium and 80dB in the rehearsal studio are not exceeded.

30. In terms of plant and machinery, the development's air handling units are contained within the third floor plant rooms and exhaust through the roof cowlings. The noise assessment found that the lowest existing background noise levels at the flats and the mosque are usually higher than the predicted plant noise but aims to keep plant noise below the lowest background noise levels during hours of operation, which should be possible by using appropriate acoustic attenuators and systems maintenance to remove tonal noise, buzzes and rattles. This will be secured by planning condition.
31. An informative note should also provide guidance on construction practice to minimise nuisance from noise, working times and dust control.
32. Given the above assessment, despite the application suggesting that hours of opening would be 08:30 – 17:30, with only occasional later uses, it is actually considered reasonable and not detrimental to allow general extended hours in this location. To be consistent with the remainder of the city centre leisure area and to promote viable use it is considered acceptable to allow hours of use and servicing to be 08:00 – 00:00 on any day.

Noise from Loading / Servicing

The proposed centre would not host touring productions with large amounts of scenery like the main Theatre does, so loading operations would be considerably smaller in scale and likely take place during opening hours. Planning conditions will prevent servicing of the ETASC building between 0000 and 0800 to avoid the hours already used by the Theatre for its biggest productions, but that would in practice be a sensible management of logistics anyway. Daytime deliveries will not create significantly more noise in addition to that linked to the existing activities of the theatre, Chapelfield and Assembly House, but conditions can be used to require engines to be turned off when loading for the limited number of HGVs visiting the site.

Overlooking and Loss of Privacy

33. The new building will be provide viewing points within 15m of the façade of the single-aspect Chapelfield flats, although most flats are 20-25m away with oblique views only. Many of the flats' windows are either bathroom, kitchen or curtained habitable room windows. The closest 15m separation distance is not an unreasonable proximity, and the nature of the development's activities mean the opportunities for overlooking and loss of privacy are relatively limited, and further mitigated by using brise soleil.
34. Other than the secondary staircase on the west elevation, there are only two small high level windows to the second-floor rehearsal room, and one top-floor office window with a view over the neighbouring mosque. As the mosque's courtyard is only a circulation space and occasional leisure area, and the low boundary wall enables views into the site from the Chantry Road car park anyway, there are not considered to be any detrimental losses of privacy.

Loss of Light and Overshadowing

35. Being to the north of its residential neighbours, there should be consideration of the loss of light and overshadowing impact on the single-aspect Chapelfield flats. The siting of the building means there is no direct loss of light to habitable rooms, as these are slightly off-set eastwards from the building's position. There will be no overshadowing of these.
36. A shadow study has been provided which shows an early morning impact on the neighbouring Ishan mosque, when in April between 9-11am the external courtyard and south and east-facing windows will be lost to shadow. A site visit and liaison with the mosque (15.8.14) revealed that the courtyard is used for circulation between external showers and the main prayer room, and the windows serve the high-ceilinged ground floor main hall and kitchen and counselling room at the rear. There are periodic prayers throughout the day, from dawn until dusk, and there are occasional outdoor activities, but there is no residential nor permanent workplace use. As such the very short-term loss of light in the earliest part of the day is considered an acceptable consequence.

Overbearing Nature of Development

37. The new building will be some 2.5 storeys higher than ground level of the mosque and extend halfway across the rear of the site. The mosque's rear curtilage is, however, already enclosed by a covered pagoda in front of its line of external showers and toilets used for pre-prayer cleansing and is infrequently used. Despite the building being only 1.2m from the boundary the relationship is softened by the presence of the sycamore tree and lime trees will help minimise any sense of the new building feeling overbearing.

Design

Layout and Form

38. The building's siting keeps to the same existing shape but extends the original footprint of the chapel 1.5m east and by some 6m north into the car park. As a result the west elevation sits closer to the Chantry Rd car park but does not prevent car parking there, and the 4-storey northeast corner will be within 1.2m of the boundary wall with 17 Chapelfield East. By having the workshop and store area to the north there are practical connections and separate door to the rear of the Theatre. Overlooking of the car park is provided by thin vertical windows to the workshop, which provides informal surveillance and is welcomed..
39. The building's materials are a successful contemporary mix but make reference to both the design of Chapelfield's flats and other surrounding older red-brick buildings. With the glazed stairways being encased by a patinated copper or similar cladding system it provides an impression of a pop-out area similar to those of the flats opposite; this metal cladding should echo both the red brick and dark timber cladding of Chapelfield. A solid band of ground-floor level dark grey brick provides solidity and grounding around the building, approximately 2.2m high. Brise soleil on the southern elevation helps reduce glare from the glazing, and provides some reduction in potential overlooking.
40. The remainder of the building is mostly white render, which is also consistent with

the approach of Chapelfield and ensures the building is distinct from the heritage buildings adjacent, especially in views from the west. Any potentially overbearing scale of the building is lessened by introducing relief into the extensive render, using cladding bands and an interesting collage of cladding squares, back-lit panels and windows on the west elevation. This design approach is welcomed as a means to enliven the conservation area and the corner of Chapelfield East. It ensures the building reflects the neighbouring developments and avoids diminishing the qualities of the neighbouring locally-listed and listed buildings to the west.

41. The south-eastern corner and elevation provide the entrance and lobby. Being glazed, there is both activity and design interest around the reception space, and creates a visual link from east-west which helps address the fact that by necessity the auditorium's design has a blank façade against the pavement on the south elevation.
42. The building necessitates the loss of 3 private parking spaces, so the car park is reconfigured and includes some cycle parking in an enclosed facility.

Scale and Impact on Street Scene

43. The site has a complex relationship between neighbouring buildings. Being relatively thin but quite tall, and stand-alone, the proposed scale can match that of Chapelfield, Dencora House and the Theatre Royal, but being so close to the road means it is potentially very prominent in views. In addition, in views from the north-west at one of the main entrances into Chapelfield Gardens, the development should ensure it does not dwarf or impose itself on the 3-storey listed, and 2 storey locally-listed, buildings of 15-17 Chapelfield East. Nor should its position close to the road cause the massing to affect the setting of the Assembly House in views from the west.
44. In long views eastwards from Chapelfield Gardens, the scale of the building (14.5m high from ground level) will help screen or reduce the sheer bulk of the Theatre Royal's very large and prominent parabolic roof which is 24m high and has an uncomfortable relationship to the red brick of the theatre below. There are no existing views of the Assembly House which are not already blocked by the Chapel. The west elevation will address the current gap in the street scene, giving a presence to the corner where the car park diminishes the townscape. The overall effect on the street scene is beneficial; the new building will provide much better continuity of scale along Chapelfield East, linking the 15m height and mass of Chapelfield with that of the 15m high Dencora House and buildings fronting Theatre Street.
45. In both east and west views, the building is complementary to Chapelfield's scale and design, and helps frame Chantry Road by providing a better balance to the street, doing so rather more successfully than the current low level chapel which appears out of place within the taller buildings. The third / top storey is set-back from both front and rear elevations, so the overall scale appears reduced. There will be some loss of view west-wards towards the historic Chapelfield Gardens, but the existing view is only available because there is such an absence of street-

fronting development and an excess of low-profile car parking / service yards. The overall enhancement offered by bringing some presence to the street frontage is considered to outweigh the loss of existing glimpsed views of trees seen above the rear of 15-17 Chapelfield East.

46. Wide-angle views from the south will not really be available, but the overall flow of building heights along Chantry Road will remain undulating and the development will draw attention away from the Theatre's bulk.

Impact on Setting of Listed and Locally-Listed Buildings

47. If viewed from Chapelfield East and towards the corner with Theatre Street the combination of the height of Dencora House and the angle of view would be such that the listed and locally-listed buildings on the street remain the focus of attention. The building is a maximum 43.8m AOD high; in views from Chapelfield East in front of the heritage buildings, the set-back of the third storey and the pitched roof of the locally listed mosque (40.1m AOD) mean that the new development is in fact not seen.
48. From the rear, the four-storey building will be within 6.6m of the 2-storey pitched roof gable elevation of the rear of the locally-listed Ishan Mosque. This could look uncomfortable when viewed from the north and the Theatre car park, but the retained row of lime trees softens this and gives a sense of separation between heritage and modern buildings.
49. The listed building of 15 Chapelfield East has a very shallow depth with a large rear curtilage, so from the car park is not read alongside this building at all, and the impact would be screened by the mosque. Neither the Assembly House nor 15-17 Chapelfield East will be dwarfed by this building.

Conservation Area – Demolition and Impact on Conservation Area

50. Notwithstanding the fact that the Chapel is neither listed nor locally-listed, the loss of the historic building will cause a loss of heritage interest at the site, and diminish the heritage value of this part of the city centre. Despite that, the building in itself is of poor quality, has little architectural merit and its main interest comes from the fact that it stands so much apart from the surrounding buildings. Sadly, much of the original Sunday School building has been removed and it retains little identity from the original design. Only the southern and northern façades are really recognisable from the original building, but the north is not widely seen and the retained southern façade has been neglected and fallen into disrepair and the remainder of the building is also beyond feasible economic repair. As the heritage interest of the site arose from the fact that it was built as an annex / extension to the grand Romanesque church of 1857, since-demolished, there is little meaningful heritage value in trying to convert or retain parts of the building and nor is it feasible, practicable nor economically viable to do so.
51. The Historic Environment Service has identified the loss of the building and its C16th historic wall on the northern elevation as being detrimental. The building's

architectural details are rudimentary and not rare by any means, but it does have historical significance just because of its age, and the Historic Environment Service consider the current building offers a positive contribution to the conservation area through both a physical manifestation of the past use of the area and also by offering relief and variety to the scale of the Chapelfield and Theatre Royal buildings. Similarly the north elevation flint and brick wall that bisects the site and provides a border to the adjacent car park is of some significance, dating from c.1500s.

52. The applicant has assessed the significance of the building in terms of its contribution to the Conservation Area, using advice within the guidance offered by the English Heritage document 'Conservation Principles, Policies and Guidance' (2008). The applicant suggests the building can be said to fall within the description of 'low' value:

- *Low: "An aspect of value that will make a slight (yet noteworthy) contribution to the significance of a place. In material terms it will still add something to heritage values, although this contribution may have been compromised by loss or uniformed interventions. A greater capacity for enhancement exists than for medium or high value [assets], although a low designation does not necessarily mean that the feature is expendable..."*

53. The Historic Environment Service does not agree with this assessment and believe it should attract a higher value. For comparison, the "medium" rating is described as:

- *Medium: "An aspect of value that will have some cultural importance and will make a modest contribution to the significance of a place. In material terms they will play an important role in conveying the heritage values."*

54. In my view this is a "low value" building. This is considered to be the appropriate rating because it is an ancillary building which is now in poor condition and is neither architecturally remarkable nor unusual as a building of its time. Other than the date stone, it has no cultural importance, and having lost its 'parent building' and many of its defining features, there is little heritage value conveyed.

55. With this in mind, in terms of the principle of demolition, in line with NPPF para 138, the loss of a building which makes a positive contribution to the significance of the conservation area and the removal of the historic wall should be treated as either substantial harm under NPPF paragraph 133 or less than substantial harm under paragraph 134. The NPPF makes clear at para 132 that the degree of 'weight' given to the asset's conservation should be proportionate to its importance as a heritage asset, and at para 138 the significance of the asset should take into account its contribution to the conservation area. In this instance there are two heritage assets to be considered; the non-designated (i.e. non-listed or locally-listed) building and curtilage wall, and the designated conservation area. For context, the City Centre Conservation Area Appraisal makes reference to Chantry Road (significance within the Civic Character Area) and its streetscape only in relation to having a positive vista towards Chapelfield Gardens, (although it does identify the Theatre Royal as being an unattractive negative landmark).

56. Harm to the building and wall through complete demolition is significant, so creates a 'high adverse' impact on these non-designated assets. Although altered and even given its state of disrepair it does currently make some positive contribution to the conservation area and it is acknowledged that its demolition will remove the last marker of the original chapel and its larger complex of Victorian buildings. However, there is little harm to the conservation area as a whole as a result of its loss because there is minimal obvious remaining heritage value in the site and its surroundings, and there is minimal impact on the setting of neighbouring locally-listed and listed buildings. The positive vista will be framed by the new development and streetscape will be reinforced and given activity.
57. Adopted Local Plan policy HBE8 allows demolition only if there is a high standard of redevelopment and there is little or no existing contribution to the area's character, and where all efforts have been made to retain or conserve historic features. Subsequent redevelopment must be both respectful and sympathetic to the form and character of the area, and show a high design quality (also policy HBE12). Emerging local plan policy has more emphasis on understanding unidentified heritage assets (policy DM9), and should perhaps be given appropriate consideration because it sets out some defining factors (DM Appendix 7), but even so the building would still be considered of low value and the benefits of the new building outweigh its loss.
58. With appropriate recording of the building and provision of some heritage interpretation on site, there are opportunities to identify the former significance of the building. Overall, as discussed above, the redevelopment will bring benefits to the conservation area which compensates for the harm caused by the building's removal, and the public benefits from the new facility will substantially outweigh the minimal impact on the conservation area.
59. Harm to the historic north wall is also significant as the vast majority of its length will be removed (the retained length is still to be confirmed). This wall could date from the 16th Century, and could have been a remnant of a building within the grounds of a substantial former historic house, but this is conjecture based on interpretation of historic plans and assessing the characteristics of the bricks. Having been repaired many times, there is little aesthetic merit and the assessment of 'low-medium value' is considered appropriate. Without many firm details regarding the origins of the wall, and without any further remaining buildings for it to relate to, and given that the wall is neither particularly visible nor notably different to other historic walls, it is not considered appropriate to assign much weight to its significance based on the contribution it makes to the conservation area.
60. Although the in-principle approval of the demolition has already once been approved (albeit in 2005) since then the national policy position has given more appreciation to 'non-designated' heritage assets. In recognition of this, some other options for the design have been considered through pre-application discussions, but trying to salvage either the building or the brick wall is not practical and it may look out of place and contrived to seek its retention without other context on the site. In line with NPPF para 136, the demolition must, however, be preceded by appropriate recording of the building and integration of the existing date stone as a heritage marker close to the entrance, and must be followed immediately by redevelopment, to avoid creating a detrimental vacant site in a relatively prominent

location. Conditions will require heritage interpretation, building recording, and a contract for redevelopment to be in place prior to commencement of demolition.

61. In summary, the overall impact on the conservation area is one of benefit. Chantry Road currently feels neglected as all buildings back onto it, so the new design animates the street and gives surveillance to the through-link with the Theatre Royal. Despite the loss of the non-designated heritage asset the subsequent redevelopment with a high quality replacement design will be complementary to its surroundings. By providing scale and an interesting design the development will animate the area and reduce the impact of negative buildings, leading to an enhancement of the conservation area as a whole.

Transport and Access

Transport Assessment and Travel Plan

62. The use is appropriate to the location in transport terms and the increase in visitors to the site by car is expected to be minimal due to the age of students and the inconvenience of driving to Chantry Road, a dead-end. As a result of the current highway works in the area there will be two-way car and bus access along Chapelfield North, but the locational access constraints of the site should ensure the venue is best served by non-car modes. The loss of 5 car private / staff car parking spaces is mitigated by the proposed much improved layout and the enhanced cycle provision for both new and existing visitors and staff, and the benefits of the travel plan will minimise the need for car journeys.
63. The initial forecasts for student attendance suggest the same character of travel patterns as currently take place to the Garage. There is no need to encourage drop-off by identifying a specific 'drop-off location', but a condition will be used to ensure the Theatre Royal's doors on Theatre Street are open when the ETASC building is open, to allow car or coach drop-off in the existing bays on Theatre Street. No parking is provided on site for students or visitors, and linked trips will likely be the most common pattern of travel.
64. A Travel Plan will be provided by the applicant. There remain some areas which the applicant needs to address before the Travel Plan is considered acceptable, so the submission acts as a 'framework' against which future travel plan measures can be committed to and costed-up from. Conditions will secure an agreed interim travel plan, with appropriate travel pattern surveying and financial commitments, before a Full Travel Plan is finally agreed shortly after commencement of operations.

Vehicular Access and Servicing

65. No new access is necessary. The traffic impact from servicing this venue is considered minimal when most facilities will be provided on site already in the workshop / store. Although there are some parking issues experienced by neighbours at the moment these are largely due to the technicalities of traffic enforcement. A planning condition will require loading from within the Theatre's service yard at all times.

Cycle Routes and Pedestrian Links

The existing pedestrian link from Chantry Road to Theatre Street through the Theatre will not be affected, but is the logical expected route for students who might be dropped-off on Theatre Street (see para 63). The siting of the south elevation is actually set back slightly from the current footprint, so the pavement will widen a little, particularly if the existing street lamp column is relocated.

Cycling Parking and Car Park Layout

66. The application must promote cycle access and the best way to do that is to ensure that cycle stores are sufficient in number, secure and covered, accessible to the building, and overlooked by users of the centre. The initial proposals did not originally meet this criteria, but since then the necessary quota of stands has been proposed (15 covered stands, plus improved provision for existing staff). In addition the subsequently-revised car park layout will ensure appropriate safe and convenient cycle storage is provided on site, some of which will benefit the existing Theatre staff also, for example by providing two specific cycle lockers for staff. The new layout also provides much safer and clearer car parking as well as a built-in clear access to the rear of 15 Chapelfield and a disabled car space.

Environmental Issues

Site Contamination and Remediation

67. The Environment Agency is satisfied that precautionary measures can be used to treat any potential contamination. Groundwater should be protected by pollution control systems.

Waste Management

68. Refuse is collected and stored as per the current Theatre Royal operations and the development will create only a minimal increase in the amount of refuse generated.

Flood Risk and Surface Water Drainage

69. The site is outside fluvial flood risk areas and so will need to only achieve at least 150mm height above the existing ground level of the car park and landscaping for Building Control. An existing surface water soakaway on site will provide the necessary drainage, and the car park area will be changed to become permeable paving, so improving the situation. Conditions will require sustainable drainage and pollution control systems.

Archaeology

70. Conditions will ensure appropriate pre-construction investigation and evaluation.

Energy and Water Efficiency and Renewable Energy

71. The proposal will include photovoltaic panels mounted on the flat roof, which is the most feasible system. The energy efficiency report expects the PV system to provide c.93 panels to provide up to 15.3% of the development's required energy demand. This is in addition to the benefits included in an energy-efficient design, so is acceptable, and exceeds the JCS Policy 3 requirement and makes significant reductions in CO₂. Water is saved through low-flow appliances, leak detection systems and supply sensors.

Trees and Landscaping

Loss of Trees or Impact on Trees

72. The City Centre Conservation Area Appraisal identifies the trees to the west of the building as being important, but these are the trees along the southern side of the Chantry Rd car park and are not affected by this proposal. The more significant row of lime trees to the north are unaffected by this proposal, though two smaller trees will be lost from against the boundary wall with 17 Chapelfield East, but they make no meaningful contribution to the surrounding landscape or conservation area. A landscaping scheme will be required but there may be little scope to replace lost trees, so shrub planting might need to be used instead, to help distinguish car park boundaries for example.

Ecology

Ecology will be enhanced through a landscaping scheme (which can minimise loss of biomass and enhance biodiversity) and incorporating bird boxes in the new building. Although bats are not found to be present at the moment, protection will be offered through conditions requiring an additional survey to account for potential re-occupancy.

Local Finance Considerations

73. The development will be liable to make CIL payments of £25/sq.m. in accordance with the city's charging schedule for the parts of the development which fall exclusively into the theatre-type sui generis use 'with characteristics akin to assembly and leisure i.e. nightclubs, amusement centres and casinos'. This is the auditorium room, rehearsal room and set workshop and stores, totalling 366sq.m.. When a reduction of 231sq.m. is applied, to account for the floorspace of the existing workshop / store being demolished, this leads to a net chargeable area of 135sq.m. which equates to a CIL liability of £3,375, increased to £3,570.87 when indexing is calculated.

74. However, as a charity the Theatre Royal may be eligible for exemption or relief from making the CIL payment if they meet the criteria below for charitable relief:

1. The claimant must be a charitable institution.
2. The chargeable development must be used wholly or mainly for charitable purposes and it must be occupied by or under the control of a charitable institution.
3. The claimant must own a material interest in the relevant land. The claimant must not own the interest jointly with a person who is not a charitable institution.
4. The granting of mandatory relief would not constitute a state aid.

A claim for relief must be made prior to the commencement of development and the proposals will be liable to CIL until such time as the application for relief is accepted in accordance with Regulation 43 of the Community Infrastructure Levy (Amendment) Regulations 2014.

75. It is unclear whether such development would pay business rates, but there would be a net increase in overall chargeable floorspace area of 850sq.m.

Conclusions

76. The principle is acceptable and encouraged in this part of the city centre, and as a site it is a highly appropriate location for linked trips and successful functioning in relation to similar nearby uses. The loss of the building is regrettable but acceptable given the public benefits that will outweigh the limited value of the heritage asset which is unfeasible for reuse given its deteriorating condition and impractical layout. The design is successful in fitting in with the surroundings and will make a positive contribution to the conservation area, enhancing the street scene and potentially improving the setting of the nearby heritage buildings. Neighbouring amenity will be preserved by planning conditions.

RECOMMENDATIONS

Subject to not receiving any further letters of representation raising new or additional issues before 11th September 2014, to approve application no. 14/00911/F at former Chapel to the rear of the Theatre Royal, Chantry Road, Norwich, NR2 1RL, and grant planning permission, subject to the following conditions:-

Conditions:

1. Standard time limit for commencement of development (inc. demolition).
2. Development shall be in accordance with the approved plans and details.
3. There shall be no demolition until the contract for redevelopment has been secured.
4. No demolition until a full building record and photographic survey has been agreed and submitted to the Historic Environment Record.
5. No demolition until archaeological monitoring has been secured through an approved Written Scheme of Investigation to be first agreed, to include appropriate evaluation of any archaeological remains found at the site.
6. (a) If development does not commence by 1st April 2016 a further bat presence survey shall be undertaken and submitted to the LPA.
(b) If the further bat presence survey reveals bats use the site as a roosting location there shall be no commencement of demolition or construction until a scheme for appropriate mitigation has been agreed in writing by the LPA, and undertaken as per the approved details.
7. No construction works until details are agreed for external materials (including bricks, cladding, roofing, fascias, eaves, brise soleil and render) with samples, position and appearance of services, flues and vents, soil pipes and rainwater goods, glazing, doors, surrounds and reveals, and details that show internal services do not appear within views through the glazed areas.
8. Details of at least 4no. bird boxes to be provided within the new development for swifts, within the brickwork on either east, west or south-facing elevations, to be above 4m in height and ideally not above a window.
9. A landscaping scheme to be provided including planting and maintenance plan and pavement restoration including street lamp relocation.
10. Surface water drainage scheme to be agreed, and hard landscaping shall demonstrate the necessary permeability for surface water drainage based on the submitted report.

11. Car park pollution to be prevented through appropriately designed control measures.
12. Development to be as per the AIA and use tree protection fencing.
13. Precautionary contamination condition during development.
14. Date stone preservation details - extraction, cleaning, protection and relocation details to be agreed and carried out.
15. Heritage interpretation within the building or its external design, to record the significance of the site as a complex of former Victorian buildings and larger church, and to include the historic wall.
16. No use until the PV system and water efficiency measures have been installed and made operational as per the submitted energy efficiency report.
17. No use until cycle storage has been provided and the car park laid out in accordance with design / spec details and as per the revised site layout plan DR-A-0002 Rev P3, to provide 15 covered cycle stands and 12 car park spaces including disabled parking.
18. Details of amplified music noise limitations, to ensure music shall not exceed 91dB in the auditorium and 80dB in the rehearsal studio, and therefore avoid exceeding the Environmental Health noise limit criteria.
19. Details of noise attenuation on plant and machinery within the development, to keep plant noise below the lowest background noise levels during hours of operation.
20. Hours of use – no use during 0000 and 0800 hours on any day.
21. Servicing / loading shall not take place during 0000 and 0800 hours on any day and during such activities the HGV engines shall be turned off and loading / unloading shall only take place within the theatre's service yard.
22. The building shall be used only as an auditorium and performance venue with education and skills training centre for the theatre (sui generis mixed use), with ancillary workshop, storage and office space and for no other use (except any ancillary use).
23. No installation of additional plant, machinery, extracts and ventilation gear without prior approval of the LPA.

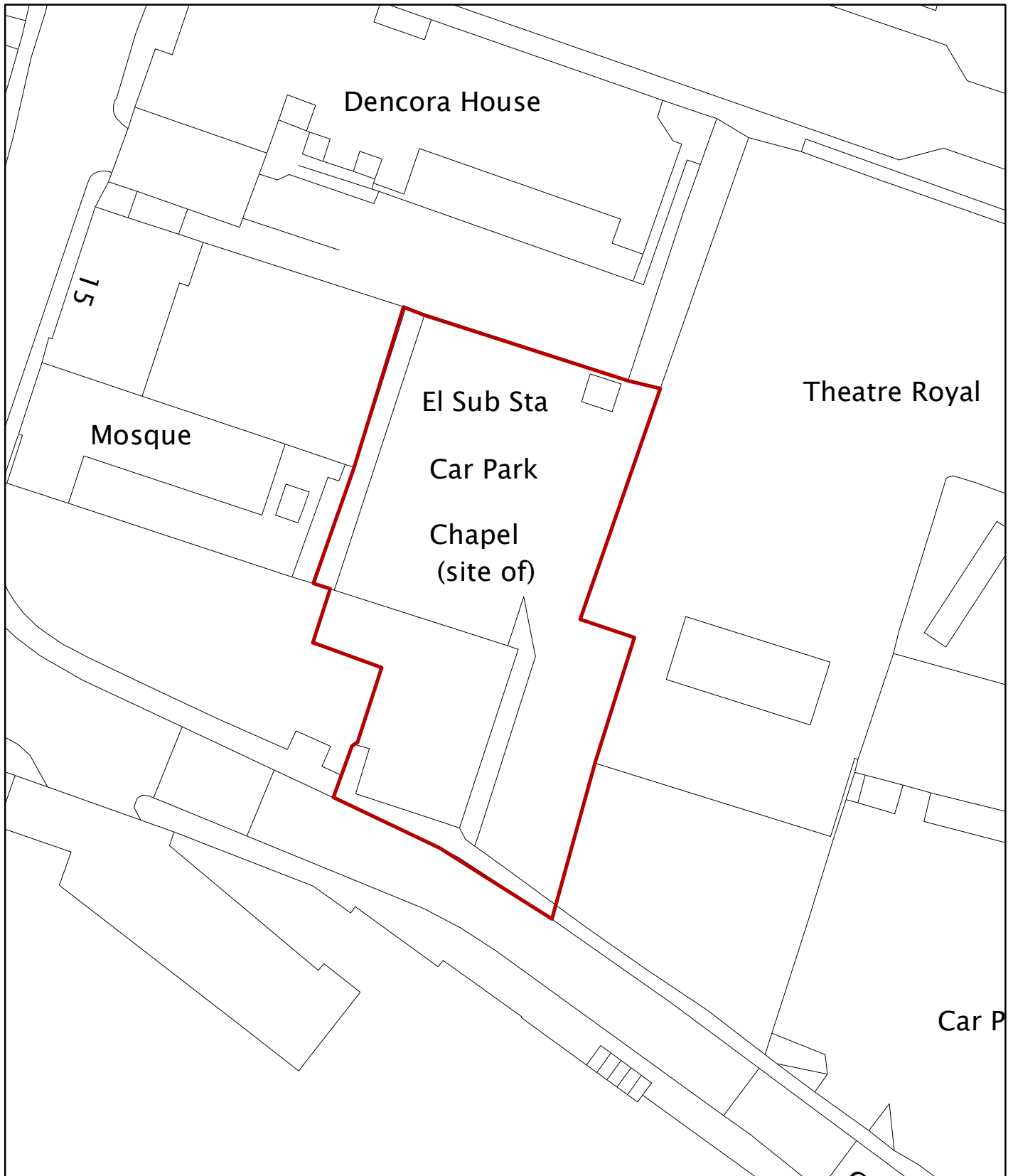
Article 31(1)(cc) Statement

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

Informative Notes:

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





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Planning Application No 14/00911/F

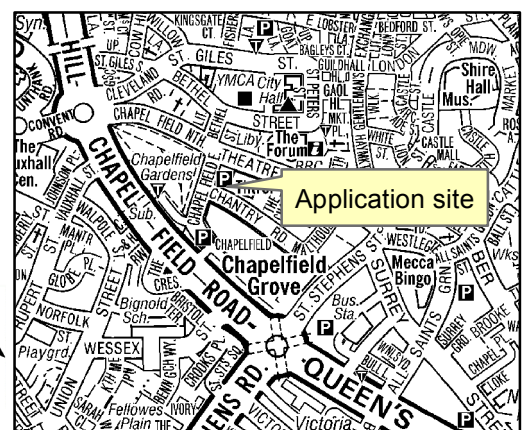
Site Address Former chapel, Chantry Road,
rear of Theatre Royal.

Scale 1:500



NORWICH
City Council

PLANNING SERVICES

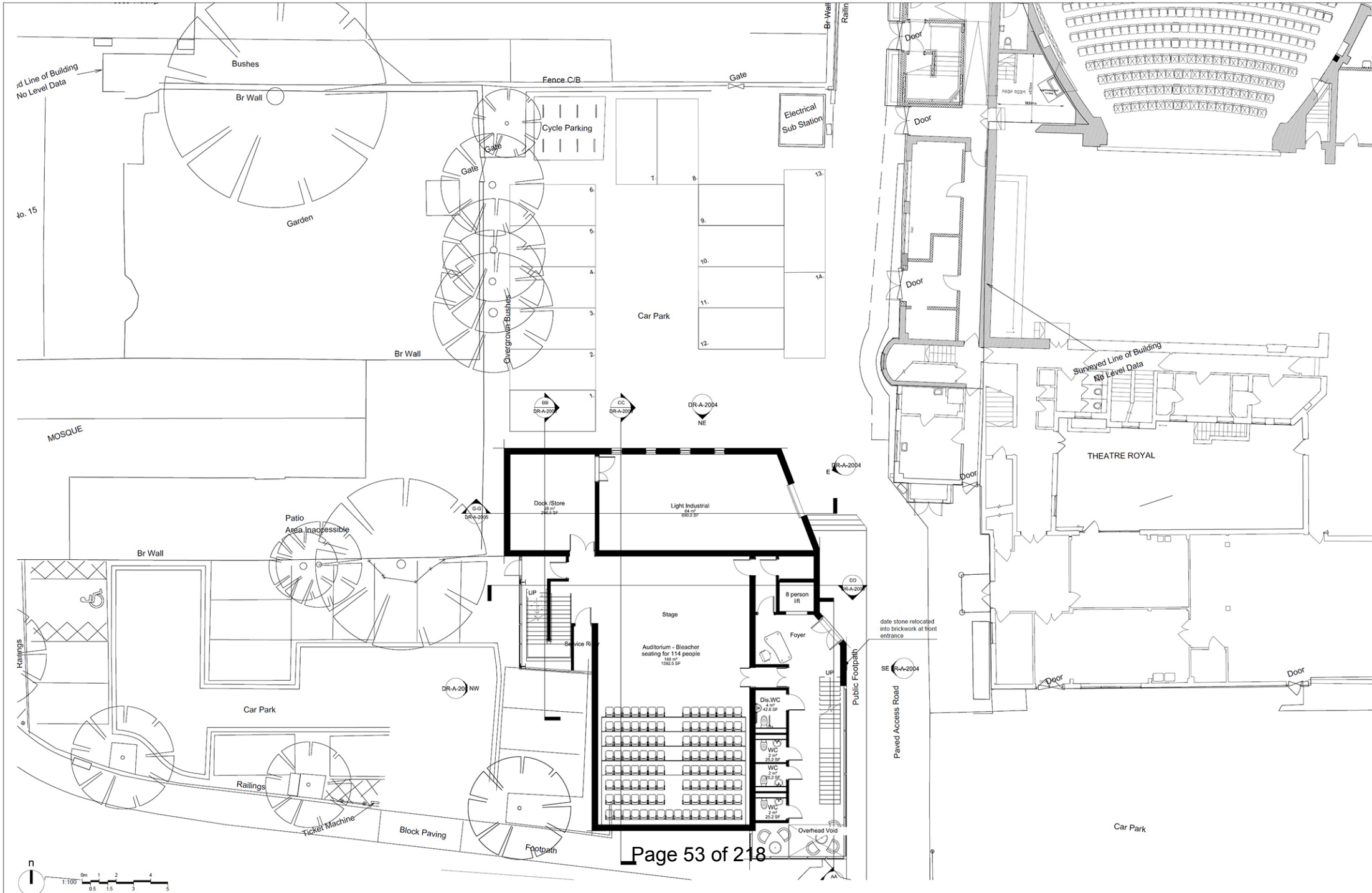






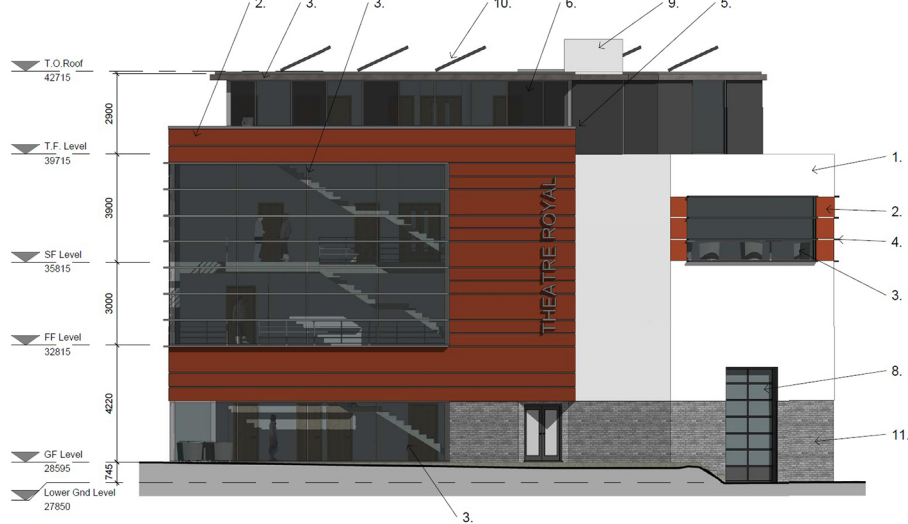




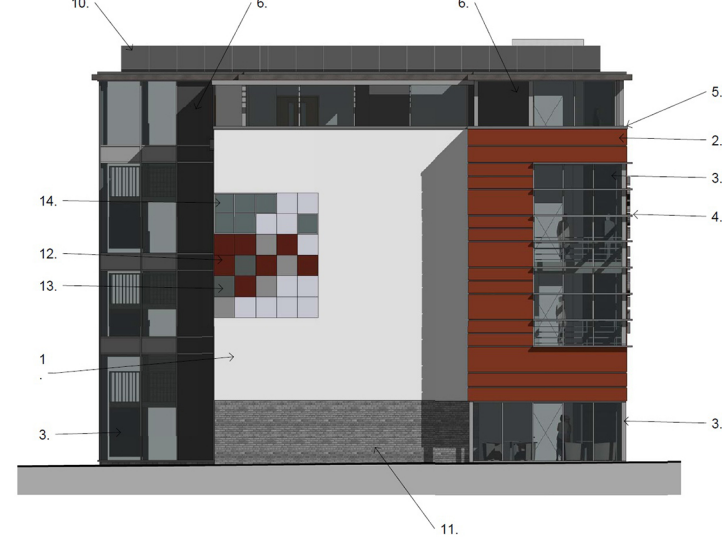




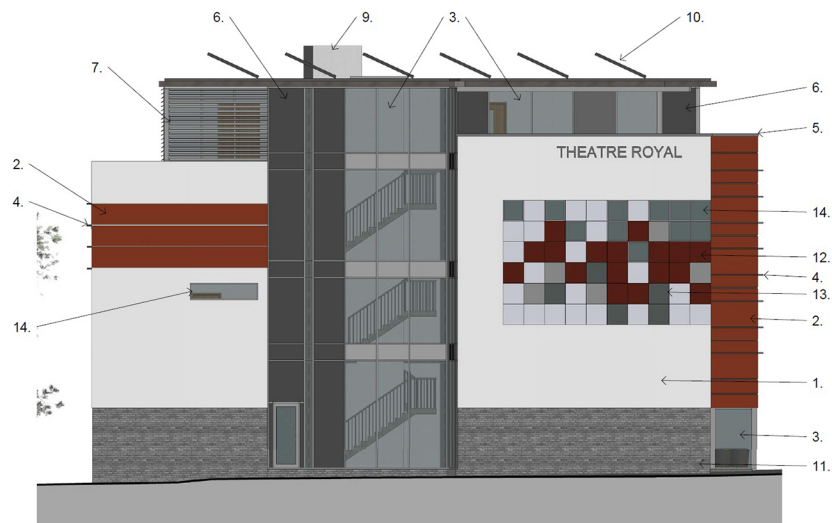
East Elevation
1 : 100



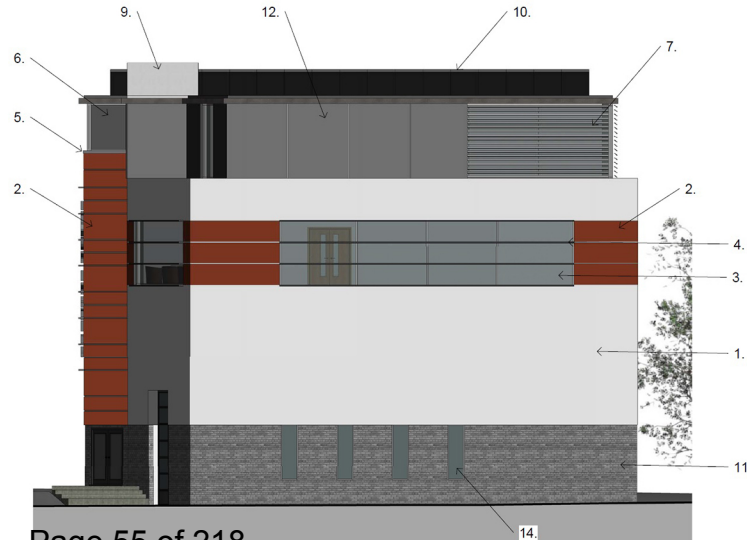
South East Elevation
1 : 100



South West Elevation
1 : 100



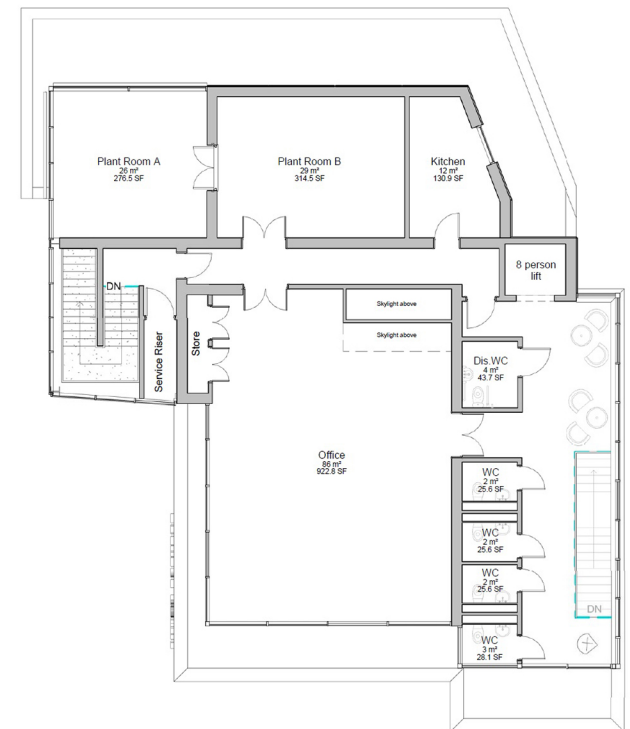
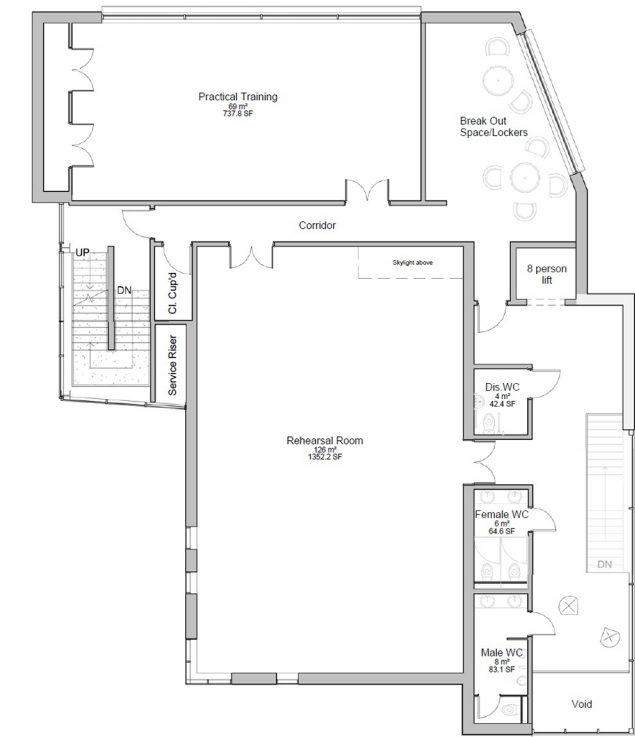
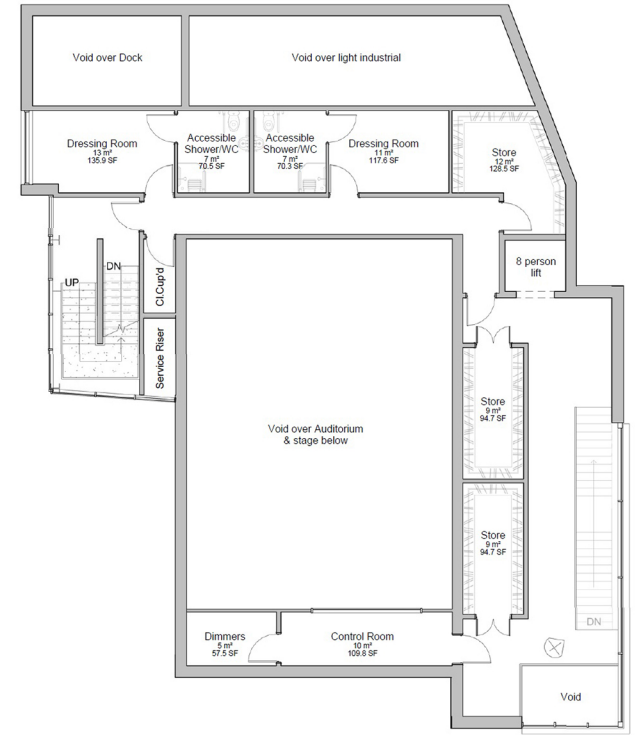
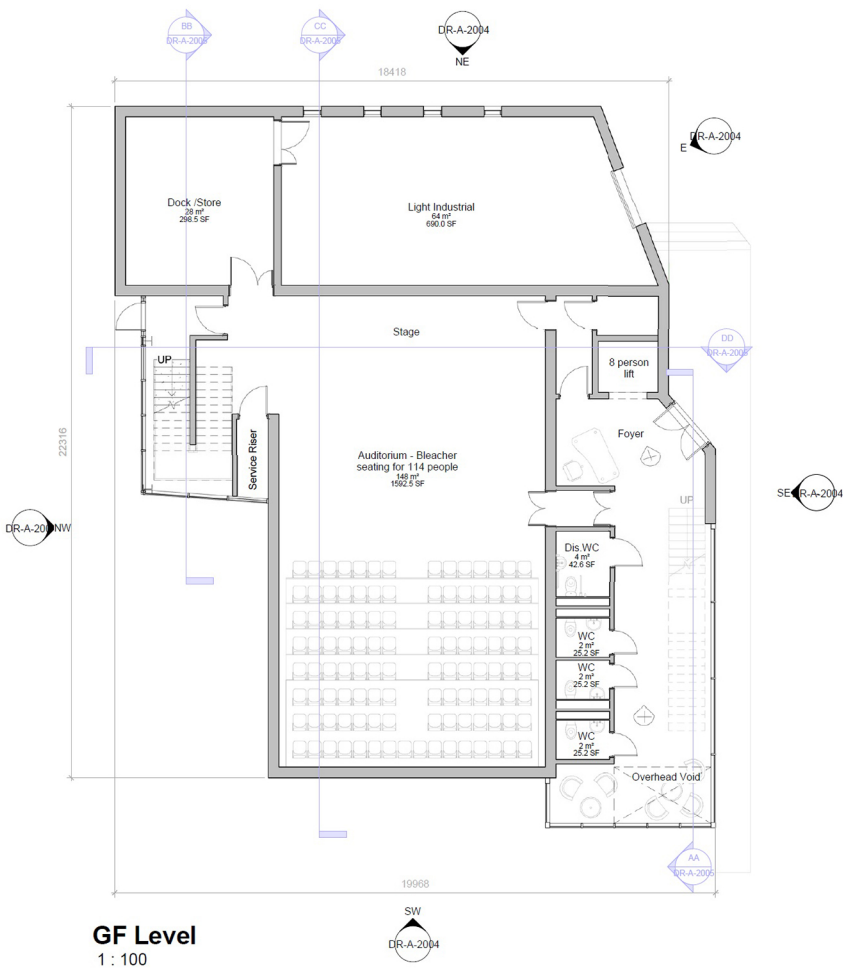
North West Elevation
1 : 100



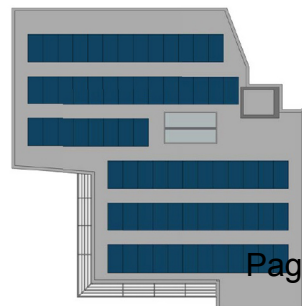
North East Elevation
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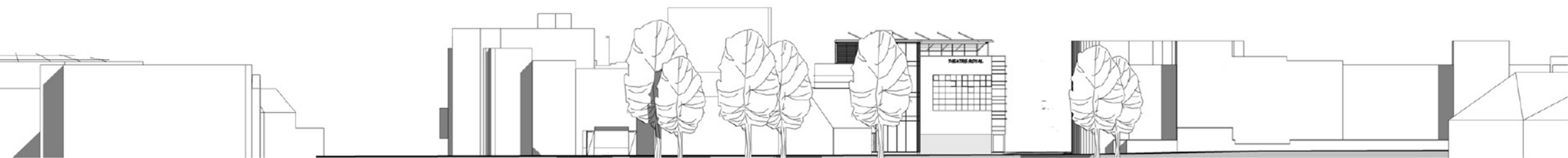
1. THROUGH COLOURED SILICONE RENDER
2. PRE-PATINATED COPPER OR SIMILAR METAL CLADDING
3. PPC ALUMINIUM CURTAIN WALLING (DK GREY)
4. PPC ALUMINIUM BRISE SOLEIL
5. PPC ALUMINIUM CAPPING (DK GREY)
6. BACKPAINTED GLASS LOOKALIKE PANEL TO CURTAIN WALL
7. PPC ALUMINIUM LOUVRE
8. GLAZED SECTIONAL DOOR
9. DK GREY SINGLE PLY MEMBRANE
10. PHOTOVOLTAIC PANELS
11. DARK GREY BRICKWORK
12. RAINSCREEN CLADDING
13. BACKLIT FEATURE PANEL
14. PPC ALUMINIUM FRAMED WINDOW





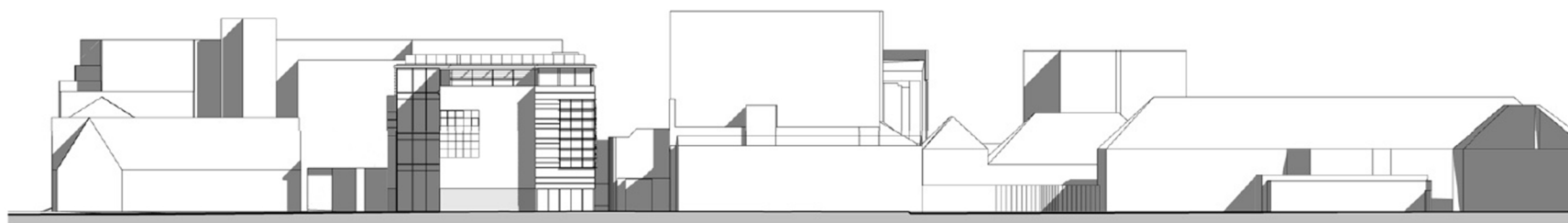
T.O. Roof
1 : 200





Street scene A

1 : 500



Street Scene B

Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 14/00401/VC Land and buildings rear of and including 293 - 293A Aylsham Road Norwich

Item
4.2

SUMMARY

Description:	<p>Variation of Condition 8 and Condition 12 of previous planning permission 13/01928/F, to: extend the approved store opening hours from 0700-2300 Monday to Friday, 0900-1800 Saturdays and 1000-1700 Sundays and public holidays, to 0600-2300 Monday to Friday, 0600-2300 Saturdays and 1000-1700 Sundays and public holidays; and to extend the approved store delivery hours from 0700-2000 Monday to Saturday and 1000-1700 Sundays and public holidays, to 0400-2300 Monday to Saturday and 0400-1700 Sundays and public holidays.</p> <ul style="list-style-type: none"> - Variation of the approved permission for a supermarket: permission 13/01928/F: Demolition of existing buildings and redevelopment of site to construct a new foodstore with associated landscaping and car parking. Reconfiguration of site access and highway works to accommodate. 	
Reason for consideration at Committee:	<p>Objections Major Development</p>	
Recommendation:	Approved	
Ward:	Catton Grove	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	13th June 2014	
Applicant:	Mr Michael Goff	
Agent:	Mr Mark Camidge	

INTRODUCTION

The Site

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

2. All site descriptions, constraints and contextual information can be seen in the appended committee report from 06 February 2014 (reference application 13/01928/F). Subsequent to 06 February 2014 some technical amendments including to contamination requirements were agreed by planning committee on 08 May 2014. The section 106 agreement and decision were issued on 12 June; the scheme should be commenced by 12 June 2017.
3. The full report and meeting minutes are also available at:
<http://www.norwich.gov.uk/CommitteeMeetings/Planning%20applications/default.aspx?InstanceID=168>
4. Neighbouring uses include both existing and anticipated residential development.

Planning History

See report referred to in para 3 above.

Equality and Diversity Issues

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

The Proposal

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

<i>Variations proposed</i>	FROM existing hours:	TO proposed hours:
Public Opening Hours <i>(Condition 8 of permission 13/01928/F)</i>	Mon – Fri: 07:00 – 23:00 Sat: 09:00 – 18:00 Sun & Bank Holidays: 10:00 – 17:00	Mon – Fri: 06:00 – 23:00 Sat: 06:00 – 23:00 Sun & Bank Holidays: 10:00 – 17:00 (no change)
Delivery / Servicing Hours <i>(Condition 12 of permission 13/01928/F)</i>	Mon – Fri: 07:00 – 20:00 Sat: 07:00 – 20:00 Sun & Public Holidays: 10:00 – 17:00	Mon – Fri: 04:00 – 23:00 Sat: 04:00 – 23:00 Sun & Public Holidays: 04:00 – 17:00

Representations Received

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

Two letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
A first floor flat in an adjoining premises will be affected by noise, especially when windows are opened for ventilation and background noise levels are lower in the evenings. 4am deliveries are too early.	See paragraph 19-34.
Extended hours on Saturday will lead to additional traffic congestion and increase noise levels in the area.	See paragraphs 11-18.
Deliveries before 7am are unacceptable in a residential area and 4am is unacceptable and between 8pm-11pm are disruptive to residents.	See table at para 9 and paragraphs 19-34.

Consultation Responses

Environmental health – no objections.

7. The noise from extended opening hours will not be inconsistent with the character of the area and conditions can control the use of trolleys and car park servicing in the quietest periods, so protecting residential amenity.
8. The predicted noise generated by the unloading activities is low and certainly well below the level likely to cause any discernable disturbance. The predicted noise generated by the HGV delivery lorries is a little higher, and slightly higher than existing environmental / background noise, but is unlikely to be noticeable as the noise is not intrusive and is very short-lived. All noise created will still be within World Health Organisation guidelines.

Local highway authority – no objections.

9. The deliveries will ease congestion on the major road network if they can operate further outside peak hours, and extended opening hours will ease traffic flows at peak times.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

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

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

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

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

Policy 5 – The economy

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

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

EP22 - High standard of amenity for residential occupiers
 EP5 – Air pollution emissions and sensitive uses
 SHO12 – Retail development in District or Local Centres
 TRA8 - Servicing provision

Impact on Neighbours

10. Distances from the main points of noise are shown in the table below. None of the distances shown are considered so close as to make extended delivery hours become detrimental to the amenity of occupants, provided that controls on trolley use are used.

The locations described will be marked on a layout plan which will form part of the committee presentation. Locations D, E and F are considered the noisiest areas of the new development, where vehicles are manoeuvring, idling or opening / shutting car doors.

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

Transport and highway capacity

11. The proposed opening hours are not inconsistent with the activities of the area, and traffic loads will be dispersed throughout the day rather than concentrated in peak hours, so risk of congestion is lower and thus flow of traffic will improve.
12. The former Planning Committee report discussed how most of the trips made to the supermarket will be from 'diverted' journeys drawn away from the existing trade of the Hellesdon Asda and Sprowston Tesco, most of which are made at peak hours anyway.
13. The applicant has provided a noise assessment that has accounted for traffic movements, taking base data from the national TRICS traffic flow database as used for the original Transport Assessment, and taking derived car parking figures accordingly to create an average value based over several days of survey data at similar stores.
14. In effect, the additional public opening hour on weekday mornings will be largely unnoticed; whilst the number of shoppers using the site would be increased, the applicant's submission predicts only 19 additional vehicle movements between 6am-7am. Activity increases from 7am, with the peak traffic being 0800-0900 (184 vehicle movements), 1300-1400 (368 movements) and 1900-2000 (226 movements). Even at the busiest time, this is only in effect an additional 2 vehicle movements per hour per car park space.
15. Whilst the earlier Saturday morning hours and later Saturday evening hours (06:00 – 23:00) will in theory bring people into the site at quieter periods, it is in practice unlikely to create a noticeable impact as the great majority of shopping events will occur within the already-permitted hours anyway. Although some car visits could be noticeable to neighbouring residents if using their gardens, the proposals would not change shopping patterns to such an extent as to cause an unacceptable change to living conditions or highway safety.
16. Delivery frequencies and number of movements will be low and not create a detrimental impact on residential amenity as a result of servicing / delivery vehicles accessing the site.
17. As the size of the store remains unaltered, and in all respects the design is the same as the original permission, there can be no expectation of the number of deliveries increasing so highway impact should be lessened by the wider spread of possible delivery periods.
18. It is worth bearing in mind that the existing Goff Petroleum site does not have any planning restrictions on its allowable delivery hours, so could receive deliveries throughout the night.

Environmental Issues

Noise

19. **Noise assessment** - The applicant has submitted a prediction as to the noise levels that might be expected. Background noise was assessed in the original application

from various points in and around the site, and was made overnight for 13 hours (1900 – 0800 on a Tuesday night in September). The predicted noise impacts on 'sensitive receptors' included a forecast of impacts at a point next to the houses on Palmer Road to the east, 30m from the site, considering noise at first floor height to represent impact on bedroom windows.

20. The subsequent predictions of what level of noise would be generated have been calculated for its impact on the Palmer Road houses, taking into account the number of car parking spaces, the hourly number of vehicle movements per space, and the car park being for use as a 'shopping centre', which factors-in additional noise from shoppers' trolleys and car doors and boots being slammed. By using figures based on the original Transport Assessment informed by the TRICS database, a store of this size, with 200-space car park, in this location, should generate between 395 and 402 movements in the Friday PM peak hour, and 432 in the Saturday peak hour.
21. **The existing and alternative use** – The existing Goff Petroleum operations do not have any planning restrictions on its activity or delivery hours. Currently the site's workshop services all the business's diesel-engine 100 HGVs and 25 cars and vans, and these could be worked on overnight if needed. The site is still capable of operating as a fuel distribution depot, despite the company relocating that part of its business to Wymondham. Goff believe the site will have to revert to the former use again as a depot to serve North Norfolk if Morrisons do not progress this scheme. In such a scenario, articulated tankers could arrive at the site overnight ready to allow distribution from 6am. There would be 20 tanker movements throughout the night, and fuel pumping would be necessary, during which time the loud diesel engines have to run for at least 40 minutes at a time as pumps are engine-driven at high revs. Across the day, all vehicle movements from a resumption of normal business would be at least 386 (as was last recorded in 2008). In addition, all HGVs are required to test their horns and reversing alarms at the depot daily. Therefore, the alternative 24-hour use, potentially 7 days a week, without restrictions, would be significantly more noticeable and probably detrimental to residential amenity than either the current activity or certainly the Morrisons activities against which planning controls will be in place.
22. **Existing site characteristics** – Even the current operations on site are potentially very noisy in themselves. There are no noise barriers between activity and the nearest sensitive receptors; staff parking and HGV manoeuvring in the east of the site is next to residential gardens and is not contained by buildings as would be the case with the delivery yard and superstore building.
23. **Operational restrictions on permitted superstore activity** – The existing permission 13/01928/F has certain planning controls imposed on its servicing and deliveries anyway, all of which are proposed to remain in place despite any possible extension of opening or delivery / servicing hours. These are:
- Condition 5 and 7 – trading floorspace remains restricted, so deliveries and customer numbers should not effectively / significantly increase due to retailing 'attraction'.
 - Condition 6 – the store shall remain only as one unit and with one trader.
 - Condition 9 – there shall be no use of reversing alarms for deliveries /

servicing.

- Condition 10 – delivery vehicle engines and refrigeration units shall be turned off.

24. **Extended opening hours** – There are no environmental health nor transport objections to the variation of condition 8 (public opening hours of the store), and no additional changes are proposed to Sunday or Public Holiday trading, which is still also subject to non-planning Sunday trading laws of a maximum of 6 hours (between the approved 1000-1700 window).
25. As stated at paragraph 13, the additional weekday morning hour (0600-0700) will lead to only 19 vehicle movements in the 200-space car park, so most will park closest to the store, i.e. furthest from residents to the east and closest to the ambient background road traffic noise. Even so, the noise created by 19 movements is 38dB compared to a prevailing background noise of 56dB during that hour.
26. On Saturday mornings, the additional earlier opening hours of 0600-0900 will lead to a maximum 184 additional car movements on site during 0800-0900 (one additional movement per space per hour). However, this will create a predicted 45dB noise, which is significantly below the 55dB background noise measured on-site during those hours. Even as movements begin to increase throughout the morning, the noise from the car park remains lower than the ambient background noise as general traffic activity increases.
27. On Saturday evenings, the extended hours from 1800-2300 will also see an increase in traffic within the site but only to a limited extent, and this is after the peak hour has already passed (and the store in itself will not be of a sufficient 'draw' to shift the peak hour characteristic on its own). 226 vehicle movements are expected between 1900 and 2000, which is 46dB, as is the existing background noise. The 2000-2100 period will however create 44dB noise compared to the existing 41dB background characteristic, but Environmental Health Officers do not consider this 3dB increase to be a problem in principle because the type of noise is short-lived and of the same characteristics as the surrounding area, and by this point the noise is more heavily concentrated towards the store entrance.
28. Further to the distances shown in the table of paragraph 9, the small numbers of public shoppers visiting the site during the extended hours of public use would be most likely to park closest to the building behind the superstore, to the effect of adding between 25-45m as an additional 'buffer' to the neighbours on the eastern side of the site. The measured noise readings also show a consistent background noise level being between 46-41dB between 1900-2300, but the car park vehicle noise drops from 46-35dB in the same period.
29. It is worth noting that the measured background noise level between 0000-0400 was found to be 40-41dB. To reach this level there would need to be approximately 60 car movements per hour; further, to exceed the guideline World Health Organisation value for sleep disturbance would require a steady 3 vehicle movements per minute (180 cars per hour), a level which is predicted to occur only between 0800-2000 when background levels are much higher anyway.

30. Despite the Environmental Health Officer's confidence in the assessment undertaken, there remains however a concern regarding noise relating to trolley collection and other servicing in the car park. The predicted noise levels from customers' use of the store takes into account the noise of trolleys but does not specifically address the potential noise from servicing the car park and collection of supermarket trolleys by staff; it seems to relate only to individual trolleys used by each customer, rather than noise generated by store personnel rounding up and returning large volumes of trolleys from around the car park.
31. Accordingly, a revised permission should include the expectation that condition 8 should be altered to restrict the trolley collection/car park servicing such that it is prevented during the night time hours of 2300-0700 Monday – Saturday, and 1700–1000 Sundays and Public Holidays. This means that any possible rumble of long chains of trolleys being manoeuvred around the site will only take place when the store is in use anyway. In reality, there should be little need for this in the later hours of the evening when patron numbers decrease anyway. The newly-proposed condition 8(b) is more restrictive than the opening hours at condition 8(a) to ensure optimal protection of residential amenity.
32. **Extended deliveries / servicing hours** - The extended delivery hours will not result in additional journeys being made, only greater flexibility for the operator to make deliveries (e.g. to ensure fresh produce is on the shelves as for the same days' trading). The delivery vehicle route and turning area will still be contained to the northern yard furthest from residential neighbours, and there is room designed-in to the scheme to ensure delivery vehicles back up right to the storage yard doors to take deliveries directly into the store and keep external trolleys etc to a minimum.
33. Other than for a very short-lived spike in maximum noise levels as articulated lorries turn into position, the noise from the unloading is predicted to fall well below the background noise levels. Even though the nature of the noise is different to the character of the background noise, the actual levels created are low enough that noise should not be noticeable or intrusive (even during the quietest part of the night between 0200 and 0400).
34. There is considered to be adequate protection in place for the nearest existing residential neighbours (to the east and south) through the existing conditions (e.g. no use of reversing alarms and no idling of engines), and the design and location of the delivery yard and its perimeter walling, and the fact that its position directly against the wall of the superstore provides an inherent barrier to noise travelling south.
35. The future development of any Arminghall Close residential estate through emerging allocation R23 will have to take into account the operations of the store and in all likelihood might position gardens towards this area to account for its southerly aspect, thus providing more prevention to amenity disturbance. Nevertheless the existing condition 12 can be clarified to impose prevention of deliveries from taking place on Aylsham Road itself (with the exception of newspaper deliveries).

Air quality

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

Site security

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

Retail and Regeneration

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

would also help ensure emerging policy R23 complies with the approach to “...be positive, promote competitive town centre environments and...define a network and hierarchy of centres that is resilient to anticipated future economic changes.” (para 23).

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

Local Finance Considerations

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

Planning Obligations

45. All obligations of the existing consent remain, subject to the deed of variation of the formal existing agreement.

Equality and Diversity Issues

46. No consequential issues from these amendments.

Conclusions

47. The changes proposed are not considered to create a significant impact that cannot be mitigated sufficiently by existing conditions or additional modifications to avoid any possible worsening of residential amenity. Whilst there may be periods when the car parking noise may be noticeable, the levels created and the acoustic character of the noise should not be intrusive and should be similar to the existing noise environment (which itself could in theory become significantly noisier anyway if Goff Petroleum operated the site to its full unrestricted capacity, e.g. receiving and pumping fuel through the night).
48. The proposals will contribute to the continued delivery of the expanded District Centre and would likely improve the potential highways operations of the site by dispersing peak traffic flows of those relatively few journeys made which are not 'en route' trips.
49. It is considered in the best interests of delivering the new local plan's allocations and future housing growth that the minor expansion in opening and delivery hours should be approved, particularly as their overall impact on amenity is relatively small.
50. Accordingly, the recommendation made is that the permission be granted subject to

the same conditions imposed through permission 13/01928/F, albeit with condition 1 amended to ensure commencement by the same time as was originally expected, the opening hours and delivery hours varied as requested (see Conditions 8 and 12), but subject to the additional restrictions within those conditions that trolleys should not be moved around the site and the car park areas shall not be serviced between 23:00 and 07:00 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays (condition 8), and clarification that servicing and deliveries shall not take place from Aylsham Road (condition 12).

RECOMMENDATIONS

To approve Application No 14/00401/VC, and grant planning permission, subject to:

(1) the completion of a satisfactory S106 agreement by 12 September 2014, to include the provision of contributions to street trees provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

1. **[Variation]** The development hereby permitted shall be begun before 12th June 2017.
2. [Unchanged condition from former permission 13/01928/F] - The development shall be in accordance with the approved details.
3. [Unchanged from 13/01928/F] - Site operations shall accord with the approved Arboricultural Impact Assessment and protective fencing to trees shall be retained.
4. [Unchanged from 13/01928/F] – Site contamination shall accord with the remediation method statement report ref AFH/10.042/OPPCond11/RMS/Rev01 and subsequently updated reports.
5. [Unchanged from 13/01928/F] – There shall be no more than 2,117sq.m. of net retail floorspace, including 423sq.m. or 20% of the net retail floorspace for comparison A1 retail.
6. [Unchanged from 13/01928/F] – No subdivision of the superstore shall take place, and any comparison retail floor space provided shall not be accessed separately to convenience floor space, nor operated by a different retailer, nor operated separately to the convenience space.
7. [Unchanged from 13/01928/F] – No mezzanine floor shall be installed within the superstore without the specific grant of a further permission.
8. **[Variation]** – (a) The development hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 23:01 and 05:59 on Mondays to Fridays, and 23:01 and 05:59 on Saturdays, and 17:01 and 09:59 on Sundays and Public Holidays.

[Variation] – (b) Notwithstanding the requirements of Condition 8(a) above there shall be no collection, relocation or manoeuvring of shopping trollies for purposes

other than use by individual shoppers, and no other servicing activities shall take place within the car park of the development hereby permitted, during the hours of 2300-0700 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays.

9. [Unchanged from 13/01928/F] – There shall be no use of reversing alarms by servicing or delivery vehicles on the site.
10. [Unchanged from 13/01928/F] – Delivery vehicle engines and refrigeration units fitted to delivery / servicing vehicles shall be switched off at all times when on site and stationary.
11. [Unchanged from 13/01928/F] – No use of the superstore hereby permitted shall take place until the delivery and servicing yard and the associated access drive are provided, and thereafter loading and unloading of vehicles serving the superstore shall only take place within the service yard, which shall be accessed only from the designated northern access drive.
12. **[Variation]** – (a) With the exception of the delivery of daily newspapers, no deliveries to the store nor refuse disposal from the store hereby permitted shall take place outside the hours of 0400 to 2300 Mondays to Fridays (excepting public holidays), and 0400 to 2300 on Saturdays and 0400 to 1700 on Sundays and public holidays.

[Variation] – (b) There shall be no servicing, collections or deliveries to and from the premises from vehicle parked on Aylsham Road or any other public highway.
13. [Unchanged from 13/01928/F] – No use until the approved Travel Plan has been implemented.
14. [Unchanged from 13/01928/F] – Contamination remediation verification plan to be agreed.
15. [Unchanged from 13/01928/F] – Contamination remediation verification report to be agreed.
16. [Unchanged from 13/01928/F] – Long-term contamination monitoring proposals to be agreed.
17. [Unchanged from 13/01928/F] – Risk assessment for groundwater contamination to be agreed.
18. [Unchanged from 13/01928/F] – Contamination reports confirming remediation to be provided.
19. [Unchanged from 13/01928/F] – Long-term monitoring and maintenance plan in respect of groundwater contamination to be agreed and reports submitted subsequent to that.
20. [Unchanged from 13/01928/F] – Ongoing contamination precautions.

21. [Unchanged from 13/01928/F] – Surface water drainage scheme to be agreed.
22. [Unchanged from 13/01928/F] – Detailed landscaping scheme to be agreed.
23. [Unchanged from 13/01928/F] – Ecology strategy to be agreed.
24. [Unchanged from 13/01928/F] – Design materials palette for superstore to be agreed.
25. [Unchanged from 13/01928/F] – Design materials palette for substation to be agreed.
26. [Unchanged from 13/01928/F] – Photovoltaic panels and energy strategy details to be agreed.
27. [Unchanged from 13/01928/F] – Sprinkler system and fire hydrant provision to be agreed.
28. [Unchanged from 13/01928/F] – Revision of existing on-street parking controls to be agreed.
29. [Unchanged from 13/01928/F] – Highway improvement works to be agreed.
30. [Unchanged from 13/01928/F] – Details of possible access route from Aylsham Road to the north of the development site to serve future allocation site R23 to be agreed.
31. [Unchanged from 13/01928/F] – CCTV strategy to be agreed.
32. [Unchanged from 13/01928/F] – Exterior lighting plan to be agreed.
33. [Unchanged from 13/01928/F] – Cycle storage details to be agreed.
34. [Unchanged from 13/01928/F] – Car parking management plan to be agreed.
35. [Unchanged from 13/01928/F] – Restriction on machinery, plant, flue, ventilation installation.

Article 31(1)(cc) Statement:

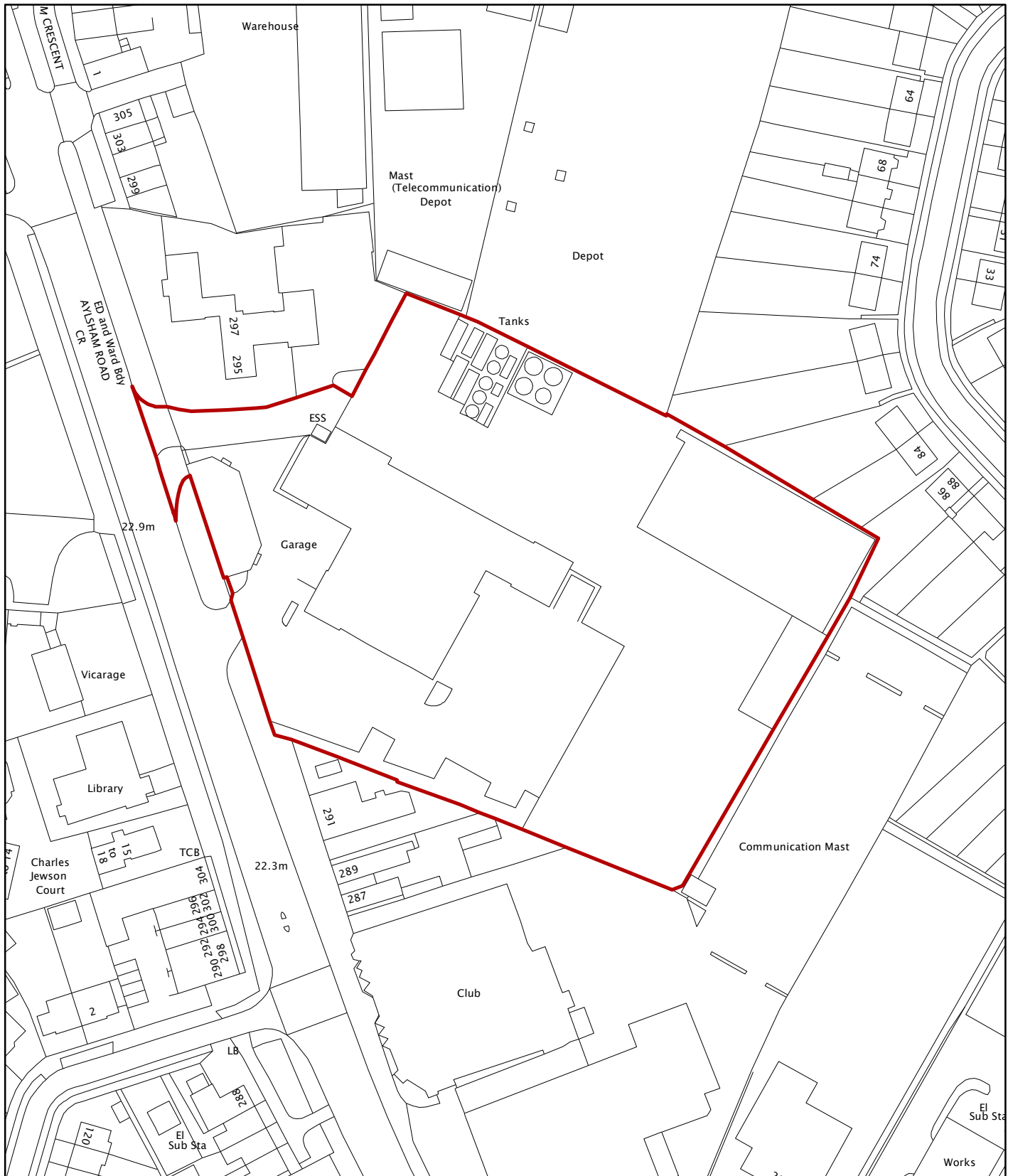
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. Following negotiations with the applicant and subsequent amendments, including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

Informative Notes:

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

(2) if a satisfactory S106 agreement is not completed prior to 12 September 2014, delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 14/00401/VC at Land And Buildings Rear Of And Including 293 - 293A Aylsham Road, for the following reason:

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



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Planning Application No 14/00401/VC

Site Address Aylsham Road (Morrisons).

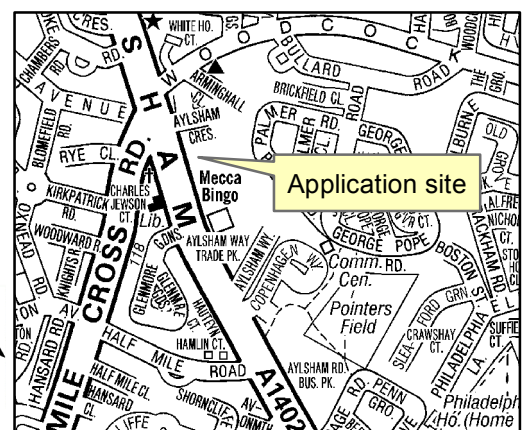
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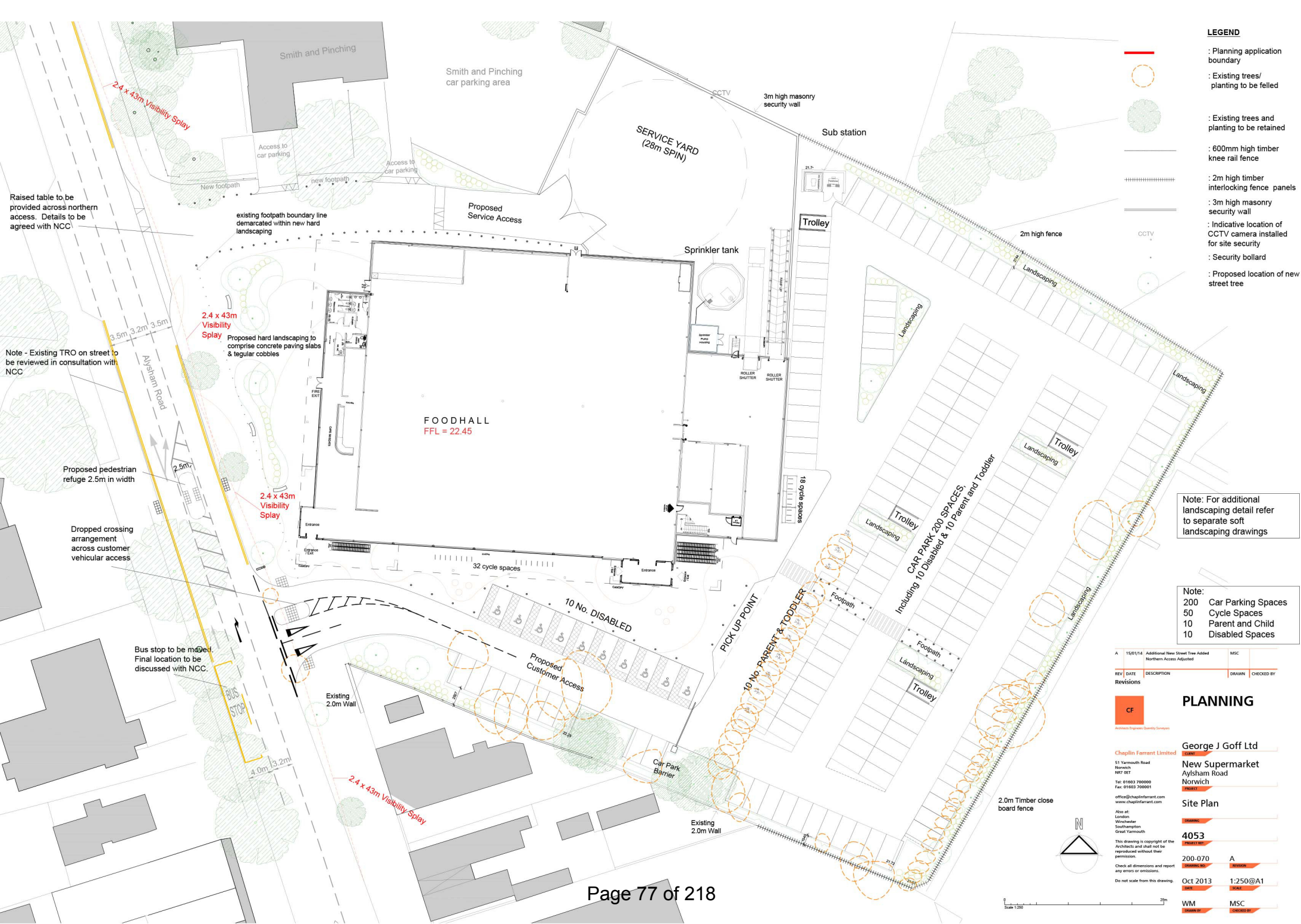


NORWICH
City Council

PLANNING SERVICES

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LEGEND

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

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

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

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

CF

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New Supermarket
Aylsham Road
Norwich

Site Plan

4053

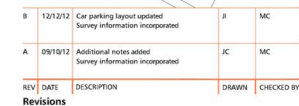
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WM

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PLANNING

George J Goff Ltd
CURRENT
New Supermarket
Aylsham Road
Norwich

Site Block Plan

4053

200-051 B

Sept 2012 1:250@A

JC	MC
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Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application nos 14/00874/RM and 14/00850/F Three Score Site, Land South of Clover Hill Rd, Bowthorpe

Item
4.3

SUMMARY

Description 14/00874/RM:	Reserved matters relating to surface water drainage infrastructure for outline planning permission 13/02089/VC 'Redevelopment of site with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure'. (Revised proposals).	
Description 14/00850/F:	Construction of a lagoon outfall comprising of the extension to the ditch system, installation of a head wall and associated pipe work below ground.	
Reason for consideration at Committee:	Major city council owned site and proposal	
Recommendation 14/00874/RM:	Approve subject to conditions	
Recommendation 14/00850/F:	Approve subject to conditions	
Ward:	Bowthorpe	
Contact Officer:	Mark Brown	Planning Team Leader 01603 212505
Valid Date 14/00874/RM:	21 June 2014	
Valid Date 14/00850/F:	18 June 2014	
Applicant:	Norwich City Council	
Agent:	NPS Property Consultants Ltd	

INTRODUCTION

The Site & Background

1. Outline planning consent (reference 12/00703/O) was granted in July 2013 for redevelopment of the Three Score site at Bowthorpe with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure. The consent was granted following the completion of a legal agreement and the resolution of

planning applications committee to approve the application on 14 March 2013.

2. Subsequently reserved matters consent (reference 13/02031/RM) was granted in March 2014 for the first phase of development being a care home to the northeast of the site.
3. The site is predominantly uncultivated grass land and forms the last area of undeveloped land within Bowthorpe as it was initially envisaged in the 1970's.
4. The surface water drainage strategy approved as part of the outline consent involved two attenuation lagoons to the southwest of the site. These would provide surface water drainage for the southern 2/3 of the site which are within the ground water protection zone. The lagoons would provide surface water storage and provide for a controlled discharge to the Yare. The northern 1/3 of the site is outside the ground water protection zone and would use more localised surface water drainage infrastructure to deal with surface water.

The Proposal

5. This report relates to two applications which are interlinked.
6. The first (14/00874/RM) relates to reserved matters (layout, scale, external appearance and landscaping) for the surface water drainage infrastructure at the site. This includes the two attenuation lagoons and the areas which surround them which are covered by the 'infrastructure phase' of the development as well as permanent swales to the northern sections of the spine road (north of the tree belt on the site and adjacent to the large area of open space in the centre of the site) and temporary swales to the southern sections of the spine road and to the bus link to Bowthorpe Hall Road.
7. The second application (14/00850/F) relates to the provision of an outfall and culvert to discharge surface water from the southern lagoon to the existing dyke network adjacent to the site in the Yare Valley. This is needed because it extends beyond the original application site for the outline consent and therefore cannot be covered by the above reserved matters application.
8. The outfall from the northern lagoon is covered by the reserved matters application as this is within original outline application site and links into an existing Anglia Water outfall to the Yare Valley.

Equality and Diversity Issues

9. There are no significant equality or diversity issues.

Representations Received

10. Both applications have been advertised on site and in the case of the reserved matters application people who formally made representations to the former outline applications have been notified. No letters of representation have been received.

Consultation Responses

11. Anglian Water – No response

12. Colney Parish Council – Following our previous correspondence regarding the Three Score development application, Ap. No. 12/00703/O, our concerns remain the same especially the increase of traffic from the additional traffic anticipated from the Three Score development onto the B1108. This could be mitigated by an access road connecting the site to Earlham Green Lane and Bowthorpe Road. However, regarding Ap.No. 14/00874/RM; Colney Parish feels that flooding concerns and surface drainage issues still have not been fully resolved and therefore cannot support this application.

13. Council for Protection of Rural England – No response

14. Environment Agency – Following revisions to the surface water strategy have removed their objection.

15. English Heritage – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

16. Ministry of Defence Safeguarding – No safeguarding objections to the proposals

17. National Grid – have provided some general comments and guidance to the applicant on works within the vicinity of national grid infrastructure. They have not commented specifically on the application.

18. Natural England – The proposal is unlikely to affect any statutorily protected sites or landscapes. They refer to their standing advice regarding protected species and make general comments on the need to understand the likely ecological implications of the proposals when making decisions and securing mitigation and enhancement measures.

19. NHS Norfolk – No response

20. Norfolk County Council – Have sought clarification that this does not affect the planning obligations for the site (officers have confirmed that this is the case).

21. Norfolk Historic Environment Service – No comments

22. Norfolk Police (Architectural Liason) – No comments

23. Norfolk Wildlife Trust – No response

24. Open Spaces Society – No response

25. Strategic Housing – No comments

26. South Norfolk Council – No comments

- 27. Sport England – No comments
- 28. The Design Council – No response
- 29. Transport – No response
- 30. UK Power Ltd – No response
- 31. Yare Valley Society – No response

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Presumption in Favour of Sustainable Development
- Delivering a Wide Choice of Quality Homes
- Requiring Good Design
- Promoting Healthy Communities
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Natural Environment

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

- Policy 1: Addressing climate change and protecting environmental assets
- Policy 2: Promoting good design
- Policy 4: Housing delivery

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

- NE1 Protection of environmental assets from inappropriate development
- NE2 Woodland protection
- NE4 Street trees to be provided by developers
- NE7 Protection of locally designated sites of nature conservation interest
- NE8 Management of features of wildlife importance and biodiversity
- NE9 Comprehensive landscaping scheme and tree planting
- HBE4 Other locations of archaeological interest
- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP1 Contaminated land and former landfill sites – evaluation and treatment prior to permission

- EP16 Water conservation and sustainable drainage systems
- EP17 Protection of watercourses from pollution from stored materials, roads and car parks
- EP22 High standard of amenity for residential occupiers
- HOU8 Committed housing development sites
- SR12 Green Links network, including provision by developers
- TRA14 Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 Cycle network and facilities

All policies in the adopted local plan have been assessed for their compliance with the NPPF. In terms of this application none of the relevant policies have been deleted as a result of this process.

Policy HBE4 has been assessed as partially compliant with the NPPF as the policy does not have the NPPF paragraph 132 caveat that in exceptional circumstance development that does not meet the normal archaeological requirements may be permitted.

All other adopted local plan policies used in the assessment are considered to be consistent with the NPPF.

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013)

Site Allocations Development Plan Document – Pre-submission policies (April 2013) –

- R41: Three Score, Bowthorpe

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

- DM1 Achieving and delivering sustainable development
- * DM2 Ensuring satisfactory living and working conditions
- * DM3 Delivering high quality design
- * DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- * DM11 Protecting against environmental hazards
- * DM12 Ensuring well-planned housing development

* These policies are currently subject to specific objections or issues being raised at pre-submission stage which could be relevant to this application and so limited weight has been applied in its content. However, the main objectives of ensuring appropriate design, protecting amenity and ensuring safe passage around and within a

development and prioritising pedestrian and cycle passage remains in place through Local Plan policies HBE12, TRA3, TRA5 and TRA8.

Principle of Development

Policy Considerations

32. The principle of the wider redevelopment has been approved at outline stage via consent reference 12/00703/O and the surface water infrastructure proposals put forward here are considered to be consistent with the approach in the outline consent.
33. The full application for the lagoon outfall is consistent with the outline proposals albeit full consent is needed as it extends beyond the original application site. Such infrastructure is considered acceptable in principle and compatible with the river valley, where similar infrastructure already exists.
34. There are a number of other considerations which have been assessed in the sections below.
35. The reserved matters have been screened under the EIA regulations as a subsequent application within the terms of the regulations (being subsequent to the approved outline consent which was subject to an environmental statement). The likely environmental effects of the subsequent application were considered as was the environmental information already before us and it was not considered necessary to request a further environmental statement for this application.
36. The full application for an outfall has also been screened and was not considered to constitute EIA development.

Surface Water Strategy

37. The proposed strategy is consistent with the strategy provided at outline stage. In that the majority of surface water from the site will be directed towards the two attenuation lagoons to the southwest of the site. There are two catchments one for each lagoon. These are illustrated in the drainage sub catchment drawing appended to this report. Catchment A being the development blocks to the south of the site drains to the southern lagoon the pipe network runs via the spine road infrastructure then south into the area of the lagoon with an outlet head wall at the northern tip of the lagoon. The outfall will exit to the southeast corner of the lagoon and run east out of the application site connecting to the proposed outfall (proposed under application 14/00850/F being considered here) which consists of a headwall connecting to an extended ditch system (connecting to the existing) with a culvert over to provide for access.
38. Catchment B comprises the development blocks to the north and west of the site which drain to the northern lagoon. Drainage from most blocks will connect via a pipe network which connects to the northeast of the lagoon via a cut and cover connection through a gap in the corner of the L shaped hedgerow. The runs to a headwall in the northeast of the lagoon. A further inlet is proposed to the east of the lagoon for development block 15 connection to this will be bored under the hedgerow to avoid harm. The outlet is located to the south of the lagoon with

pipework running south and to the east. It will be bored under the hedgerow and then connect to an existing Anglia Water surface water sewer which discharges to the Yare Valley via an existing outlet.

39. Both lagoons are designed to cope with a 1:100 year rainfall event. The southern lagoon has fairly shallow sides and typically will be dry. The northern lagoon will have two small areas of standing water and the lower sections are steeper in terms of topography.
40. Swales are proposed alongside the spine road. To the north of the tree belt and a single block to the south (which will be within an area of open space) these will be permanent and provide for surface water drainage of the road. South of this and for the part of the spine road which extends up to Bowthorpe Hall Road there will be temporary swales to provide drainage of the road which will be gradually replaced by a piped network as development blocks come forward. These will then drain to the lagoons. The swales are to have bunds next to them to prevent vehicular access into the site.
41. The Environment Agency originally objected to the application raising concern that overland flows had not been considered and that mitigation measures in the event of a pump failure had not been included in the application. A revised surface water drainage strategy has been submitted and identifies an overland flow running diagonally adjacent to the southwest of the northern lagoon. This overland flow misses any development plots and the topography of the site is such that it should not fill the lagoon neither should it affect the existing houses to the west which are located at a higher level.
42. The overland flows would have flowed over the road, which could cause a hazard for road users. Incorporating a culvert under the road could assist in diverting these flows under the road and also double as an amphibian corridor. The applicant has agreed to such a solution the exact details of which will need to form a condition of the consent.
43. Given the topography of phase 4 it is likely that surface water from this area will need to be pumped in part. Elsewhere gravitational flow should be able to be achieved. It is recommended that localised features are provided to phase 4 to assist surface water drainage and that the detail of this mitigation is drawn up as part of the reserved matters for that phase.
44. As a result of the revised surface water strategy the Environment Agency have removed their objection.
45. Colney Parish Council have raised concerns over flooding, albeit have not substantiated their concerns. The strategy has been amended and is now considered to be acceptable by officers and the Environment Agency. Colney Parish Council have also commented on access and transport matters, albeit these are of limited to no relevance to the current application. The access strategy for the site was approved as part of the outline consent.

Layout & Landscaping

46. The broad layout of the lagoons is consistent with indicative information provided at outline stage. The northern lagoon sits within an area defined by an inverted L shaped Hawthorne hedgerow which is a significant landscape feature on the site and which is to be retained as part of the development. The form of the lagoon has been designed in a manner which should appear fairly natural in the landscape. A footpath and associated seating is provided around the lagoon to provide for informal recreation.
47. The southern lagoon has been amended during the course of the application. It originally had an extremely unnatural shape being a perfect oblong. The revisions give the lagoon a less engineered appearance.
48. The broad landscape strategy for both lagoons is to seek to re-establish the existing scrub and grassland habitat in order to seek to re-provide habitat for invertebrates that use the site, as well as providing habitat for nesting birds and reptiles. As a result few replacement trees are proposed and this is considered acceptable. The northern lagoon includes some new plug planting of selected species particularly at its base and the lower areas of the lagoon.
49. Other than the more formal footpath around the northern lagoon other existing informal footpaths will be retained. They are not proposed to be upgraded as the ecological advice is that informal disturbance of the grassland is good for its management for invertebrates. To the south the spine road will dissect the existing Yare valley path and therefore the path will be diverted to connect to the spine road and also run south past the southern lagoon, this will be of fairly simple construction being a gravel path, again to promote informal rambling.
50. The headwalls to the inlets of the lagoons will be fairly significant structures which are likely to stand out particularly given the landscape approach. Other similar lagoons are often established with reed beds which can screen the headwalls, however in the case the landscaping will be low lying grassland. With this in mind it is considered that a standard concrete structure with steel railing above is likely to be unacceptable, this has been discussed with the applicant and it is suggested that the final details be conditioned with a view to cladding the headwalls with some form of stone and possibly utilising a different material for the railings above.
51. Following negotiation the area around the inlet to the northern lagoon has been designed with a stone feature around the inlet to improve its appearance and to provide erosion protection. Given this section of lagoon will have standing water this was considered appropriate to enhance the appearance of the inlet and to screen the underlying grass create. This should enhance the appearance of this section of the lagoon. The southern lagoon will utilise grass create only, however given the shallower profile and the fact the lagoon will be dry this should eventually be screened by grass land around the outlet.
52. A chestnut paling fence is proposed around the northern lagoon just inside the footpath. This to seek to prevent access to the lower areas which have steeper sides and standing water. The southern lagoon is shallower in profile and has no standing water. No fencing is proposed to the south.

53. The temporary swales along the spine road consist of a simple ditch running along both sides of the spine road the contents of which will form an adjacent bund to prevent unauthorised vehicular access to the site. These temporary swales are considered acceptable and will be replaced by a piped solution as the development progresses.
54. The permanent swales will be of a wider construction and along one side of the carriageway. Again bunds will be provided on both sides to prevent access. The swale will be incorporated into the development block to the north of the site. Of the three sections of permanent swale, two will be located in areas of open space in the development and will be features within them. The other will run along development block 3 within phase 2b. An indicative section has been provided to demonstrate how this is intended to work and the swale will effectively form a buffer between the carriageway and the footway on the west side of the road.
55. The southern lagoon outfall pipework to the marsh will be constructed via a cut and cover approach and will introduce an outfall into an extended dyke network in the adjacent marshes. There will be a culvert to allow access over. The area above will be allowed to regenerate naturally; it is recommended that topsoil is replacement above the area cut and covered from that retained on the site. This should form a condition of the consent. The outfall headwall will not have railings and will be smaller to those at the inlets to the lagoons. They will however be fairly well concealed by the surrounding ditch so views should be limited in the surrounding environment.
56. In terms of ongoing maintenance of the lagoons and surrounding areas, after the initial liability period this will fall to Norwich City Council, it is anticipated that Norwich City Council may transfer management of some areas to the Norwich Fringe Project who manage the adjacent marshes. The management and maintenance plan is considered acceptable and compliance with it should be secured via condition.

Trees

57. The main arboriculture constraints are the inverted L shaped hedgerow around the northern lagoon, and a number of individual trees around the southern lagoon. Dealing with the hedgerow first this is to be retained and protected during the course of the development as far south as the spine road. The hedge is of hawthorn and is planted in a double row, it is thought that the former path between the two lines of planting may have formally been a drovers road. The southern end of the hedgerow merges with areas of dense scrub and is less defined. Parts of the hedgerow and scrub south of the current break where the Yare Valley Walk crosses the hedge will be removed and the spine road will connect through at this point. This is considered acceptable and the main sections of the hedge will be retained.
58. A further more detailed survey of the hedge will be needed. It is currently difficult to carry out a detailed survey given dense overgrowth next to the hedge. Therefore it is recommended that a condition provide for a further detailed survey of the hedge and provide details for its short and long term maintenance. It is expected that this should provide for the hedge to be maintained at a certain width and height and for

it to be in-filled in areas where there is a break in the double row. Internally it will be necessary for the survey to consider if it is feasible to reinstate the path, from a recreational perspective this is desirable. From an ecological perspective, a thick dense hedge may be of greater value particularly to nesting birds. However, on balance it is suggested that unless it is not considered feasible to do so that the recreational route is re-established.

59. There are three piped connection points to the northern lagoon. The main inlet will be provided via a cut and cover construction in the gap at the northeast corner of the hedge. A path will be provided above on completion and the hedge is to be protected during these works. A further inlet is proposed to the east of the lagoon which will connect to block 15 and this pipe will need to be bored under the hedge. The outlet from the northern lagoon will also cross the line of the hedge and will need to be bored under the hedge.
60. The southern lagoon is located in an area which is heavily overgrown with parts being occupied by fairly dense scrub. These areas will need to be cleared to make way for the lagoon. The eastern boundary is occupied by tall scrub with some small trees, of significance is an Oak located along this boundary. The lagoon will necessitate the removal of two goat willows and will extend into the root protection areas of a goat willow and oak tree. The latter should be retained subject to compliance with arboricultural method statements to provide for pre-emptive root pruning of those trees. Replacement tree planting will be provided around the access to Dodderman Way.
61. In terms of the pipe networks to the southern lagoon, the inlet pipework will run from a point to the south of the spine road and be constructed on a cut and cover basis to the northern point of the lagoon, a large section of this will follow the line of an existing informal footpath however to the northeast it will require removal of scrub. The outfall pipe will run east from the lagoon and cross into the marsh, this will necessitate removal of an approximately 60cm wide section of scrub on the boundary which will be left to regenerate naturally.

Ecology

62. At outline stage it was acknowledged that the proposals would result in habitat loss for various flora and fauna. The proposals will lead to the loss of semi-improved grassland and scrub as well as having implications for tree belts and hedges. The site provides habitat for low populations of reptiles namely lizard and grass snake. Numerous species of bird use the site and the wider proposals will lead to the loss of habitat for a number of bird species. The site also provides extensive habitat for foraging bats and a number of foraging routes run around and across the site.
63. Impact on invertebrates is a key consideration in the redevelopment of the site, at outline stage it was acknowledged that even after mitigation and enhancement the impact would be minor negative. This was balanced against the need to provide housing and ultimately the development was approved.
64. The outline consent required further ecology surveys to be submitted with reserved matters applications for each phase to ensure that information was up to date and to influence further mitigation measures which could be secured at reserved

matters stage based on the information within those additional surveys.

65. An ecology assessment and specific invertebrate assessment has been submitted with the application. In addition a further ecology assessment relating to an area to the northeast of the tree belt (provided for the housing with care scheme) provides further insight into the site. Both surveys were undertaken in 2013 and show similar results. They identify that the site is important for its dry open flower rich grassland habitats which support important open habitat invertebrate assemblages which are in favourable condition. This includes a number of species of conservation concern. The survey to the southern third of the Three Score site identified the fauna of regional and national significance, the report of the ecology consultancy relating to the application site being considered for the care home phase suggests that the assemblages may be considered to be of national importance although suggests this may be an overestimate and is considered to be of County/Regional value.
66. In the case of the reserved matters application significant areas of habitat can be retained or re-provided on site. There will be some loss of scrub land, trees and hedging as a result of the surface water proposals however much of the area will be able to regenerate over time with appropriate management. A key mitigation measure particularly for invertebrates is to re-provide similar grassland on the site. Therefore it is proposed to retain and reuse existing topsoil from the site so that the existing seed bank is retained and this should assist the re-provision of similar grassland once the lagoons have been provided. Re-provision of similar flora on the site will assist in re-providing habitat for species which utilise the site.
67. A method statement for the storage and reuse of top soil has been provided however the methodology is lacking and does not provide detail on what happens to top soil from the northern lagoon. The top soil should be stored on the site, however detailed locations for this will need to be agreed. In addition the information does not explain in detail what happens with sub-soil from the lagoons. It would be inappropriate for this to be spread or stored for long or short periods of time in large quantities on the site as this could have negative impacts on the ecology of parts of the site not affected by this phase of the development. At this stage it is recommended that further detail be conditioned pre-commencement, however the applicant has been working on amending this and if acceptable revisions are received before determination it is suggested that the condition require works to be undertaken in accordance with the revised details.
68. At this early stage of the development, large areas of the site will be retained as existing and therefore re-colonisation from other existing areas of the site should take place. In this regard the area of land to the southwest of the northern lagoon fronting onto Bishy Barnabee Way was identified as of high significance in the invertebrate survey and given its proximity to the two lagoons it is suggested that this area be protected during development. Whilst it has approval under the outline consent for redevelopment this is unlikely to take place for a number of years and in the mean-time it should assist the re-colonisation of the lagoon areas.
69. With regard to the NPPF and specifically paragraph 118 this details that if significant harm resulting from a development cannot be avoided (through locating

on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In this case and particularly for this phase given the mitigation proposed the harm resulting from the proposals is not considered to constitute significant harm in the context of the NPPF.

70. Turning to the other flora and fauna identified through the ecology report, most of these matters have been addressed and conditioned at the outline stage, this includes conditions for clearance to avoid harm to nesting birds, reptile relocation (given the transient nature of reptiles identified at outline stage), provision of bat and bird boxes and lighting details. A further mitigation measure secured as part of this phase is the insertion of an amphibian corridor under the spine road to link the lagoons. The details of this will be conditioned.

Amenity

71. The proposals are for surface water infrastructure and as such it is not considered there are any neighbour implications to neighbours to the west. There are likely to be short term implications during the construction stage. Condition 37 of the outline consent deals with this and requires a construction method statement to be agreed pre-commencement and requires amongst others details of construction hours, lighting, dust suppression, access routes storage and parking areas to minimise the impact on neighbour amenity during the construction phase.

Conclusions

72. The site has outline consent for residential redevelopment and these applications relate to the provision of surface water infrastructure. The main considerations in this case are the surface water strategy itself, landscaping and the ecological impacts of the proposals. Following amendments to the scheme the Environment Agencies concerns have been resolved and the strategy for surface water is considered to be acceptable and subject to conditions the landscape strategy which includes the re-provision of existing top soil on the site the proposals is considered to be acceptable.

RECOMMENDATIONS

- (1) To approve Application No (14/00874/RM Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:-
- In accordance with submitted plans and details;
 - CEX fencing to be provided before commencement in accordance with 3.0 of AIA;
 - Works to be undertaken in full accordance with the arboricultural implications assessment, no services to be installed in CEZ's unless otherwise agreed and no storage in CEZ's;
 - Pre-construction meeting with the councils tree protection officer;
 - Turf, top soil and sub soil management strategy to be provided pre-commencement or in accordance with details if acceptable details are provided pre-determination;
 - Survey of the double hedgerow, consideration and details to re-establish the

route between the rows, unless not considered feasible to do so, ongoing management and maintenance details;

- Details for the cladding of the headwalls and materials for the railings above;
- Management and maintenance to be undertaken in full accordance with submitted details;
- Details of culvert under the spine road to provide for amphibian corridor and potential diversion of overland flows.

(Article 31(1)(cc) Statement – The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.)

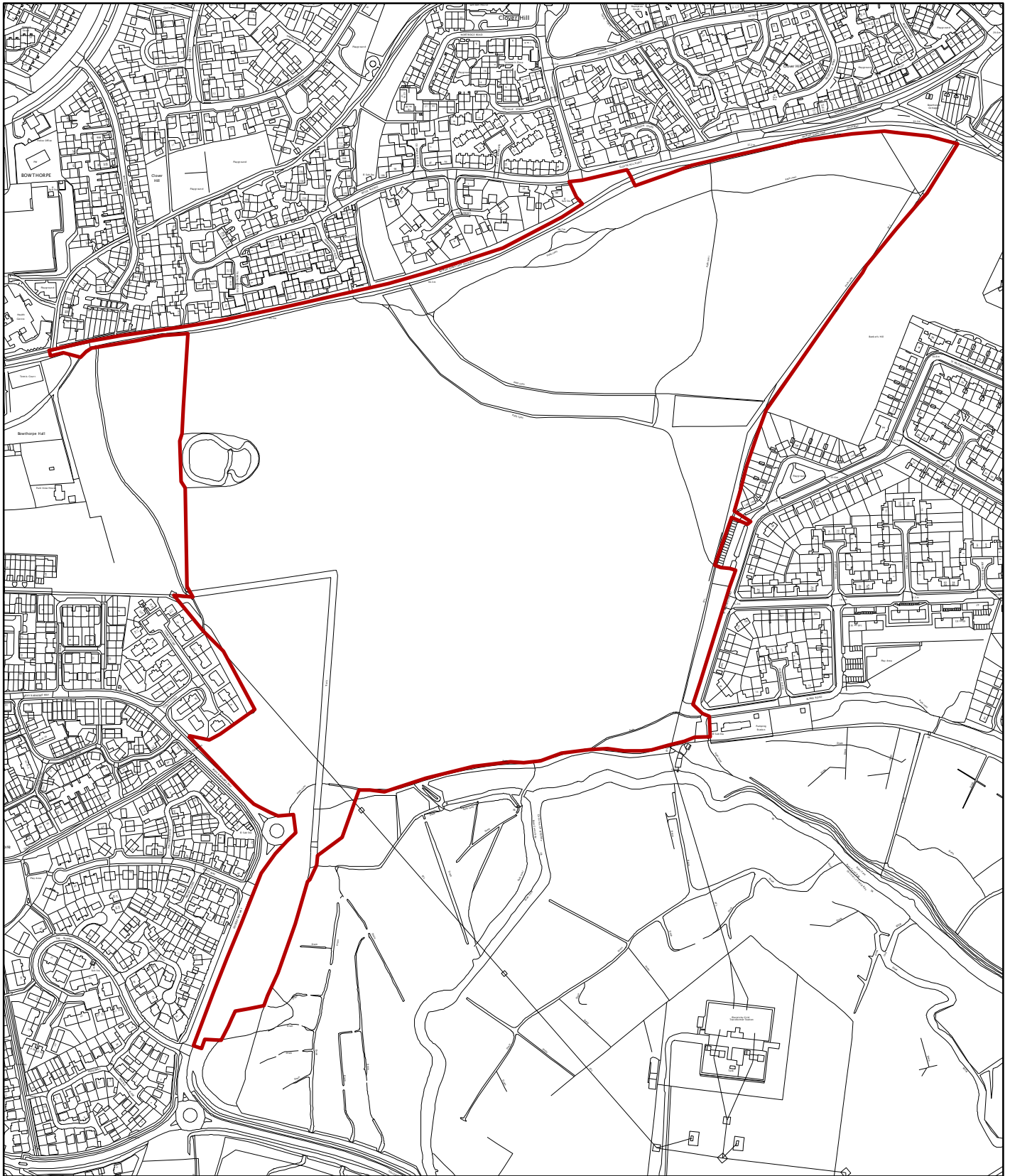
(2) To approve Application No (14/00850/F Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:-

- Standard time limit condition;
- In accordance with submitted plans and details;
- In accordance with arboricultural implications assessment, including provision of protective fencing;
- Re-use of top soil from site above area cut and covered and to extended ditch.
-

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.)

Figure 2.2: Drainage Sub Catchments





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Planning Application No 14/00874/RM

Site Address Three Score, Bowthorpe.

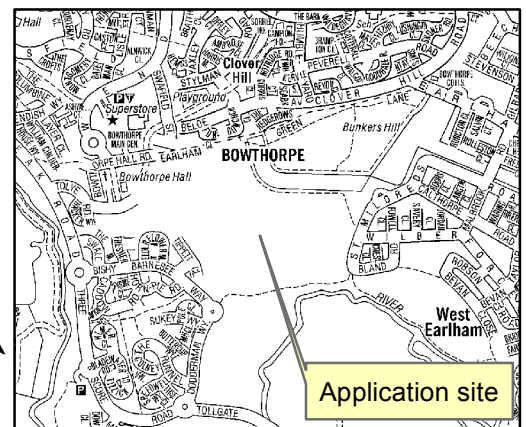
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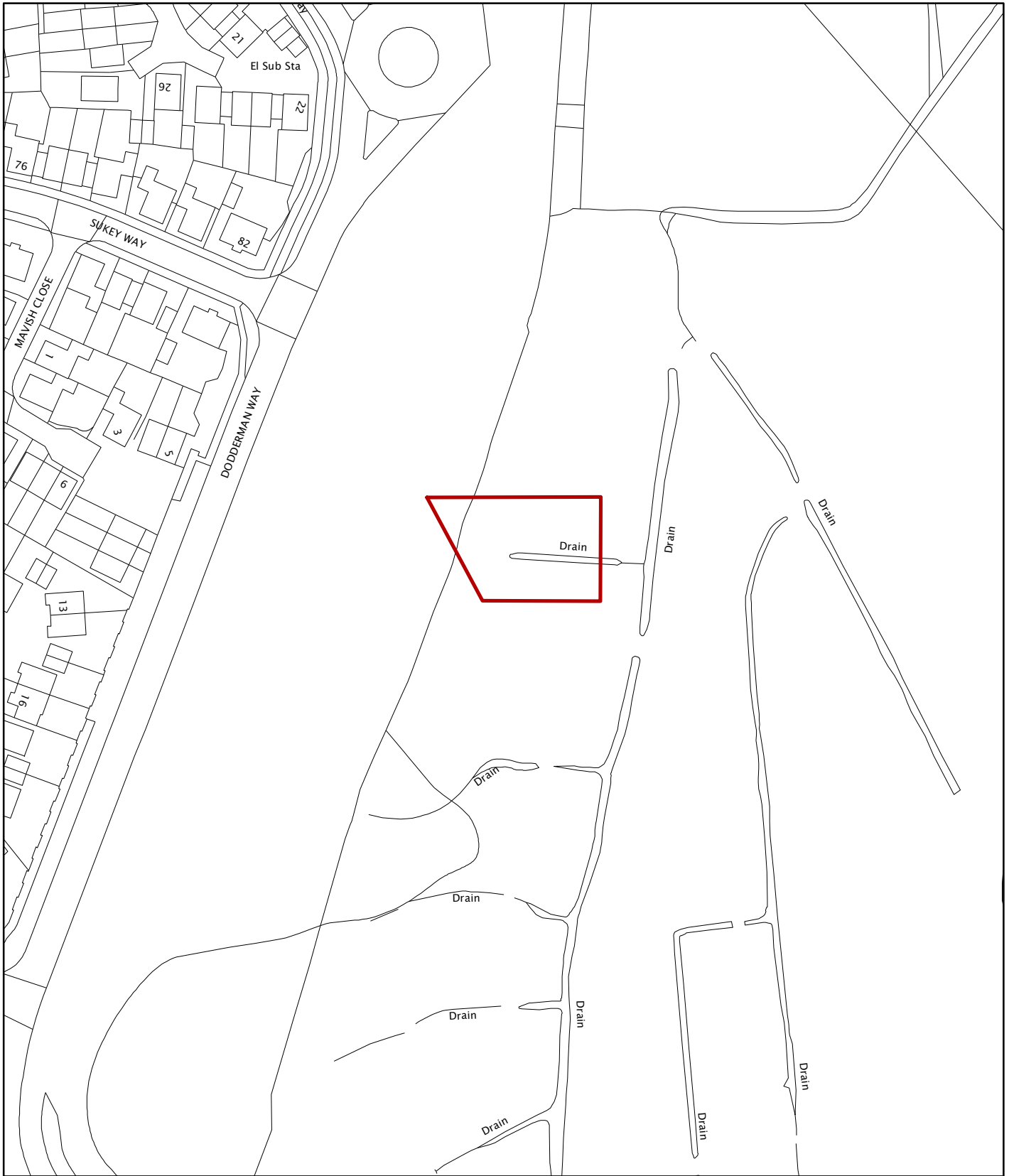


NORWICH
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PLANNING SERVICES

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Planning Application No 14/00850/F

Site Address Three Score, Bowthorpe.

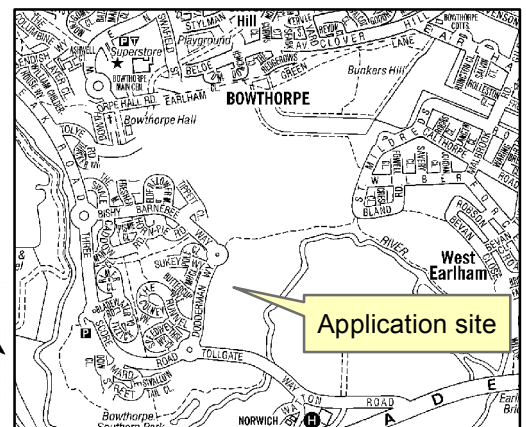
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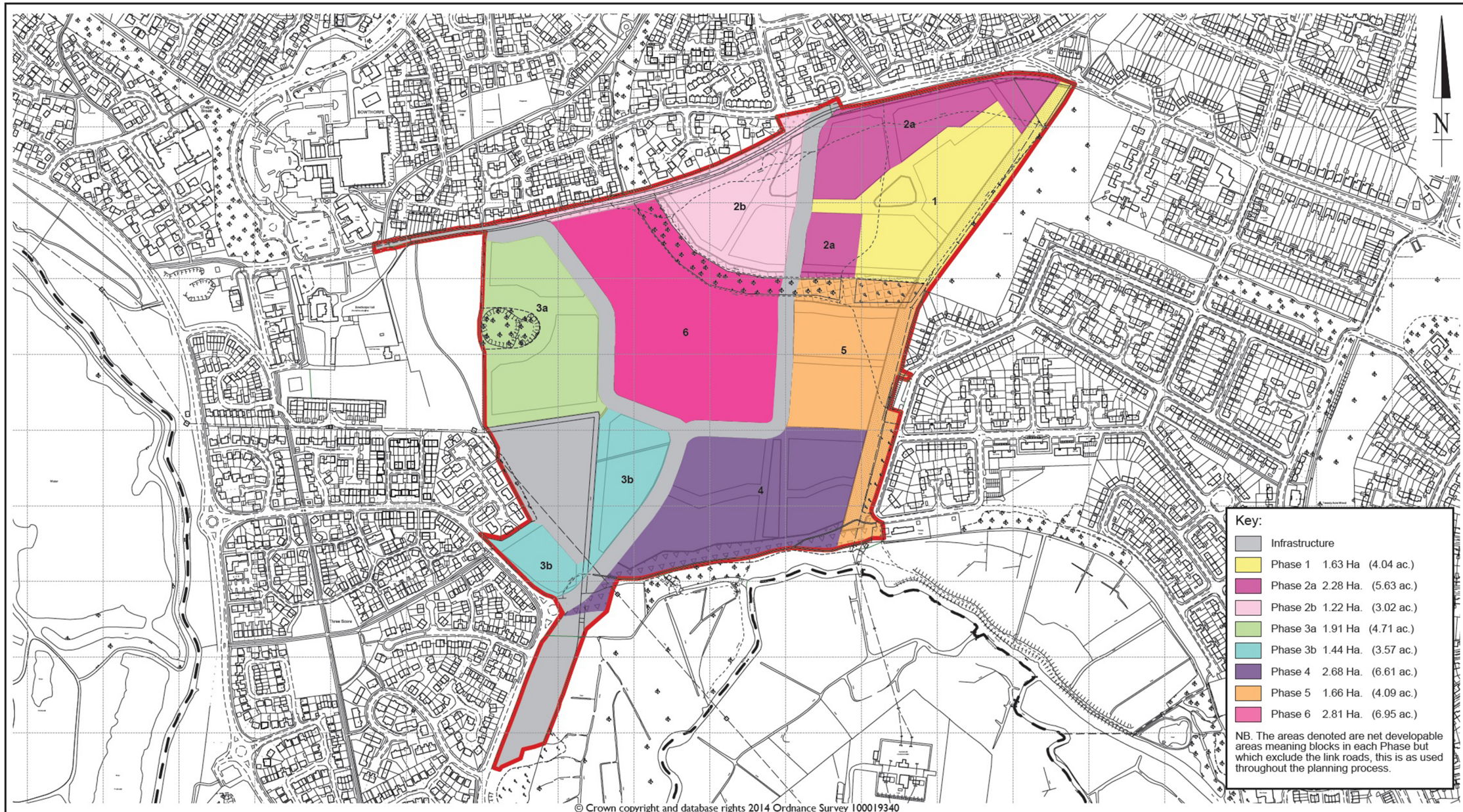


NORWICH
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PLANNING SERVICES

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Scale: 1:5000 at A3	THIS MAP IS TAKEN FROM ORDNANCE SURVEY DIGITAL DATA. NATIONAL GRID REFERENCE: TG. 1827 0899	Norfolk County Council	NPS Property Consultants Ltd, on behalf of Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2SF.	NPS Property Consultants Ltd, Lancaster House, 16 Central Avenue, St Andrews Business Park, Norwich, NR7 0HR.
Date: AUGUST 2014				
Plan No. NCC-0464C-3	NORWICH - Bowthorpe, Three Score	Page 101 of 218		

Notes

1. Do not scale from this drawing.
2. All levels in mAOD unless otherwise noted.
3. All dimensions given in millimetres unless otherwise noted.
4. To be read in conjunction with other scheme plans.
5. All dimensions & levels should be checked on site.
6. Any drawing errors or discrepancies should be brought to the attention of Mott MacDonald at the address shown in the title block.

Key to symbols

Proposed 3m wide maintenance route

Reference drawings

Rev	Date	Drawn	Description	Ch'kd	App'd
P1	2008/14	KS	First Issue	AH	GK



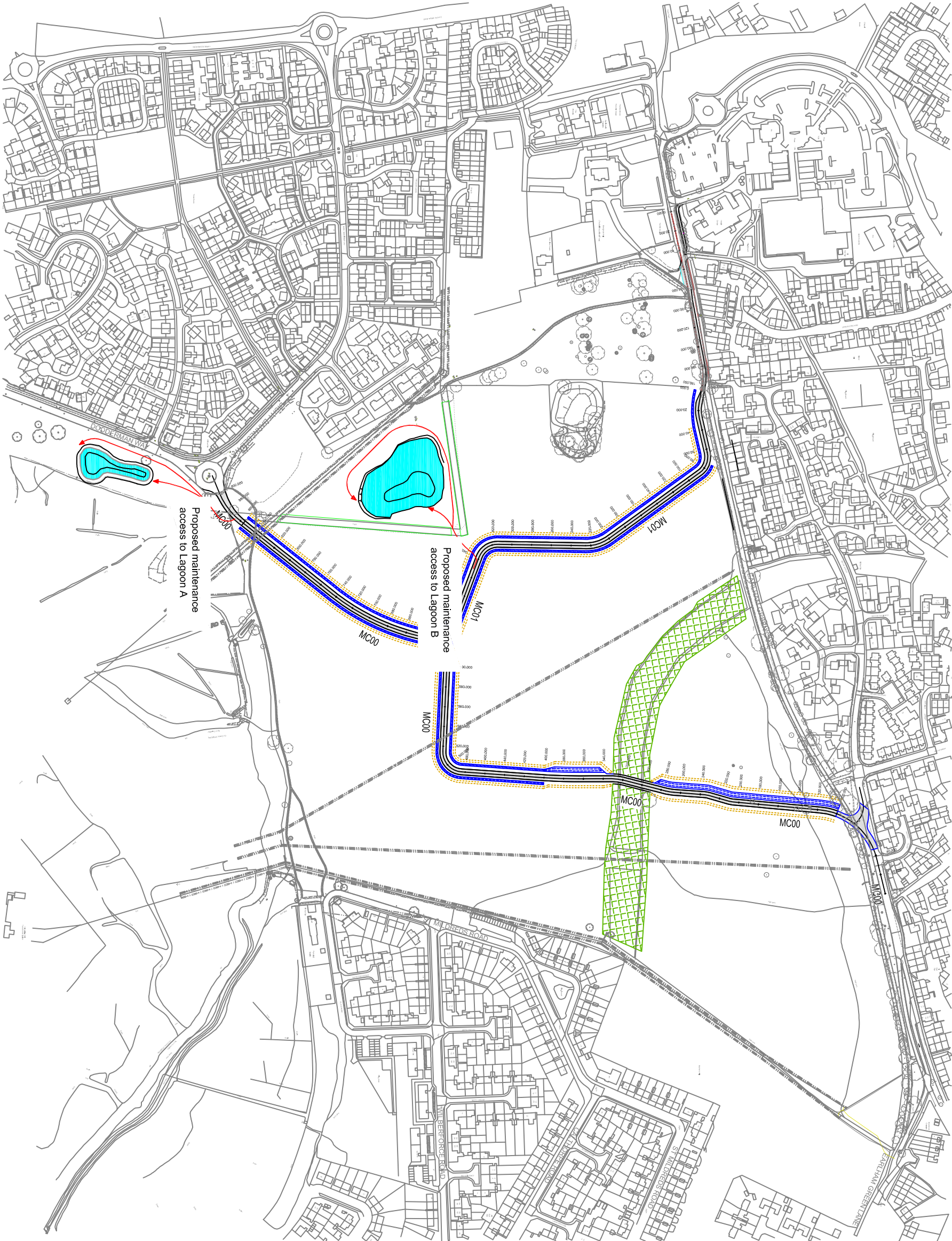
1st Floor, 68-75 Thorpe Road
Norwich, NR2 1NH
United Kingdom
T +44 (0)1603 229760
F +44 (0)1603 619365
W www.mottmac.com

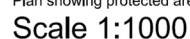
Client
Norwich City Council
City Hall
St. Peter's Street
Norwich, NR2 1NH

Title
Bowthorpe Three Score
Lagoon Maintenance Access Strategy

Designed Drawn Dwg check Scale at A1 1:2000	HH	H Husbands	Eng check	AH	A Howes
	KS	K Syrett	Coordination	AH	A Howes
	HH	H Husbands	Approved	GK	G Kelly
	Status			Rev	P1

Drawing Number
MMD-301739-C-DR-00-PRE-600





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No.	Date	Notes	Int.	Ckd.
A 15.08.14		Footpath location amended CEZ areas extended	EH	
B 19.08.14		CEZ line amended, drainage pipe note revised	EH	

Landscape Works
Lagoon Masterplan

Date	July 2012	DWG. No.
Designed by	JN	MMD-301739-LS-PLA-444 B
Drawn By	JN & EH	NEG. No.
Checked By	CEZ area extended	

Jerry Massey
Director of development and regeneration
City Hall, Norwich, NR2 1NH
tel 0344 980 3333 fax 01603 213548
highways@norwich.gov.uk

Report to Planning applications committee
Date 4 September 2014

Report of Head of planning services
Subject Application no 14/00833/F 216 Unthank Road
Norwich NR2 2AH

Item
4.4

SUMMARY

Description:	Erection of 1 No. four bed dwelling with new vehicular access.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Town Close
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	9th July 2014
Applicant:	Mr Keith Nicholls
Agent:	LSR Solicitors & Planning Consultants

INTRODUCTION

The Site

Location and Context

1. The site is within the grounds of 216 Unthank Road, which in 1884 was known as “The Grange;” and which is a locally listed building. The building survives but it has been significantly altered and extended, and divided into two properties with the south garden divided off.
2. The site is located within Newmarket Road Conservation Area. The current grain of the area includes the much denser development of the 20th Century (numbers 188-200 even), along Unthank Road to the north and detached two-storey and one and half storey dwellings in the former grounds of Beech Lodge, along Beech Drive to the west. To the north-east is the former site of “Eaton Villa”, which was replaced with the house “Hillcrest” in 1919-22 (by AF Scott), which is grade II listed.
3. The application site will be formed from the subdivision of the large garden plot of 216 Unthank Road and would be accessed via Beech Drive. Beech Drive is positioned at a lower level to the application site resulting in a steeply-banked verge running along the length of the south-western boundary of the site.
4. The application site is verdant in character and comprises a number of large, mature trees and other hedges/bushes.

Constraints

5. The site is located within the Newmarket Road Conservation Area.
6. The site is located within a Critical Drainage Area as defined on the policies map of the emerging Development Management Plan - Pre submission (April 2013).

Planning History (related to tree works)

The only planning history on the site relates to works to trees as outlined below:

13/00455/TPO - T1 Yew: Reduce crown on the north to the boundary, reduced extended limbs to east by 3m and height by 3m; T2 Yew: Reduce the crown extension on the north to the boundary and reduce height by 3m; T3, T4 and T5 Lime: Pollard at 6m; T7 and T8: Leylandii: Reduce height to 4m and maintain at this height. (REF - 03/04/2014)

13/00530/TCA - Removal of 3 Cypress trees and 3 Lime trees. (NTPOS - 24/04/2013)

13/00703/TCA - T7 and T8: Leylandii: Reduce height to 4m and maintain at this height. (NTPOS - 10/04/2013)

13/01260/TPO - Reduction of extension of crowns to the north over 'Hillcrest' 71 Mount Pleasant by the following dimensions: T1 Yew: reduce to boundary - 2.5m. T2 Yew: reduce by 2.5m. T3 Lime: reduce by 3m. T4 Lime: reduce to boundary - 2m. (APPR - 02/04/2014)

14/00573/TCA - 1) Crown raise Holly abutting Beech Drive to 4.5m above road surface; 2) Re-pollard the southernmost Lime to its original pollard point; 3) Root prune the Lime and insert an appropriate root barrier; 4) Remove old Laurel and Lawson Cypress adjacent to the Yew on the south western boundary; 5) Root prune Bay and insert an appropriate root barrier- reduce height to approx 2m; 6) Remove two lower branches to Oak growing into Holm Oak; 7) Cut branch of Lime overhanging house on Unthank Road. (NTPOS - 20/05/2014)

14/00705/TCA - 4x Limes overhanging nos. 192 & 194 Unthank Road: Removal of lower branches; 1x Sycamore overhanging no. 192: Removal of 1 branch. (NTPOS - 28/05/2014)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

7. The proposal is for the erection of a four bedroom dwelling and the creation of a new vehicular access.

Representations Received

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

9.

Issues Raised	Response
Harm to the character of the conservation area through loss of the mature garden, creation of vehicular access and out of character development.	Paras 31-39
Errors in arboricultural report and potential harm of the development upon trees and local ecology.	Paras 33-35 and 49-55
Need for an ecological survey to be undertaken.	Para 54
No conservation area appraisal has been adopted for the Newmarket Road area. The Council has a duty to do so.	Para 41
Harm to the setting of the grade II listed building located adjacent to the site.	Para 40
Overlooking to neighbouring properties.	Para 21-25
Increase in traffic.	Para 44
Drainage issues and disposal of foul sewage.	Paras 45-46
Impact on value of property.	Para 56

Comments from the Norwich Society:

It is very disappointing that this mature garden site will not remain unaltered if the proposal is approved.

The quality of the design does not match the delight of the existing landscape and is unsympathetic to it in this important conservation area – Paras 31-39

It is a case of “garden grab” – Para 18

...and the layout does not relate well with number 218 nor the rear of the houses along Unthank Road – Paras 29-30 & 36-39

Consultation Responses

10. Design and Conservation: No objection. Previous advice to locate the dwelling closer to Beech Drive has been heeded. The lower eaves will allow the development to nestle within the existing mature landscaping and avoid intrusion upon views from the original Victorian building towards its garden. Materials and detailing should be conditioned to ensure satisfactory appearance.

11. Transportation: No objection on transportation grounds.

12. Landscaping: No objection. The site is relatively secluded and not visible from the

surrounding main streets. The site also contains a number of existing mature and semi-mature landscape features which the proposals retain both and which are positive in terms of landscape impacts. Further landscaping details and management should be conditioned and particular attention should be paid to enhancing existing planting areas below trees to the southwest and northwest corners of the site, which will enable the new development to integrate with the existing setting, provide additional screening and privacy and enhance the setting of the proposed development.

13. **Arboricultural Issues:** The development is achievable in arboricultural terms provided that any planning permission is conditioned to ensure full compliance with the submitted arboricultural documentation.
14. **Natural Areas Officer:** No objections. Ecological impacts of this development are likely to be low provided that appropriate mitigation measures are put in place.
15. **Norfolk Landscape Archaeology:** No archaeological implications.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 4 – Promoting sustainable transport
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring good design
- Section 10 – Meeting the challenge of climate change, flooding and coastal change
- Section 11 – Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

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

- Policy 1 – Addressing climate change and protecting environmental assets
- Policy 2 – Promoting good design
- Policy 3 – Energy and water
- Policy 4 – Housing delivery
- Policy 6 – Access and transportation
- Policy 12 – Remainder of Norwich area
- Policy 20 – Implementation

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

- NE3 - Tree protection, control of cutting and lopping
- NE8 - Management of features of wildlife importance and biodiversity
- NE9 - Comprehensive landscaping scheme and tree planting
- HBE8 - Development in Conservation Areas

HBE9 – Development affecting Listed Buildings
HBE12 - High quality of design in new developments
EP16 - Water conservation and sustainable drainage systems
EP18 - High standard of energy efficiency in new developments
EP22 - High standard of amenity for residential occupiers
HOU13 – Proposals for new housing development on other sites
TRA5 - Approach to design for vehicle movement and special needs
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision

Supplementary Planning Documents and Guidance

Energy Efficiency and Renewable Energy (Adopted December 2006)
Trees and Development (Adopted September 2007)
Flood Risk and Development (Adopted June 2006)
National Planning Policy Guidance (NPPG) (March 2014)

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

Procedural Matters Relating to the Development Plan and the NPPF:

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

Emerging DM Policies:

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM6* Protecting and enhancing the natural environment
DM7 Trees and development
DM9 Safeguarding Norwich's heritage
DM12* Ensuring well-planned housing development
DM30* Access and highway safety
DM31* Car parking and servicing

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

relevant Local Plan policies listed above.

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

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

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

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

Principle of Development

Policy Considerations

16. There is a presumption in favour of sustainable development within the National Planning Policy Framework. This requires development that accords with the development plan to be approved without delay.
17. The site is in an accessible location adjacent to bus routes serving the city centre and wider area. The site is also located adjacent to several convenience shops and services along Unthank Road. The principle of residential development on the site is considered to be acceptable subject to meeting the requirements of other development plan policy.
18. On the 10th June 2010, the Government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land, changing the classification of gardens to Greenfield land in the process. This has been continued in the 2012 National Planning Policy Framework (NPPF) which states that local planning authorities should consider setting out policies to resist inappropriate development in residential gardens where it would be considered to harm the local area (paragraph 53). The Council has not adopted any such policy and therefore there is no "in principle" policy objection to the proposal.
19. Subdivision of larger residential plots for new housing of appropriate scale and character has previously been accepted by the council and provided proposals are well conceived and appropriately sited there should not be a complete moratorium on garden subdivision and the delivery of new housing would also assist in the delivery of much needed housing as identified in policy 4 of the JCS.

20. In this instance the application site benefits from a generous garden plot, sufficient in size (once divided) to serve the occupants of both the existing dwelling and the proposed one bedroom property. Suitable vehicular access can be provided from Beech Drive and the impact of the development upon the local area is discussed in the following paragraphs of this report.

Impact on Living Conditions

Overlooking

21. The site is verdant in character and contains a number of mature and semi-mature landscape features that provide natural screening from the surrounding area. This is particularly evident on the south and west boundaries of the site, which are characterised by a relatively dense coverage of mature trees and shrub border.
22. The proposed dwelling features no windows on the west facing elevation that may have otherwise raised the potential for overlooking from neighbouring properties located along Unthank Road. The separating distance between the west elevation and the nearest property is also approximately 26 metres, which would be sufficient distance to alleviate the significance of overlooking were windows to be installed on this elevation.
23. Whilst not a mandatory standard, the Building Research Establishment (BRE) sets out a recommended minimum separation distance between opposing facing windows of habitable rooms, of 21 metres. The front facing elevation is separated from the front facing elevation of the nearest dwelling on Beech Drive (number 202) by a distance of approximately 21 metres. In addition the trees and hedge growth existing on the south boundary already provide a natural form of screening between the two sites. However, there is potential for additional planting on this boundary, which would contribute to the existing screening as well as acting to enhance biodiversity and the appearance of the site. In consideration of the above therefore, overlooking from the proposed dwelling to the nearest residential property to the south is not considered to represent a significant issue.
24. The east boundary of the site is marked by beech hedging which has recently been planted as part of the proposal. Behind this, number 218 Unthank Road features a mature hedge approximately 2.5 metres in height running along the drive which provides additional screening from the application site. Any overlooking to the east is negated through the incorporation of roof lights on the 1 ½ storey east elevation of the proposed dwelling as well as a separating distance of approximately 25 metres between dwellings.
25. Finally, the distance between windows on the north elevation of the proposed dwelling and 71 Mount Pleasant to the north-east, is approximately 40 metres and obscured by mature hedge growth and trees located between the two properties. In summary of the above therefore, the proposal will not lead to any significant level of overlooking that could harm the privacy of neighbouring properties.

Overshadowing

26. Such is the distance between neighbouring properties and the limited 1.5-storey

scale of the proposed dwelling that there is no potential for overshadowing.

Living conditions for future residents:

27. The proposed dwelling benefits from generous internal living space and accords with indicative standards set out in the supporting text of policy DM2 of the emerging development management plan. Bedroom sizes satisfy prescriptive standards set out in the 1985 Housing Act.
28. Following pre-application advice the layout of the site has been revised to position the proposed dwelling closer to Beech Drive and open a greater outdoor space to the north and east of the dwelling. Additional landscaping works will be conditioned in order to enhance the setting of the site and to provide additional screening and privacy between the proposed development and surrounding area.

Design

29. Positioning the proposed dwelling closer to Beech Drive also allows it to appear more subservient within the existing plot and landscaping, as well as placing the building further away from views from 216 Unthank Road over its rear garden. Although existing properties along Beech Drive are located fairly erratically, they do appear to have been oriented to align with the street. Aligning the proposed dwelling geometrically with the street will allow it to read more legibly in the streetscape of Beech Drive.
30. The proposed dwelling has been designed with lower eaves and is of 1.5 storey scale with its highest point approximately 7.5 metres from ground level. The level garden of 216 Unthank Road is roughly the same height of the first storey of properties located to the north-west along Unthank Road. The reduced scale of the dwelling reflects pre-application advice provided by officers and has prevented the dwelling from appearing overly-dominant both in terms of the existing landscaping (and its relationship with the main house) and the relationship to Unthank Road properties. The timber cladding and broken roofline further reduces the bulk and physical impact of the dwelling with its immediate context.

Impact on the Conservation Area and Setting of the Listed Building

31. S72 of the Listed Buildings and Conservation Areas Act 1990 provides: "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".
32. The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings 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. It should be noted that The Barnwell Manor case principles (see above) are of similar application in the context of s72 duties, also, - i.e.

considerable importance and weight is to be given.

33. Much of the historic grain of this part of the conservation area has been lost through development along Unthank Road and in the former grounds of Beech Lodge to the west of the site (now Beech Drive). The most important extant historic characteristic of this part of the conservation area is the existing mature landscaping, likely to have been planted for 'The Grange' (now 216 & 218 Unthank Road) and also the verdant character of Beech Drive. The lawn area of the garden (which is to be partly built upon) is barely visible from the surrounding area and does not contribute to character of the conservation area. The proposal retains the majority of existing landscaping on site and introduces new planting around the boundary of the site which assists in mitigating any loss of planting necessary to facilitate the development.
34. Seven trees have already been removed on site (agreed with the Council's Tree Protection Officer) and the proposal involves the loss of one further tree and part of the existing boundary hedge/bank to create vehicular access to the site. The overriding character afforded by the mature landscaping is however retained and the planting of the boundary hedge/tree and additional landscaping works (to be conditioned), will ensure that the verdant character of the site is enhanced by the proposal.
35. Whilst works have already begun to the vehicular access, the creation of the access is included within the description of the application and would need to be finished in accordance with the plans. Levels will be conditioned to demonstrate how the bank will be profiled around the access point. The resultant loss of part of the hedge on the south-western boundary of the site to create the access is not considered harmful to the character of the conservation area. The loss of the hedge is mitigated for by planting of the Beech hedge on the north and west boundary of the site and the access will allow views onto the contemporary dwelling, adding visual interest to the streetscape of Beech Drive.
36. The quality of the design for the contemporary dwelling will depend to some extent on the quality of materials and detailing which will be required by condition for approval at a later date. This will ensure that the dwelling contributes positively and adds visual interest to the street scene when viewed from Beech Drive. The contemporary development will not be out of keeping with several other properties along Beech Drive which have also been developed (post 1970) as a result of the sub-division of 222 Unthank Road (formerly Beech Lodge). 202 and 222a Beech Drive are both contemporary, chalet-style properties, 1.5-storey and single-storey respectively. The proposed dwelling will read as part of the street scene of Beech Drive and in this context it is not considered that the proposal will look out of character in the area.
37. As discussed already, the scale, form and layout of the development will allow the proposed dwelling to appear subservient to, and not detract from the main building (216 & 218 Unthank Road) and those properties located along Unthank Road. The new dwelling will not be viewed from Unthank Road such is the difference in levels and screening provided by existing dwellings and vegetation.

38. In consideration of the above and subject to conditions, the proposal will preserve the character of the conservation area and subject to conditions, the contemporary design of the property and associated landscaping works to carry the potential to enhance the streetscape when viewed from Beech Drive.
39. The proposal is therefore considered acceptable in accordance with the objectives of saved policy HBE8 of the adopted Local Plan.
40. The proposed dwelling is located approximately 40 metres from the grade II listed building (71 Mount Pleasant) and will be screened by substantial mature landscaping between. The proposal will not therefore harm the setting of the listed building.
41. Several objections have cited the absence of a conservation area appraisal for the Newmarket Road Conservation Area. The Listed Building Act 1990 (S71) states that "it shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas". A conservation area appraisal would be a material consideration in the determination of any planning application if one existed for the area in question. However, the absence of any such appraisal does not preclude the duty upon the council to assess each application put before it as well as the duty to apply S72 of the Listed Building and Conservation Areas Act in the assessment process. The current application must be determined in accordance with the development plan and material considerations in place at the time of decision.

Transport and Access

42. The proposal is found to be acceptable in transportation terms for its location with no negative implications for the highway. The garage is integral to the main property which will accommodate a single car parking space. This accords with the maximum parking standards set out in appendix 4 of the adopted Local Plan for a dwelling in this location.
43. A shared refuse/cycle store will be created from the existing structure at the north-west corner of the site. The applicant has indicated the intention to install a sunken roof in order to maintain the existing appearance of the structure. The original doorway will be opened up again and new door installed to provide access to Beech Drive. The proximity to the highway will allow for ease of collection for purposes of servicing. The cycle storage will be secured and covered following modifications to the structure. Details of the roofing material and door will be conditioned to ensure satisfactory appearance.
44. The proposal is for a single dwelling only and the impact upon traffic in the area will be negligible. The driveway features a turning head to allow egress in a forward gear and the width and splay of the vehicle access will ensure safe egress onto the highway.

Environmental Issues

Drainage

45. The site is located in a Critical Drainage Area as identified on the policies map of the emerging development management plan. In order to prevent indirect flooding to other areas in the vicinity, a scheme for a Sustainable Urban Drainage System (SUDS) will be conditioned. This will require a plan illustrating surface connections to drainage points and the methods of sustainable drainage that will be incorporated into the scheme to prevent excessive surface water run-off.

Disposal of Foul Sewage

46. Several objections have been received referencing the current strain on the drainage system in the area and associated blockages and associated issues with raw sewage. The site is located in an urban area where several points will be available to connect to the main sewage system. If access to the sewage system is protected by any covenants then it will be necessary to gain the consent of the relevant landowner, however this would constitute a civil matter outside the remit of the planning assessment.

Archaeology

47. There are no archaeological implications associated with the proposed development.

Water Conservation

48. Under local policy the only requirement would be for the new dwellings to meet Code for Sustainable Homes Level 4 for water, which is water usage of only 105 litres per person per day. A condition is recommended to ensure this is achieved.

Trees and Landscaping

49. The Arboricultural Report references seven trees that have recently been removed with the agreement of the Council's Tree Protection Officer. The Design and Access Statement adds that it's been necessary to remove a Lawson Cypress tree and small section of a Laurel Hedge. All of these works have been checked by the Council's Tree Protection Officer and the works were deemed to be acceptable with necessary consents issued.
50. The Council's Tree Protection Officer has reviewed the arboricultural information submitted with the application and has expressed satisfaction with the proposed works provided that any planning permission is conditioned to comply with the submitted information, in particular the measures set out in section 6 of the arboricultural report.
51. Whilst the arboricultural report incorrectly states that the site is not located within the conservation area, the council's Tree Protection Officer has undertaken their assessment of the proposal in the full understanding that the site is located within the Newmarket Road Conservation Area and this discrepancy has not therefore distorted officers assessment of the application and the document therefore

remains valid.

52. A letter of objection has referred to the arboricultural report and the potential for damage to be caused to trees on site by the development. In particular, the damage caused to the Lime Tree T910 is referenced. The excavations to allow entrance to the site have penetrated into 28% of the root protection area (RPA) of the tree and the construction of the driveway will reduce the rooting zone and limit the availability of any new root growth providing structural support. The tree in question is an outgrown pollard that has recently been re-pollarded. The Council's Tree Preservation Officer has stated that the tree would not merit a Tree Preservation Order (TPO) individually and if managed regularly as a pollard then the loss of roots should not affect its stability in the long term. The monitoring works are supported.
53. Most of the tree work carried out to the tree belt has been to thin out an area of under managed area in favour of the remaining trees. One of the Yew trees previously removed was virtually dead.
54. The Council's Natural Areas Officer raises no objection to the proposal but recommends several mitigation measures to be followed during any clearance/construction phases of the development to minimise the impact of the development. These will form part of an advisory note to add to any planning permission. It is also recommended that details of any external lighting be conditioned to ensure that should any lighting be installed externally, it avoids any disruption to bats that may be active in the area. The Natural Areas Officer did not consider an ecological assessment to be necessary, particularly given the mown nature of the site.

Replacement Planting

55. One tree has been planted on the north-east corner of the site (Malus 'Everest') and Beech hedging has been planted on the north and east boundaries of the site. Additional planting will be secured by a landscaping condition. The verdant character of the site will therefore be retained and the landscaping works have the potential to enhance biodiversity and the setting of the proposed development.

Loss of Property Value

56. The impact of the proposal upon the value of property in the surrounding area is not a material planning consideration.

Local Finance Considerations

57. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore it is considered that limited weight should be given to them.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Development is 'self-build' so an exemption from payment can be applied for	£75 per square metre (£5805.44 unless any relief for self-build is successful)

Conclusions

58. Due to a recent appeal decision, as the council does not have a five-year housing land supply this means that policy HOU13 of the replacement local plan can be given no weight in determining this planning application. As such there is a presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits.

The scale, form and layout of the development have been designed to prevent the proposed dwelling appearing overly dominant and to provide legibility as part of the streetscape of Beech Drive. The most important extant historic characteristic of this part of the conservation area is that afforded by the existing mature landscaping, which will be largely retained as part of the proposal, supported by the tree protection measures outlined in the arboricultural report. The contemporary design of the dwelling will complement and provide visual interest in the street scene when viewed from Beech Drive. The proposal will therefore preserve the character of the conservation area.

The development avoids any harm to the residential amenity of neighbouring properties and provides excellent living conditions for prospective residents.

Subject to conditions the proposal is acceptable and in accordance with the objectives of the National Planning Policy Framework (2012), policies 1, 2, 3, 4, 6, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE3, NE8, NE9, HBE8, HBE9, HBE12, EP16, EP18, EP22, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

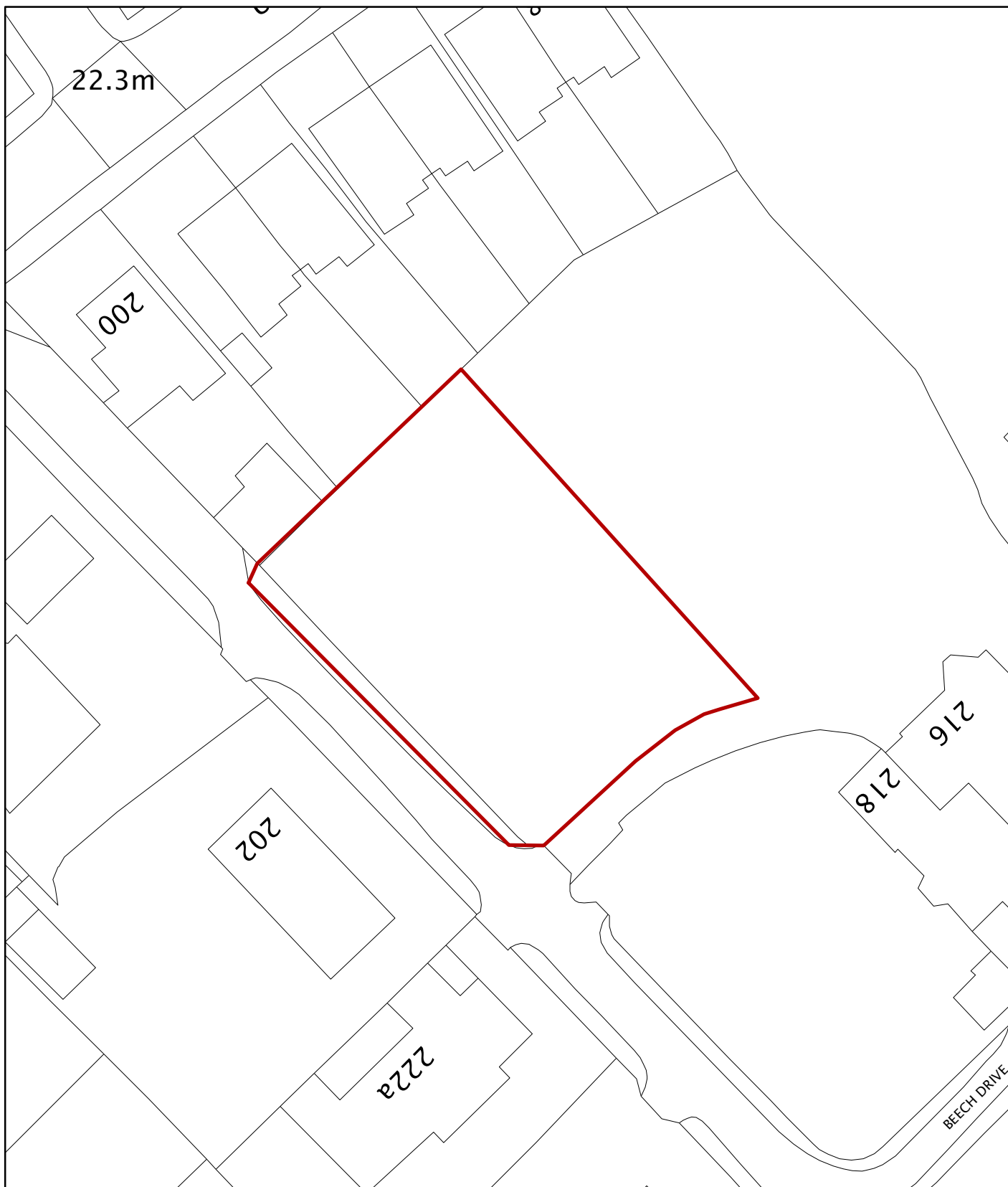
RECOMMENDATIONS

- 1) Standard time limit
- 2) Development in accordance with approved plans
- 3) Details to cover facing and roofing materials, external windows and doors and eaves details;

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

Informatives:

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



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Planning Application No 14/00833/F

Site Address 216 Unthank Road.

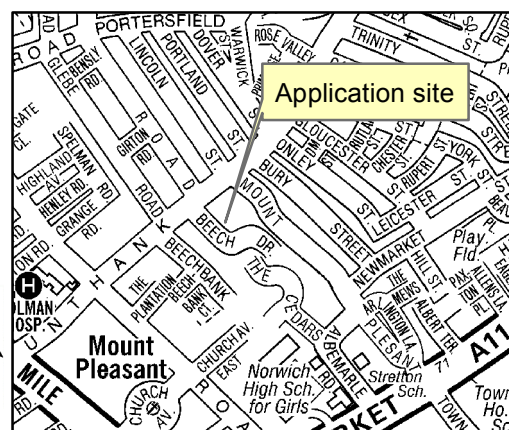
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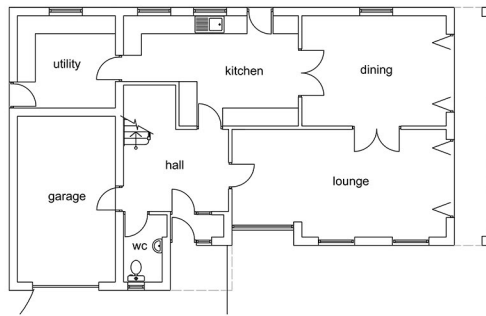


NORWICH
City Council

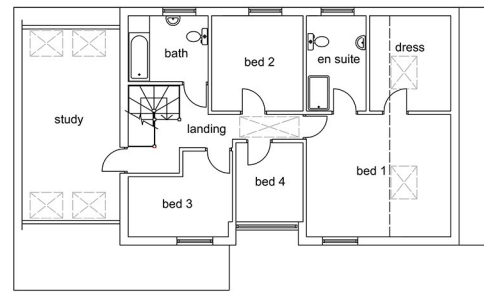
PLANNING SERVICES

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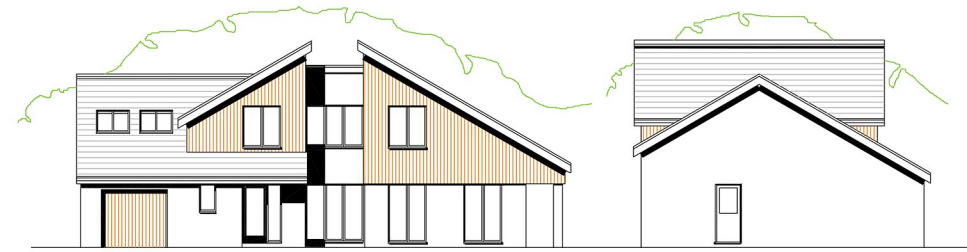




ground floor plan



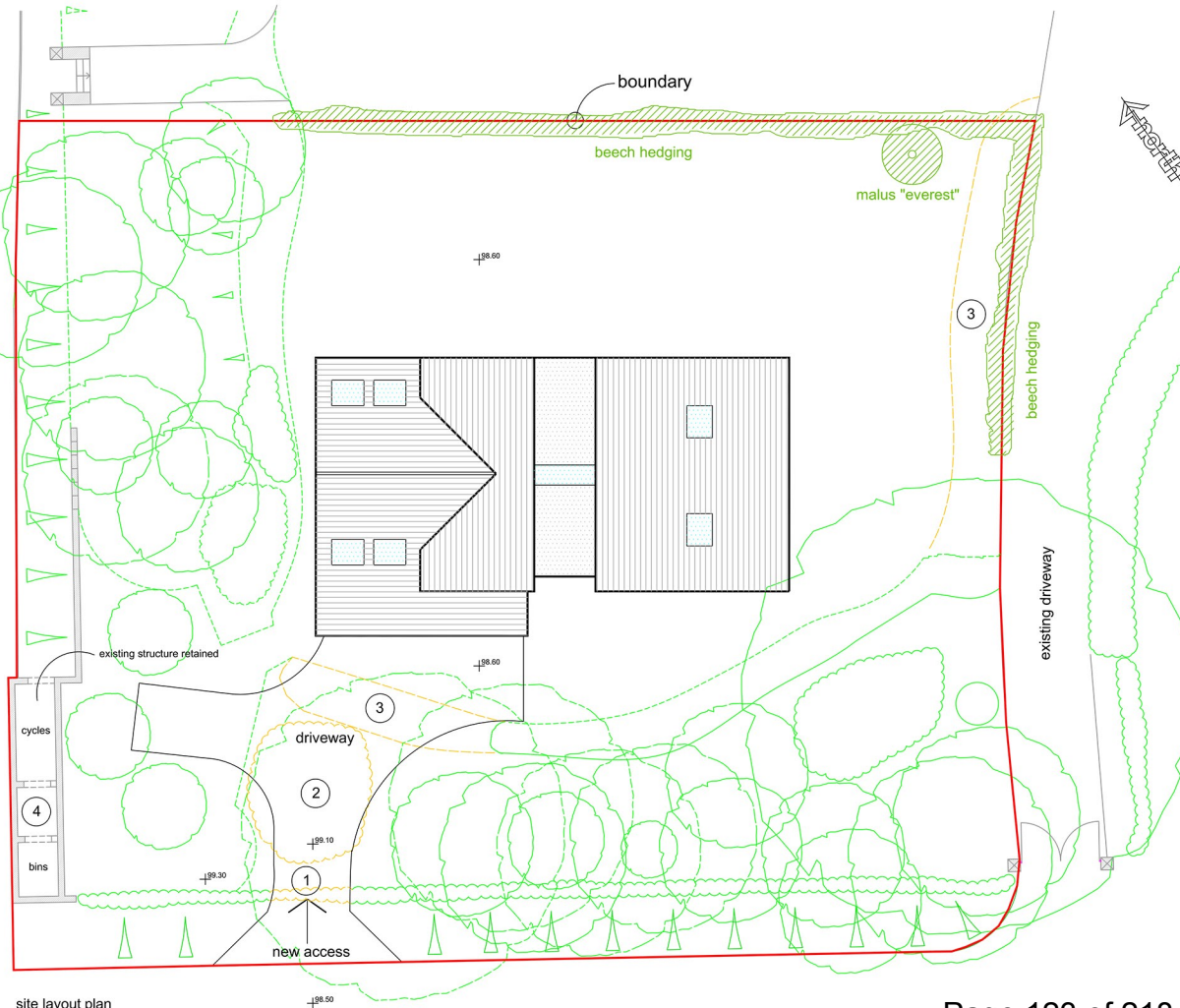
first floor / roof plan



front elevation

side elevation

walls - brickwork and untreated timber cladding
windows - painted timber
roofing - slates



site layout plan



rear elevation

side elevation

- ① opening formed through hedge
- ② bush removed
- ③ area of embankment removed
- ④ cycle and bin storage (existing structure)



Stable Cottage
Ball Inn Yard
The Street
Bawdeswell
Norfolk
NR20 4RR

01362 688151

alanarchdesign@btinternet.com

Client Mr and Mrs Nicholls 216 Unthank Road Norwich		Project new dwelling	
Drawing	revised detailed planning	Drg no	615 / 12
Date	04 / 06 / 14	Scale	1 : 100
		@	A1

Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 14/00633/F Storage land west of 27 Vulcan Road North Norwich

Item
4.5

SUMMARY

Description:	Creation of self-storage site including erection of palisade fence, electric sliding security gate, installation of shipping containers, lighting and CCTV.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Catton Grove
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	3rd July 2014
Applicant:	Norwich Self-Storage
Agent:	Norwich Self-Storage

INTRODUCTION

The Site

Location and Context

1. The site is currently used for storing vehicles and is located on the edge of the airport industrial estate and adjacent to residential properties to the west. The site lies on the edge of Norwich City Council's jurisdiction adjacent to Broadland District Council's area.
2. The site is located within a General Employment Area of the city.

Planning History

3. 07/00251/U - Installation of acoustic screen adjacent to residential properties and retrospective application for use of land for bus parking (40 vehicles); bus driver car parking; and erection of 2 No. temporary mobile lighting units – Refused.

09/00320/F - Proposed bus parking (60) spaces for First Eastern Counties, plus site resurfacing, site lighting and the creation of a landscaped mound with acoustic fence – Approved but not implemented.

14/00164/F - Erection of a single storey valeting centre for in house vehicle valeting – Approved and implemented on the north side of the application site.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. The proposal is for the creation of a self-storage site, including the erection of palisade fencing, electric sliding security gate, installation of shipping containers, lighting and CCTV.

Representations Received

5. 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.

Issues Raised	Response
Concern regarding type of things to be stored in containers.	Para 23
24hr access to the site is unacceptable due to associated noise disturbance.	Paras 10-11
We would expect the lighting arrangement to be acceptable so that they are not directed towards adjacent houses. Conifers currently offer screening from the site. Concern that this will not be the case if they are removed.	Paras 12-14
Impact of proposal upon access to adjacent site.	Para 21

Consultation Responses

6. **Environmental Protection:** the site borders residential premises and 24 hour access to the site may cause noise disturbance due to the type of activities that might take place on site and operating hours of 7am – 8pm are recommended (condition 5). A lighting plan is necessary to ensure that lighting will not cause a nuisance (condition 6). Lights positioned up to five metres high are likely to cause spillage and be visible from surrounding properties.
7. **Transportation:** The Council's Transportation Officer has been consulted informally and has raised no objections to the proposal. Advisory notes are recommended relating to the creation of a vehicle crossover, material to be used for hard standing and recommended management for the delivery of the shipping containers.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 1 – Building a strong, competitive economy
- Section 7 – Requiring good design
- Section 11 – Conserving and enhancing the natural environment

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

- Policy 2 – Promoting good design
- Policy 5 – The economy
- Policy 6 – Access and transportation
- Policy 12 – Remainder of Norwich area

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

- HBE12 - High quality of design in new developments
- NE9 - Comprehensive landscaping scheme and tree planting
- EP22 - High standard of amenity for residential occupiers
- EMP5 – Policy for General Employment Areas
- TRA5 - Approach to design for vehicle movement and special needs

Supplementary Planning Documents and Guidance

National Planning Policy Guidance (NPPG) (March 2014)

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

Procedural Matters Relating to the Development Plan and the NPPF

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

Emerging DM Policies:

- DM1 Achieving and delivering sustainable development
- DM2* Ensuring satisfactory living and working conditions
- DM3* Delivering high quality design

DM6* Protecting and enhancing the natural environment
DM16 Employment and business development
DM31* Car parking and servicing

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

Principle of Development

Policy Considerations

8. The site is located within a General Employment Area of the city. The proposal seeks to change the use of the site for the siting of self-storage shipping containers. This B8 use is identified as appropriate to general employment areas under saved policy EMP5 of the adopted Local Plan. Where such uses adjoin residential areas, there is a requirement to limit uses to those which will not be significantly harmful to adjoining residents. The impact of the proposal upon the amenities of neighbouring properties is discussed later in this report but in summary and subject to conditions, the proposal is considered to satisfy the criteria of EMP5. Access arrangements are appropriate and the security of the site will be enhanced through the erection of palisade fencing and the installation of CCTV cameras.
9. The proposal would contribute to meeting the development needs of a local business in accordance with Section 1 of the NPPF.

Impact on Living Conditions

Noise and Disturbance

10. Residential properties are located adjacent to the site to the west along Waldemar Avenue. It is proposed to operate the self-storage business on a 24/7 basis. A number of management checks are proposed by the applicant aimed at reducing the potential for any disturbance from activities associated with the business. These measures include the following:
 - Customers requiring late night access will be allocated a storage container closer to the main entrance and further away from the neighbouring residents
 - Damage deposits to discourage customers from treating the storage units disrespectfully, for example by slamming doors which could lead to damage
 - The doors cannot be shut by slamming as the doors have an in-built leverage system
 - The containers are specially lined to reduce vibrating noise from heavy items making contact
 - No electricity is provided to the containers which will prevent the chance of any machinery disturbances on site
 - Only a minimal number of customers are expected at night
 - If any complaints are received from residents then the CCTV will be reviewed and the customer asked to be more conscientious when visiting. If a customer receives three complaints then their contract will be terminated

11. Whilst these measures are encouraging they depend largely upon the good will of customers and do not represent adequate controls against noise disturbance. The need to eliminate the opportunity for noise disturbance is made more critical by the relatively low background noise of the area, which would make any late night noise produced on the site more noticeable. It is therefore considered appropriate to restrict use of the site to not be open to the public or trade, or for trade deliveries or collections, between the hours of 8pm and 7am on any day.

Lighting

12. Lighting is proposed across the site both in the form of short poles to be installed on top of several of the containers and taller poles positioned between the containers. Plans indicate that the lights will be directed in towards the site but the Council's Environmental Protection Officer has expressed concern with the type of lights proposed and the short pole lights which are to be installed five metres above the ground on top of the containers. The lighting specifications submitted with the application indicate suitability for a range of uses including car parks, building facades and car parks and they can therefore be positioned to achieve a variety of lighting effects. It's not possible to confirm whether the lights will only illuminate the site directly and there is potential for light spillage onto neighbouring properties.
13. Following concerns raised by the Council's Environmental Protection Officer the applicant has provided further detail relating to the illumination specifications and angles for the external lights. Despite the additional information concerns remain over the lights to be installed on top of the containers and the potential for light spillage onto neighbouring residents. The submitted layout plan of the shipping containers is only indicative so the exact position of the lighting cannot therefore be determined at this stage.
14. Low level lighting is encouraged as an alternative to lighting on top of the containers. A lighting plan will be conditioned and the approval of the local authority will be required prior to the installation of any external lighting at the site.

Design

15. The proposal involves no built development, the containers being mobile structures. The indicative layout shows the containers to be arranged in such a way to allow cars to circulate the site in a forward gear. It will be necessary to ensure that vehicles can navigate the site in a forward gear in the interests of protecting highway safety and the safety of those persons present on site. Enabling vehicles to easily circulate the site will also minimise the potential for noise disturbance to neighbouring properties resulting from vehicle manoeuvres and reversing beepers. Planning permission will therefore be conditioned to require a detailed site layout plan demonstrating that vehicles will be able to safely navigate the site. The condition will also restrict any stacking of containers to prevent harm to the visual amenities of the surrounding area.
16. The site already benefits from mature landscaping on the western boundary which

provides visual screening from the neighbouring properties. The applicant has expressed no intention to remove these trees, but the long term retention of the trees cannot be guaranteed since the trees are located outside of the site boundary. A condition is therefore recommended to require landscaping works to the western boundary of the site to provide satisfactory screening of the application site in the event that the trees should be removed in the future.

17. Palisade fencing is proposed to be erected around the boundary of the site in order to enhance security. The fencing will reach 2.1 metres in height and the design of the fencing is reflective of that erected on surrounding sites in the employment area.
18. CCTV cameras will be installed at the site, which will further enhance the security of the site in accordance with saved policy EMP5 of the adopted Local Plan.

Transport and Access

Vehicular Access

19. There are no objections to the proposal on transportation grounds. Temporary car/cycle/motorbike parking will be possible on site whilst vehicles are unloading or loading from the containers. No other parking will be necessary.
20. It will be necessary to install a vehicle crossover at the new access point to the site. The applicant is advised to contact the Council's highways team in order to ensure that the crossover is built to an acceptable standard.
21. It's also recommended that the shipping containers be transported to the site outside of main operational hours of the surrounding businesses to avoid any disruption to the highway during the set up process of the business. Any such disruption will however only be temporary until all shipping containers have been delivered to the site.
22. Should the ground of the site be levelled and re-surfaced, any hard standing must be constructed with a porous material to allow sustainable drainage at the site. This will be secured by condition.

Other issues

23. A letter of representation raises concern regarding the nature of what is to be stored in the containers. The self-storage units are relatively small and will not be suitable for larger commercial purposes. The applicant has stated that customers will not be allowed to store anything of an illegal nature, fireworks, explosives, dangerous chemicals, food/perishable goods, birds, fish, animals or any form of living creature. The storage of certain hazardous substances would also be controlled by separate legislation.

Local Finance Considerations

24. The application involves a change of use of the land for the siting of the self-storage units. Whilst the application is for a permanent consent the containers are not buildings and the proposal will not therefore be liable for CIL.

Conclusions

25. The proposed use is appropriate for the general employment area and would assist in meeting the development needs of a new business. Subject to conditions controlling the activities on site and ensuring adequate layout, landscaping and lighting, the proposal will satisfy the objectives of Sections 1, 7 and 11 of the National Planning Policy Framework (March 2012), Policies 2, 5, 6 and 12 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE12, EP22, EMP5 and TRA5 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

RECOMMENDATIONS

To approve application reference 14/00633/F subject to the imposition of the following conditions:

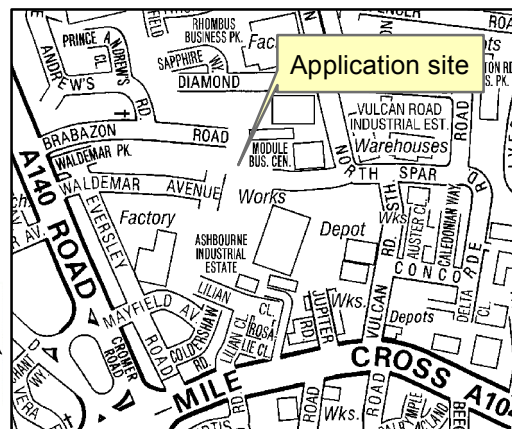
- 1) Standard time limit -3 years
- 2) Shipping containers shall be installed and laid out in accordance with a site layout plan to be submitted to and approved by the local planning authority. The layout of the site shall not provide for the stacking of the storage containers and shall provide for landscaping along the western boundary of the site.
- 3) Landscaping scheme to include details of screening to the western boundary of the site.
- 4) Opening hours restricted so that the site is not open to the public or trade, or for trade deliveries or collections, between the hours of 8pm and 7am on any day.
- 5) No external lighting shall be installed unless in accordance with a lighting plan to first be submitted to and approved in writing by the local planning authority. The lighting plan will show how lighting will be minimised during the hours of closure from 8pm to 7am daily.
- 6) Any hard surfacing to be constructed of a porous material.

Informatives:

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

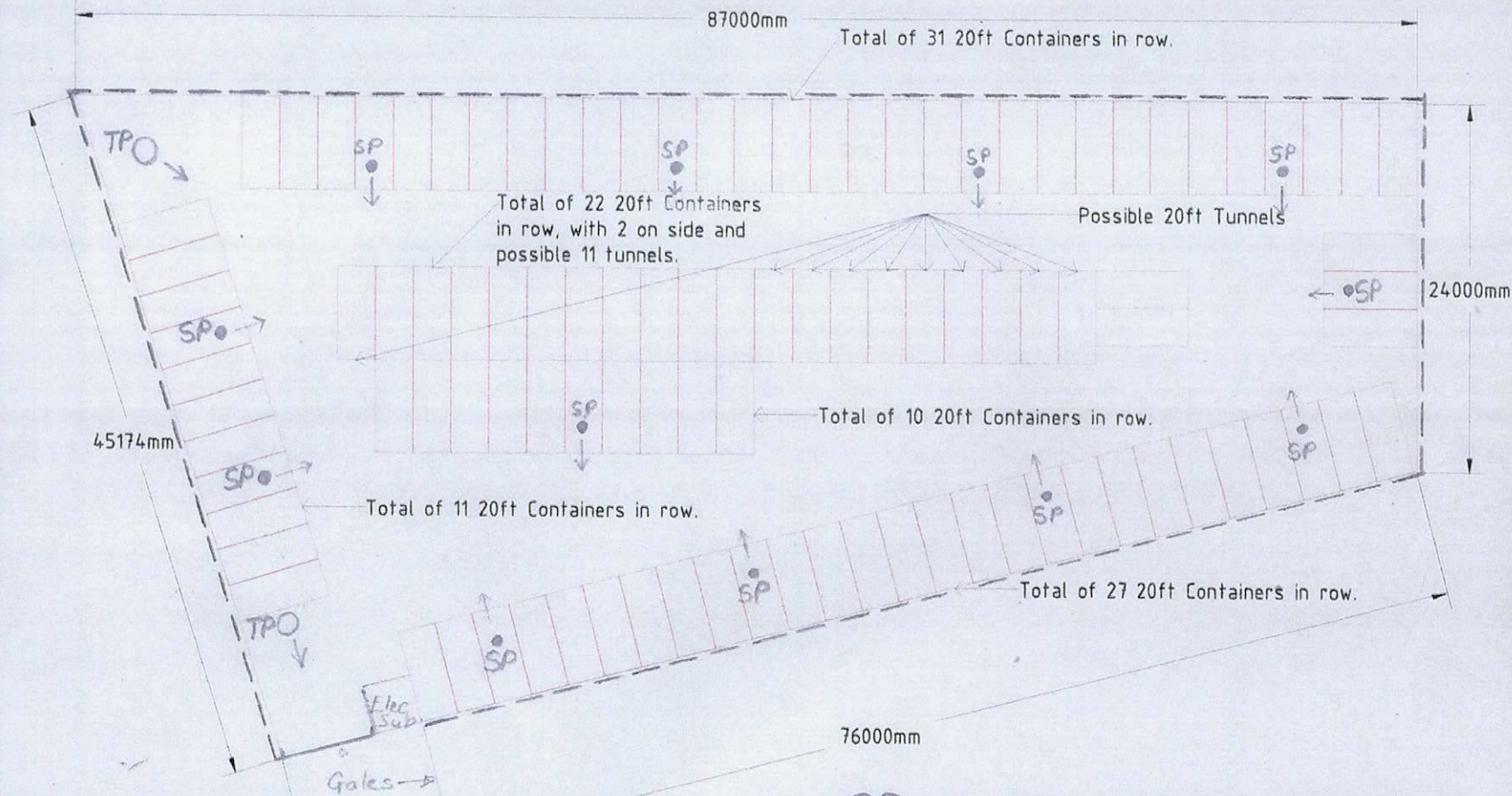
Article 31(1)(cc) Statement

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.



SITE PLAN

1400633F



Some aspects of the site perimeter are assumed (i.e. right angles at bottom left and top right), actual variation could affect the number of containers the site can hold.

Minimum width for a drivable route around the site is 5m (approx. 16ft) to allow for 2 way traffic.

Total containers in this layout are:
104x 20ft Units
(w/11x Tunnels)



No.	Revised/Issue	Date

Mr Box Ltd.
1st Floor Unit 1
Orion Court
Ipswich
IP6 0LW

Site Map for Ben SC

SITE
LAYOUT

Site Map Ben SC

02.06.2014

Not to scale

01

- 1 JUL 2014
Planning Services

- SP SHORT POLE SUPPORTING LIGHT AND CAMERA
- TP TALL POLE SUPPORTING LIGHT AND CAMERA
- PALISADE FENCE

Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject 14/01070/NF3 Heathgate Open Space, Heathgate Norwich

Item
4.6

SUMMARY

Description:	Erection of a cycle route from Hassett Close to Gurney Road with associated landscaping including a viewing 'mound' and tree planting.
Reason for consideration at Committee:	Council's own application.
Recommendation:	Approve
Ward:	Thorpe Hamlet
Contact Officer:	Mr Steve Fraser-Lim Planner 01603 212507
Valid Date:	6 August 2014
Applicant:	Norwich City Council
Agent:	Mr John Nuttall

INTRODUCTION

The Site

Location and Context

1. The application site comprises of a 0.6 hectare strip of land linking from Hassett Close to Gurney Road. The site includes grassed amenity space at the rear of Heathgate flats to the south and west close to Hassett Close, as well as scrub and heathland forming on the east side of the site adjacent to Gurney Road, forming part of Mousehold Heath. The site includes groups of mature trees within both grassed and scrub areas, as well as some concrete steps on the western side of the site adjacent to Hassett Close.
2. The surrounding area is characterised by residential development of varying styles, interspersed with significant areas of landscaping and open space. Residential development adjoins to the west, north and south, with allotment gardens to the north, and Mousehold Heath to the east.
3. The site is a publicly accessible open green space as identified by saved policy SR3 of the adopted Local Plan.

Constraints

4. Parts of the site are identified as forming part of: the Green Links Network (policy SR12); a site of nature conservation (NE7); publicly accessible open space (SR3); woodland (NE2); River Valley (NE1); and a strategic cycle network (TRA15), within the Replacement Norwich Local Plan 2004, where the above mentioned policies apply.
5. In addition the western area of the site comprises designated open space and the eastern corner of the site also comprises designated woodland within the emerging Development Management policies map.
6. The St James Pit Site of Special Scientific Interest (SSSI), designated due to its geological interest is located immediately to the south of the site, and Mousehold Heath on the opposite side of Gurney Road to the east is designated as a Local Nature Reserve and County Wildlife Site.

Topography

7. The site rises steeply from the west adjacent to Hassett Close, towards Gurney Road, adjoining the sites eastern boundary. Ground levels on the eastern part of the site rise above the road level before dropping sharply as at the junction with Gurney Road.

Planning History

8. No relevant planning history.

Equality and Diversity Issues

There are significant equality issues as the proposal will improve public access for all (see paras. 9 and 10).

The Proposal

9. A cycle route is proposed, comprising 3m wide asphalt hard surface from Hassett Close to Gurney Road. In order to overcome the significant level changes on the western part of the site mentioned above, a series of switch back ramps are proposed rising from Hassett Close, to the higher ground at the rear of the Heathgate flats. An alternative but similar alignment for the route is shown in this area of the site should technical problems arise within the preferred option. 1.1m high metal railings are proposed adjacent to the ramps and the removal of the existing non Disability and Discrimination Act (DDA) compliant steps and installation of new DDA compliant steps is also proposed adjacent to the cycle ramps.
10. A viewing platform is proposed on high ground above the cycle ramps affording panoramic views across the city centre. Access to this point would also be DDA compliant. The cycle route would cut across grassed amenity areas at the rear of the Heathgate flats before passing in a cutting through scrub heathland to join with

Gurney Road.

11. Motion sensitive lighting is proposed along the route and a footpath is also proposed linking the cycle part to existing footpaths surrounding the Heathgate flats. Up to three trees would be lost during construction of the ramps in the western section of the site (Scots Pine, Silver Birch and Hawthorn), and two Sycamore trees would be lost during construction of the cutting adjacent to Gurney Road. 50 replacement trees are proposed to be planted across this site in compensation.
12. The proposals are part of a wider programme to improve a cycle route from Norfolk and Norwich University Hospital and UEA, through the city centre, to Heartsease and Broadland. The programme, referred to as 'push the pedalways' will see a series of programmes for improvements to the pink pedalway and connections leading to it.

Representations Received

13. Advertised on site and in the press. No letters of representation have been received.

Consultation Responses

14. Natural Areas Officer: The ecological issues have, in general, been adequately addressed and catered for in the proposed mitigation measures. In particular, the measures outlined in sections 5.6 – 5.11 of the ecological report should be implemented, and also the measures to eradicate the highly invasive Variegated Yellow Archangel in section 5.12.
15. Additional comments are made in relation to the design and access statement: Section 3.11 states both that the heathland habitat will be encouraged and trees planted. This seems to be a contradiction, in that planting trees will reduce the value of any heathland habitat and may well jeopardise the heathland's continued existence, although perhaps some spatial separation between different areas is intended here. This should be clarified.
16. Section 5.07 states that motion sensors will be provided for the proposed new lighting, but the way this is phrased seems to indicate that this technique is still somewhat experimental. Will any monitoring arrangements be put in place to ascertain the effectiveness (or otherwise) of this system? Motion sensor controlled lighting, if it is effective, could largely address potential concerns about lighting disrupting bat foraging activities but if the motion sensor controlled lighting does not work properly it could be replaced with a less 'bat friendly' alternative. As suggested in the ecological appraisal, the wider question of bats and lighting associated with this proposal should be adequately addressed.
17. It should be noted that use of tree species that are invasive on heathland, especially Scots pine and Silver birch, should be avoided in new planting.
18. Arboricultural Officer: There will be direct and indirect impacts on trees; the direct impacts such as tree removals have been mitigated in the landscape scheme's proposed planting. The indirect impacts require an arboricultural method statement

to cover those parts of the proposed cycle route that impinge on or are close to root protection areas of trees along that route, particularly where changes in soil level are indicated. This should include any compensatory mitigation/amelioration methods that may be appropriate as well as the suitable level of physical tree protection measures expected.

19. Transportation: The provision of a new cycle and pedestrian route to Mousehold Heath is a welcome addition to the sustainable transport infrastructure of the city and could be implemented as proposed.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 4 – Promoting sustainable transport

Section 7 – Requiring good design

Section 8 – Promoting healthy communities

Section 11 – Conserving and enhancing the natural environment

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 6 – Access and transportation

Policy 7 – Supporting communities

Policy 11 – Norwich City Centre

Policy 12 – Remainder of Norwich area

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

NE1 – River valleys

NE2 - Woodland

NE3 - Tree protection, control of cutting and lopping

NE8 - Management of features of wildlife importance and biodiversity

NE7 – Other sites of nature conservation interest

NE9 - Comprehensive landscaping

HBE12 - High quality of design in new developments

EP22 – Protection of residential amenity

SR3 – Criteria for development of Urban Greenspace and Recreational Open Space

SR12 – Green links

TRA3 – Modal shift measures in support of NATS

TRA14 - Enhancement of the pedestrian environment and safe pedestrian routes

TRA15 - Cycle network and facilities

Supplementary Planning Documents and Guidance

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

Emerging DM Policies (submitted for examination):

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

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM6 Natural environmental assets
DM7 Trees and development
DM8 Open space
DM9 Safeguarding Norwich's heritage
DM6* Protecting and enhancing the natural environment
DM8* Planning effectively for open space and recreation
DM28* Encouraging sustainable travel
DM30 *Access and highway safety

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

Principle of Development

20. The push the pedalways programme aimed at improving links between major development sites in the city to the cycle network and encouraging more people to travel by bicycle in a safe environment. In this respect the proposal will chime positively with the Norwich Area Transport Strategy (NATS), part of which seeks to provide new links to help to improve pedestrian and cycle environment.
21. The proposed cycle route will support the development of a network safe and convenient cycle routes throughout the city. This will encourage travel by sustainable modes of transport into and out of the city centre, promote healthier patterns of living and reduce carbon dioxide emissions. As such the proposals are strongly encouraged by JCS policies 1, 6, 7 and 11, and Local Plan policies TRA3 and TRA15. The principle of proposed cycle route is therefore supported, subject to the following planning considerations.

Impact of the proposals upon designated Open Space

22. The western section of the site comprises designated Open Space within the Local

Plan 2004 and emerging Development Management Policies document. Local Plan Policy SR3 states that proposals for development within areas of publicly accessible recreational open space or urban greenspace will not be permitted if there is an overriding amenity or biodiversity interest in retaining the site in its existing open form. Where there is no overriding amenity or biodiversity interest, proposals for development on publicly accessible recreational open space or urban greenspace (whether on sports pitches, children's' play areas or not) will be evaluated for their contribution to the amenity of the local community, to biodiversity, to a qualitative improvement to any remaining open space.

23. Emerging policy DM8 sets out a similar presumption against development upon open space unless this is for sport / recreation, would improve recreational facilities and would not result in significant biodiversity impacts.
24. The proposed cycle route would be sited within this designated open space. However the nature of the proposed development, comprising a 3m wide cycleway and lighting would occupy only a small amount of available open space, and would not significantly affect the overall recreational value of this space. The designated area of open space comprises predominantly mown grass of limited biodiversity value (with the exception of some trees which are considered in a separate section below). The proposed cycleway would also facilitate access through and to the open space and Mousehold Heath to the east, which would be of benefit to the local community, as well as the wider public interest. As such the proposals are considered to accord with the requirements of Local Plan policy SR3, and emerging Development Management Policy DM8.

Impact upon designated woodland and areas of nature conservation interest:

25. The eastern area of the site comprises designated woodland a site of nature conservation, and adjoins a designated Local Nature Reserve and County Wildlife Site (Mousehold Heath). Policies NE1, NE2 seek to prevent development which harm the environmental quality of Mousehold Heath and result in a loss of woodland. Policies NE7 and NE8 also seek to protect areas of wildlife quality, and where conflicts of interest are unavoidable appropriate mitigation measures are required.
26. The proposals would result in the loss of areas of overgrown scrub and two sycamore trees within this area, as well as excavation of a cutting for the cycle path. The removal of these trees and vegetation would therefore conflict at face value with policy NE2, with regard to loss of woodlands. However this area of the site forms part of Mousehold Heath, an area traditionally comprising acidic grassland and heath, which provide favourable habitat for reptiles and invertebrates. More recently the area has been colonised by invasive tree species such as Sycamore and Silver Birch, which introduced a secondary woodland habitat. The removal of existing scrub vegetation and some invasive trees will help to restore heathland habitat in this location, which is considered to be of greater biodiversity value and more appropriate in this location than the existing secondary woodland.
27. In addition further mitigation measures in the form of motion sensitive lighting to reduce lighting levels when not required are proposed, and minimise impact on bat foraging routes. Replacement tree planting and landscaping is also proposed.

Details of these elements are proposed to be secured by condition, which would address the issues raised by the Council's natural areas officer. The submitted ecological survey also mentions the need to carefully time and undertake the works to minimise disruption of nesting birds. In addition it is recommended that trees are inspected prior to felling by a qualified bat worker to ensure that no bat roosts are disturbed. These issues are also proposed to be addressed by condition. Subject to these measures it is considered that the proposals are not considered to detract unduly from the biodiversity and ecological value of the surrounding area and would accord with policies NE1, NE7 and NE8 or result in harm to any protected species.

28. In addition as the proposals would bypass the nearby Site of Special Scientific Interest they are not considered to detract from the geological interest of this site.

Impact on Living Conditions

29. The proposed cycle route is a sufficient distance from adjoining properties to ensure that it would not detract unduly from the amenities of neighbouring properties in terms of noise and disturbance, or light pollution.

Trees and Landscaping

30. The proposals would result in the loss of two sycamore trees in the eastern section of the site and three trees are proposed to be removed in the western section of the site adjacent to the proposed ramps. However this is considered to be acceptable as the Sycamore trees are considered to be invasive species within Heathland and replacement tree planting of at least 50 trees, with potential for planting of edible species would mitigate losses. A condition is proposed requiring submission of details of landscaping and tree planting and an Arboricultural Method Statement to ensure that the proposals would not harm the root systems of retained trees. Subject to these conditions the proposals would be in accordance with Local Plan policies NE3, NE9 and emerging Development Management Policy DM7.

Design

31. The proposed cycle way would be simply designed with asphalt surface and associated lighting, and simple metal railings surrounding the switchback ramps. They would be similar to other paths and railings in the surrounding area and would not detract from the appearance of the site or its surroundings.

Transport and Access

32. Saved policy TRA3 of the adopted Local Plan seeks to encourage a modal shift from car use to walking and cycling. The proposal would enhance both the pedestrian and cycling environment connecting the park to the surrounding area. It is hoped that as part of the wider 'push the pedalways' project, this will encourage more people to adopt cycling as a mode of transport, which in turn will carry benefits for health, the environment and the economy.
33. The proposals would also include pedestrian linkages with new DDA compliant steps rising from Hassett Close and a pedestrian path linking the cycle route to

Heathgate. As such the proposals will improve the quality of both the pedestrian and cycling environment in accordance with TRA14 and TRA15 of the adopted Local Plan.

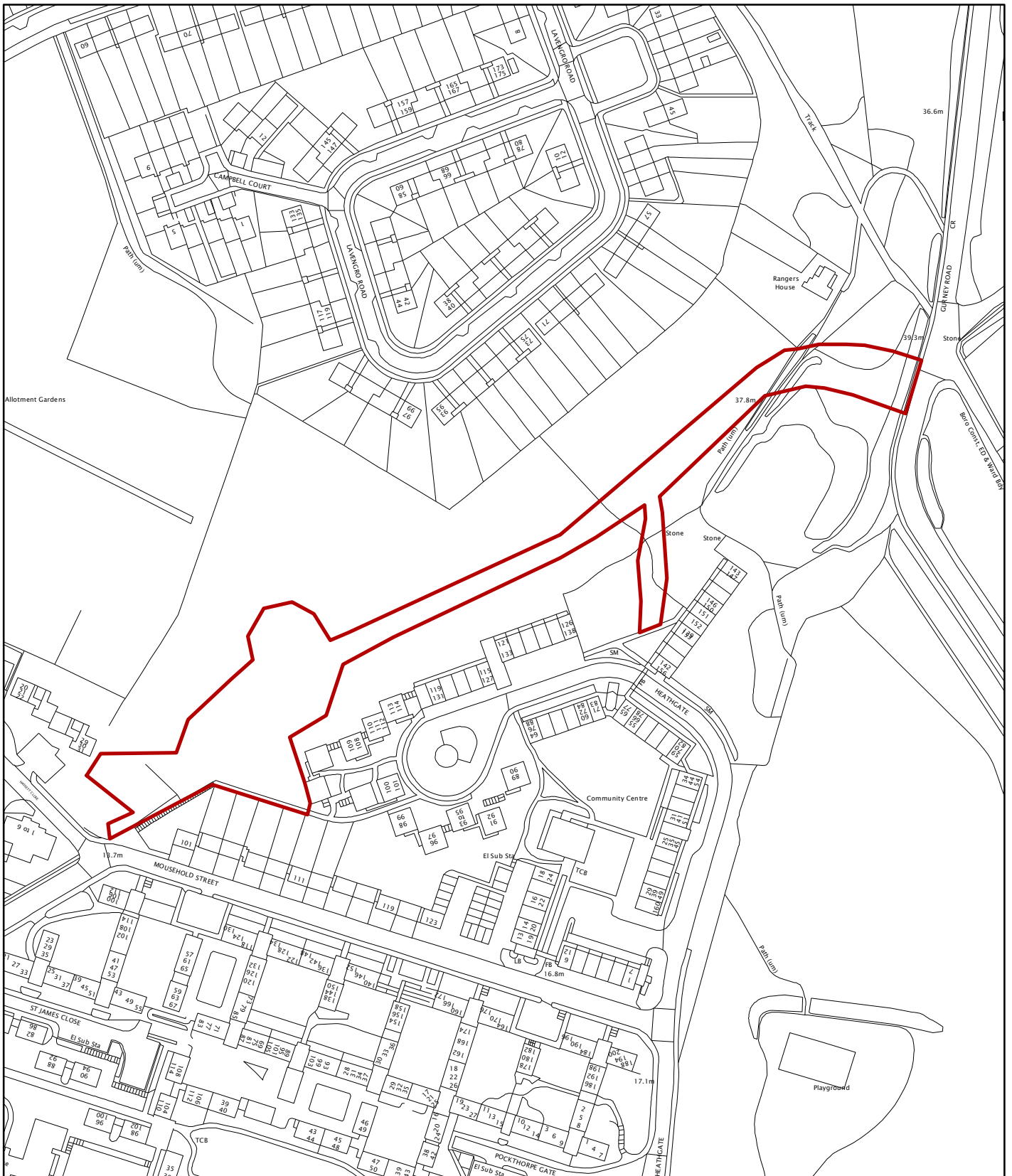
Conclusions

34. The proposals would improve pedestrian and cycling facilities, support sustainable modes of transport and healthier patterns of living as supported by JCS and Local Plan policies. They would not harm the quality of existing open space on the site. Whilst the proposals would result in the loss of some secondary woodland, this habitat is alien to the surrounding heathland and its removal would have some biodiversity benefits. Loss of trees on site is mitigated by replacement tree planting and landscaping. The proposals would also not result in harm to residential amenity or the appearance of the surrounding area. As such the proposals would be in accordance with the aforementioned policies.

RECOMMENDATIONS

Grant planning Permission subject to the following conditions:

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



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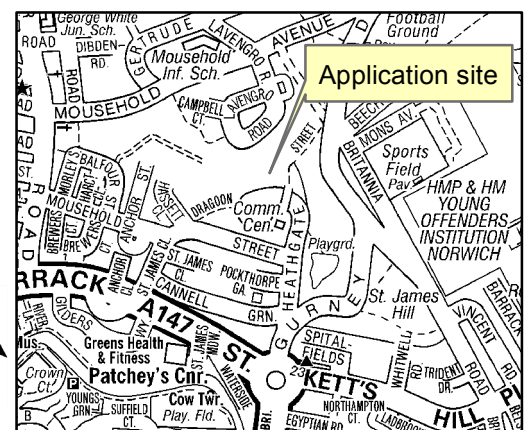
Planning Application No 14/001070/NF3
 Site Address Heathgate open space.

Scale 1:2,000



NORWICH
 City Council

PLANNING SERVICES



Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 14/00630/F Aldwych House, 57 Bethel Street Norwich NR2 1NR

Item
4.7

SUMMARY

Description:	Alterations to roof and rear second floor extension to create 4 no. apartments and external alterations to the building including new window openings (Revised plans and description).
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid Date:	10th May 2014
Applicant:	Michael Ford Investments
Agent:	Lanpro Services

INTRODUCTION

The Site

Location, Context and Constraints

1. The site is located on the south side of Bethel Street within the St Giles character area of the City Centre Conservation Area. This part of the Conservation Area is regarded as being of high significance. The western part of the character area is predominantly residential with houses of various sizes dating mostly from the C18 to C20. The streets running east-west, particularly St. Giles and Upper St. Giles Streets are home to numerous commercial uses. The area around Aldwych House is a mixture of mainly commercial properties along Bethel Street and some residential uses to the south and further west.
2. Aldwych House is a C20th building with a distinct 2 storey frontage element identified as having a positive frontage within the conservation area. The rear part of the building has a mansard roof and is two to three storeys in height plus basement area. Pedestrian and limited vehicular access to the site is provided from Bethel Street via an access area adjoining a side alley Watts Court at the west of Aldwych House which links through to Chapelfield North. To the south Chapelfield Gardens is one of the largest recreation spaces in the Central Conservation Area.
3. To the west of the site the previous 20th century additions to the Labour Club have been demolished under previous consents for that site to the rear of the three-storey Grade II Listed Buildings fronting Bethel Street. Aldwych House is located adjacent to several other listed buildings around its boundaries. The building is

vacant, with the ground floor in use earlier this year for Class B1(a) offices.

Topography

4. Bethel Street slopes east to west in this location; however a bigger variation in ground level is from Bethel Street rising up to Chapelfield North. The car park area at the rear of the site is built above ground floor level of the site.

Planning History

5. The property has been in use as offices for many years. Early history for the site is recorded as including:

26506 erection of offices and warehouse accommodation, two storey and basement, with loading provision and parking for three cars at the side for Valpamour Co Ltd
Approved 5/9/62

40391 Change of use of office and warehouse to offices at Valpamour House
approved 7/4/72

41843 Conversion of warehouse and showroom to offices and addition of one extra floor
Approved 7/2/73

77/1094/CU Change of use of part second floor offices to school of language
Approved 6/9/77

77/1220/CU Change of use of part ground floor for storage and offices
Approved 20/10/77

79/0053/CU Change of use of part ground floor as offices and duplicator centre
Approved 28/2/79

79/0898/CU Change of use of part first floor from offices to photographic studio
Approved 5/9/79

81/0889/CU Change of use of photo studio to office unit 2
Approved 17/9/81

12/01319/U Change of use of ground floor from offices (Class B1) to storage (Class B8) – Approved 7/9/12 but understood not to have been implemented.

Application **13/02084/PDD** for change of use from offices (Class B1a) to 18 No. flats (Class C3a) was approved on 6th February 2014. The application was for prior approval. In accordance with Statutory Instrument 1101 The Town and Country Planning (General Permitted Development) (Amendment) Order 2013, paragraph J.2, the matters which can be considered when determining such an application are transport and highways impacts of the development, contamination risks of the site and flood risks on the site. Therefore this proposal needs to read in the context of this recent approval.

The land to the west of the site was occupied for many years by the Labour Club but is now vacant and under new ownership. Planning permission and listed building consent to convert the Listed Building at 59 Bethel Street to eight flats and the erection of 9 houses and 5 flats to the rear, a total of 22 units have previously been granted under applications 08/00670/L, 08/00671/F and revision to the conversion element under 09/01005/L

Those proposals involve the erection of 3 flats on the corner of Bethel Street and Watts Court with 8 town houses running parallel to Watts Court, 3 of which have integral garages which are accessed via Chapelfield North. To the west of the site a single house was proposed adjacent to two Mews apartments with five parking spaces

beneath. The proposals range in height between 3 – 3½ storeys and included a total of 8 parking spaces.

Equality and Diversity Issues

There are no significant equality or diversity issues. The new dwellings would be in an accessible location. All new dwellings would be subject to Building Regulations to ensure accessibility for disabled persons where possible.

The Proposal

6. The initial proposals for the site included additions to increase the floor levels from two to four storeys at the Bethel street frontage and from two to three existing to four storeys proposed to the main building located to the rear of the site to create 20 additional dwellings to the 18 allowed for under prior approval. The whole of the building façade was to receive a render finish. The proposal also included a number of larger windows and balconies to provide openings for the 18 dwellings and for the 20 proposed dwellings as well as external balcony access and escape stairs and associated storage and amenity areas.
7. Following initial consultation and discussions with the agent the scheme has been revised. The proposal is now for 4 additional dwellings which involves a smaller alteration of the roof to the Bethel Street building and an additional new floor level above the two storey element at the rear adjacent to the existing car park. The type and size of windows has been reviewed and a number of those at the rear reduced in size and balconies removed.
8. The rear well is partially removed together with external escape stair and platform and ground opened up to allow windows to the lower floor areas at the rear of the building. The position of bins and bike storage has also been revised and landscape introduced between the side yard and adjacent private garden space.

Representations Received

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation were received under the original proposal consultation and 4 representations from 3 individuals have been received for the revised proposal consultation, citing the issues as summarised in the table below.
- 10.

Issues Raised 1 st proposed scheme	Response
Ecology report is limited to assessment of bats. There are bat species in the area which makes the building a potential roost. Demolition should be undertaken under supervision. The area also supports house sparrows, requests nesting boxes and possibly also for swifts given height proposed.	Para 16, 47 and 48
Dimensions not shown on drawings. Description is	Scale drawings have been

misleading in terms of height.	provided showing existing and proposed spaces. An interpretation has been given for the overall height based on measurement from fixed points on the building.
Large new windows will impact on amenities – creating overlooking, loss of privacy and increased noise escape from the building.	Para 7, 8, 24 to 30
Impacts on Human Rights – right to enjoy privacy and a quiet and safe environment.	The Act is included within standing duties and the necessity to have due regard in assessments of merits, recommendation and decision
Loss of light and loss of outlook from the creation of a taller building. Overbearing impact from increased mass and height. A shadow study should be produced to assess impacts.	Para 7, 8, 23
Concern about the density of development – out of character with surrounding housing and leads to increased impacts on amenities.	Para 7, 19, 23, 30 and 41
Concern about lack of information on floor plans to show what rooms windows will serve within the 18 flats area.	Para 5, 24
Given prospective sale prices the scheme could encourage transient occupation and buy to let with people having less regard to existing residents.	Para 26
Inner City housing should aim to maintain vitality and a sustainable community within urban centres.	Para 19, 20 and 26
Ability for residents on Chapelfield to escape traffic noise from the south within their properties will be lost by the increase of residents and noise to new development to the north.	Para 7, 8, 26 and 30
Adverse impact on the conservation area and nearby listed buildings. Requirement to have regard to preserving or enhancing character of such areas and protecting the setting of listed buildings.	Para on relevant material considerations 32, 33, 37 and 41
Adverse impact on and loss of detail within frontage building by increasing height and adding render. Contention that this building is a part of architectural heritage and a rare and fine example which should be protected. Adverse impact on street-scene by increased bulk of extension and building treatment. Importance to protect site lines to existing buildings of townscape importance.	Para 7, 8, 36 and 37
Concern about quality, maintenance problems and appearance of materials to be used – specifically render e.g. use of render on Theatre Royal.	Para 7, 36 and 39

A contemporary approach could be taken to new building at roof level rather than that proposed.	Assessment is made on the basis of the submitted proposals rather than possible alternatives for the site.
Inappropriate location for waste bins – will give rise to smell and noise disturbance especially from high usage expected with development proposed. Will create more disturbances when bins are moved to site frontage for collection and with increased footfall at rear of site and from people using rear stairs and external walkways to access the area.	Para 7, 8, 31 and 42
Concern that no parking is provided. With recent removal of existing on-street parking and demand from new residents parking situation will be exacerbated. Some spaces should be provided on site possibly 8 to provide for a percentage of occupants likely to own a vehicle.	Para 43
No provision is made for social housing. Valuation of properties and scheme viability questioned.	Para 21 and 22
Concern about lack of LZC credentials – sustainable construction, energy production, water conservation.	Para 44
Concern about the sale of land by St. Mary's Croft owners to assist development.	Would be a private matter not part of application assessment.
Frontage building needs to be spot listed.	Building is not listed and no requests have been made to list it - not part of application assessment.
FOI request.	Related mainly to publicly available information and has been responded to.
Issues Raised 2nd proposed scheme	Response
Object to impacts of rear building which is as originally submitted.	The proposed building is lower and one neighbour corrected their comments on this point
Previous planning history should be researched – original permissions had regard to amenities and character of area by limiting number of rear windows, using brick etc.	Para 5, 23, 30, 32 to 41
Building height and vertical wall extension would still create an overbearing impact on neighbours.	Para 23
Impacts on Human Rights – Art 1 Art 8 right to enjoy privacy and a quiet and safe environment.	See above
New windows are very close to lower parts of adjacent house and would no longer have privacy to which residents are entitled. Increased number of windows	Para 24 to 30

and size will lead to noise problems and overlooking.	
Concern about lack of information on floor plans to show what rooms windows will serve within the 18 flats area.	Para 5, 24
Concern about the density of development – out of character with surrounding housing and leads to increased impacts on amenities.	Para 7, 19, 23, 30 and 41
Given prospective sale prices the scheme could encourage transient occupation and buy to let with people having less regard to existing residents.	Para 26
What percentage could be stipulated to be owner occupied?	Para 26
Adverse impact on the conservation area and listed buildings at rear. Requirement to have regard to preserving or enhancing character of such areas and protecting the setting of listed buildings. Duty to protect future use of listed buildings by preventing inappropriate development nearby.	Para on relevant material considerations and 32, 33, 37 and 41
Roof pitch to front alteration is inappropriate.	Para 37
Concern about quality, maintenance problems and appearance of materials – specifically render to be used e.g. use of render on Theatre Royal.	Para 39
Careful consideration of parking permits available is required.	Para 43
Inappropriate location for waste bins – will give rise to smell and noise disturbance especially from high usage expected with development proposed. Will create more disturbances when bins are moved to site frontage for collection and with increased footfall at rear of site and from people using amenity area.	Para 31 and 42
Concern about the sale of land by St. Mary's Croft owners to assist development.	Would be a private matter not part of application assessment.

11. Norwich Society: is pleased that many of the previous comments expressed about the proposals for this site have been addressed, particularly those relating to the scale of development and front elevation of the building. Makes further comments on the revised proposals – pleased to see the retention of the brickwork on the Bethel Street façade and returns on side elevations together with keeping central entrance feature. The new steep hipped mansard roof on the front elevation retains the appropriate street scale. A tiled roof here may be preferable to the proposed slate one. Note other main elevations are to have a rendered finish and suggest that this is a suitable colour in place of the self-colour proposed. This would give a more pleasing appearance to the elevations when viewed from the surrounding buildings. The end wall to the projecting part of the building on the rear (elevation C far right hand side, elevation D far left hand side) is vertical for its full height. If it is possible to provide a hipped end to the Mansard roof at this point it would look better and relate more to the other roof areas.

Consultation Responses

12. English Heritage: Objected to initial proposal due to impacts on main building and adjacent heritage assets. No subsequent comment on revised scheme.
13. Norfolk Constabulary: No objection in principle. Recommend that the development incorporates principles of “Secured by Design” and that this development should seek to achieve full Secured by Design Certification. Also provide comments and guidance on detailing to doorsets and windows; access control; glazing; post boxes; cycle storage; external lighting; and internal lighting.
14. City wide services: No objection in principle, even though there is more than 5 metres travel for bins to the highway it appears to be flat ground and there will be minimal manoeuvring of the bins. The bins will need to be the bulk variety stored within the bin stores.
15. Local highway authority: No objection on transportation grounds subject to clarification of cycle and refuse storage matters. Requested Informatives to be added to any consent
16. Natural Areas Officer: No objection in principle. Requested protection and assessment for bats and provision of nesting boxes for birds.
17. Private Sector Housing: No objection in principle but notes potential impacts in relation to means of escape with first submitted scheme. No further comments made on revised scheme.
18. Strategic Housing: No objection in principle, comments on s106 requirements and need for external viability assessment on first submitted scheme; see assessment below.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

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

Statement 11 – Conserving and enhancing the natural environment

Statement 12 – Conserving and enhancing the historic environment

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area
Policy 20 – Implementation

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

EP18 – High standard of energy efficiency for new development
EP20 – Sustainable use of materials
EP22 – High standard of amenity for residential occupiers
HBE3 – Area of main archaeological interest
HBE8 – Development in Conservation Areas
HBE9 – Listed Buildings and development affecting them
HBE12 – Design
HOU13 – Proposals for new housing development on other sites
HOU18 – Construction of houses in multiple occupation
NE8 – Habitat protection and enhancement
NE9 – Comprehensive landscaping scheme
TRA6 – Parking standards – maxima
TRA7 – Cycle parking standards
TRA8 – Servicing standards
TRA9 – Car Free Housing – Criteria

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal
SPD Conversion and development of houses in multiple occupation

Procedural Matters Relating to the Development Plan and the NPPF

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

Emerging DM Policies

Development Management Policies Development Plan Document – Regulation 22 submission version (April 2013).

Please note that these policies were submitted to the Planning Inspectorate on 17th April 2013 and have now been subject to formal examination. Some weight can now be applied to these policies. Some policies are subject to objections or issues being raised at pre-submission stage. As these issues are unlikely to be known to be resolved within the time frame of the application they have not been given significant weight.

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

DM6 – Protecting and enhancing the natural environment
DM9 – Safeguarding Norwich's heritage
DM12 – Principles for all residential development
DM13 – Communal development and multiple occupation
DM28 – Encouraging sustainable travel
DM30 – Access and highway safety
DM31 – Car parking and servicing
DM33 – Planning Obligations and development viability

Other Material Considerations

- Written Ministerial Statement: Planning for Growth March 2011
- Localism Act 2011 – s143 Local Finance Considerations
- Interim statement on the off-site provision of affordable housing December 2011
- Planning (Listed Buildings and Conservation Areas) Act 1990:
Section 66 General duty as respects listed buildings in exercise of planning functions
Section 72 General duty as respects conservation areas in exercise of planning functions.
- The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

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

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

Principle of Development

Policy Considerations

19. The site provides the opportunity for new housing on a brownfield site with excellent access to jobs and services in the city centre and neighbouring shopping facilities on St Giles. Residential use would be compatible with the mixed use character of the area and approved and existing densities of housing development. The re-use of land is encouraged by the NPPF and local policies HOU13 and HOU18. As such the scheme accords with local and national policies for development and re-use of land and is considered to be an appropriate and preferred alternative use for the site.
20. The principle of providing for a potential increase in dwellings on this site is acceptable and will help meet the housing needs within Norwich. As set out above as Norwich does not have a 5 year land supply, policies directly relating to housing within the local plan have no weight. As such the main issues in assessing any future application on the site are the impact upon heritage assets within the area, design, living conditions of future and existing residents, parking and servicing. These are addressed below.

Affordable Housing

21. In terms of providing affordable housing, negotiation on scheme viability is acceptable as part of the policy and reflects current economic circumstances; however, the aim would still be to maintain a % provision of units on site.
22. Viability information and sales costs assessment was submitted with the initial proposal and whilst the original proposal for 20 units would require 33% to be affordable dwellings, as the scheme is now reduced to 4 units requiring planning permission then policy 4 of the JCS would not be triggered and no affordable housing is required in this instance.

Impact on Living Conditions

Overshadowing, Overbearing Nature of Development

23. The application has been scaled down considerably with now only two main additions to the roof area. These are the change to the roof at the front and addition to the roof of the south-east corner rear wing. The bulk of extensions now proposed are not considered to result in any significant overshadowing of adjacent residential properties. The roof additions are at some distance from neighbouring properties and do not result in alterations at the rear which are higher than the existing mansard roof. The front roof height is increased but is designed with hipped ends and appropriate roof pitch to limit the amenity and visual impacts of the alteration. The resulting built forms would not therefore result in an overbearing or over dominant form of development.

Overlooking, Noise and Disturbance

24. The proposal includes a number of dormer windows to the new roof additions and also dormer and enlarged or additional windows to the walls of the rear building. The enlarged/additional windows are for the existing permitted 18 dwellings under the prior approval application mentioned above. Those on the main east and west facing walls include some with balconies at ground and first floor levels. With the exception of the rear wall of the building in many cases the new windows will replace existing windows of similar size and/or location.
25. Existing residential properties are located above the public house at No 51; to the west adjoining the cleared site at the rear of 59 Bethel Street; and to the south fronting Chapelfield North. Those to the west of the adjoining land back onto the site and whilst there is some opening looking through east to west the area is unlikely to be affected given the distance and potential further screening from new development when the adjoining land is redeveloped. Those new windows facing the rear of No 51 look out over the rear of single storey buildings or the larger garage building to the south. Those dormers facing north will look across the highway and will be part of an established separation space window to window across Bethel Street. The adjoining cleared land has received permission for a built form of dwellings running along its east boundary. The building layout there provides windows to stairways or bathrooms on its east side and so if built these houses as well as the other properties mentioned are unlikely to be affected in terms of noise, overlooking or outlook.
26. The nature of occupation is likely to involve different sizes of flats and value of

property. However; the control on who would buy or occupy these flats is not a planning matter and control of noisy neighbours would be undertaken by other statutory powers. The density of development is akin to similar inner City locations. The new residents would have some external space for activities or storage but this is screened by a side wall and of sufficient size to enable a distribution of use of the space without particular activities needing to be unduly focused close to existing residential properties in such a manner that would be likely to cause nuisance. New residents would also benefit from use of Chapelfield Gardens or other parts of the city centre for amenity purposes which are within a short distance from the site.

27. Main impacts will be from those additional windows to the rear of the site which includes windows and dormers facing south and similar provision to the rear extension facing west. Occupants at 11 and 12 Chapelfield North and others have expressed concern about overlooking and disturbance. No 11 is relatively well screened except for upper floor and dormer rooms and the effect to windows at lower levels will be from the side of Aldwych House which, as described above, new side windows would be at some distance and set at an angle to enable any significant disturbance or overlooking. The rear of 11 faces down the side alley with views east obscured by the bulk of existing extensions at the rear of No 11/12.
28. At present there are a few small windows to offices which face south and west looking over the car park and rear of Nos 11 and 12. The numbers of windows are increased in the proposal and dormer windows introduced to the existing and new rear mansard roof. The original proposal included a larger number of openings and balconies for some of these openings. The scheme and size of openings have been scaled back and any impacts now would be from first and second floor openings with those at ground floor effectively enclosed and obscured within the adjoining courtyard space.
29. From the submitted drawings the closest point of the proposed windows is approximately 16.5m facing south and 15.5m facing west to the outside corner point of the garden at No 12. Those which do face west are not looking straight out at the garden or house but again are set at an angle, the distance here closest proposed window to rear wall at No 12 would be approximately 19.4m shortest distance and 24.4m longest distance into the house corner of the rear yard. Those windows set higher would be at some slight increased distance due to the angle upwards when considering impacts of people looking down into ground floor spaces. South facing windows look more directly back to back with No 12 and to some extent No 11 and 13. The closest distance window to mid-point of rear wall to No 12 is approximately 25.2m.
30. Whilst the new development will be noticeable to existing residents due to the change in nature of use and alterations to the building at their rear the distances between properties and the decreased window sizes and building heights now proposed should mean that any impact is considerably reduced from that initially proposed. The removal of balconies will also help reduce noticeable activity within new flats and potential for disturbance or overlooking. The distances between properties could be considered generous for a central location and the direct minimal distance back to back of approximately 25m would be comparable to other approved lower density development. As such the revised scheme is not

considered to result in an adverse impact on residential amenities in the area.

31. The bin storage is shown within a fenced area towards the back of the site. This is moved away from the rear boundary and landscape shown to separate spaces between the side courtyard of Aldwych House and rear of No 12 Chapelfield North. Whilst there is a long travel distance for bins to Bethel Street, service providers for bin collection have confirmed that the distance is acceptable for collections and whilst there could be some noise from this activity this is likely to happen infrequently and during the daytime when other background noise will further screen any noise impacts. It should be noted that storage in this area could be provided without further permission for use by the 18 flats. The use of the space by 4 extra flats is not likely to result in such a noticeable increase in activity to cause disturbance, noise or smell in the area above that which could take place. Details of the bin store; however, could be required by condition to ensure a suitably designed enclosed facility is provided to help lessen any possible impacts in the interests of amenities.

Design, scale, form and height and Impacts on Heritage assets

32. Both the Planning (Listed Buildings and Conservation Areas) Act and the NPPF attach significant importance to the conservation of historic assets and require decision makers to have special regard both to the desirability of preserving listed building and their settings and the character or appearance of conservation areas.
33. The NPPF recognises the protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (para 6, 7 and 14). The NPPF also states that the significance of listed buildings and conservation areas can be harmed or lost by alterations to them or by development in their setting (paragraph 132). Furthermore, para 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of heritage assets should be treated favourably.
34. Saved Replacement Plan Policies HBE8 and HBE9 and emerging Policy DM9 require all development to have regard to the historic environment and maximise opportunities to preserve, enhance, or better reveal the significance of designated assets. In assessing this application there are a number of heritage assets to consider including: the heritage value of the building proposed for conversion; the listed buildings in the immediate area principally 49, 51 and 59 Bethel Street and their settings; listed buildings and buildings of townscape value to the north of Bethel Street and their settings; adjacent listed buildings at the rear of 12 and 13 Chapelfield North and their settings and the City Centre Conservation area and St Giles character area.
35. The frontage brick building to Bethel Street is simply detailed and two storeys in height and identified as having a positive frontage within the conservation area. It has a simple pitched roof which links to or partially conceals the upper floor of the building extending behind. The rear building is simpler and of no real architectural merit it being provided in the 1960's and converted and additional roof element added in the early 1970's.

36. The initial scheme proposed the extension upwards of walls and new mansard roof to the whole building. The frontage building was shown as rendered and all existing window and door details removed. These changes taken individually or as a whole were considered to have a significant adverse impact on the area and the scheme was subsequently amended to take into account comments made to the agent. The front building now retains door openings, window detail, eaves detail and facing brickwork.
37. The main alteration is to the roof which is increased in pitch to accommodate additional flats but retains hipped ends and is provided with dormer or velux windows which reflects similar new development on the north side of Bethel Street. The existing stair well is set back from the street and is shown to be retained but over clad. Other changes to window openings are more minor. The scheme retains the main height of the façade and whilst the roof is altered the effect of the site frontage and stepping of height of frontage buildings east to west and setting of adjacent listed buildings and their contribution to and importance of the street frontage are retained. Conditions are suggested in terms of agreeing suitable facing materials, joinery details etc. As such this part of the development is considered, in the context of the NPPF, to result in less than substantial harm.
38. Alterations to the remainder of the building include new windows to the side and rear elevations, increase in the roof area to accommodate 2 additional flats on the south east corner of the building, removal of part of the rear tower and excavation of part of the rear curtilage to allow windows to the rear ground floor area. In terms of the placement of new openings and increase in roof height these relate acceptably to the proportions and design of the building elevations.
39. The rear part of the building is to be rendered. Given that there will be a number of alterations and part removal of existing features this treatment is considered to be acceptable and will more effectively disguise any changes to the exterior of the building. Render is a material used in the area and will create a simple form for the building and whilst the finish will weather off this should not be to the detriment of the character of the area and more likely to result in a subtle blending of buildings over time.
40. The rear roof alteration retains the line of the end gable with a simple string detail added to define the roof element and the side parts designed to pull through the angle of the existing mansard roof plane north-south. Alterations to form a mansard on the end gable would cause difficulty in maintaining the stair access in the corner of the building and as such further change to the design has not been pursued further. However; the overall design approach is intended both to be sustainable and low impact, allowing the listed buildings fronting Chapelfield to be seen as the original main focus of views and minimising the visual impact of the alterations as viewed from the car park and between the gate entrance. In this regard the Council's Conservation and Design officer considers the design approach to be successful and again subject to suggested conditions on materials etc.
41. The alterations to form additional flats as well as those to improve window openings to those flats allowed under permitted development will create a residential scheme in line with the general character of the area and similar in numbers and density to

that approved for the adjoining site to the west and other nearby development. The changes will not alter the character of the adjacent car parking area or conservation area to any significant degree. Those buildings fronting Chapelfield North are attractive buildings within a successful central City location. Whilst there will be some impacts arising from the use of the Aldwych House building this is unlikely to be to such an extent that the future use of the existing adjacent buildings is compromised. The quality of the area to live or work should not be significantly altered by the proposals. On the basis of the above considerations the proposed alterations are not considered detrimental to the listed buildings or their setting nor long-term viability.

Transport and Access

Access and Servicing

42. Bin storage is provided to the side of the building towards the rear of the site. Whilst there is a long travel distance for bins to Bethel Street service providers for bin collection have confirmed that the distance is acceptable for collections and the site is relatively level to ensure safe access. Bins would reasonably be required to be incorporated with provision for the 18 other flats using larger communal euro bins. A relatively large enclosed storage space is shown and final confirmation for the split in bin types and sizes and final design of the enclosure is suggested as a condition to ensure suitable provision on site.

Cycle and Car Parking

43. The highways officer has confirmed that the proposed development is suitable in transportation terms for its central location. No on-site parking is proposed which given the central location of the site would be acceptable and help encourage car free housing development within a highly accessible area. The properties would not be entitled to parking permits and an informative to this effect is suggested for inclusion on any permission. Adequate space is available to the side of the site for secure and covered bike storage. Confirmation for the final location and design of stores is suggested as a condition to again ensure suitable provision on site.

Environmental Issues

Energy Efficiency and Renewable Energy, Water Conservation

44. The reduced size of the development to 4 units means that it is now below the threshold for an energy efficiency statement or for energy production facilities being required under policy 3 of the JCS. Whilst some specific details on energy efficiency have been provided within the design these are welcome but not required by policy and therefore no specific conditions are suggested for these elements. Policy 3 also has a requirement for all housing developments to achieve code level 4 for water to maximise water efficiency. The developer appears prepared to investigate and meet this requirement which could be covered by imposition of condition.

Archaeology

45. The works are mostly above ground; however, a small area of the rear car park will be lowered slightly and drainage works undertaken. Whilst it is unlikely, given the extent of alteration in the 1960's, that there will be evidence of archaeological remains within this area the agent has indicated that they would be happy for a watching brief condition to be imposed to observe works and record any finds.

Landscaping

Replacement Planting

46. The main outside space for the scheme is to the west side of the building. This will be primarily hard surfaced but a planted landscape space is also shown to be provided on the south side of this area adjoining the boundary to No 12. This provides some softening to the space and a green separation between gardens which will provide amenity benefits for the area. A condition is suggested to require details of the hard and soft landscaping to be agreed.

Biodiversity

47. The natural areas officer has confirmed that the comments received regarding the presence of foraging bats in this area are correct including bats foraging for insects in Chapelfield Gardens. In view of this, recommendations regarding bats are supported, especially regarding the adoption of a more precautionary approach to any demolition or alteration works to be undertaken as the possibility of bats roosting within Aldwych House may be greater than originally thought. An informative is therefore suggested in terms of wildlife protection.

48. The addition of planting could provide some ecological benefits depending on plant species proposed. In addition provision of house sparrow and swift nesting boxes in the new development would also be worthwhile enhancements as these birds are, respectively, red and amber list species that have lost many of their traditional nest sites due to building demolition and renovation. Requirement for such enhancements are suggested for inclusion within the proposed landscape condition.

Local Finance Considerations

49. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively minor and therefore limited weight should be given to them.

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

Conclusions

50. It is considered that the proposal constitutes sustainable development. An existing building will be re-used and extended to create new dwellings in a location where the future occupiers will enjoy both good amenity levels and be within a convenient

accessible distance of a full range of facilities and services. The impact of the development on designated heritage assets has been fully assessed. It is considered that the development responds positively to the constraints of the site and that the relevant heritage assets and their settings will be substantially preserved. The development has been designed to minimise impact on adjoining neighbours. The dwelling will make a minor positive contribution to addressing the existing shortfall in the 5 year housing land supply. 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.

RECOMMENDATIONS

To approve Application No 14/00630/F Aldwych House, 57 Bethel Street Norwich NR2 1NR and grant planning permission, subject to the following conditions:-

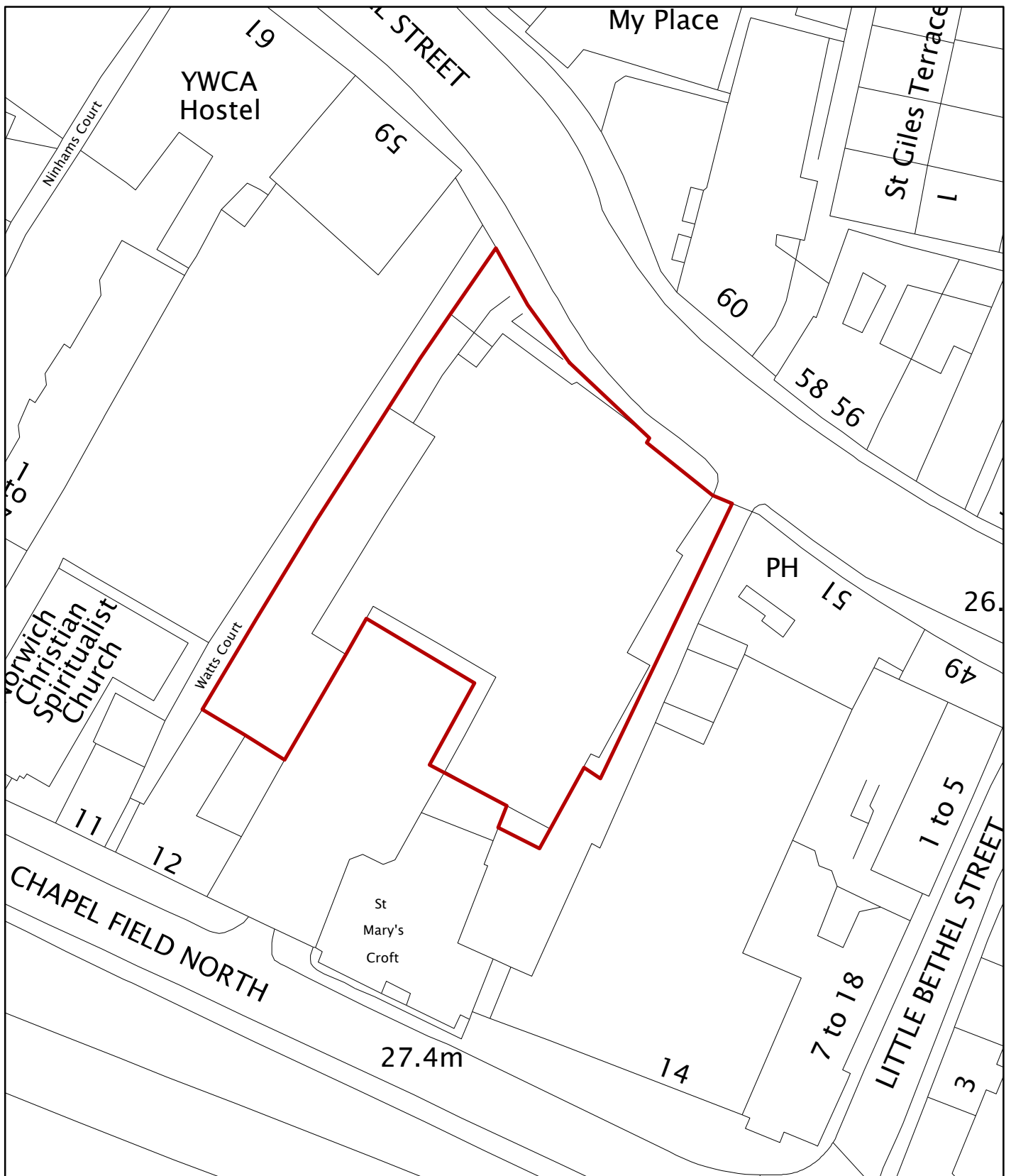
1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials; external decoration to render, joinery and metalwork; eaves and verges; joinery; roof lights; external lighting;
4. Details of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

Informatives

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

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments at the application stage the application has been approved for the reasons outlined within the Officers committee report with the application.



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Planning Application No 14/00630/F

Site Address 57 Bethel Street.

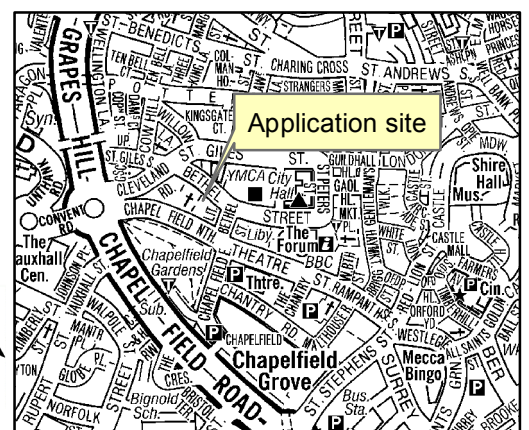
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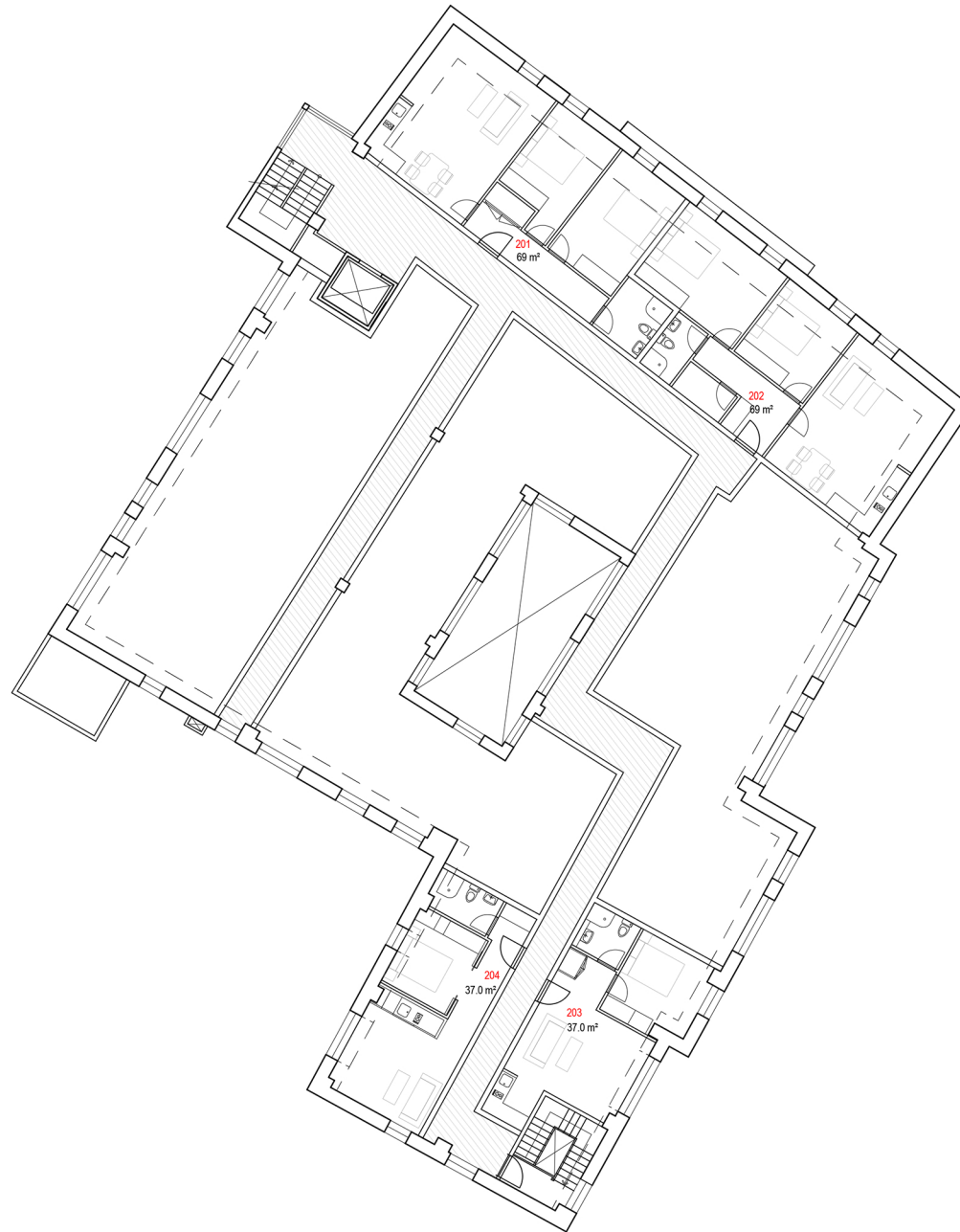


NORWICH
City Council

PLANNING SERVICES

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2nd Floor Plan _1/200 (A3)

PROJECT TITLE
Aldwych House
PROJECT NUMBER
FOR001-0306

DRAWING TITLE
2nd Floor Plan

DRAWING NUMBER
104
REV.
F

SCALE
1/200 (A3)

DATE
JULY 2014

DRAWN BY
J. S. LEE



PROJECT TITLE
Aldwych House
PROJECT NUMBER
FOR001-0306

DRAWING TITLE
Elevations 1

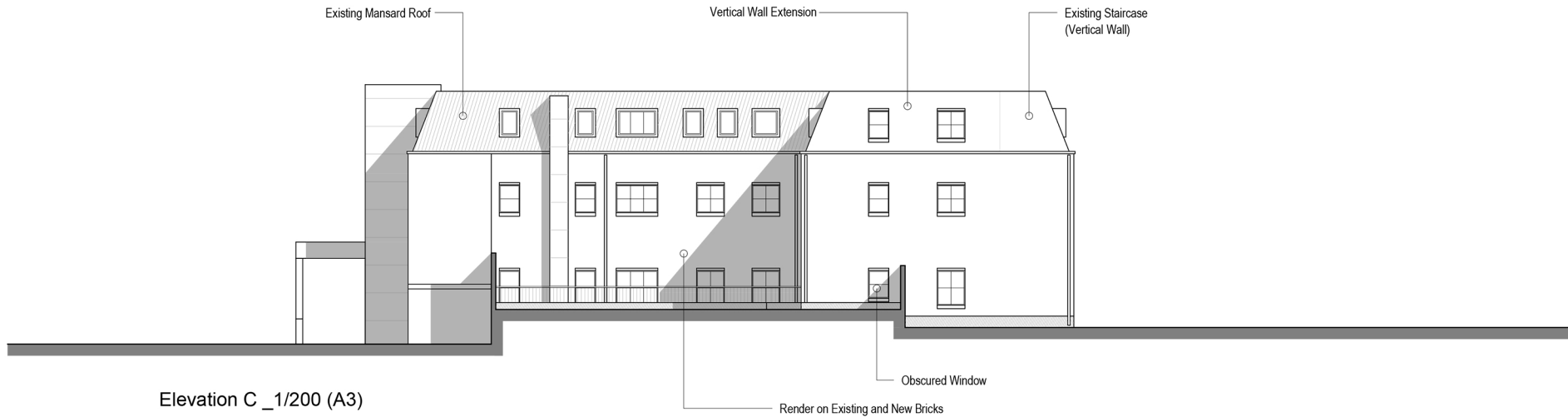
DRAWING NUMBER
107 REV.
F

SCALE
1/200 (A3)

DATE
JULY 2014

DRAWN BY
J. S. LEE

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Planning and Development Consultants
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Norwich, NR3 1QA
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www.lanproservices.co.uk



Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 4/01120/F Land adjacent 240 Hall Road,
Norwich NR1 2PW

Item
4.8

SUMMARY

Description:	Erection of 1 No. three bedroom dwelling.
Reason for consideration at Committee:	Objection
Recommendation:	Approve subject to conditions
Ward:	Town Close
Contact Officer:	Mrs Joy Brown Planner 01603 212543
Valid Date:	1st August 2014
Applicant:	Mr S Ives-Keeler
Agent:	

INTRODUCTION

The Site

Location and Context

1. The site is situated on the west side of Hall Road near the junction with Cecil Road. It is a vacant plot to the north of the end terrace property (240 Hall Road). It is in the same ownership as 240 Hall Road, although there is a 1.8m fence separating 240 Hall Road and the site.
2. The surrounding area is mainly residential although the site is in close proximity to the Hewett School. A row of terrace properties (199-213 Cecil Road) back onto the site. The type of properties is mixed in the area with there being terrace properties, semi detached and detached dwellings.
3. The site is not within a conservation area and there are no listed buildings in close proximity.

Topography

4. The site is on two levels within there being a retaining wall separating the car parking area and the rest of the site. The change of level is around 0.8m.

Planning History

4/1999/0732 - Single storey side extension for garage and living room. (Approved - 25/10/1999)

14/00269/F - Erection of 3 bedroom dwelling. (Approved - 10/06/2014)

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The application seeks full planning permission for the erection of a three bedroom dwellinghouse. The proposed dwelling is two storey with accommodation in the roofspace. The property will be attached to 240 Hall Road which will make it an end of terrace dwellinghouse.
6. An application was approved at planning committee in June 2014 for a similar proposal (application ref 14/00269/F). Following approval, it became apparent that there were discrepancies within the plans and it would not be possible to implement the consent. The main issue is that the floor plans and elevations indicate that the dwelling will be 5.4m wide; however with the plot being only 4.7m wide the proposed dwelling will not fit within the site. The approved proposal also included a gap between the end gable of the proposed dwellinghouse and the boundary with the properties on Cecil Road which would allow access to the rear curtilage where bins and bikes would be stored.
7. In terms of this current application the proposed width of the dwellinghouse is 4.6m which will mean there will no longer be an access to the rear garden. The proposed dwelling will be wider than the adjoining dwelling; however the height, scale and design of the proposal will match the rest of the terrace (although the ground floor of the new dwelling will be 1.2m deeper than the neighbouring dwelling). No windows are proposed within the side elevation and rooflights are proposed within the rear elevation. The previously approved scheme included render on the upper section of the side gable. This has now been changed to brickwork.
8. The number of car parking spaces has reduced from two to one to allow space for bins and bikes to be stored within the front curtilage.

Representations Received

9. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received as of 22nd August 2014. The consultation period does not expire until 29th August and given four letters of objection were received to the previous application where the impact upon the neighbouring properties would have been less than this current proposal, it is anticipated that letter of representation will be received. Therefore it is considered appropriate for this application to be considered at planning committee to ensure that the application can be determined within time. A verbal update will be given of any representation received.

Consultation Responses

10. Local Highway Officer – No objection.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

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

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Policy 20 – Implementation

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

NE9 – Comprehensive landscaping scheme and tree planting

HBE12 – High quality of design

EP22 – High standard of amenity for residential occupiers

HOU13 – Proposals for new housing development on other sites

TRA7 – Cycle parking standard

TRA8 – Servicing provision

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

Procedural Matters Relating to the Development Plan and the NPPF

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

Emerging DM Policies

DM1 - Achieving and delivering sustainable development

DM2 - Ensuring satisfactory living and working conditions

DM3 - Delivering high quality design

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

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

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

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

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

Principle of development

Policy considerations

11. The principle of a single dwelling on this site has already been established and will help meet the housing needs within Norwich. The site is situated within a mainly residential area. As set out above as Norwich does not have a 5 year land supply, policies relating to housing within the local plan have no weight. As such the main issues in assessing any future application on the site are the impact upon living conditions of future and existing residents, design and highway safety. These are addressed below.

Impact on living conditions of neighbouring residents

12. With regards to the impact upon neighbouring residents, the main issues for consideration are the impact upon the neighbouring property to the south (240 Hall Road) and the neighbouring properties to the north (199-213 Cecil Road). It is not considered that the proposal will impact upon the properties on the opposite site of Hall Road.
13. With regards to the neighbouring property to the south (240 Hall Road) it is considered that the impact of the revised proposal will be the same as the previously approved proposal. The proposed dwelling will result in a slight loss of light and overshadowing to the ground floor due to the ground floor of the new dwelling projecting 1.2m further than the rear wall of the neighbouring property. However due to the existing boundary treatment, the orientation and the height and depth of the new building, any loss of light and overshadowing will be minimal and at an acceptable level. It is not considered that the proposal will increase levels of overlooking significantly as there are no windows at first floor level with the side elevation of the projection of 240 Hall Road.
14. With regards to the impact upon the properties on Cecil Road, it is considered that the proposal may lead to minimal overlooking to the rear gardens from both the front and rear elevation of the new property; however it is not considered that it will have a significant detrimental impact upon the living conditions of neighbouring residents particularly taking into consideration the urban setting. No windows are proposed within the side elevation of the new dwelling.
15. With regards to loss of light and overshadowing it is considered that the revised proposal will have more of an impact upon the neighbouring residents than the previous proposal as the proposed dwelling will be situated closer to the neighbouring properties. It is however still considered that the loss of light and overshadowing is only likely to affect the gardens and that due to the distances involved any loss of light and overshadowing will be minimal and at an acceptable level, particular bearing in mind the existing presence of the existing row of terraces on Hall Road (240-246 Hall Road).
16. Concern has also been raised by neighbouring residents that the proposal will be over dominant, the views from the rear garden of the properties on Cecil Road will be of a solid wall rather than the space and gable of the existing properties, the

development is too close to the boundary and the proposed dwelling is of a substantial size on a very narrow plot. However, having considered the above, the proposed dwelling is of the same height and mass as the existing properties on Hall Road, and the design detail is to replicate the neighbouring property (although it is now proposed that the gable end will be brick rather than rendered). As such although the dwelling will be around 4.6m closer to the neighbouring residents on Cecil Road, the gable end of the new property will still be around 10m from the rear elevation of the projection element of the properties on Cecil Road and around 15m from the main rear elevation of the properties. As such it is not considered that the proposal will be over dominant or of significant detriment to the outlook from properties on Cecil Road.

Living conditions for future residents

17. It is considered that the proposed dwelling will provide sufficient internal space for future residents with the proposed openings providing satisfactory light into the property. The property will benefit from a large rear garden which is of sufficient size for the type of property. In order to ensure that the outdoor space it is of good quality a condition should be attached to any permission requiring details of the external amenity areas.

Transport and Access

Car Parking

18. One car parking spaces will be provided within the front curtilage. This is considered acceptable for a three bedroom property in this location and is in accordance with policy TRA6 of the City of Norwich Replacement Local Plan.

Cycle and bin storage

19. The application includes the provision of a cycle store and bin store within the front curtilage. A condition will need to be attached to any permission ensuring that this is provided prior to occupation and further details will be required to ensure that a suitable tether is provided to secure the cycles and to ensure they are of good design. The cycle and bin store arrangements are considered acceptable to meet the current local plan requirements.

Trees and Landscaping

20. No trees will be affected by the proposal. No information has been provided on proposed landscaping. A condition should therefore be attached to any permission requiring details to ensure that the proposal is of good design and the space is suitable for the enjoyment of residents.

Design

21. The proposed dwelling is slightly wider than the other properties within the terrace; however given that several of these properties have already been altered and a sense of uniformity has been lost, it is considered that this is acceptable, particularly bearing in mind that the form and design is in keeping with and sympathetic to the character of the street scene.

22. The existing empty plot does appear rather incongruous within the existing street scene and it is considered that the provision of a new dwelling will enhance the appearance of this section of Hall Road. To ensure that the proposal is of good design, conditions should be attached to any future permission requiring details of materials.

Water efficiency

23. 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.

Local Finance Considerations

24. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	£75 per square metre (£7,559.25 index linked unless any relief for self-build is successful)

Conclusions

25. The principle of a proposal dwellinghouse has already been established through the previous application and therefore the main issues for consideration are the impact that the proposed changes will have. The gable end of the proposed dwelling will be closer to neighbouring properties on Cecil Road and will therefore have more of an impact than the previously approved scheme taking into consideration loss of light, overshadowing and outlook. Notwithstanding the above, it is still not considered that the impact upon neighbouring residents is of significant detriment to justify a refusal. Furthermore the proposal is still of good design, will enhance the streetscene and it is considered that the layout is satisfactory in terms of car parking, cycle storage and bin storage. The absence of a 5 year housing land supply is also of importance as it cannot be demonstrated that adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the additional dwelling.

26. As such it is considered that the proposed dwelling is acceptable and accords with

the objectives of the National Planning Policy Framework, policies 1, 2, 3, 4, 6, 9, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE9, HBE12, EP22, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004) and all other material consideration.

RECOMMENDATIONS

To approve Application No 14/00269/F (240 Hall Road) and grant planning permission, subject to the following conditions:-

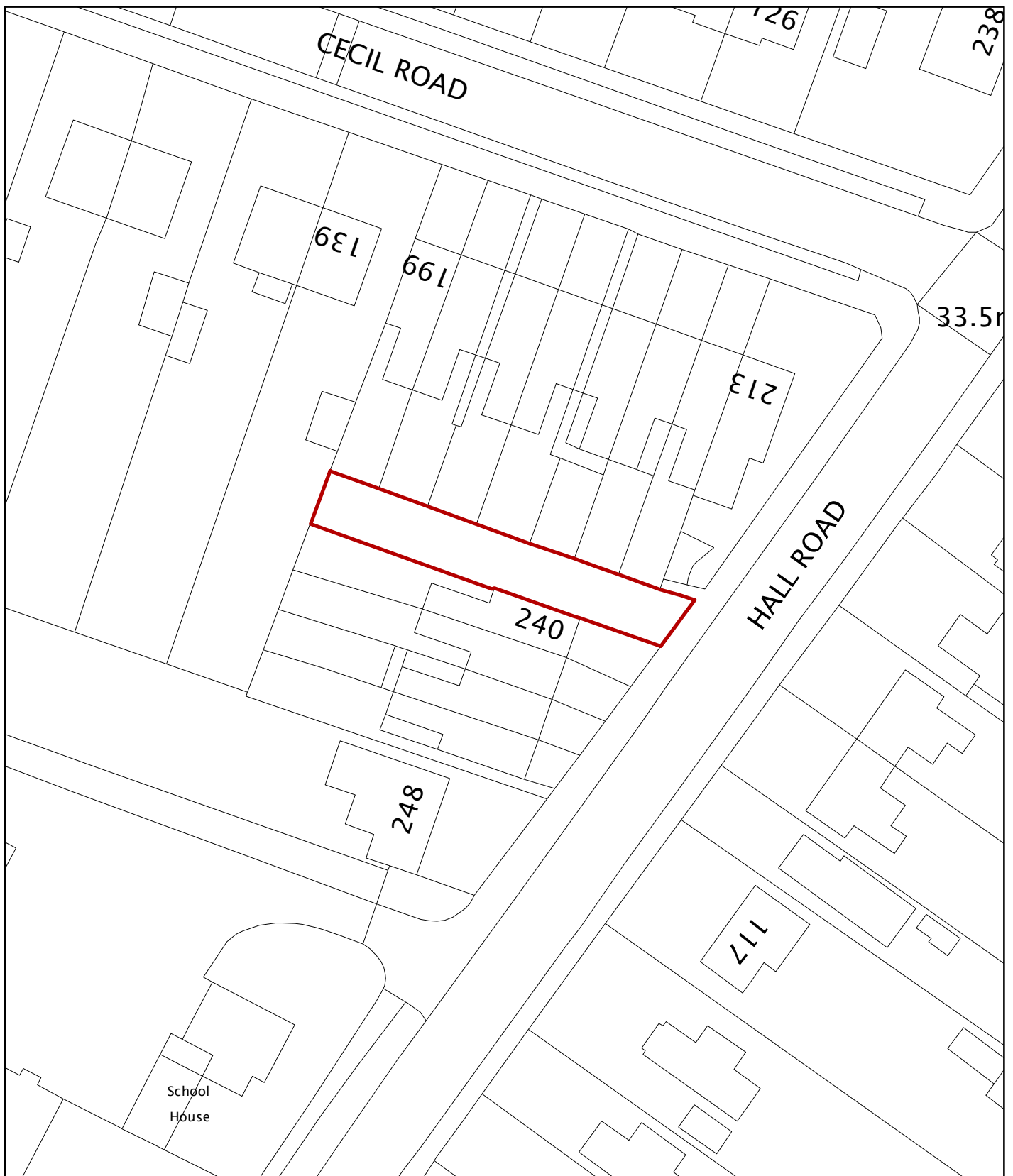
- 1) Standard time limit (3 years)
- 2) In accordance with plans
- 3) Details of external facing materials
- 4) Details of:
 - a) Car parking
 - b) Bin store
 - c) Cycle store
 - d) External amenity areasProvision prior to occupation
- 5) Water conservation

Informatives

- 1) CIL
- 2) Refuse and recycling bins
- 3) Vehicle crossover
- 4) Permeable hardstanding to parking forecourt
- 5) Street naming and numbering

Article 31(1)(cc) Statement

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



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Planning Application No 14/01120/F

Site Address Adjacent 240 Hall Road.

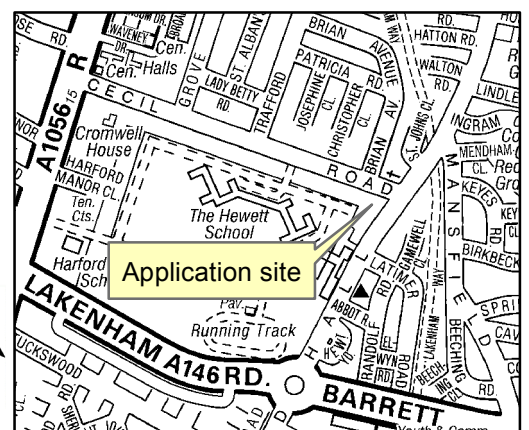
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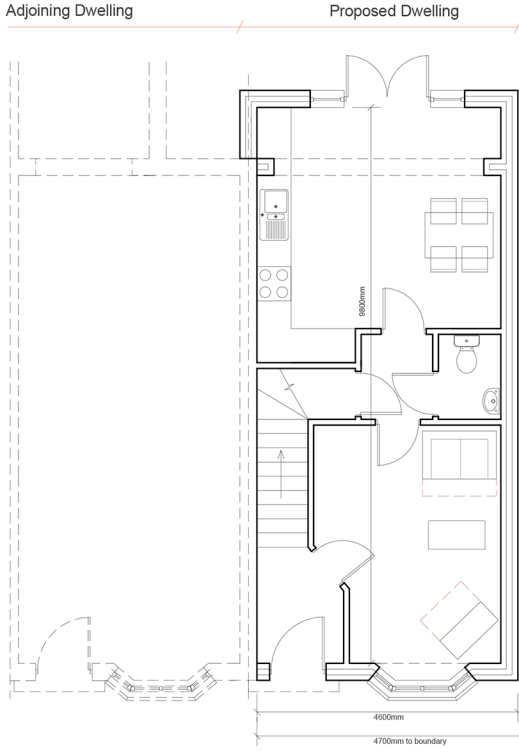


NORWICH
City Council

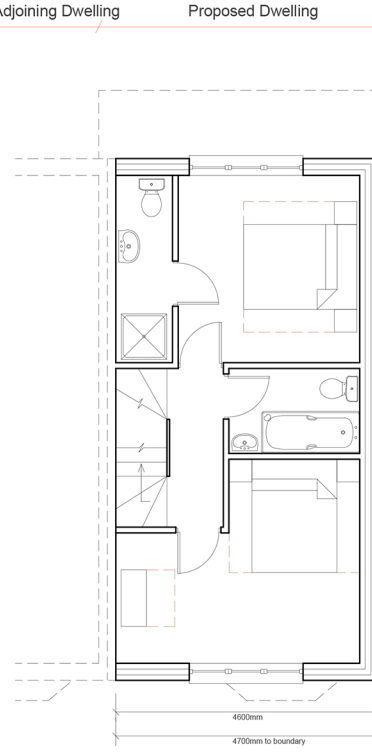
PLANNING SERVICES

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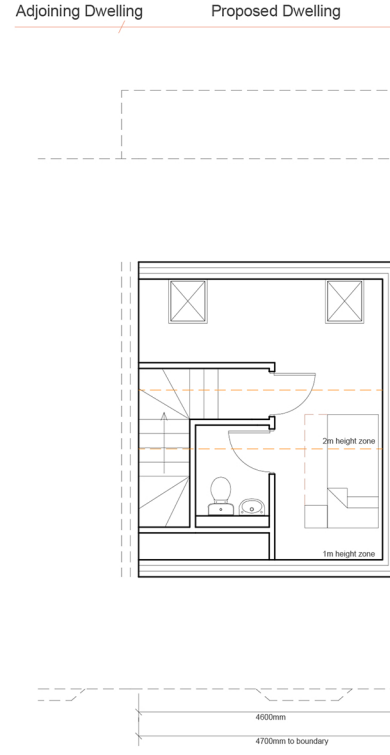




Ground Floor



First Floor



Second Floor

PROPOSED PLANS AND ELEVATIONS

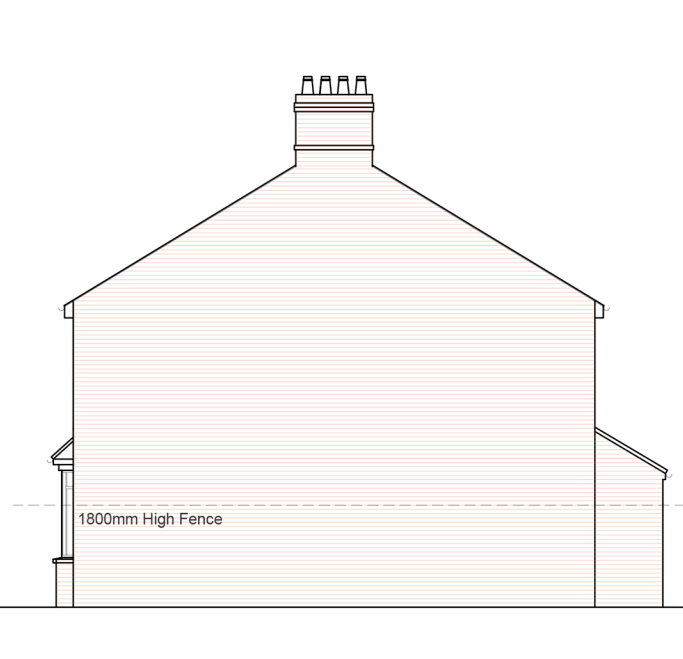
Note: Do not scale from drawings.
All dimensions to be confirmed on site.

Gross Internal Floor Areas:

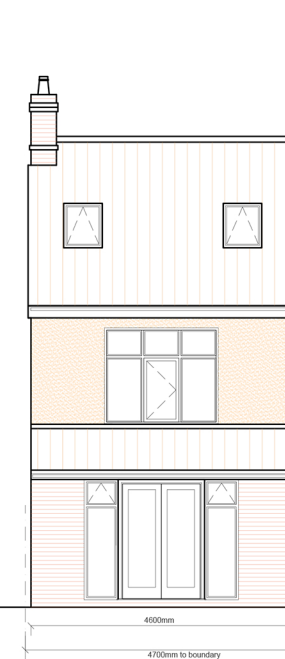
Ground Floor	42.53m ²
First Floor	36.98m ²
Second Floor	21.28m ²
Total:	100.79m²



East Elevation



North Elevation



West Elevation

Mr S Ives-Keeler

Land off 240 Hall Road,
Norwich

April 2014 - Rev C

SITE PLAN

Note: Do not scale from drawings.
All dimensions to be confirmed on site.



Mr S Ives-Keeler

Land off 240 Hall Road,
Norwich

April 2014



Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 14/00840/F Rear of 25 Clabon Road,
Norwich NR3 4HG

Item
4.9

SUMMARY

Description:	Erection of 1 no. two bed dwelling to the rear of 25 Clabon Road	
Reason for consideration at Committee:	Objection and member referral	
Recommendation:	Approve	
Ward:	Catton Grove	
Contact Officer:	Mr John Dougan	Planner (Development) 01603 212504
Valid Date:	18th June 2014	
Applicant:	Mr Terry Johnson	
Agent:	One Planning Ltd	

INTRODUCTION

The Site

Location and Context

1. The area can be characterised as residential comprising two-storey semi-detached properties each predominantly have good sized gardens to the front and to the rear many having mature trees, hedging and shrubs within them.
2. The style and profile of the dwellings in the wider area are fairly consistent comprising hipped roofs, many dwellings having double height bay window frontages and single storey bay frontages. The dwellings in the area have either render or brick walls, the majority having red pan-tile roofing.
3. Second Clabon Close is itself a planned development of two-storey semi-detached properties set around the Close predominately being in red brick with double bay window frontages sitting on large plots with gardens to the front and rear, the hedge along the application site adding a leafy entrance to the Close. Although, it was observed that on the other side of the Close the boundary is delineated by a 1.8 metre high close boarded fence and a double garage in red brick walls and white doors dominating the street scene.
4. The existing site is known as 25 Clabon Road a two-storey semi-detached dwelling, its walls being in white render / brick, occupying a corner plot with Clabon Second Close, with a large garden to its rear and side. It is noted that the rear of the garden has a

series of single storey outbuildings within it.

5. A key characteristic of the existing site is that the south boundary fronting Clabon Second Close comprises extensive landscaping in the form of trees / hedge all of which create a soft frontage when viewed from the street, delivering significant screening to the outbuildings to the rear of the site. Boundary treatment to the north (no. 27 Clabon Road) comprises a 1.8 metre close board fence.
6. It was observed that the two-storey east elevation of the adjoining (no.10 Second Clabon Close) is directly adjacent to the boundary, the boundary comprising a relatively mature hedge. There are no windows serving any habitable rooms on no.10's east elevation.
7. The site has two existing accesses i.e. via Clabon Road and Clabon Second Close.
8. There are no other constraints associated with this site.

Planning History

9. None

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

10. The original submission was for a two bedroom dwelling with a two-storey frontage to Clabon Second Close located to the rear of the existing property, the application site utilising the existing access from Clabon Second Close having off street parking for at least one car and private amenity space.
11. Following concerns raised by officers, a revised scheme was submitted comprising a single storey flat roof dwelling having two bedrooms, with the site curtilage being extended slightly further to the east. The new design uses a more modern design and array of materials.
12. The application will be assessed on the basis of the revised plans.

Representations Received

13. The site is not located within a Conservation area so the erection of a site notice was not required. The application is therefore subject to a standard consultation.
14. Adjacent and neighbouring properties have been notified in writing, with 6 representations being received.
15. The application was also subject to an additional period of consultation expiring on 7th August. A total of 4 letters were received, all of which having already submitted representations during the original consultation.

Issues Raised	Response
Loosing garden space is not acceptable	See para 24
Not in keeping with the character of the area	See paras 27 - 35
Over development of the site	See paras 27 - 42
Inappropriate scale and design	See paras 36 - 43
Overlooking / loss of privacy	See paras 47 - 49
The dwelling being 600mm to my boundary is not acceptable	See paras 50 - 51
Loss of light and over-shadowing	See para 52
Increased traffic generation on a narrow road	See paras 53 - 61
Lack of parking, resulting in parking on the already congested road and footpath (existing residents)	See paras 53 - 61
The development would have a detrimental impact on the planned conversion of my garage in to living accommodation (no.10)	The development has been assessed on the basis of the existing built environment
The existing hedge is not appropriate and overgrown covering the path	See paras 60 - 61
Why was I not consulted? (no.3 Clabon Second Close)	See paras 13 -15
The access to the dwelling is not an existing access and when the previous tenant used it, it caused obstruction. This has not been resolved.	See paras 19, 55 and 59
Additional parking and congestion on a narrow road during the construction of dwelling	See para 58
The dwelling is too close to my fence with the patio doors being too close to our patio doors (no.27) resulting in loss of privacy	See paras 48 and 49
The site does not have the capacity to cope with visitor cars	See paras 56 and 57
The revised design is an eyesore.	See paras 36 to 40

16. Norwich Society – This is garden grabbing and over-development of the site. The Close is too narrow to take additional traffic and the design of the proposal is very poor.

17. Cllr Gail Harris - I would like to support the objections and if the officer is minded to grant approval would request that as ward councillor that this be presented to the full Planning Committee to make a decision.

I accept that there are already high wooden gates for number 25 accessing onto Clabon Second Close, but I have no way of knowing how frequently or if these are used. For the new build there is space for one car which will be coming out onto a very narrow road and if more on road parking space is used by the new build it will put a considerable strain on the already limited space.

I accept that the house line is in line with the existing houses, but the style is very

different and not in keeping with the existing houses.

Under the National Planning Policy Framework this appears to come under the heading of “garden grabbing” and as such is unacceptable. Obviously number 25 Clabon Road will lose a considerable amount of its garden and the new build will have a very small outside space. For future generations this matters.

For clarification I do not think that the new design is any more in keeping with the street scene than the original application.

I have viewed the revised plans and wish to register my objections as before. For clarification, I do not think that the new design is any more in keeping with the street scene than the original application.

Consultation Responses

18. Transportation (1) – The proposed development is suitable in transportation terms for its location. The development proposes to use the extant vehicle access to Clabon Road. The proposed gates open out onto the highway; they must open inwards to the site. Vehicles cannot turn on site and may need to reverse out, as is the case at present. However as Clabon Road is a quiet cul-de-sac and vehicle movements are likely to be low in all respects this is an acceptable arrangement.
19. Transportation (2) – The concerns of residents regarding traffic generation by this development are noted and it is a single track highway. However, there are only 10 properties in the close, equating to an average of 40 vehicle movements over a 24 hour period which is very low. The provision of a single dwelling would add another 4 movements, again a very low amount of traffic generation. This can be imperceptibly absorbed into the local highway network. The use of an extant access is adequate.
20. Natural Areas Officer - I would regard it as very unlikely that the existing buildings on this site were being utilised by bats for roosting, so I do not consider that a bat survey would be necessary. The only other comment I would make, if this proposal is approved, is that the applicant should ensure that any potential harm to small animals that might be present on site, such as hedgehog or amphibians, is minimised by adopting good site management practice. This would include ensuring that excavations are either covered over when not in use or have a convenient means of escape such as a plank set at a low enough angle in the excavation for animals to climb out, and that any hazardous materials and liquids are securely stored so that animals cannot come into contact with them.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Statement 6 - Delivering a wide choice of quality homes
- Statement 7 – Requiring good design

- Statement 12 – Conserving and enhancing the natural environment

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

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

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

- HOU13 – Proposals for housing development in other sites
- NE3 – Tree protection
- HBE12 - High quality of design, with special attention to height, scale, massing and form of development
- EP22 – High standard of amenity for residential occupiers
- TRA6 – Parking standards (maxima)
- TRA7 – Cycle parking standards
- TRA8 – Servicing provision

Other Material Considerations

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

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

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

Procedural Matters Relating to the Development Plan and the NPPF

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

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

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

Policy DM12 has several objections so only limited weight can be applied. However, paragraph 216 of the NPPF does state that where there are unresolved objections, the less significant the unresolved objections, the greater the weight that may be given. With this in mind, no objection has made to matters relating to character and amenity of the area so significant weight can be applied to these elements.

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

Housing supply

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

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

Principle of development

21. Every application is assessed on a case by case basis. The principle of a two bedroom house in an established residential area with relatively easy access to public transport is acceptable under policy HOU13, subject to a number of criteria as listed below:

- Provision of a range of types and sizes of housing
- Good accessibility to shops and services

- No detrimental impact on the character and amenity of the area
 - Provision of private garden space around the dwelling
22. 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.
23. The site is considered to be an accessible residential location, there being relatively easy access to bus stops and cycle routes providing access to the city centre and other services in the area.
24. 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 does not have any specific policies restricting new dwellings in the gardens of existing properties. Nevertheless, paragraph 58 does state that proposals should also respond to local character.
25. Consideration also has to be given to emerging policy DM3 which also makes reference to the fact that proposals should achieve a density in keeping with the existing character and function of the area including local distinctiveness. In light of the fact that no objections have been made to these criteria within the policy, it should be given some weight in the determination of this application.
26. Emerging policy DM12 states that proposals should have no detrimental impacts upon the character of the area. Another criterion of this policy states that proposals should achieve a density in keeping with the existing character of the area. Some weight can be given to the first criteria, but none on the issue of density as an objection has been received.

Character

27. A residential use replicates the residential character of the area.
28. A key characteristic or feature that makes this area distinctive is the fact that the dwellings in this established residential area sit on generous plots with good sized gardens to the front and to the rear, providing ample usable levels of amenity space normally considered appropriate for a family house. Many of the garden frontages in the area contain small trees and hedges, all of which contribute to the relatively 'leafy' character. Although, it also has to be acknowledged that there is a relatively large double garage opposite the site which itself is visible in the street scene.
29. The flat roof of the revised proposal will in the context of a significantly screened site, have the effect of reducing its impact on the street scene when viewed from Clabon Second Close.
30. However, on inspection of the plans submitted it is clearly evident that the proposal is a deviation from the density and well-proportioned plots evident in the area.
31. The height and profile has been reduced from two-storey to a flat roof structure, significantly reducing its presence in the street scene and from the perspective of

other properties. Whilst a dwelling of this size does not reflect the predominant size in the area, being family homes, all of these factors will have a significant positive effect on how the proposal will respond to the character and local distinctiveness of the area.

32. This is an important change, in that the creation of a low profile single storey structure reduces the dwellings presence in the street scene and the perceived deviation from the character of the area. The presence of the relatively mature hedge / trees along the south boundary will further screen the dwelling from public view to the benefit of the character and local distinctiveness of the area.

33. Another feature is the use of a sedum roof. Its effect will be more evident when the site is viewed from first floor windows of nearby properties, the roofscape providing the illusion of a garden area running through a large part of the site. Such a design feature will help soften the impact of the building, helping it be more sympathetic to the character and local distinctiveness of the area.

34. It is acknowledged that the removal of the trees / hedge along the south boundary could be undertaken without the need for any planning approval, resulting in the dwelling being more prominent. Whilst, the lack of landscaping would in itself not render the proposed dwelling unacceptable, it would have the effect of removing an important screening and landscape feature to the detriment of the character of the Close. With this in mind, it is recommended that a pre-commencement condition be added to any approval seeking clarification of the level of existing or proposed landscaping along this boundary, ensuring that the impact of the dwelling is softened by appropriate levels of soft landscaping, having the added benefit of ensuring that the leafy character of Clabon Second Close is retained.

35. Taking all these factors into consideration, including the existing built / natural environment, the erection of a dwelling of this scale / design in this location is not considered to cause significant harm to the character and local distinctiveness of the area.

Scale, design and layout

36. The previous submission was deemed to appear overdeveloped when viewed from the street, namely reducing the spatial characteristics between no. 10 Clabon Second Close and 25 Clabon Road. This was due to the profile of the two-storey proposal being in close proximity to the dwelling to the west (no.10), resulting in a rather cramped arrangement when viewed from the street.

37. The reduction in size to single storey flat roof, is considered to be a substantial improvement, delivering a development which is subordinate to the adjoining properties helping retain the spatial characteristics between no's 10 and 25. Furthermore, the reduction in the profile of the dwelling in the context of existing landscaping will not have a detrimental impact on the visual amenities of the street scene.

38. The design and range of materials proposed such as wood cladding and sedum is not considered to be representative of those used in the majority of the properties in the area. Such a deviation is not in itself considered to be sufficient justification to

warrant refusing the application especially as the proposal will be largely screened from public viewing.

39. Setting aside the fact the dwelling will be substantially screened from public, the introduction of more contemporary dwellings into more traditional established areas, can have a positive impact on an area illustrating that architectural styles evolve over time. Such a design is considered appropriate and will not cause significant harm to the area.
40. Another mitigating design feature is the use of a sedum roof. Its effect will be more evident when the site is viewed from first floor windows of nearby properties, the roofscape providing the illusion of a garden area running through a large part of the site. Such a design feature will help soften the impact of the building, helping retain the spatial characteristics and appearance of the property.
41. The proposed plot provides adequate space for a dwelling of this size providing private amenity space, parking, bin storage and cycle storage. However, It is recommended that permitted development rights for the placement of outbuildings be removed ensuring that the development delivers usable levels of private amenity space for the occupants.
42. Whilst the proposal would reduce the size of the existing plot, the resulting plot size for the existing dwelling is still considered to provide adequate amenity space and parking for the existing dwelling.
43. Details of water conservation measures are considered can be secured by condition.

Impact on Living Conditions

44. Policy EP22 requires that developments have a suitable level of private amenity space and not have an adverse impact on the amenity of neighbouring properties. Emerging policy DM2 also states that the amenity space should be of a high standard and given that no objections have been made some weight can be given to the fact that amenity space should be of a high standard.

Provision of amenity space

45. The primary private amenity space is located to the east of the plot. The proposed arrangement is considered adequate to serve a small two bedroom dwelling, the level of privacy being improved in the form of new boundary treatment to the east and existing soft landscaping to the south. Given the relatively small amount of private amenity space, it is important that this space not be eroded further by other structures such as garden sheds and bin storage in the future. It is recommended that permitted development rights for the placement of outbuildings be removed ensuring that the development delivers usable levels of private amenity space for the occupants.
46. The creation of a new dwelling within the plot would obviously reduce the amount of amenity space available to the existing property. Whilst such an arrangement is not representative of the area, the existing dwelling could still be adequately served with private amenity space to rear and side of the site, sufficient for the needs of a family

home.

Overlooking

47. Whilst policy EP22 does not specifically refer to protection of privacy in private amenity space areas, it is still a material planning consideration. Although, emerging policy DM2 specifically refers to protection of overlooking and loss of privacy of an area and given that no objections have been made some weight can be given to this emerging policy.
48. A single storey flat roof dwelling in the context of existing landscaping and boundary treatment will mean that no loss of privacy of adjoining properties will result. It is not accepted that the position of the ground floor patio doors / patio, set behind 1.8 metre high boundary fence would have an adverse impact or result in any loss of privacy of no.27's rear garden. That being said, it is recommended that a condition be added to clarify the position and extent of all existing and proposed boundary treatment.
49. It is acknowledged that the new private amenity space to the east of the plot might be overlooked by the first floor windows of the existing property. It is therefore important that the new east boundary of the site be of an appropriate height and design to ensure that the privacy of both sets of occupants is secured. This matter can be secured by condition.

Overbearing nature of development

50. It is acknowledged that the proposed dwelling is in close proximity to both the northern and western boundaries.
51. The revised proposal will not result in a structure which would appear significantly overbearing from the perspective of surrounding properties. This is due the flat roof being only being 2.6 - 2.8 metres high and being substantially screened by the mature landscaping to the south, existing boundary treatment to the north and there being no windows on the east elevation of no.10 Clabon Second Close.

Overshadowing

52. The revised proposal represents a substantial improvement, resulting in a low profile structure which would not deliver an significant overshadowing on any external amenity areas of adjoining properties such as no. 27 Clabon Road.

Transport and Access

53. The key issue is whether or not the existing and proposed sites can accommodate safe access and adequate levels of parking which would not compromise highway safety or other nearby accesses.
54. The revised arrangement would mean that the existing dwelling would only have one means of access to the property i.e. via Clabon Road. Such an existing arrangement is acceptable in terms of safe access and parking capacity.
55. The proposed site to the rear would utilise the existing access on Clabon Second Close, a minor narrow road serving other properties on the Close. The site can accommodate at

least two cars which is consistent with parking standards. Inspection of council aerial mapping indicates that the access has been extant for a considerable number of years and whilst some residents of the property may have chosen not to use it, it is still considered to be extant.

56. It is acknowledged that the road and footpath is narrow, with the footpath being slightly impeded by the hedge on the application site being overgrown. Other cars in the Close may also have to exit the site by reversing onto the road. The same will apply to cars using the application site, potentially intensifying the numbers of reversing movements to the road.
57. Some residents, visitors or delivery vehicles may also choose to park on the footpath causing some disruption. Clabon Second Close has no parking restrictions in place. Furthermore, the Local Highway Authority have confirmed that the development is not of scale which would generate significant additional levels of traffic generation.
58. It is acknowledged that some vehicles may need to park temporarily on the road during the construction of the dwelling. Such impacts are not considered to be significant given the scale of the development and the temporary nature of such movements which are not considered alien in an urban environment.
59. The access is extant and a small scale development such as this in a quiet cul-de-sac location (where vehicle movements are likely to be low), will not generate significant additional levels of traffic movements which would not have a significant impact on highway safety and parking demand.
60. It is acknowledged that the existing hedge is causing problems for users of the footpath. This is an apparent existing problem and not subject to planning controls. It is therefore recommended that residents contact the Local highway authority to investigate if there is a solution.
61. The Local highway authority have no objection to the proposal but recommend that the gates turn inwards, the hedge be slightly cut back to improve visibility and the forecourt being constructed in a porous materials. These measures can be secured by condition.

Environmental Issues

Water Conservation

62. This matter is considered to be achievable at the reserved matters stage.

Biodiversity

63. The Natural areas officer's concerns about small animals being trapped in foundations are noted. In light of the site not being significantly overgrown and being small scale, a condition is not considered necessary or reasonable on this occasion. However, it is recommended that any approval have an informative advising the applicant of good site practice to ensure that the above points are considered during the construction of the dwelling.

Trees and Landscaping

64. The protection of the trees / hedge along the south boundary is an important consideration. Discussions with the Council's tree officer indicate that the protection of these features are achievable subject to further details which can be secured by condition.
65. There is an existing close boarded fence along the northern boundary with no. 27 Clabon Rd. However it is not clear what levels of landscaping there will be to no.10 Clabon Second Close and the new east boundary.
66. The retention of appropriate levels of hard and soft landscaping is an important factor in softening the appearance of the dwelling when viewed from the street scene and adjoining properties.
67. All of the above measures are considered achievable ensuring adequate amenity of the existing occupant, new occupants and neighbouring properties. These can be secured by condition.

Local Finance Considerations

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

Equality and Diversity Issues

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

Conclusions

72. The principle of a dwelling reflects the residential character of the area. It will also contribute to the city's housing stock.
73. The development is not reflective of the design, layout and density of the majority of other

plots in the area.

74. However, a dwelling of this scale, design and layout will appear sympathetic to the character and local distinctiveness of the area and the visual amenities of the street scene subject to a condition requiring more details of the materials to be used and clarification of landscaping.
75. The site can provide for adequate levels of amenity for a dwelling of this size, without comprising the layout of the existing dwelling. Details of appropriate layout including access, parking, landscaping, tree protection and water conservation measures can be secured by condition.
76. There is an impact on the character of the area, however this is mitigated by the planting to the frontage and single storey scale of the proposal. Taking this impact into consideration alongside the positive aspects of the development, including the lack of five year housing land supply within the Norwich policy area, the proposal is considered to be acceptable.

RECOMMENDATIONS

To approve Application No (14/00840/F at 25 Clabon Road) and grant planning permission, subject to the following conditions:-

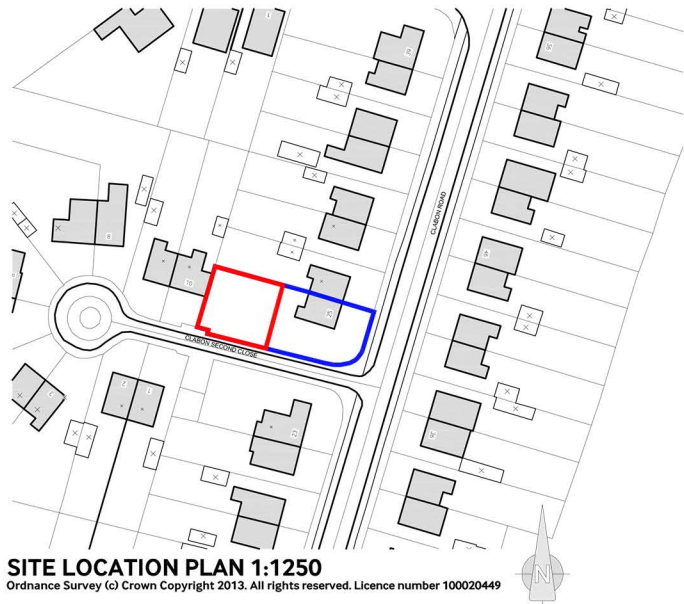
1. Time limit
2. In accordance with the approved plans
3. Details and samples of materials
4. Submission of AIA, AMS and TPP
5. Details of existing and proposed hard / soft landscaping and surfacing and boundary treatments
6. Details of the widened access and inward opening gates
7. Removal of permitted development rights (e.g. extensions and sheds)
8. Details of water conservation measures

Informative:

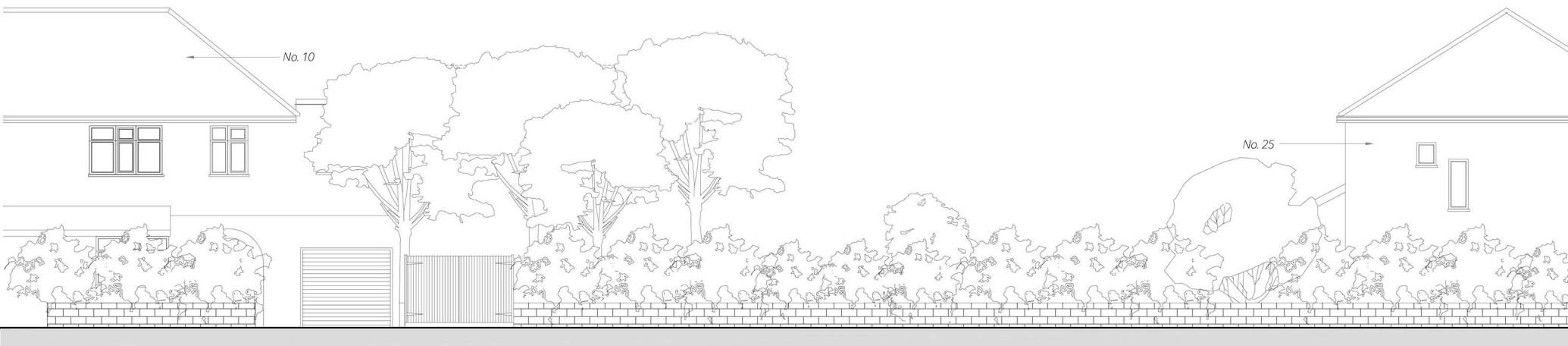
1. Protection of wildlife during the construction phase

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.



SITE LOCATION PLAN 1:1250
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STREET SCENE ELEVATION 1:100
(view from Clabon Second Close)

The information contained in this drawing is representational and has been compiled, from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighboring structures at the time of contraction.

The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.
The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be stored, mixed and fixed in accordance with manufacturers instructions and recommendations.

All provisions for temporary means of support and regulations for Health and Safety at work to be applied.

All works to be carried out to the complete satisfaction of the Local Authority Building Control Officer.

All works to be carried out in strict accordance with HSE guidance and the CDM regulations.

DO NOT SCALE the contractor must verify all dimensions prior to commencing shop drawings or works on site.

Exact setting out and final levels to be agreed on site.

To be read in conjunction with approved planning drawings

REV A: Design review & Planning Issue 11.06.14. SB/APC

REV B: Red boundary line amended following planning officer's comment 22.08.14. SB/APC

PROPOSED TWO-STOREY DWELLING AT 25 CLABON ROAD, NORWICH, NR3 4HG



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Itemref 101
drawn - SB
checked - SB
Griffin Green Ltd
GATEWAY, UNIT 1
83-87 POTTERGATE
NORWICH, NR2 1DZ
01603 516222

PLANNING ISSUE

Project Reference 0072.4001
Date: May 14
Scale: varies
Paper A3

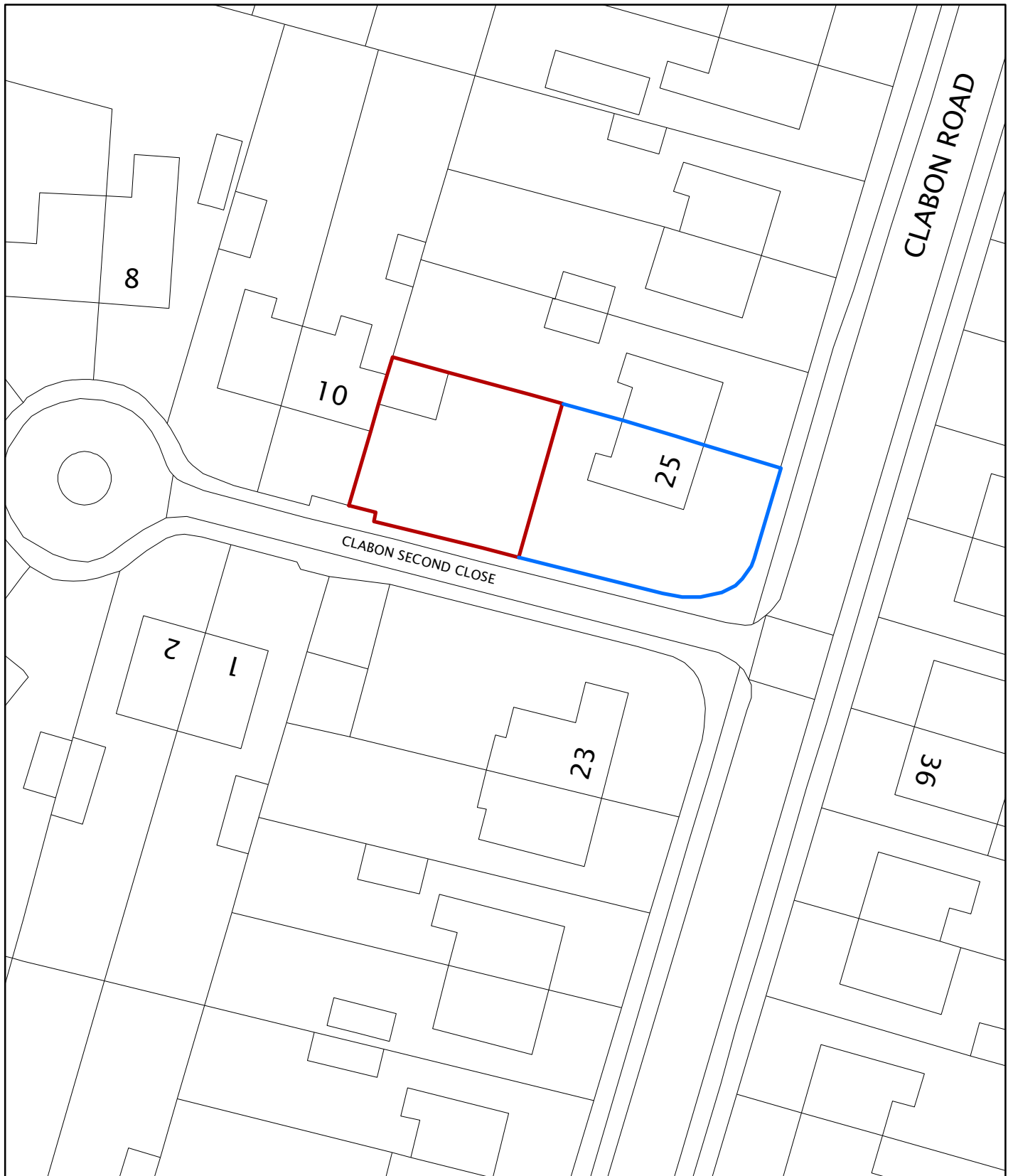
CLIENT: Mr T Johnson

REV : B

Sheet

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Planning Application No 14/00840/F

Site Address Rear of 25 Clabon Road.

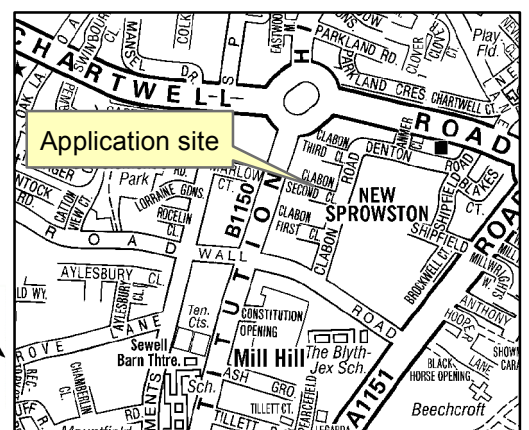
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NORWICH
City Council

PLANNING SERVICES

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SOUTH WEST ELEVATION 1:100



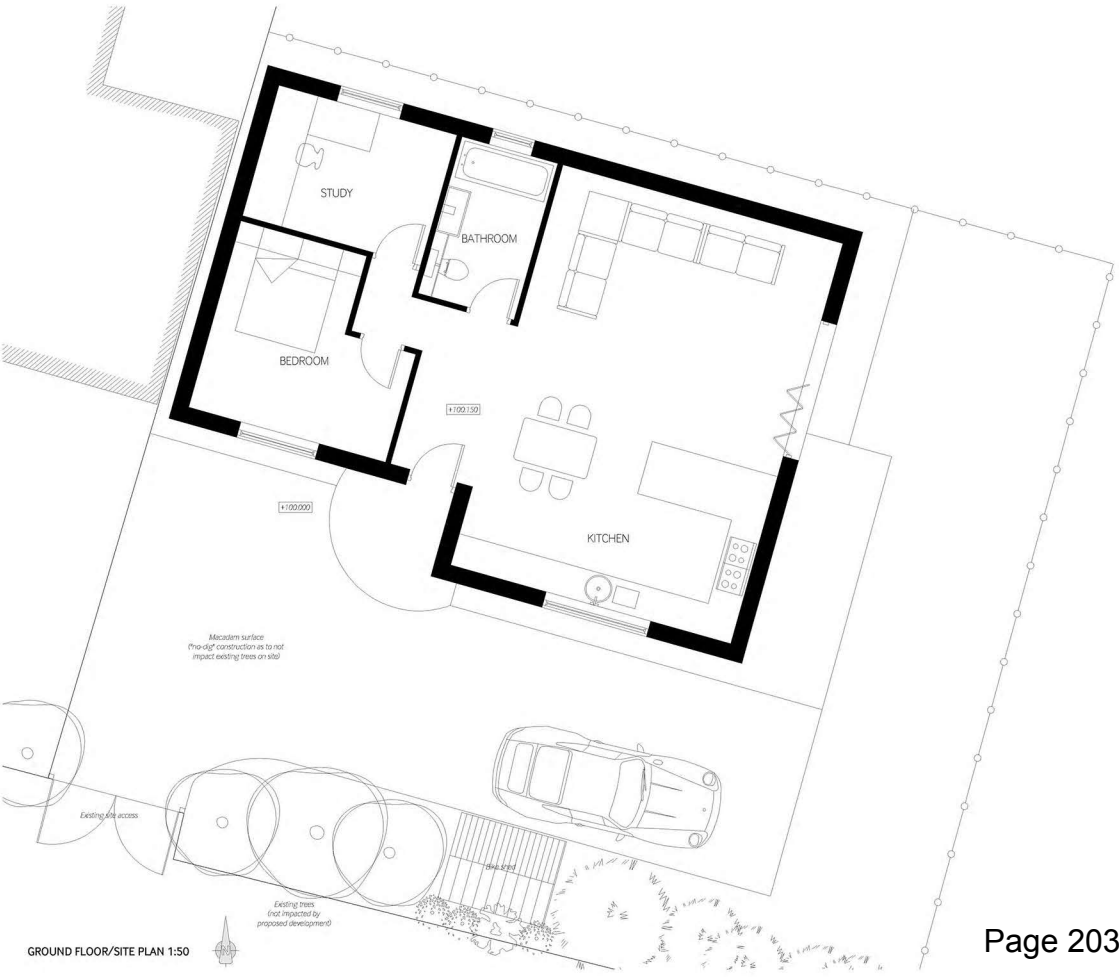
SOUTH EAST ELEVATION 1:100



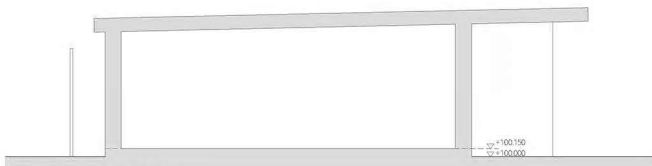
NORTH EAST ELEVATION 1:100



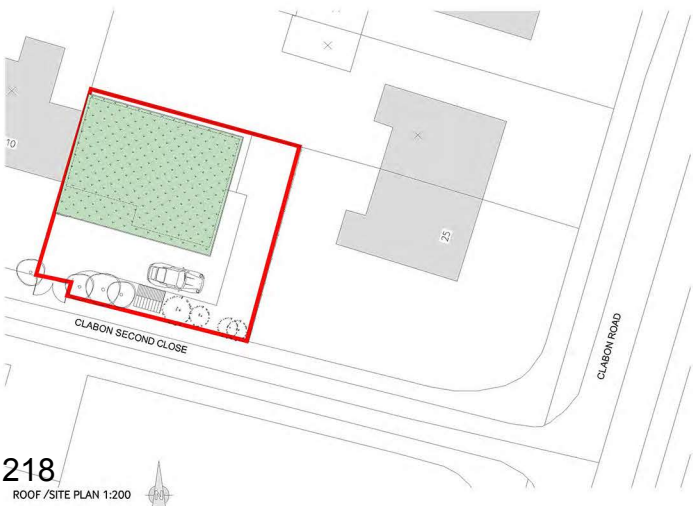
NORTH WEST ELEVATION 1:100



GROUND FLOOR/SITE PLAN 1:50



INTERNAL CROSS SECTION 1:50



ROOF /SITE PLAN 1:200

The information contained in this drawing is representational and has been compiled from a dimensional survey only and does not warrant or certify the structure of the buildings or neighbouring structures at the time of construction.
The contractor is to visit the site to make himself acquainted with the buildings and surroundings, and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.
All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operators, visitors or public.
The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.
All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be stored, mixed and used in accordance with manufacturers instructions and recommendations.
All provisions for temporary means of support and regulations for Health and Safety at work to be applied.
All works to be carried out to the complete satisfaction of the Local Authority Building Control Officer.
All works to be carried out in strict accordance with HSE guidance and the CDM regulations.
DO NOT SCALE the contractor must verify all dimensions prior to commencing shop drawings or works on site.
Exact setting out and final levels to be agreed on site.
To be read in conjunction with approved planning drawings.
REV A: Design review & Planning Issue 11.06.14, SB/MPG
REV B: Redesign to form a single storey dwelling, 21.07.14, SB/MPG
REV C: Approved following client comments, 22.07.14, JG/MPG

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PROPOSED TWO-STOREY DWELLING AT 25 CLABON ROAD, NORWICH, NR3 4HG

Drawn: JG	201	FOR INFORMATION ONLY	Issue No/Revision: 002/001
Check: APC			May/14
			Drawn: JG
			Page: A1

Griffin Green Ltd
141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 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, 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The information contained in this drawing is representational and has been compiled, from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighboring structures at the time of contraction.

The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury.

All workmanship and materials to comply with current relevant Building Regulations, British Standards and Codes of Practice. All materials to be stored, mixed and fixed in accordance with manufacturers instructions and recommendations.

All provisions for temporary means of support and regulations for Health and Safety at work to be applied.

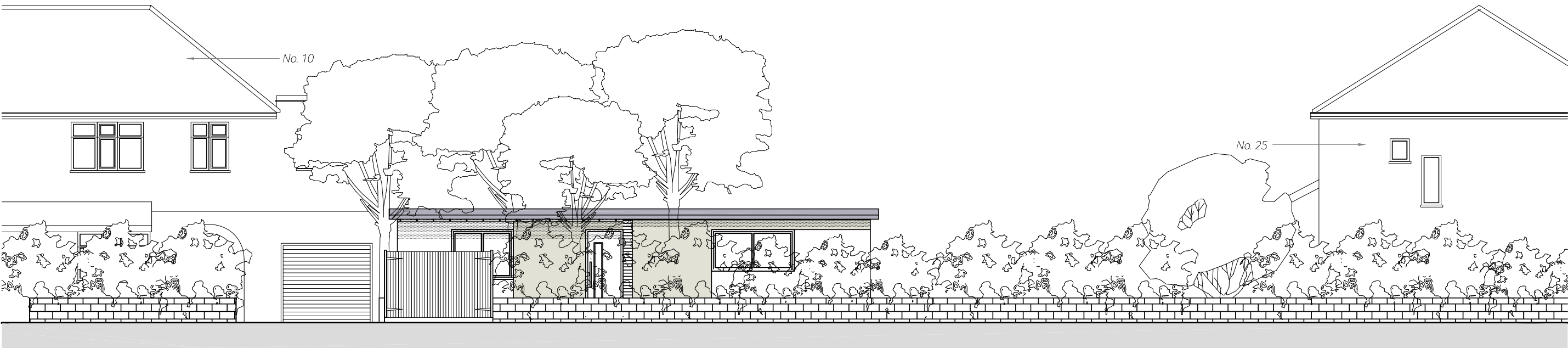
All works to be carried out to the complete satisfaction of the Local Authority Building Control Officer.

All works to be carried out in strict accordance with HSE guidance and the CDM regulations.

DO NOT SCALE the contractor must verify all dimensions prior to commencing shop drawings or works on site.

Exact setting out and final levels to be agreed on site.

To be read in conjunction with approved planning drawings



STREET SCENE ELEVATION AS PROPOSED 1:100
(view from Clabon Second Close)


THIS DRAWING TO BE USED FOR TOWN AND
COUNTRY PLANNING PURPOSES ONLY.
NOT TO BE USED FOR CONSTRUCTION.

**PROPOSED TWO-STOREY DWELLING AT
25 CLABON ROAD, NORWICH, NR3 4HG**



Itemref	202	PLANNING ISSUE			Project Reference 0072.4001		COPYRIGHT: This drawing is the copyright of Griffin Green Ltd. and must not be copied, re-issued or loaned without prior written consent of Griffin Green Ltd. Any discrepancies and or conflicting information implied or specified is to be notified to Griffin Green Ltd prior to construction on site. Construction should only proceed from drawings issued for construction purposes unless prior written consent is obtained. Should any site personnel, or those employed to carry out the works on their behalf, choose alternative materials or components to those specified on Griffin Green Ltd drawings without prior written agreement then they do so entirely at their own risk.
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Griffin Green Ltd GATEWAY, UNIT 1 83-87 POTTERS GATE NORWICH NR3 4HG 01603 240000			CLIENT: Mr T Johnson				
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Report to Planning applications committee
Date 4 September 2014
Report of Head of planning services
Subject Application no 14/01002/F – 14 Mill Hill Road, Norwich
NR2 3DP

Item
4.10

SUMMARY

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

INTRODUCTION

The Site

Location and Context

1. The site is located on the east side of Mill Hill Road to the west of the city. The area is predominantly made up of detached, semi-detached and terraced residential dwellings dating from the 19th and 20th centuries. The site slopes steeply up from the road and the site contains many mature trees, mainly in the sloping front garden.
2. The property is locally listed and lies within the Heigham Grove Conservation Area. The neighbouring properties to the south are Grade II listed and most of the remaining properties on this road are locally listed. The property is covered by an Article 4 Direction which removes certain permitted development rights.

Planning History

3. 14/00910/CLP
Certificate of Lawfulness for the erection of single storey timber framed conservatory.
Refused 11th July 2014 due to the restrictions of the Article 4 Direction
4. 14/01078/F
Erection of single storey timber framed conservatory.

Pending consideration

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The proposal is for:

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

Representations Received

6. The application has been advertised on site and in the press. 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.

Issues Raised	Response
Potential for occupants to park on Heigham Grove which has a parking problem	Paragraph 13
Additional cars parked on Heigham Grove would make turning cars difficult	Paragraph 13
Concerns over the gate being used during building works	Paragraph 14
Access to the rear gate would be gained over the communal grass area and planting. Walking over this area would damage the plants, alter the look of the area and prevent residents of Heigham Grove using the area as garden/play space	Paragraph 15
The proposals would upset wildlife	Paragraph 16
Reconfiguration of Mill Hill Road would be preferred	Paragraph 17

Consultation Responses

7. Local highway authority:

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

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

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

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

South Norfolk 2011

- Policy 2 - Promoting good design

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

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

Emerging DM Policies (submitted for examination):

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

DM2* Ensuring satisfactory living and working conditions

DM3* Delivering high quality design

DM9 Safeguarding Norwich's heritage

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

Other Relevant policies / considerations:

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

Principle of development

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

Design

9. The property is not visible from Mill Hill Road but it is visible from Heigham Grove to the rear of the site and from neighbouring gardens, including the garden of the Grade II listed property at 16 Mill Hill Road. The proposals replace a modern flat

roof with a pitched roof and remove a modern chimney. The materials of the pitched roof are to match those of the existing roof and a condition is recommended to ensure materials match. The works to the roof are considered to enhance the appearance of this locally listed building.

10. The rear boundary wall of this property appears historic and makes a positive contribution to the conservation area. As such, it is important that the pedestrian access gate which is to be inserted is sensitive to the setting. It is proposed to be the same height as the wall and vertical timber boarded.
11. Subject to the above conditions the proposals are considered to enhance the character and appearance of the conservation area and the architectural interest of the locally listed building.

Impact on Living Conditions

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

Transport and Access

13. A number of neighbours expressed concerns about the impact of the proposals upon the parking on Heigham Grove. The insertion of a rear access gate is unlikely to lead to additional parking pressures on Heigham Grove. 14 Mill Hill Road benefits from a driveway and garage which is accessed from Mill Hill Road. There is ample space for 1-2 cars. Both Heigham Grove and Mill Hill Road are within a controlled parking zone (CPZ) so only cars which display a permit can park here.
14. The rear access gate may be used to transport materials on and off site during the current building works and this may cause temporary inconvenience to neighbours. As such, an informative is recommended which requires contractors to operate considerately, including not obstructing the highway.
15. The rear pedestrian gate will be accessed across a grass verge from Heigham Grove. Permission must be sought from the landowner (Norwich City Council Housing Department) to use this access. It is understood that the applicant is in discussion with the landowner regarding this. In order to avoid damage to the grass and flower bed here, it is recommended that a path be laid. However, this is an issue to be dealt with by the applicant and the landowner.

Other Matters Raised

16. Wildlife is not likely to be disturbed as a result of these works.
17. Reconfiguration of Mill Hill Road is not considered necessary or practical in this case.

Conclusions

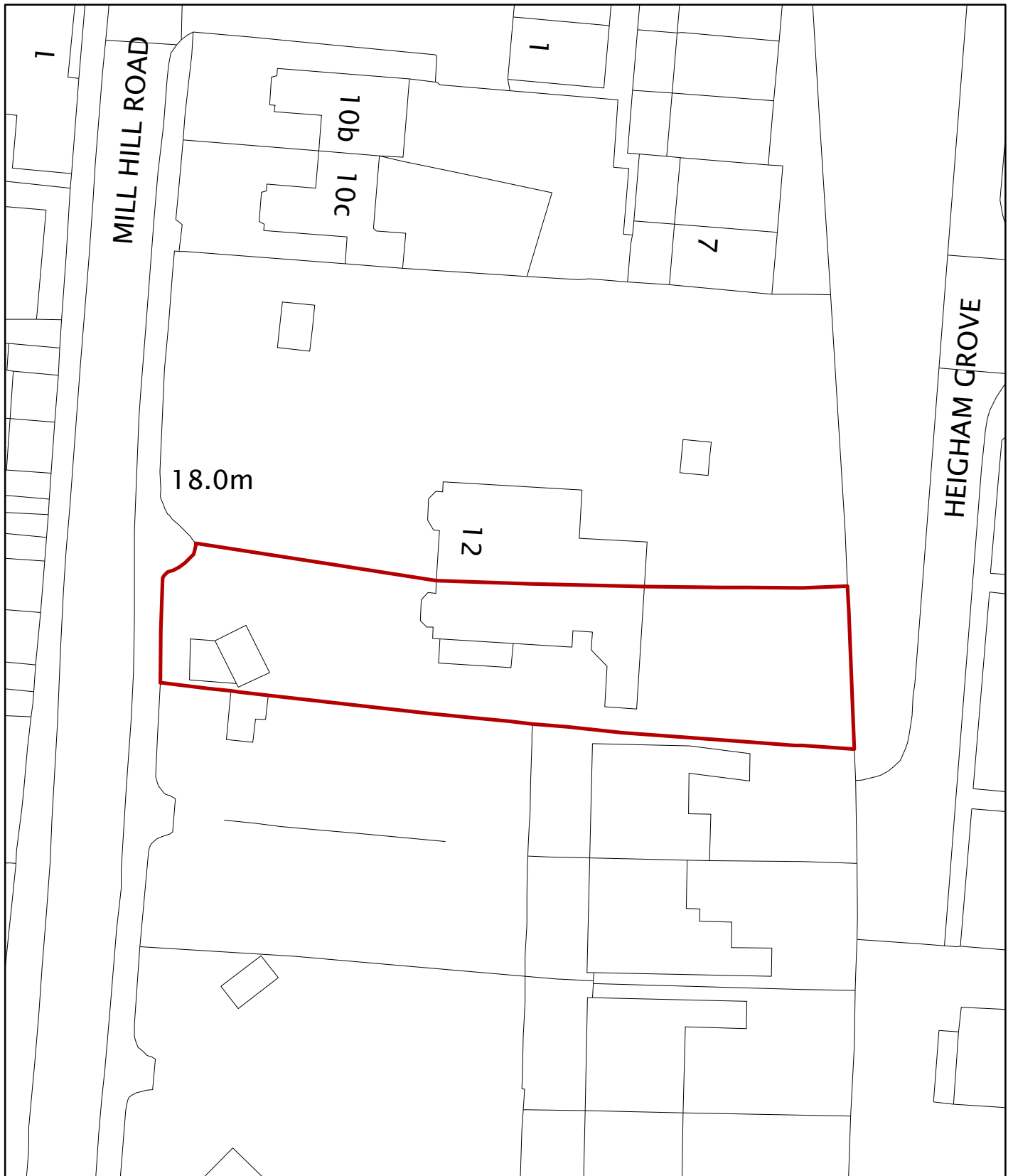
18. It is considered that the proposal is acceptable in terms of its design, would not

harm the character and appearance of the parent building and surrounding conservation area, and would not impact unduly upon residential amenity, transport or car parking in the surrounding area. The application therefore accords with the relevant policies.

RECOMMENDATIONS

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

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



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Planning Application No 14/01002/F

Site Address 14 Mill Hill Road.

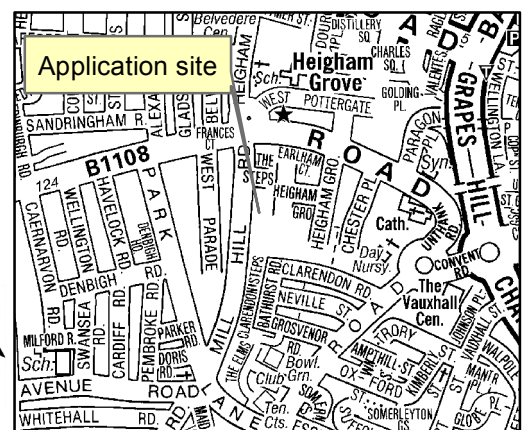
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NORWICH
City Council

PLANNING SERVICES

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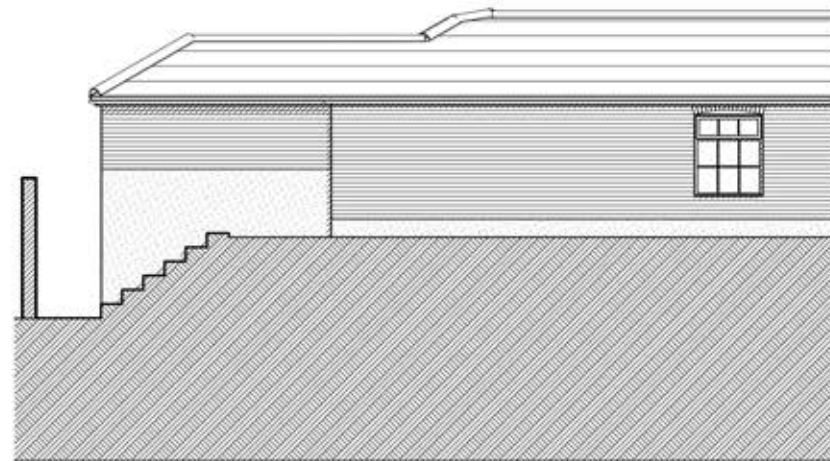




West elevation proposed



South elevation proposed



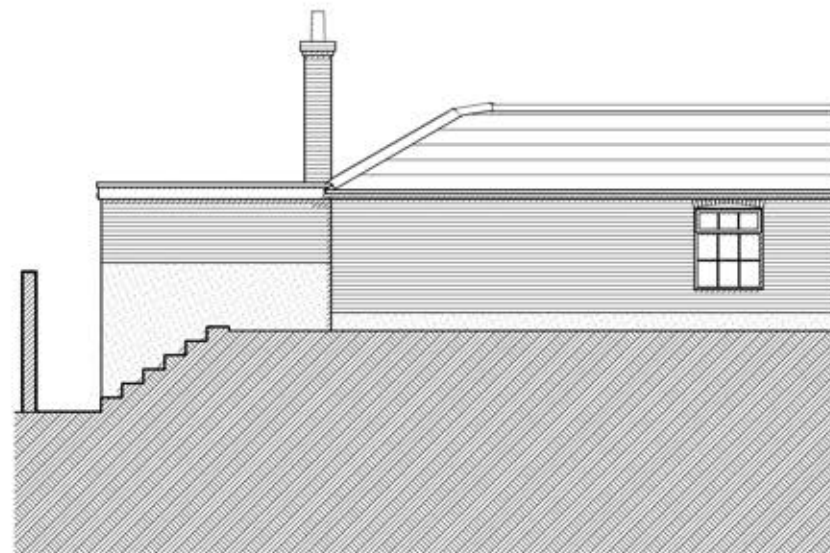
East elevation proposed



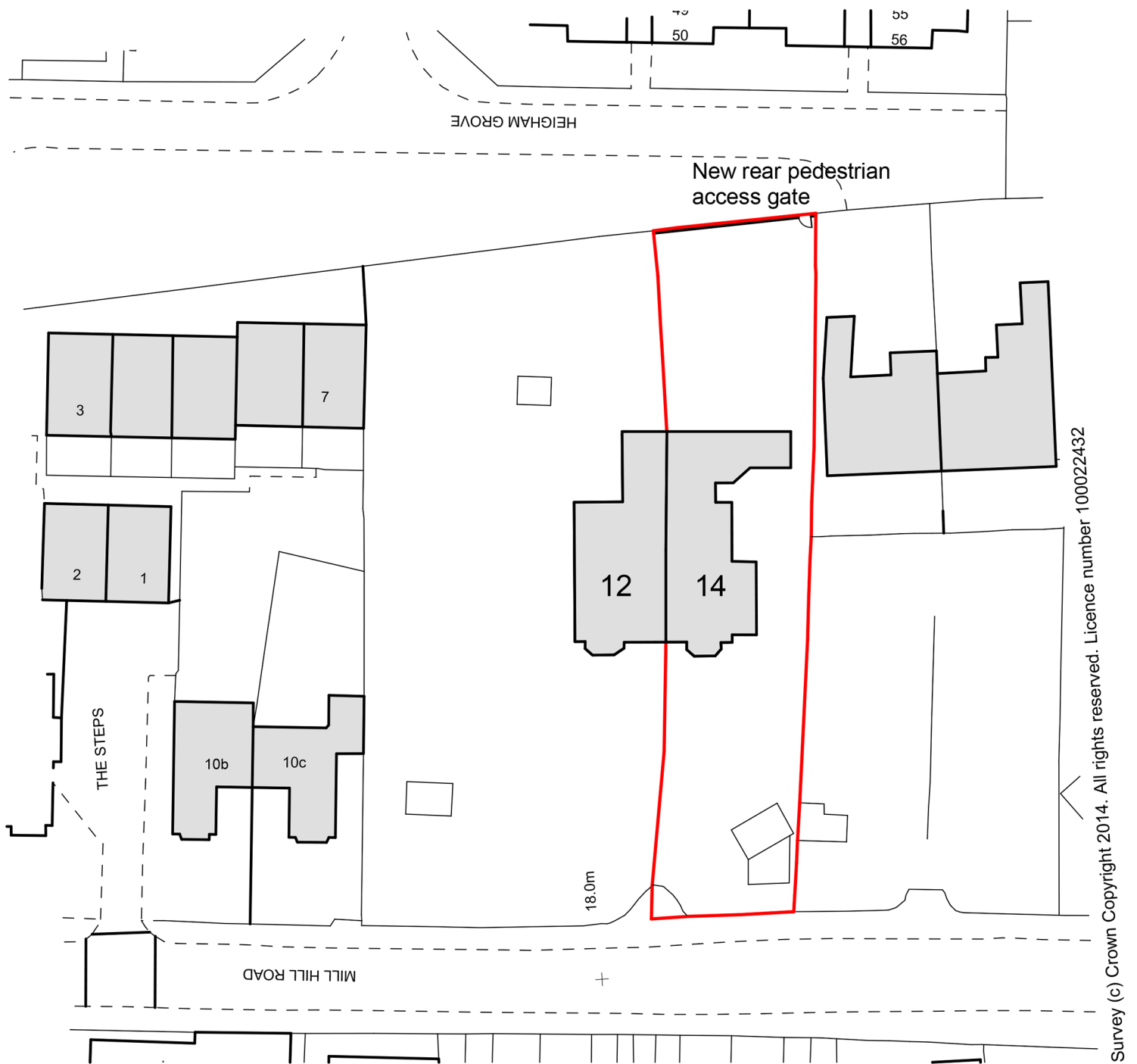
West elevation existing



South elevation existing



East elevation existing



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Site plan 1:1250

