

### **Planning applications committee**

**Date:** Thursday, 12 October 2017

**Time:** 09:30

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

#### **Committee members:**

##### **Councillors:**

Driver (chair)  
Maxwell (vice chair)  
Bradford  
Button  
Carlo  
Henderson  
Jackson  
Malik  
Peek  
Sands (M)  
Woollard  
Wright

#### **For further information please contact:**

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## Agenda

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#### 1 Apologies

To receive apologies for absence

#### 2 Declarations of interest

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

#### 3 Minutes

5 - 10

To approve the accuracy of the minutes of the meeting held on 14 September 2017.

#### 4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

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

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

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

**Summary of planning applications, including enforcements cases, for consideration**

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**Standing duties**

13 - 14

**4(a) Application no 17/01184/F - 2 Brereton Close, Norwich,**

15 - 22

**NR5 8LX**

<b>4(b)</b>	<b>Application no 17/00361/U - 60 St Faiths Lane, Norwich, NR1 1NN</b>	<b>23 - 42</b>
<b>4(c)</b>	<b>Application no 17/01242/F - Hewett School Cecil Road, Norwich, NR1 2P</b>	<b>43 - 60</b>
<b>4(d)</b>	<b>Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF</b>	<b>61 - 66</b>
<b>4(e)</b>	<b>Enforcement Case – 142 Dereham Road, Norwich, NR2 3AB</b>	<b>67 - 72</b>

Date of publication: **Wednesday, 04 October 2017**



**Planning applications committee****09:30 to 12:25****14 September 2017**

Present: Councillors Driver (chair)(to end of item 3 below), Maxwell (vice chair, in the chair from item 4 below), Button (from end of item 2 below), Bradford, Carlo, Henderson, Jackson, Malik, Peek, and Woollard (until end of item 4) and Wright

Apologies: Councillor Sands (M)

**1. Declarations of interest**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 10 August 2017, subject to correcting the job titles of the planners.

**3. Application no 17/01022/F - Heath House, 99 Gertrude Road, Norwich, NR3 4SG**

The senior planner presented the report with the aid of plans and slides. Since the publication of the report, the council had received three further objections regarding loss of open space, impact on parking and over-development of the site.

A local resident and Councillor Brociek-Coulton, local member for Sewell Ward, addressed the committee and outlined their objections to the scheme which included loss of a protected open space and that the funding in mitigation was insufficient; concern about access to the site for emergency and refuse vehicles and due to the steep incline to future residents; the loss of parking at the public house would exacerbate the congested parking on Gertrude and Violet Roads; and asking that the former bowling green be designated as an asset of community value.

In response the senior planner said that the access to the site was not unduly steep. Waste collection vehicles would not be required to use this access.

The agent addressed the committee and said that the applicant had worked with the council to overcome the concerns of the original application which had been refused last year. The payment of £15,000 for a recreational facility was in line with the council's policy DM8. The proposal included space for car parking and bin storage, was compliant with SUDs drainage and contributed to the five year land supply.

During discussion, the senior planner and the area planning development manager (inner area) referred to the report and answered members' questions. The proposal had been assessed on its own merits. The loss of protected green space had been

outweighed by the delivery of four houses with mitigation provided by the payment for the refurbishment of the pitch and putt site at Mousehold Heath. The site had not been used as a recreational facility for a couple of years and was in private ownership. It was a windfall site that contributed to the five year land supply. It was unlikely to be used as a bowling green again. Members noted that there was a lack of play provision in this area. The senior planner said that this site was not an asset of community value and explained the process of designation which would activate when the “asset” was put on the market giving the community an opportunity to secure funding to purchase it. Members were advised that the applicant would be required to provide full details of water drainage and flood risk mitigation before development of the site. Each house would have a private garden where there was room to store bins. The details of the passageway between the middle houses could be requested as part of the landscaping condition. The protection of trees was covered by the arboricultural statement and the council had the authority to take enforcement action for the area covered by a tree protection order.

Discussion ensued in which member considered the objections to the scheme. Some members considered that once the site had been developed it would be lost as a green open space. There was a shortage of play provision in the city. Members were advised that highways officers had not objected to the access to the site or the arrangements for parking at the site. Some members considered that the payment of £15,000 towards the improvement of a local recreational facility was too low. Following discussion, Councillor Carlo moved and Councillor Malik seconded that the application should be refused on the grounds that it would result in the loss of protected open space and that other uses as set out in policy DM8 had not been explored sufficiently, and it was:

**RESOLVED**, with 7 members voting in favour (Councillors Carlo, Malik, Jackson, Henderson, Wright, Woollard and Bradford) and 4 members voting against (Councillors Driver, Maxwell, Button and Peek) to refuse planning application no 17/01022/F - Heath House, 99 Gertrude Road, Norwich, NR3 4SG, on the grounds of loss of protected open space and that other uses as set out in policy DM8 had not been explored sufficiently, and to ask the head of planning services to provide the reasons for refusal in planning policy terms.

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

“The proposal would lead to the complete loss of designated open space, causing harm to visual amenity and recreation provision within the locality, contrary to the requirements of criterion (a) of the second part of policy DM8 of the Norwich Development Management Policies document (2014). In addition the applicant has failed to satisfactorily demonstrate there is no viable or reasonably practicable means of restoring or re-using the site for an alternative form of open space, contrary to the requirements of criterion (c) of policy DM8. The benefits of the scheme, including the proposed off-site mitigation do not outweigh the harm caused by the loss of the open space, and therefore the proposal does not meet criteria (a) and (b) within the first part of policy DM8, and conflicts with guidance in paragraph 74 of the National Planning Policy Framework (2012).”

(Councillor Driver left the meeting at this point. Councillor Maxwell, vice chair, was in the chair for the remainder of the meeting.)

#### **4. Application no 17/00986/F - 40 Fishergate, Norwich, NR3 1SE**

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an additional letter of objection relating to increased traffic issues, including increased pollution and impact on the children's play area; and a letter of support from One Norwich, welcoming the proposed site as key to new model of care provision in Norwich and that it was in a central location with good transport links and close to parking facilities.

A resident of St Edmund's Wharf, whose ground floor apartment abutted Hansard Lane, addressed the committee and highlighted her objections to the proposed surgery. This included concern that there would be "constant traffic" and noise from vehicles using the car park, no clear right of way on Hansard Lane and concern about potential damage to her external walls because of the tight access. She also expressed concern that there was inadequate parking provision for patients, provision to drop off disabled visitors or pavement to the carpark, and traffic issues.

The applicant (a partner of the surgery) spoke in support of the application and explained that the practice had outgrown its current premises in Cowgate and needed to expand to meet demand from developments in Anglia Square and Whitefriars. The proposal had the support of NHS England and Norwich Clinical Commissioning Group. The use of the car park was for staff only. The current surgery did not provide any parking. Patients walked, used buses or parked in existing public car parks. St Saviours car park was the same distance from the current surgery to the new surgery.

The planner explained that there was car parking at the rear of St Edmunds church and that the ownership of Hansard Lane was a civil matter. In reply to members' questions, the planner said that the proposal was for change of use and that there were no changes to the car park or access. The potential to provide cycle storage on the site had been discussed with the applicant but there was public cycle storage at Fye Bridge. There was no designated drop off for disabled people but Blue badge holders could park in permitted parking zones. The area planning development manager (inner area) explained in response to a question that the application would secure a piece of land connecting St Edmunds Wharf and Old Millers Wharf. This application was for change of use and therefore no landscaping conditions had been required. A buddleia bush had been removed.

**RESOLVED**, unanimously, to approve application no. 17/00986/F - 40 Fishergate Norwich, NR3 1SE and grant planning permission subject to section 106 agreement to secure provision of riverside walk across the south of the site at 40 Fishergate, connecting the riverside walk to adjacent sites at St Edmunds Wharf and Old Millers Wharf and the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with submitted Transport Plan;
4. Subject to flood management plan prior to first occupation;

5. Subject to Section 106 to secure riverside walk.

(Councillor Woollard left the meeting at this point.)

**5. Application no 17/00980/F – Eastgate House, 122 Thorpe Road, Norwich NR1 1RT**

The planner presented the report with the aid of plans and slides, including a shadow analysis. He referred to the supplementary report of updates to reports which summarised revisions to the plans which included re-designation three flats to one-bedroom/one person flats which met the standard designation for this level of occupancy; improved access to bin storage, and soft landscaping to include screening.

During discussion the planner and the area planning development manager (inner area) referred to the report and answered members' questions. Members sought information about the change of use and the extent of the prior approval under permitted development rights. There would be parking for the flats on site, with some of the car park reserved for the coroners' court. The committee concurred that there should be a landscaping condition to secure the location of the bin store and open amenity space.

**RESOLVED**, unanimously, to approve application no. 17/00980/F - 122 Thorpe Road, Norwich, NR1 1RT and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External materials – roof covering, fascia details, window details, balustrade including fittings.
4. No occupation until provision of refuse and cycle storage has been implemented.
5. Water efficiency 110L per person per day.
6. Landscaping plans to be agreed.

**6. Application no 17/01130/VC - 174 Aylsham Road, Norwich, NR3 2HJ**

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

During discussion the planner referred to the report and answered members' questions. Extending the operating hours did not create a significant risk to residents from fumes from the petrol sales. The shop would not be open all night but sales could be made through a hatch. The sale of alcohol was regulated through licensing legislation.

**RESOLVED**, unanimously, to approve application no. 17/01130/VC - 174 Aylsham Road, Norwich, NR3 2HJ and grant planning permission subject to the following conditions:

1. Temporary consent for 12 months unless extension is agreed with council;
2. In accordance with plans;
3. Noise monitoring procedure to be agreed and followed;



4. Certain activities not to be carried out during the hours 11pm-7am;
5. Bicycle storage and car parking in accordance with the details approved under 4/1992/0549;
6. Landscaping in accordance with the details approved under 4/1993/0004;
7. Installation of plant and machinery to be agreed.

**7. Application no 17/00836/F - 20 Catton Grove Road, Norwich, NR3 3NH**

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

During discussion the planner referred to the report and answered questions. Members discussed the principle of the development in a residential garden. It was noted that the reference to “brownfield” in paragraph 24 of the report was incorrect as it was a rear garden and therefore “greenfield”. The plots were varied sizes and the proposal was not considered to be detrimental to the character of the area.

Councillor Jackson said that he could not support this application because the subdivision of the garden was detrimental to the character of the area. Councillor Carlo said that the development would set a precedent and that it was close to Mousehold Heath. She hoped that the council would adopt a policy on subdivision of garden space for residential use. The chair pointed out that there was already a bungalow on the other side of the road in a smaller subdivided garden plot.

**RESOLVED** with 7 members voting in favour (Councillors Maxwell, Button, Henderson, Malik, Wright, Peek and Bradford) and 2 members voting against (Councillors Carlo and Jackson) to approve application no. 17/00836/F - 20 Catton Grove Road, Norwich, NR3 3NH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Cycle and refuse details to be submitted;
5. Scheme to deal with surface water drainage;
6. All boundary treatments to have hedgehog gaps;
7. In accordance with tree protection plan;
8. Site clearance only outside of bird nesting season;
9. Water efficiency.

Informatives:

1. Property naming & numbering
2. Works to the highway require highways consent
3. Tree protection barriers to be appropriately constructed

**8. Application no 17/00165/F - Mill House, Hellesdon Mill Lane, Norwich, NR6 5AY**

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to the reports and pointed out that the reason for the application to be referred to committee was because of “objection” only.

**RESOLVED**, unanimously, to approve application no. 17/00165/F - Mill House Hellesdon Mill Lane Norwich NR6 5AY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Ecological assessment.

**9. Application no 17/01028/F 194 Thorpe Road, Norwich, NR1 1TJ**

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

During discussion the planner referred to the report and answered members' questions. The new shed/garden room would be on the site of the former garage and would overhang the slope, and had windows to the front only. There were similar sheds and outbuildings in the neighbouring properties. Members welcomed the use of a green roof on the extension and shed.

**RESOLVED**, unanimously, to approve application no. 17/01028/F 194 Thorpe Road, Norwich, NR1 1TJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works in accordance with Arboricultural Impact Assessment and Method Statement.

**10. Application no 17/01063/F 79 Church Lane, Norwich, NR4 6NY**

The planner presented the report with plans and slides.

During discussion the planner together with the area planning team manager (inner area) referred to the report and answered members' questions. The conditions would require a darker brown wood stain. A member pointed out that the two bay cart lodge would be a garage if roller doors were added. Members were advised that the extra dimension was to provide storage.

**RESOLVED**, unanimously, to approve application no 17/01063/F 79 Church Lane, Norwich, NR4 6NY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of stain colour to be secured.

CHAIR

# Summary of planning applications, including enforcement cases, for consideration

ITEM 4

12 October 2017

Item no	Application no	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	17/01184/F	2 Brereton Close, NR5 8LT	Lara Emerson	Two storey rear extension, single storey side extension and change of use to 7 bedroom HMO (Sui Generis).	Objections	Approve
4(b)	17/00361/U	60 St Faiths Lane, NR1 1NN	Joy Brown	Change of use to 41 no. residential apartments (Class C3).	Contrary to Policy	Approve
4(c)	17/01242/F	Hewett School, Cecil Road, NR1 2PL	Kian Saedi	Demolition of existing sports hall and erection of replacement sports hall facility	Objections	Approve
4(d)	17/00157/ENF	5 Nutfield Close, NR4 6PF	Steve Polley	Single storey extension (retrospective).	To request approval for enforcement action to be taken	Authorise enforcement action
4(e)	17/00136/ENF	142 Dereham Road, NR2 3AB	Lydia Tabbrown	Food van on forecourt of commercial unit. Issues around visual amenity, noise and disturbance to neighbours and cumulative highway impacts.	To request approval for enforcement action to be taken	Authorise enforcement action



## **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

**Item**

12 October 2017

**Report of** Head of Planning Services

**Subject** Application no 17/01184/F - 2 Brereton Close, Norwich,  
NR5 8LX

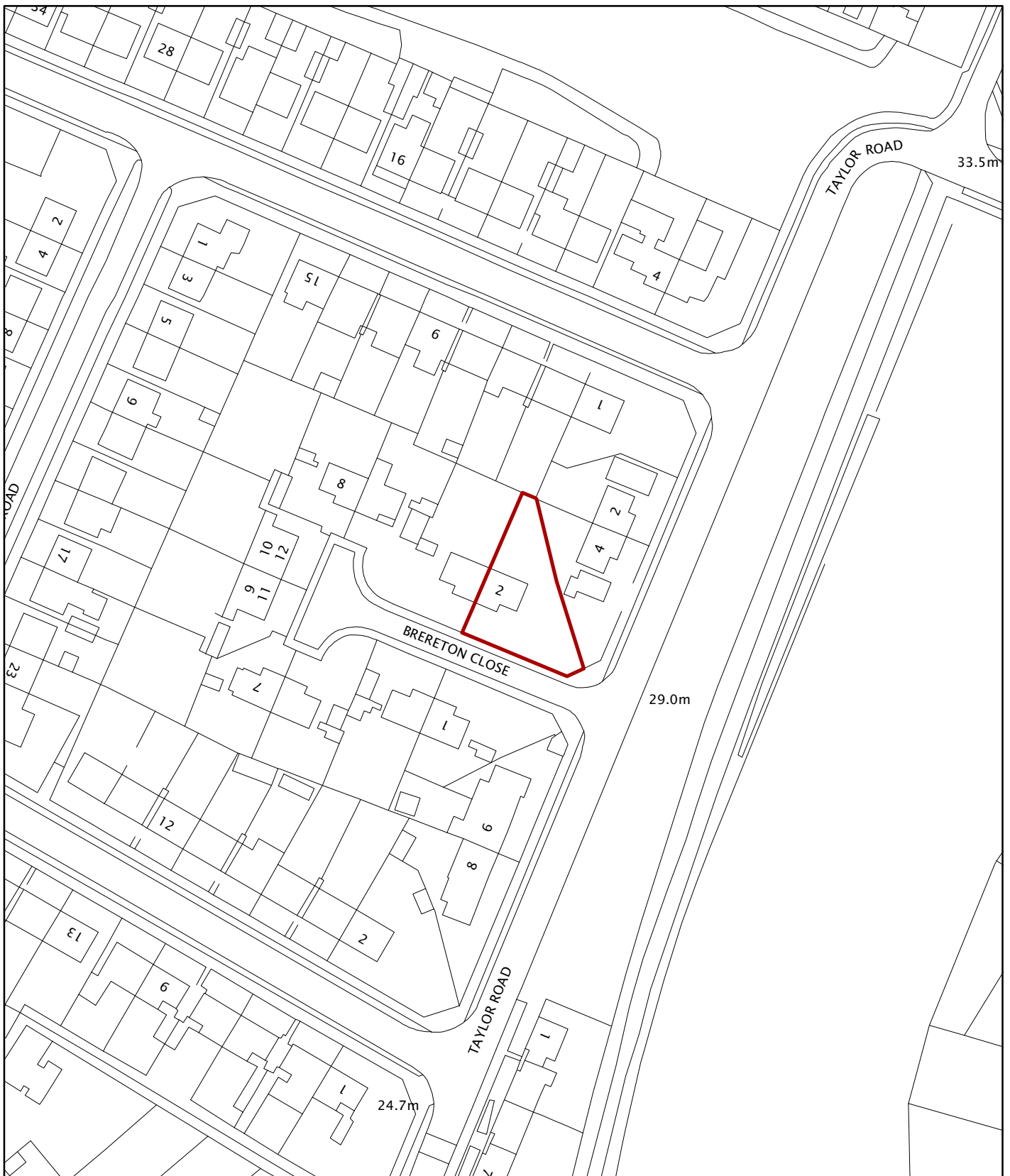
**Reason  
for referral** Objections

4(a)

<b>Ward</b>	Bowthorpe
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

Development proposal		
Two storey rear extension, single storey side extension and change of use to 7 bedroom HMO (Sui Generis).		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1. Principle of development	Use of property as house in multiple occupation.
2. Design	Impact on property, impact on character of area.
3. Amenity	Amenity of future occupants, impact on surrounding occupants.
4. Transport	Car parking, refuse storage, cycle storage.
<b>Expiry date</b>	16 October 2017 (extended from 9 October 2017)
<b>Recommendation</b>	Approve



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Planning Application No 17/01184/F  
Site Address 2 Brereton Close

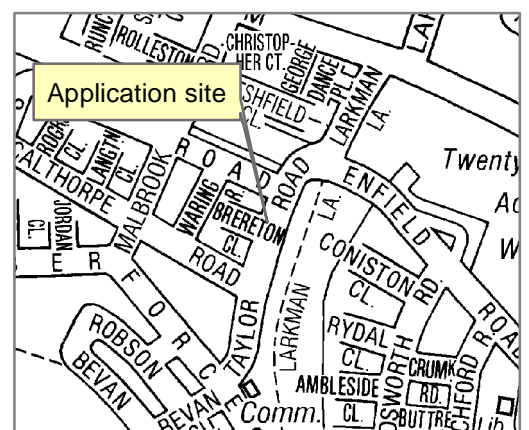
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site, surroundings & constraints

1. The site is located within a residential area. Brereton Close consists of 5 pairs of semi-detached dwellings, all of which are of the same design. Some dwellings have been altered, to include single storey side extensions.
2. The existing property is in use as a 5 bedroom HMO. The dwelling is on a corner triangular plot with a driveway to the front and side. A flat roof detached outbuilding is situated to the side of the dwelling. The roof is hipped, and the dwelling is designed so it steps in at the side on both floors, which is mirrored in the attached dwelling. Materials include red bricks, white uPVC and dark grey tiles.
3. The land rises to the north so that the properties behind the site on Taylor Road are on higher ground. Within the rear garden of 4 Taylor Road there is a mature Weeping Willow which sits close to the subject property's boundary.
4. The Twenty Acre Wood County Wildlife Site (CWS) sits 30m to the east of the site.

## Relevant planning history

Ref	Proposal	Decision	Date
4/2003/0692	Erection of two storey and single storey extension to provide annexe.	Approved	19/08/2003
16/01321/F	Subdivision of plot and erection of 1 No. two bed dwelling.	Refused	12/12/2016
17/00033/F	2 storey residential annex to side of existing dwelling.	Refused (and appeal dismissed)	01/03/2017

## The proposal

5. Erection of a two storey rear extension, a single storey side extension and a porch to provide two extra bedrooms. The property appears to currently be used as a 5 bedroom HMO and the proposals would result in a change of use to a large HMO with 7 bedrooms (sui generis).

## Summary information

Proposal	Key facts
<b>Scale &amp; appearance</b>	
Total floorspace	Existing: 83m <sup>2</sup> Proposed: 153m <sup>2</sup>
No. of storeys	1 to the side, 2 to the rear
Max. dimensions	2 storey rear extension 7.4m to ridge and 5m to eaves
Materials	Red brick walls, clay pantiles & white UPVC windows to match existing
<b>Transport matters</b>	
Vehicular access	From existing access off Brereton Close
No of car parking spaces	1

<b>Proposal</b>	<b>Key facts</b>
No of cycle parking spaces	Details to be agreed via condition 7 covered and secure spaces required
Servicing arrangements	Bin storage area shown to side of property Further details to be agreed via condition

## Representations

6. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
Harm to the character and appearance of the original dwelling and the surrounding area	See main issue 2 relating to design.
Overdevelopment of the site	See main issues 2 & 3 relating to design and amenity.
Parking	See main issue 4 relating to transport.
Anti-social behaviour from students	See main issue 3 relating to amenity.
Loss of privacy & light to 4 Taylor Road	See main issue 3 relating to amenity.

## Consultation responses

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

## Tree protection officer

8. I have reviewed the application and have no comments to make.

## Assessment of planning considerations

### Relevant development plan policies

9. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
  - JCS4 Housing delivery
10. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM7 Trees and development
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation
  - DM28 Encouraging sustainable travel

- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

### **Other material considerations**

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

- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment

### **Case Assessment**

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

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

13. Key policies and NPPF paragraphs – DM12, DM13 NPPF paragraphs 49 and 14.
14. Subject to the conditions recommended below, the proposal is considered to adhere to the relevant requirements set out within Policies DM12 and DM13.

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

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. The previous applications (16/01321/F & 17/00033/F) were refused partly on the grounds of impact on the character and appearance of the area. These applications both included two storey side extensions which were over dominant on the street scene and upset the symmetry of this pair of semi-detached dwellings.
17. The current proposal has reduced this side extension to single storey with a wraparound porch. This design respects the symmetry of the main dwelling and provides an extension which appears subservient when viewed from the street. A few other properties in the vicinity can be seen to have undergone similar extensions. Materials are to match those used on the original dwelling.

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

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. The previous applications (16/01321/F & 17/00033/F) were refused partly on the grounds of impact on the neighbouring properties, with particular reference to privacy. Both of these schemes had a two storey side extension which had first floor windows close to 4 Taylor Road.

20. The revised scheme has a two storey rear extension whose first floor windows are set further away from the property at 4 Taylor Road than in the schemes that were refused. Owing to the land level changes, these windows are not considered to have any significant impact on the privacy of neighbouring occupants. Equally, no significant loss of light or outlook can be expected to result from the works.
21. The scheme seeks to add an additional 2 bedrooms to the property. Each bedroom has an en-suite bathroom and the property is afforded with generous living and kitchen spaces. The site is sufficient in size to offer occupants adequate outdoor space to the front and rear. It is considered necessary to limit the number of occupants to 7 to prevent the over intensive use of the site and to prevent erosion of living conditions. This will also serve to protect neighbouring occupants from excessive noise etc from a large number of residents using the site.

#### **Main issue 4: Transport**

22. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
23. The site provides 1 parking space to the front of the property which is considered appropriate for the number of occupants and the type of users (typically low car ownership). Unrestricted on-street parking is also available in the area. By limiting the number of occupants to 7, the impacts on parking in the area are considered to be sufficiently controlled.
24. The site is also of a sufficient size to provide secure and covered cycle parking and refuse storage. Further details are requested via condition.

#### **Other matters**

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

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

26. There are no significant equality or diversity issues.

#### **Local finance considerations**

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

## **Conclusion**

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

## **Recommendation**

To approve application no. 17/01184/F - 2 Brereton Close, Norwich, NR5 8LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Bin & bike storage details to be agreed and provided prior to occupation;
4. Bat boxes to be erected;
5. Materials to match;
6. No more than 7 occupants.

## General Notes

1. This drawing must not be scaled and if in doubt ask.
2. All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
3. This drawing is to be checked and used in conjunction with all Engineers, Architectural, Services Engineers and any specialist drawings, together with any relevant additional Engineers' specifications.
4. Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
5. No structural members are to be cut, reduced, or altered unless shown on the Engineers details. Unless otherwise noted all connections of structural members including lugs & endplates of reinforcement shall be capable of mobilising the full structural capacity of the member.
6. All foot connections to have a minimum of 2'0" dia.
7. The foundations have been designed on ultimate ground pressure of 100 kN/m<sup>2</sup> & shall not be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is a clay soil that has been consolidated by trees & vegetation & that there is no possibility of heave or shrinkage.
8. Under the provisions of the Party Wall Act 1996 if the excavations are within 1m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land / buildings must be obtained & the boundary agreed before building works commence.
9. The Construction (Design & Management) Regulations 2015.  
The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.  
a. The construction work can be carried out so far as is reasonably practicable without risks to the health and safety of any person affected by the project.  
b. Certain suitable welfare facilities are provided.  
These arrangements must be reviewed and maintained throughout the project.  
The client must provide pre-construction information to the designer and contractor.  
The client must ensure that a construction phase plan is in place before the construction phase starts.  
The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection.  
The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.  
The client must pass the health and safety file to any new owner(s) (occupier(s)) and ensure that the new owner(s) (occupier(s)) is aware of the nature and purpose of the file.
10. This drawing is Copyright to Building Plans Ltd.

1 : 100	0	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m
	0	3'3"	6'7"	9'10"	13'1"	16'5"	19'8"	23'	26'3"	29'6"	32'10"
1 : 50	0	1m	2m	3m	4m	5m	6m	7m	8m	9m	10m
	0	3'3"	6'7"	9'10"	13'1"	16'5"	19'8"	23'	26'3"	29'6"	32'10"

C	20/09/2017	Porch & living room added.	PB
B	19/07/2017	Revised design.	PB
A	24/01/2017	Floor plans updated.	PB
Rev	Date	Amendment	Dwn



Architectural Design,  
Building Surveys and  
Planning Services

**Building Plans Ltd**

11 The Street, Honingham, Norwich, NR9 5BL  
Telephone: 01603 868377

Client:	DT Norfolk Property
Project:	Extensions & Alterations
Site address:	2 Breton Close Norwich Norfolk NR9 8LX
Contents	Proposed Elevations Proposed Floor Plans
Scale @ A1:	1:50, 1:100
Date:	July 2017
Signed/checked:	P B / J N
Revision	C
Project No:	3146.0816N
Sheet No:	2



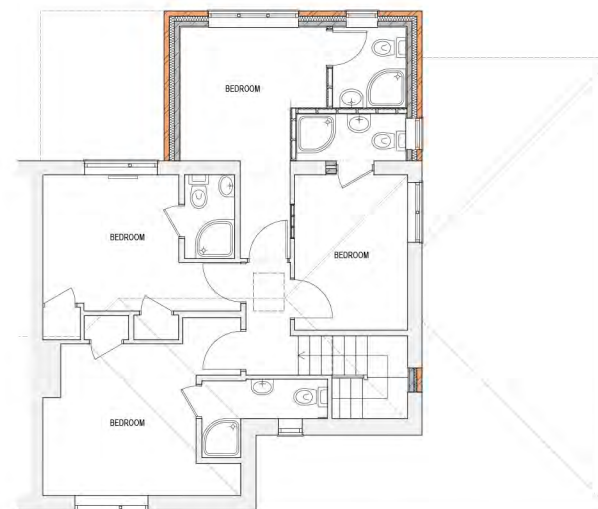
SOUTH  
PROPOSED ELEVATIONS 1:100

WEST



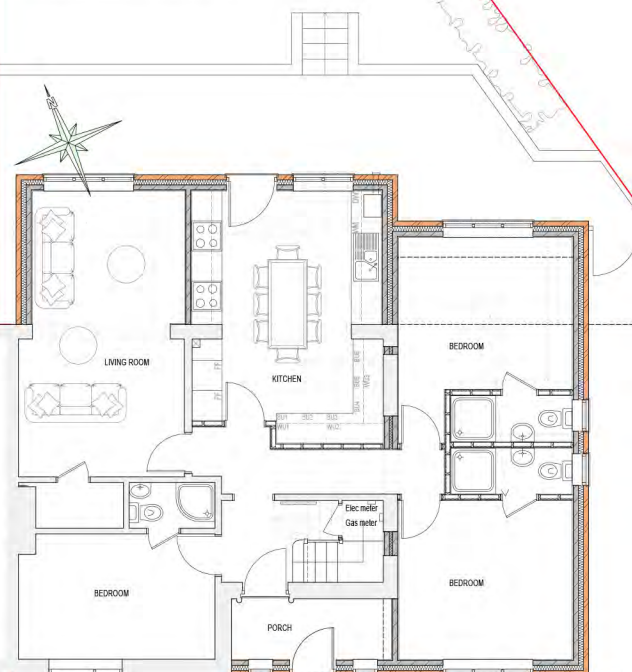
NORTH  
PROPOSED ELEVATIONS 1:100

EAST



PROPOSED FIRST FLOOR 1:50

Ref	Species	Stem dia	Spread	Canopy	Height
T1	Weeping Willow	400mm	4.6m	1.7m	5.5m



PROPOSED GROUND FLOOR / SITE PLAN 1: 50

**Report to** Planning applications committee

**Item**

12 October 2017

**Report of** Head of planning services

**Subject** Application no 17/00361/U - 60 St Faiths Lane,  
Norwich, NR1 1NN

**Reason  
for referral** Departure from development plan & objections

4(b)

<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Joy Brown - <a href="mailto:joybrown@norwich.gov.uk">joybrown@norwich.gov.uk</a>

Development proposal		
Change of use to 41 no. residential apartments (Class C3).		
Representations		
Object	Comment	Support
0	3	1

Main issues	Key considerations
1 Principle of development	Residential development adjacent to the Late Night Activity Zone.
2 Amenity	Noise, internal space standards, external amenity area
3 Design	Impact on streetscene and conservation area
4 Transportation	Car free development, bike storage and servicing
5 Energy and water	10% renewables
6 Floodrisk	Development within floodzone 2
7 Affordable housing	Viability
<b>Expiry date</b>	10 August 2017 (extension of time 19 October 2017)
<b>Recommendation</b>	Approve subject to completion of a satisfactory legal agreement and conditions



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Planning Application No 17/00361/U  
Site Address 60 St Faiths Lane

Scale 1:1,000



**NORWICH**  
City Council

PLANNING SERVICES





## The site and surroundings

1. The site is situated on the south side of St Faiths Lane and is a former four storey office building which has since been converted to an aparthotel. The main block fronts onto St Faiths Lane with a further block located to the southeast, enclosing a rear courtyard located centrally within the site. The rear courtyard can be accessed via an alleyway between 58 and 60 Prince of Wales Road.
2. The surrounding area is mixed in terms of its uses. Within close proximity to the site are offices, retail units, restaurants, bars and residential properties. The site is situated adjacent to a housing development (Prospect Place). This residential development comprises of two and three storey town houses which front both St Faiths Lane and Cathedral Street.

## Constraints

3. The site is situated within the City Centre Conservation Area and the Area of Main Archaeological Interest. The site is situated adjacent to the Late Night Activity Zone.

## Relevant planning history

Ref	Proposal	Decision	Date
07/01411/F	Change of use from office use B1 to 47 apart-hotel C1 use, replacement of windows and erection of bin store.	APPR	12/05/2008
12/00549/F	Conversion of offices (class B1) to 47 unit apart-hotel (class C1), including the erection of bin store.	APPR	28/06/2012
12/02063/D	Details of Condition 4: Bin store foundations; Condition 5: External colour finish of bin store; Condition 6: 5 Secure cycle parking spaces; Condition 7: Provision of single fire hydrant; Condition 8: Flood response plan; Condition 10: Scheme for generating a minimum of 10% of the predicted energy requirement; Condition 11: Water conservation measures; Condition 14: Window systems and Condition 15: Access and room layout for impaired mobility of previous permission 12/00549/F 'Conversion of offices (class B1) to 47 unit apart-hotel (class C1), including the erection of bin store.'	PART	21/12/2012

Ref	Proposal	Decision	Date
13/00246/D	Details of Condition 7: Fire hydrants; Condition 10: On-site renewable energy generation; Condition 14: Window and ventilation details on the west, south or south-west facades; Condition 16: External lighting and Condition 17: Landscaping, of previous permission 12/00549/F. 'Conversion of offices (class B1) to 47 unit apart-hotel (class C1), including the erection of bin store.'	APPR	31/05/2013

## The proposal

4. The application seeks a change of use for the premises from an aparthotel to residential. The building was converted to an aparthotel under planning application ref: 12/00549/F. As part of this permission condition 3 stated that the accommodation should be used for hotel (C1) use and should not be used as a second home or for the sole or main residence of the occupiers. The reason for this condition was that the application had been assessed on a C1 basis rather than on the basis of permanent residential accommodation. Without carrying out a full assessment it was considered that the proposal could result in a substandard level of residential amenity for future occupiers if people resided on the premises long term.
5. The applicant has set out within the planning statement that since planning permission was granted in 2012 the demand for very short stay lets is lower than anticipated, whilst there is a strong demand for longer stays. The proposal therefore seeks to change the use of the premises from an aparthotel (use class C1) to serviced apartments (use class C3). The intention is for the building to remain in a single ownership as a single block of serviced apartments that will be privately let to serve the business community as well as to provide short term lets associated with business or tourism use. However, should planning permission be granted it would be possible for the units to be sold off separately.
6. The application as submitted was for the conversion of the premises from 47 aparthotel units to 43 no residential units. The number of units was to be reduced by five through the combination with adjacent units in order to create larger apartments and then increase by one through the conversion of an existing redundant storage space. However throughout the process of assessing the application the number of units has been further reduced to 41 in order to address the officer's concern regarding the size of some of the smaller units. All two bedroom units have also been changed to one bedroom units in order to meet space standards.

7. The proposal also includes a number of alterations which include the following:

- (a) The replacement of windows on the north and east elevations
- (b) The provision of a bike store
- (c) Upgrading of the front and rear doors
- (d) Provision of additional lighting
- (e) The rear gate will be fitted with a combination lock
- (f) The perimeter wall will have a fence panel added to increase the height to 1.8m.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	41 (33 x one bedroom units, 8 x studio apartments)
No. of affordable dwellings	Affordable housing contribution of £107,086.19 (33% policy compliant scheme would result in a payment of £697,977.60).
Total floorspace	1,949 sqm
No. of storeys	Four
<b>Transport matters</b>	
Vehicular access	None
No of car parking spaces	0
No of cycle parking spaces	20
Servicing arrangements	5 x 1,100 litre general waste bins, 3 x 1,100 litre recycling bins. A private contractor will collect the bins and this will be from Prince of Wales Road.

### Representations

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

Issues raised	Response
<p>With a few minor exceptions (occasional night time noise, litter) the aparthotel has not had a disruptive effect on the area and we see no reason why the conversion to residential should alter this situation. Therefore we support the application subject to the windows being replaced and a sign promoting the use of the rear secondary access between 11pm and 7am.</p>	<p>See main issue 2.</p>

## Consultation responses

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

### Design and conservation

10. No comment

### Norfolk Fire and Rescue Service

11. Additional works will be required to convert this from an aparthotel to residential. The owners should be made aware that if planning permission is granted then a new application to Building Control will be necessary.

### Environmental protection

12. The acoustic report shows that the noise levels in the flat tested are acceptable. Other flats must have windows of the same standard to be acceptable. Acoustic trickle ventilation will be required so that trickle ventilation can be used without opening a window. An informative should also be attached to any permission regarding measures designed to control noise.

### Highways (local)

13. No objection in principle. The traffic generation associated with the existing and proposed use is likely to be similar.

### Norfolk police (architectural liaison)

14. The proposal should help to rejuvenate this large structure which is showing signs of neglect and misuse. No objection to the application however a number of recommendation have been made as it is important that the developers upgrade the physical and internal security of the building and boundary treatments to afford its residents adequate security. Full details of the suggested measures can be found on public access.

## **City wide services**

15. 5 general waste bins and 3 recycling bins should be provided. The only issue with the private waste collections is when the residents realise that they are paying twice and not actually getting a service from the Council.

## **Private sector housing**

16. No comment received

## **Environment Agency**

17. No comment received

## **Anglian Water**

18. No comment received

## **Assessment of planning considerations**

### **Relevant development plan policies**

19. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS8 Culture, leisure and entertainment
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation
  - DM23 Supporting and managing the evening and late night economy
  - DM28 Encouraging sustainable travel
  - DM29 Managing car parking demand in the city centre
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

- DM33 Planning obligations and development viability

## **Other material considerations**

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

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

### **22. Supplementary Planning Documents (SPD)**

- Affordable housing SPD adopted March 2015

## **Case Assessment**

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

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

24. Key policies and NPPF paragraphs – DM12, DM13, DM23, NPPF paragraphs 49 and 14.
25. The application seeks the change of use from an aparthotel to residential and therefore policy DM12 and DM13 are of particular relevance. As set out within policy DM12, residential development (whether by new build or conversion) will not be permitted where it is within or immediately adjacent to the Late Night Activity Zone. The site abuts the LNAZ to the south so the principle of converting the premises to residential does not accord with this policy. Due to the proposal being contrary to this policy, under Norwich City Council's scheme of delegation the case should be referred to planning committee.
26. In this particular case, although the principle of the conversion does not accord with policy DM12 it is considered that the applicant has demonstrated that the noise concerns can be overcome and a satisfactory living environment can be created for future residents of the site (see main issue 2) and therefore it is not considered that the application should be refused automatically due to the proximity to the Late Night Activity Zone. Furthermore although policy DM23 also restricts the provision of residential uses within and in close proximity to late night uses; this policy does say that residential uses should not be permitted where the impact from noise would be such that it would have an unacceptably harmful impact on living and/or

working conditions for future occupants. This would suggest that where noise and structural transmissions would not create a harmful impact upon the living conditions of future residents, residential may be acceptable.

27. Furthermore the proposal will provide 41 residential units in a sustainable location which will help contribute towards Norwich's housing supply.

## **Main issue 2: Amenity**

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

### **Impact upon neighbouring residents**

29. As the proposal is for the change of use of an existing building and does not include any new window openings or extensions it is not considered that the proposal will impact upon the living conditions of neighbouring residents, taking into consideration overlooking, overshadowing or loss of light. The main issue to consider is potential for increased noise and disturbance. In this particular instance it is considered that the change of use may result in less noise and disturbance to local residents due to the residents being less transient. It is suggested that a condition is attached to any future permission requiring a sign to be displayed on the rear pedestrian access from Prince of Wales Road encouraging the use of the secondary access after 23:00 and before 07:00 in order to minimise the impact upon residents of St Faiths Lane and Cathedral Street.

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

30. The proposal is for 8 no. studio apartments and 33 no. one bedroom flats of which four will be duplexes spread over two floors. Policy DM2 of the local plan is of particular relevance as this seeks to ensure that the proposal provides a satisfactory living condition for future occupiers of the site. As part of this it is important that adequate internal space is provided and the policy sets out indicative minimum guidelines for internal space standards, which have now been superseded by national space standards. The space standards set out that 1 bedroom, 1 person, 1 storey dwellings should have a minimum floorspace of 37 sqm and 1 bedroom, 2 person, 2 storey dwellings should have a minimum floorspace for 58 sqm.
31. The application as submitted included a number of units that fell short of these standards and the applicant has subsequently amended the proposal to address officer's concerns. This involved combining units and reducing two bedroom units to one bedroom units.
32. There are still five units which do not meet the national standards which are units 8 (studio), 11 (one bedroom), 16 (studio), 18 (studio), 37 (studio). Unit 11 is 2 sq m under the standards, units 8, 16 and 18 are 6 sq m under and unit 37 is 4 sq m under. For each of these units the applicant will provide a dedicated storage space of 6 sq m which although will not provide useable living space will reduce pressure on the small units.
33. The supplementary text to policy DM2 does set out that there is scope to relax the standards on a case by case basis if there are exceptional conservation or regeneration benefits. In this particular case, given that the majority of units meet the standards and given that the proposal is for a conversion rather than a new

build which will help rejuvenate this buildings, on balance it is considered that the proposal is acceptable and will provide adequate internal space to meet the needs of future residents.

34. Due to the location adjacent to the Late Night Activity Zone, noise disturbance is a key consideration. As part of the application an acoustic report was submitted which shows that the noise levels in the flat tested are acceptable. This flat has double glazed windows which were replaced as part of the previous application. It is important that all flats have windows of the same standard and therefore details of windows should form a condition of any future consent. It will also be necessary that all flats have mechanical ventilation as well as acoustic trickle ventilation again which can be secured by condition. This will mean that residents have the choice of opening windows, trickle ventilation or mechanical ventilation.
35. It is considered that the existing openings will provide sufficient light and ventilation for the properties.
36. There are some open spaces near the site; however they are not adjacent to the site and immediately accessible and therefore they will have reduced value for the future occupiers of the site. A small communal external amenity space already exists and although it is small for 41 units, it does provide somewhere for residents to sit outside should they wish to. Furthermore all apartments will either be one bedroom or studio apartments and therefore are unlikely to attract families. On this basis it is considered that the space is of sufficient size.

### **Main issue 3: Design**

37. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
38. The proposal involves very few external alterations and will therefore have minimal impact upon the streetscene or the conservation area. The proposal does include new windows and the upgrading of the doors which will help improve the appearance of this building. The provision of a bike store, bin store and the increased boundary treatment are all situated to the rear of the site so will not be visible from the highway.

### **Main issue 4: Transport**

39. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
40. The site is situated within a central, sustainable location. It is well served by buses, is in close proximity to the train station and is situated on the green pedalway. All of the residential units will be car free which is supported by policy DM32 of the local plan.
41. The application includes the provision of 10 no Sheffield Stands which will provide 20 cycle parking spaces. Although this does not accord with policy, which would require 1 space per property, it is considered an appropriate level due to the central location. Provision of additional cycle storage is likely to result in a significant oversupply and as a result reduce the amount of external amenity space available to residents.



42. With regards to bin collection, the applicant has confirmed that this will be carried out by a private contractor as is the case currently. This is considered to be a suitable arrangement as the private contractor will collect the bins from Prince of Wales Road and the collection will be weekly. This will need to form a condition of any future consent as Council collections will be problematic as due to the proximity of the bins to the highway and as fortnightly collection may require additional bins which will further reduce the amount of external amenity space for residents.

### **Main issue 5: Energy and water**

43. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
44. Policy 3 of the Joint Core Strategy sets out that residential developments of 10 units or more should provide at least 10% of the scheme's expected energy requirement through decentralised and renewable or low carbon energy. As part of the previous scheme to convert the office accommodation to an aparthotel, condition 10 required details of the measures to achieve this. Details were submitted under condition 10 of the previous consent and the report showed that 14 x south facing solar thermal panels would achieved a 10% energy saving. It is my understanding that this was never implemented. Therefore a condition should be attached to any future permission requiring a scheme. Due to the orientation, positioning and style of the building, it will be possible to include energy efficiency and renewable energy measures without having a detrimental impact upon the visual appearance of the building or conservation area.
45. Policy 3 of the Joint Core Strategy sets out that all residential development should reach Code for Sustainable Homes level 4 for water. The applicant has submitted a water calculator which shows the total water consumption to be 87.83 litres per person per day. This falls well within the maximum consumption of 105 litres per person per day. The majority of taps, WCs and appliances will remain as is.

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

46. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
47. The site is situated within flood zone 2 and therefore a flood risk assessment has been submitted with the planning application. This details that the proposal would be safe to both people and property. As part of the report the applicant has submitted a flood response plan which should ensure the safety of residents in the event of a flood. The proposal is not subject to the sequential test as the proposal is for a change of use. The Environment Agency has not commented on the application.

### **Main issue 7: Affordable housing viability**

48. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
49. Policy 4 of the Joint Core Strategy sets out that on sites for 16 dwellings or more, 33% should be affordable. In this instance it was considered that it would be unlikely that a registered provider would find the units attractive so it was felt that the most appropriate way forward would be an off-site contribution.
50. Based on the calculation within the Affordable Housing SPD a policy compliant scheme would result in a contribution of £697,977.60. The applicant has however

submitted an open book viability assessment to demonstrate that this level of contribution would render the scheme unviable. Based on the figures submitted within the assessment it was shown that the proposed change of use would result in a deficit of - £562,913.81 and therefore the applicant has suggested that they cannot provide any off site contribution.

51. Norwich City Council's Senior Housing Development Officer has reviewed the assessment and considered that the costs and fees were reasonable and generally it was also considered that the sales figures were reasonable. However it was felt that the existing land value was too high and therefore advice was sought from the District Valuer on this sole issue. The District Valuer felt that the existing room rates were optimistic taking account of the specification of the subject rooms and following their own research into the existing value of the aparthotel, valued the site at £670,000 lower than the applicant. This would give a surplus of £107,086.19 for the change of use (after developer profit). The applicant has subsequently agreed to an affordable housing contribution of £107,086.19. As per the advice within the affordable housing SPD this would be subject to a review within 12 months if development as not commenced and a review after 30 months if development is not complete.
52. Based on the above it is considered that the proposal accords with policy 4 of the Joint Core Strategy.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	No – see main issue 4
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes
Sustainable urban drainage	DM3/5	Not applicable

### **Equalities and diversity issues**

54. There are no significant equality or diversity issues.

## **S106 Obligations**

55. An off-site contribution towards affordable housing would be secured through a s106 agreement. This would be a contribution of £107,086.19.

## **Local finance considerations**

56. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
57. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
58. In this case local finance considerations are not considered to be material to the case.
59. The development would not need to pay CIL as the building is currently in use and the proposal does not involve any additional floorspace.

## **Conclusion**

60. The site is situated adjacent to the Late Night Activity Zone where residential is not normally permitted. However in this particular instance it has been demonstrated that the noise concerns can be overcome and a satisfactory living environment can be created for future residents of the site and therefore it is not considered that the application should be refused automatically due to the proximity to the Late Night Activity Zone. Furthermore five of the 41 units do not meet national space standards; however given that the proposal is for a change of use and that the existing layout of the rooms would appear to provide reasonable living conditions it is considered in this instance that the proposal is acceptable.
61. In addition it is considered that the proposal has the potential to reduce noise and disturbance to neighbouring residents and through replacing the windows on the St Faith's Lane frontage it also has the potential to enhance the appearance of the building. The cycle storage and bin collection arrangements are satisfactory and although the proposal will not provide 33% affordable housing due to the site not being attractive to registered providers and due to viability, it will provide an off-site contribution of £107,086.19 which will help contribute to the provision of affordable housing elsewhere within the city.
62. Therefore although the proposal represents a departure from policy due to the application seeking to provide residential adjacent to the Late Night Activity Zone, it has been concluded that there are no material considerations that indicate that it should be refused. Therefore the recommendation is one of approval.

## **Recommendation**

To approve application no. 17/00361/U - 60 St Faiths Lane, Norwich, NR1 1NN and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of bin store and bike store to be agreed and provided prior to occupation
4. Bin collection in accordance with approved refuse and servicing statement.  
Arrangement to continue in perpetuity unless otherwise agreed in writing
5. Restricted hours of bin collection
6. No occupation until alterations to boundary treatment have been carried out, combination lock installed, doors upgraded, new lighting installed in accordance with site plan.
7. Details of windows
8. Details of mechanical ventilation
9. Details of scheme to achieve 10% renewable
10. Sign relating to rear entrance to be installed prior to occupation

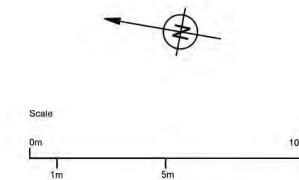
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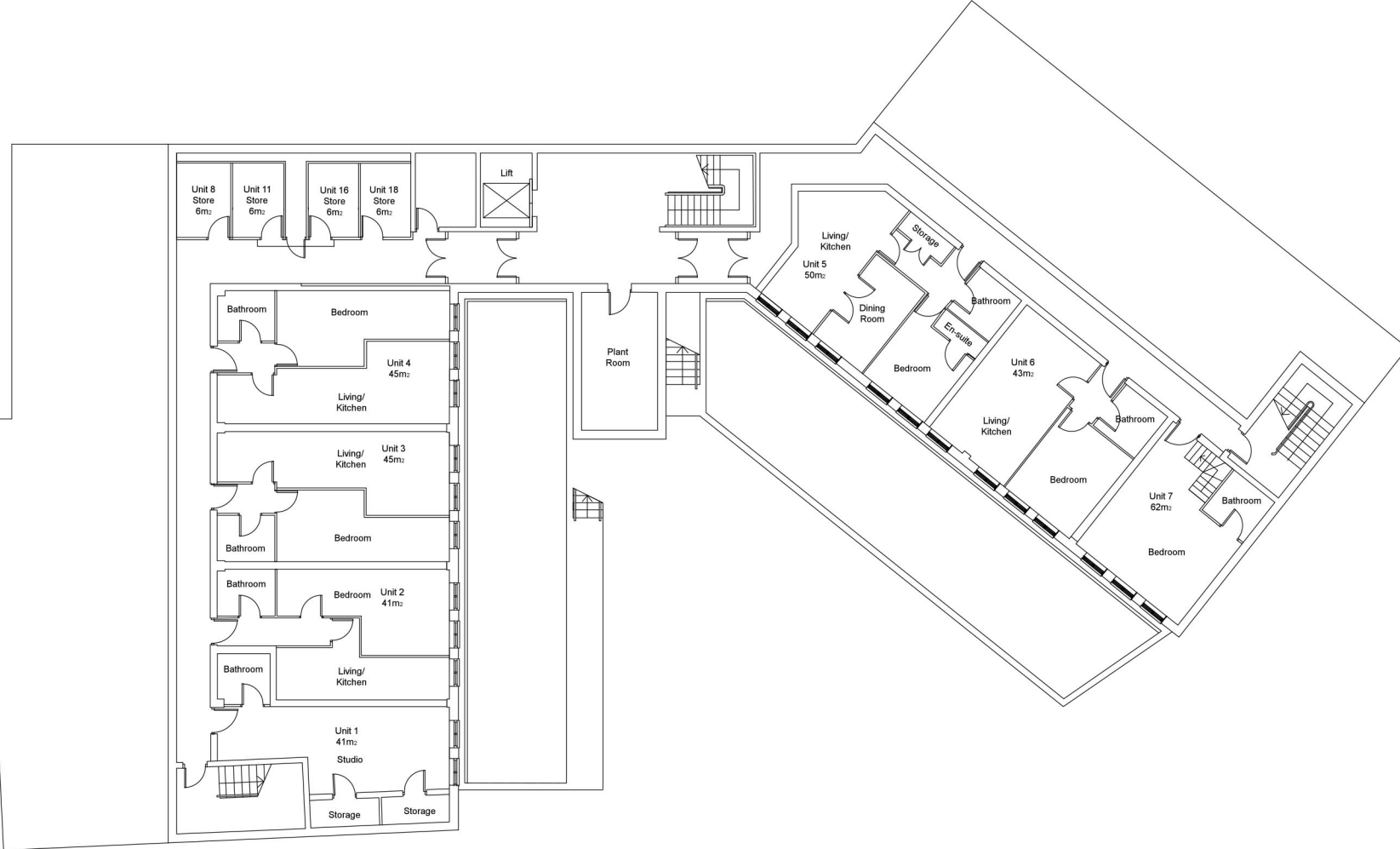
- 1) The applicant should be made aware that an application to building control should be submitted for the change from an aparthotel to residential and all requirement of the building regulations should be met.
- 2) This property is in a situation with significant background noise arising from nearby uses. Norwich City Council has therefore included measures designed to control noise in the planning permission for this property. These requirements are to provide approved acoustic glazing and passive/forced acoustic ventilation and other noise mitigation measures. The use of these will be taken into account by Norwich City Council when investigating any complaint of noise nuisance from an occupier of these dwellings.
- 3) No parking permits
- 4) Permission is subject to s106 agreement

## **Article 35(2) Statement**

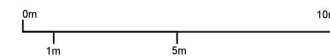
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application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

15. Climbing aids on the external side of the wall will be removed.

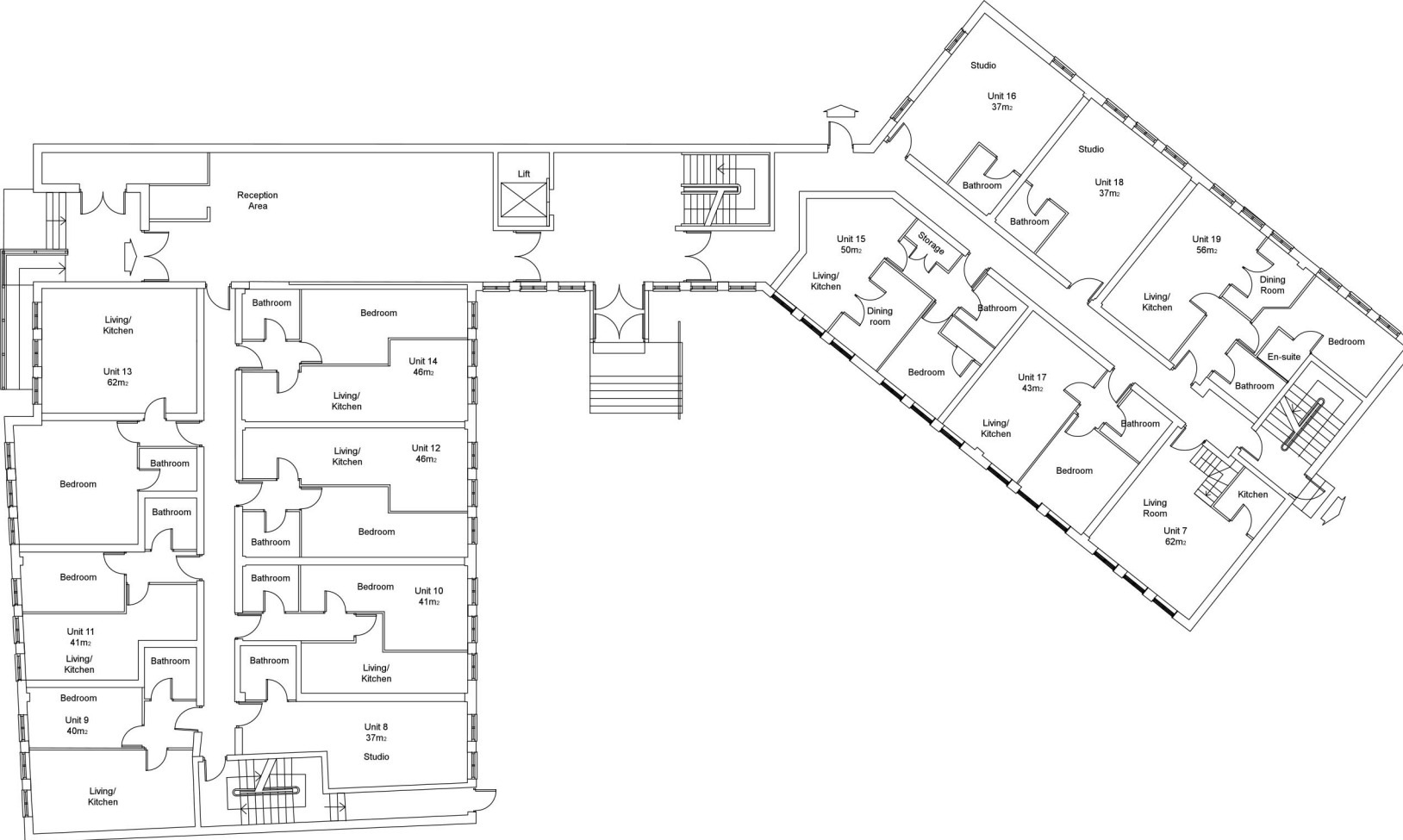




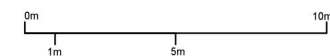
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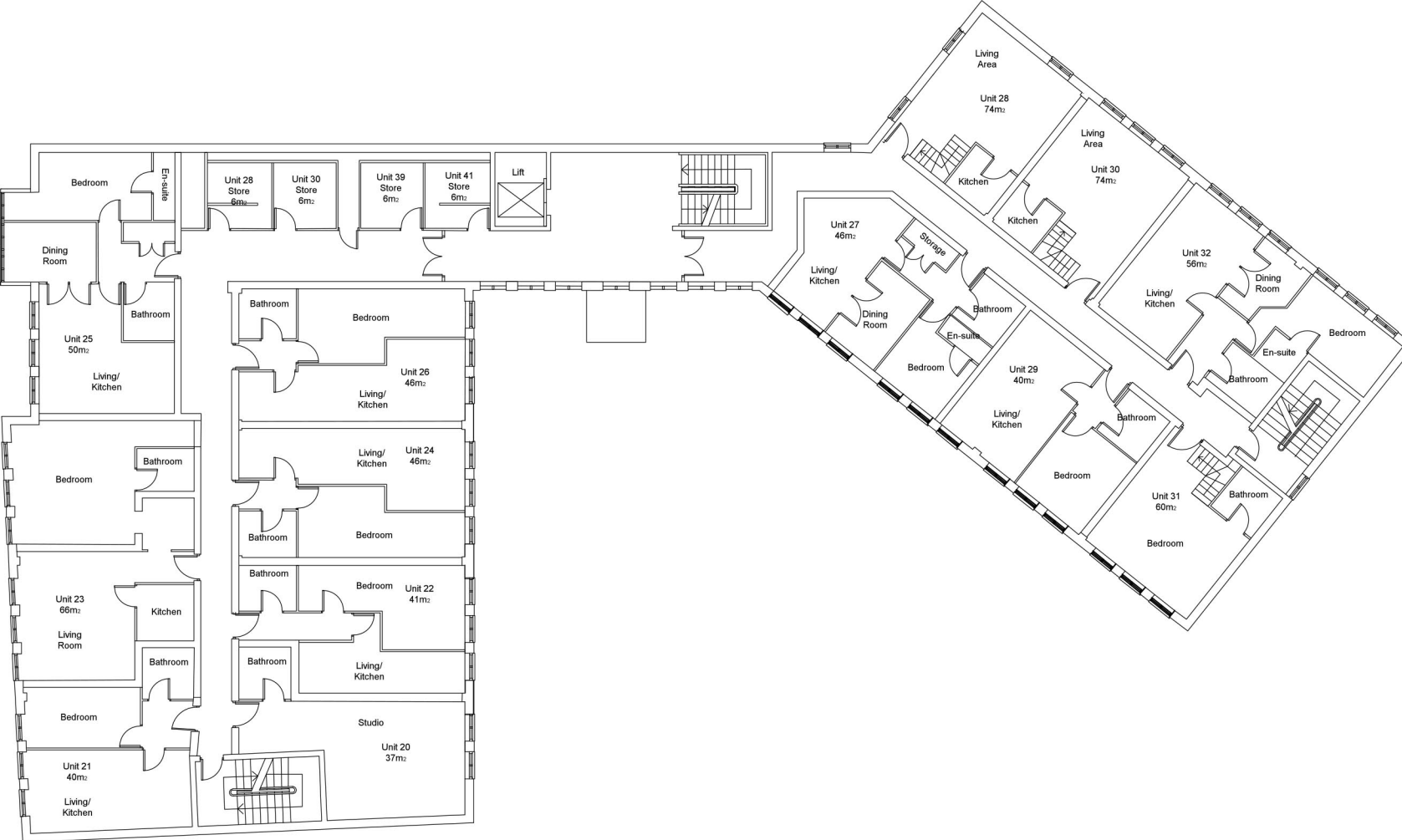
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Client:				
Sutton Management Services Ltd.				
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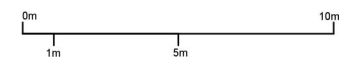
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Drawing title:				
Proposed Layout Plan Ground Floor Plan				
Client:				
Sutton Management Services Ltd.				
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Job Ref:	Draw No.:	Revision:	<b>SMS</b> Sutton Management Services Ltd.	
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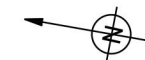
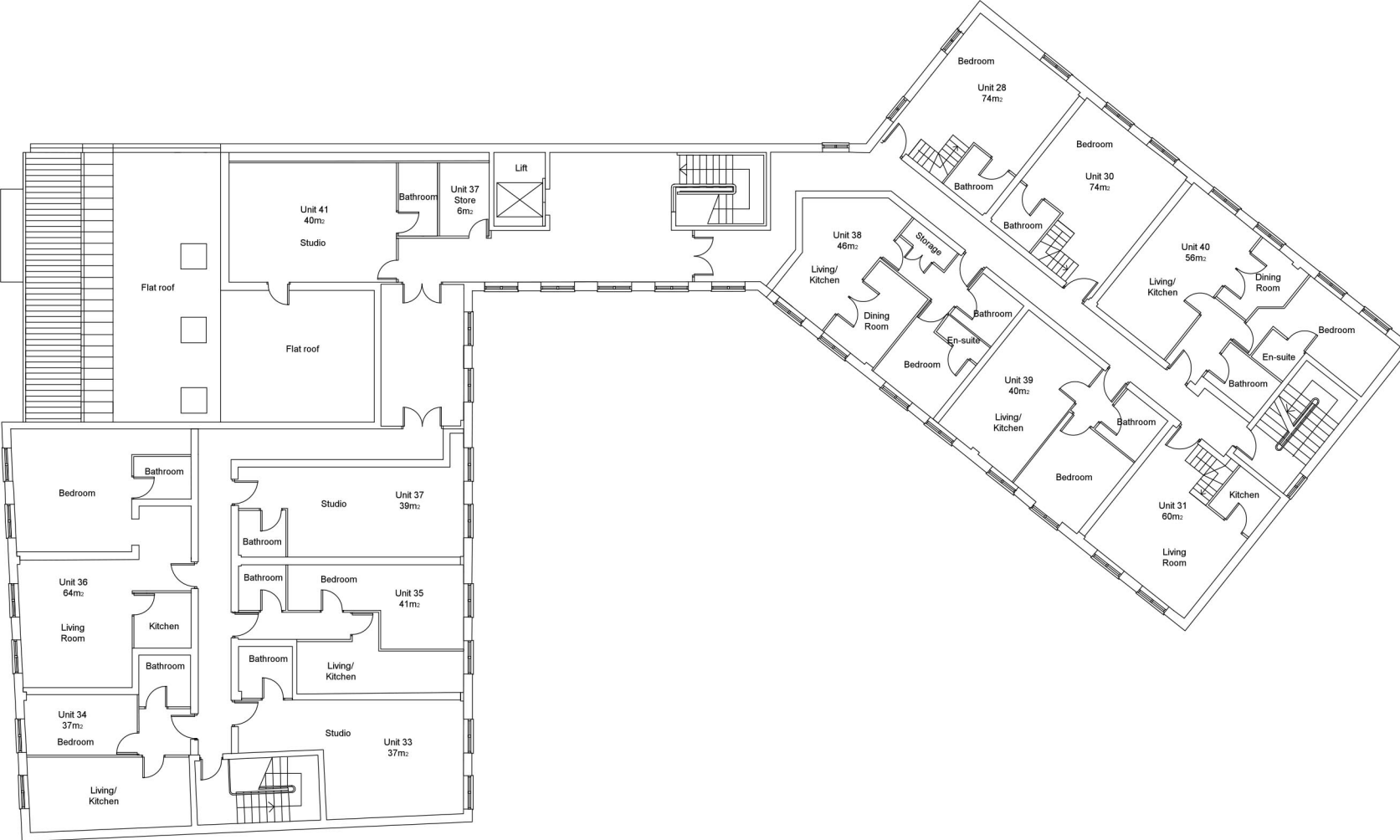
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St. Faiths Lane  
Norwich  
NR1 1NN

Drawing title:  
Proposed Layout Plan  
First Floor Plan

Client:  
Sutton Management Services Ltd.

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Job Ref.	Draw No.	Revision	<b>SMS</b> Sutton Management Services Ltd.	
NORWICH	001	-		





Scale



Project:  
60 Wales Square  
St. Faiths Lane  
Norwich  
NR1 1NN

Drawing title:  
Existing Layout Plan  
Second Floor Plan

Client:  
Sutton Management Services Ltd.

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Job Ref:	Dwg No.:	Revision:	<b>SMS</b> Sutton Management Services Ltd.	
NORWICH	001	-		



**Report to** Planning applications committee

**Item**

12 October 2017

**Report of** Head of planning services

**Subject** Application no 17/01242/F - Hewett School Cecil Road, Norwich, NR1 2PL

**Reason for referral** Objection

4(c)

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<b>Ward:</b>	Lakenham
<b>Case officer:</b>	Kian Saedi - <a href="mailto:kiansaedi@norwich.gov.uk">kiansaedi@norwich.gov.uk</a>

Development proposal		
Demolition of existing sports hall and erection of replacement sports hall facility with reconfigured parking area and landscaping.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1 Principle of development	Expansion/alteration of existing school, community access, impact on open space
2 Design, Biodiversity and Landscaping	Scale, appearance, landscaping, biodiversity enhancements
3 Amenity	Potential for disturbance from vehicle/visitor activity, visual amenity, light spillage, impact of overbearing, overshadowing, overlooking, noise disturbance, demolition/construction disturbance
4 Transport	Traffic generation, highway safety
<b>Expiry date</b>	1 November 2017
<b>Recommendation</b>	Approve



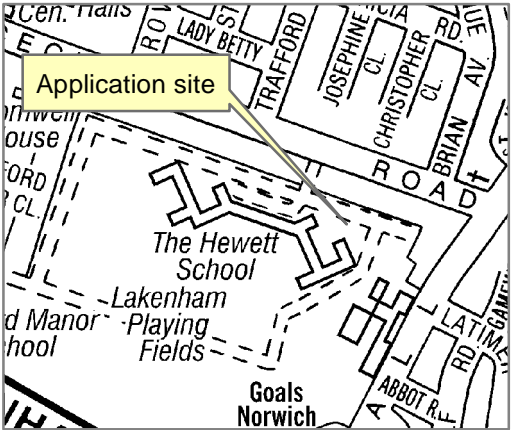
© Crown Copyright and database right 2017. Ordnance Survey 100019747.

Planning Application No 17/01242/F  
 Site Address Hewett Academy

Scale 1:1,250



**NORWICH**  
**City Council**  
 PLANNING SERVICES



## The site and surroundings

1. The site is located within the Hewett Academy Campus just within the outer ring road to the south of the city centre. The proposed area of development is located in the north-east area of the campus adjacent to the north boundary with properties fronting Cecil Road.
2. The proposed development site is characterised by a large area of hardstanding currently providing car parking and hard-standing amenity space. Part of the area is also occupied by the 'East Gym' sports hall, which is to be demolished as part of the proposals.

## Constraints

3. There are no significant land constraints that affect the proposed development.

## Relevant planning history

4. No planning history relevant to the current assessment.

## The proposal

5. The application seeks consent for the demolition of the existing 'East Gym' building and construction of a new sports hall to be designed to accommodate Netball, Badminton and Basketball to achieve the PE curriculum standard, but also including provision for Cricket, Volleyball and Trampolining. The facility will also include girls and boys changing rooms, a PE store and entrance lobby.
6. The sports hall is primarily being built to accommodate pupils from Jane Austen College, but also pupils at other Inspiration Trust Schools including the Hewett Academy, Charles Darwin and Wherry School.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	1,185 sq.metres
No. of storeys	Single-storey
Max. dimensions	Maximum height of 10.4 metres stepping down to 5.3 metres at lower section. The footprint of the building is approximately 35 x 35 metres
<b>Appearance</b>	
Materials	It is proposed to clad the building with anthracite grey composite metal panels with facing blockwork forming a plinth around the building

<b>Proposal</b>	<b>Key facts</b>
Energy and resource efficiency measures	38 square metres solar PV array generating 10% of the scheme's energy
<b>Operation</b>	
Opening hours	Restricted to the following:  Mon – Fri 07.30 to 21:00  Saturdays 08:00 to 16:00.  No Sundays or Bank Holidays
Ancillary plant and equipment	Natural ventilation system for the main sports hall and mechanical ventilation for the changing and shower area
<b>Transport matters</b>	
Vehicular access	As existing. Primary access is provided from Hall Road
No of car parking spaces	39
No of cycle parking spaces	It is understood that an over-provision currently exists on site and that these would be made available for potential users of the sports hall. However, it is not expected that pupils or staff from Jane Austen College or Charles Darwin School would generally access the site by any means other than coach

## Representations

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

<b>Issues raised</b>	<b>Response</b>
Harm to visual amenity	Main Issue 2
Increasing the footfall and increasing car parking with what I assume is likely to be a facility open to the public 7 days per week, 52 weeks per year will significantly harm the amenity of neighbours.	Main Issue 1 and Main Issue 3
Noise disturbance resulting from increased traffic and people using the facility	Main Issue 3

<b>Issues raised</b>	<b>Response</b>
Over-dominant building/loss of daylight	Main Issue 2 and Main Issue 3
Overlooking/loss of privacy	Main Issue 3
Potential for noise and associated pollution from the ventilation/heating system	Main Issue 3
It would be helpful for landscaping to be added at the rear of Cecil Road to act as a buffer from noise and visually	Main Issue 2 and Main Issue 3
We would like reassurance that the use of the facility will remain for schools only and that the facility will not be made available to the wider public	Main Issue 1
Potential for light pollution to the surrounding area	Main Issue 3
Disturbances from demolition/construction	Main Issue 3
Increased traffic/detrimental impact upon highway safety	Main Issue 4
Where will access to the new facility be?	Primary vehicle access will be from Hall Road and pedestrian access will be taken from the east side of the building
Will there be a license to sell alcohol at the premises? Concern that this will happen	The application states that the sports hall will not be open to the wider public for private use and that a license to sell alcohol will not be obtained
Loss of trees	The proposal does not involve the removal of any trees
It is not clear what the wider development strategy for the site is?	Not material to the current assessment which is being assessed on its own merits
Potential disruption to the nursery, especially during peak times of pick up/drop off	Any disruption from drop off/collection would not be significant  A demolition/construction plan is required by condition and will need to take account of how associated activities may impact upon the nursery

## Consultation responses

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

### Anglian Water

9. No objections raised.

### Environmental protection

10. No objections to the scheme but details of the mechanical ventilation are required by condition in the interests of safeguarding the residential amenities of the surrounding area.

### Highways (local)

11. "No objection on highway grounds. The proposed car park layout is acceptable, the tracking analysis demonstrates that a coach can enter and exit the site in a forward gear."

### Landscape

12. No objections raised.

### Tree protection officer

13. "The landscape plans show trees planted in the car park area, good tree pit design allowing adequate rooting volume should be provided to ensure any trees planted will establish successfully."

## Assessment of planning considerations

### Relevant development plan policies

14. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation
15. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience



- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

### **Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment
- NPPF13 Facilitating the sustainable use of minerals

#### **17. Supplementary Planning Documents (SPD)**

- Landscape and Trees (June 2016)

### **Case Assessment**

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

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

19. Key policies and NPPF paragraphs – DM8 and DM22, JCS7, NPPF paragraphs 72 and 74.
20. The proposals involve the demolition of the existing ‘East Gym’ building and construction of a new four-court sports hall. The facility will be built to Sport England standards and will assist in delivering the PE curriculum to several Inspiration Trust academy schools including the Hewett Academy, Wherry School, Jane Austen College and Charles Darwin School. In this respect the proposals accord with paragraph 72 of the NPPF which gives great weight to the need to expand and alter schools. Furthermore, the proposed development is to be constructed on an

existing area of hardstanding and will not therefore result in the loss of any sports field land.

21. The application states that the sports facility will only be available for use by the schools listed above and not for wider public use. Opening up public access to the facility would carry significant social and health benefits to the wider community and such an arrangement was encouraged with the applicant. However, whilst DM22 lends particular support to proposals that provide for shared use of facilities by the wider community, there is no policy requirement to do so in this instance. Whilst the lack of community access is therefore somewhat regrettable, it is not a reason weighing against the acceptability of the proposal. Furthermore, there is clear concern amongst some members of the local community with respect of the potential amenity implications associated with such an arrangement. The amenity impacts of the proposal are discussed below under Main Issue 3. Whilst community access is not a feature of the current proposals, should a community user agreement be put in place by the school in the future, it is something that planning policy would support provided adequate management procedures/opening hour restrictions were adhered to.

## **Main issue 2: Design, biodiversity and landscaping**

22. Key policies and NPPF paragraphs – JCS1, JCS2, DM3, DM6, NPPF paragraphs 9, 17, 56, 60-66 and 118.
23. The materials and dimensions relevant to the construction of the building are outlined under the ‘summary information’ table further above. The building is simple in its form and the size is largely dictated by the need to satisfy Sport England standards for a four-court sports hall. Consequently, the main sports hall will reach a height of 10.4 metres to accommodate the sports that are to take place inside. The front section of the building reaches a height of 5.3 metres and will accommodate changing/shower rooms, reception areas, store rooms, lockers and toilets.
24. The application site is not visible from the public highway but due to the scale and footprint of the development, the sports hall will be visible from the rear of properties along Cecil Road. The closest distance between the proposed building and rear garden boundary of the nearest neighbour is 17 metres. The separating distance and stepped nature of the building (with greater height located further back) mean that there will not be any significant overbearing impact upon neighbouring properties and the proposed sports hall is not considered to be over-dominant in scale. Furthermore, Cecil Road properties benefit from long rear gardens (~38 metres) and boundary treatments/mature hedging already exist across the rear boundary of many of the neighbouring properties. It is proposed to introduce additional landscaping across the northern boundary of the site and within the site in order to soften the appearance of the building and provide even greater visual separation between neighbouring properties. It is considered that through a combination of the building’s design, the distance between neighbouring properties and both existing and additional landscaping, the proposal will not result in any significant harm to the visual amenities of the surrounding area.
25. Final landscape details will be conditioned to ensure satisfactory details. Scope also exists to introduce planting on the adjacent green space to the north-west of the site, which will provide additional screening from the surrounding area. The

applicant has verbally expressed their willingness to introduce planting in this area as part of the final landscaping scheme. The introduction of planting will help to deliver biodiversity enhancements at the site.

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

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
27. Concern has been raised amongst contributors with respect of the potential amenity impacts associated with the intensification of the site. The application states that the sports hall will not be open for hire to the wider public and that only students attending the aforementioned Inspiration Trust schools will have use of the facility. Use of the sports hall will therefore primarily occur during school hours but will also potentially include some evening and weekend use. It is anticipated that use of the sports hall will typically generate four return coach trips to the site transporting students from the associated schools. The number of car parking spaces at the site will be reduced from 51 (existing) to 39 (proposed). The proposed facility is not therefore likely to give rise to high frequency/flows of people visiting the site and most visits will be consolidated via group coach travel. This arrangement is acceptable and the potential for disturbances resulting from vehicle/visitor activity is not considered to be significant.
28. A good level of screening is currently provided from existing hedges/fencing along the rear boundary of neighbouring properties on Cecil Road. The application proposes additional planting along the northern boundary of the site and it is recognised that scope exists for further planting in an area of green space to the north-west of the application site. Final landscaping details will be conditioned and will ensure adequate separation between neighbouring properties. The introduction of additional landscaping at the site will assist in mitigating any light spillage from vehicle headlights and will also deliver benefits in terms of buffering any noise that may result from the comings and goings at the site.
29. Details of all proposed external lighting will be secured by condition. This will enable the local planning authority to control the location, direction and illumination of external lights in order to minimise the potential for light spillage onto neighbouring properties. Furthermore, the application states that external lighting would be switched off when the building is not in use.
30. The existing building to be demolished reaches a height of 7.6 metres. The proposed sports hall is greater in scale, reaching a height of 10.3 metres at the back and 5.3 metres at the front. The footprint of the development is larger than existing and development at the site will consequently be pushed closer to the boundary with neighbouring properties on Cecil Road. Such is the stepped nature of the development, the existing/proposed landscape features and the distance between neighbouring boundaries, that the proposed building will not be unduly over-dominant when experienced from the surrounding area. The application includes a sunlight study which demonstrates that the rear gardens of neighbouring properties will not be significantly affected by the proposal in terms of the amount of direct sunlight reaching rear gardens.
31. Windows will be installed on the east and south elevations of the building, but only at ground floor level. There will be no significant opportunity for overlooking to the surrounding area.

32. A natural ventilation system will be installed to the main sports hall, but ventilation from the shower/changing rooms will be via a mechanical system. In order to prevent potential disturbances to the surrounding area, it will be necessary to submit details to the local planning authority for approval prior to installation and prior to operation of the premises. This matter will be secured by condition.
33. The construction process is anticipated to be relatively straightforward and the development is expected to be delivered in July 2018. A demolition/construction plan will be required by condition in the interests of safeguarding highway safety and the amenities of the surrounding area.
34. The proposed opening hours are set out under the 'summary information' of this report. It is considered appropriate to condition compliance with these opening hours as an additional safeguard for protecting the residential amenities of the surrounding area.

#### **Main issue 4: Transport**

35. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
36. Several objections have been raised against the traffic/highways impacts that may arise should the proposed sports facility be open to the wider public and operating on a 24/7. Access to the sports hall is said to be limited to Inspiration Trust affiliated schools and access to the wider public is not proposed. It is anticipated that on a typical school day, approximately four return trips will be made to the site by bus. Otherwise, a greater number of vehicle journeys may occur during school sporting competitions/events.
37. The existing vehicular access from Hall Road is considered adequate to serve the proposed facility and a tracking diagram is included within the transport statement demonstrating that vehicles are able to enter and leave the site in a forward gear.
38. Given the above, the proposals do not raise any significant implications in terms of highway safety and the council's transport officer has not raised any objections to the proposal.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes. Existing site provision provides adequate cycle parking facilities
Car parking provision	DM31	Yes

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Surface water to be stored and attenuated on site via an underground rainwater attenuation tank. Otherwise the proposals will result in a net improvement to the infiltration rate at the site
Trees	DM7	The development will not result in the loss of any trees

### **Equalities and diversity issues**

40. There are no significant equality or diversity issues. Level access will be provided throughout the building to accommodate disabled users.

### **Local finance considerations**

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

### **Conclusion**

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

### **Recommendation**

To approve application no. 17/01242/F - Hewett School, Cecil Road, Norwich, NR1 2PL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. Development to be carried out in accordance with plans;
3. External materials (including samples where necessary) to be submitted to the local planning authority for approval;
4. Construction/demolition plan;

5. Landscaping including details of new planting and additional screening along the north boundary of the application site;
6. Details of all external lighting including location and position within the site, height and levels of illumination proposed.
7. Opening hours restricted to the following:  
 Mon – Fri 07.30 to 21:00  
 Saturdays 08:00 to 16:00.  
 No opening on Sundays or Bank Holidays
8. Compliance with the recommendations set out within the preliminary ecological assessment attached as Appendix 3 to the planning statement
9. Details of mechanical ventilation;
10. Energy scheme demonstrating that at least 10% of the scheme's energy will be generated from renewable energy sources;
11. Water efficiency.

#### Informatives:

1. The developer is advised that any asbestos encountered on the site, either as part of the existing buildings or as fill material, should be handled and disposed of as per current Government guidelines and regulations.
2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."
3. You are advised that the council expects the following measures to be taken during any building operations to control noise, pollution and parking:
  - (a) Work that is audible beyond the site boundary shall only be carried out between 7.30am and 5.30pm Monday to Friday, between 7.30am and 1.00pm Saturday and not at all on Sundays or Bank Holidays.
  - (b) The quietest available items of plant and machinery shall be used on site. Where equipment such as generators are necessary, they should be enclosed to reduce noise levels, if applicable.
  - (c) Deliveries shall only be received within the hours detailed in (a) above.
  - (d) Adequate steps shall be taken to prevent dust-causing nuisance beyond the site boundary. Such steps include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
  - (e) There shall be no burning on site;
  - (f) Only minimal security lighting shall be used outside the hours stated above; and

- (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as to not cause an obstruction or block visibility on the highway.

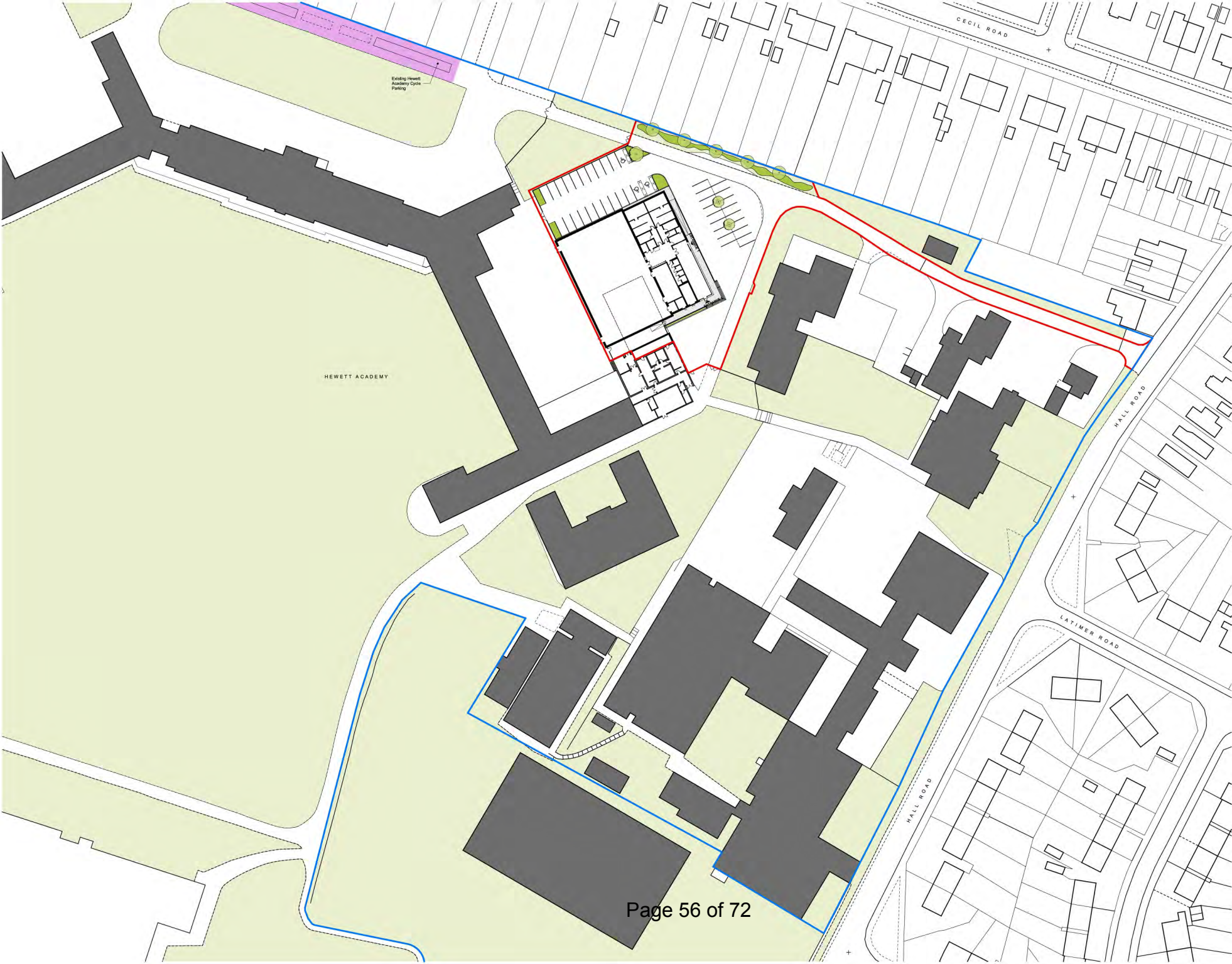
Any divergence from these recommendations should be referred to the council's environmental protection team (or highways team for matters which may affect highway safety) for approval.

The council also recommends membership of a scheme, such as the Considerate Constructors Scheme.

**Article 35(2)(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.





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A. MC 06.09.17 Proposed new trees / indicated to the north-east boundary

ISSUED FOR PLANNING - 27.07.2017

Rev	Iss	Date	Revision
01			

**lsi**  
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Client  
Kier Construction

Project  
Jane Austen College Sports Hall

Title  
Planning - Site  
Proposed Site Plan

Scale @ A1  
1:500

Date  
July 2017

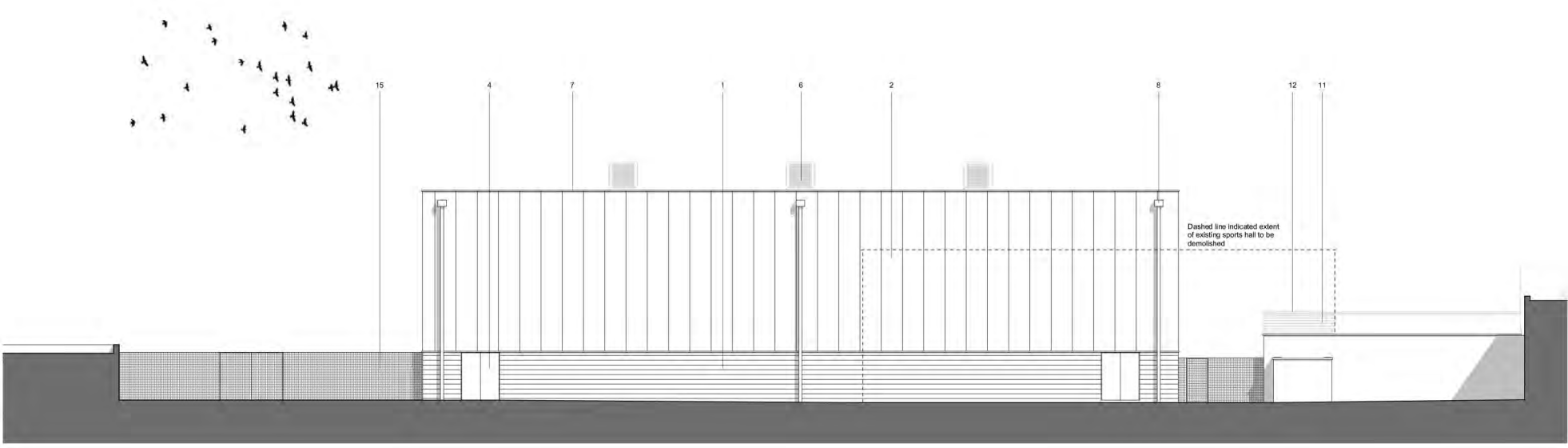
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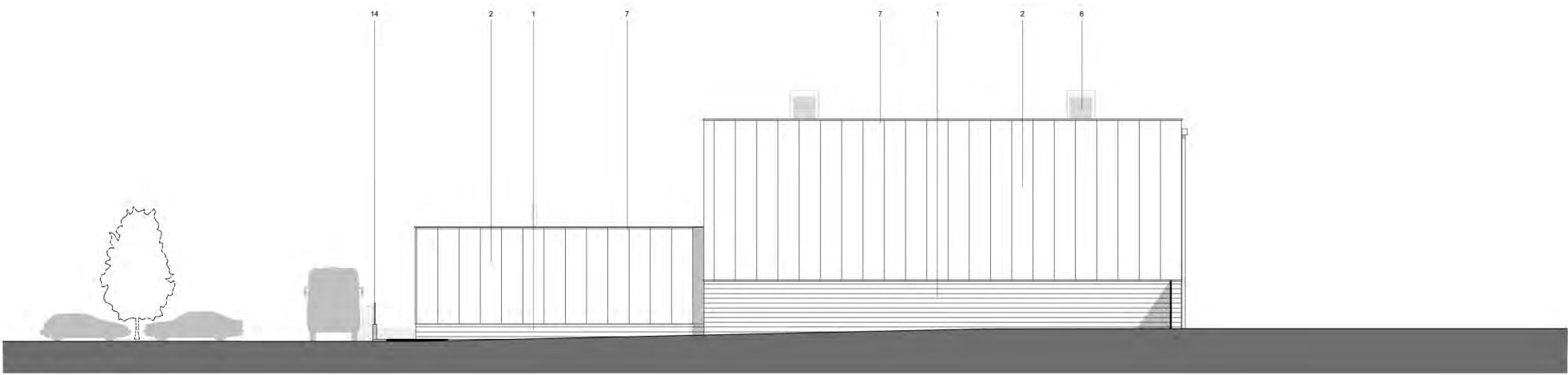






West Elevation

- KEY:**
1. Facing grade blockwork (stretcher bond)
  2. Metal cladding panels (vertical modules, secret fix corner detail)
  3. Polyester powder coated metal glazing system with glazed doors to entrance
  4. Polyester powder coated doors
  5. Polyester powder coated louvred steel door (Plant Room)
  6. Polyester powder coated louvred natural ventilation cowls
  7. Parapet capping to match cladding
  8. Polyester powder coated aluminium rainwater hopper and downpipe
  9. Pre-cast concrete retaining wall
  10. Metal balustrading
  11. New facing brickwork to match existing
  12. Concrete parapet capping to match existing
  13. Flues from Plant Room
  14. Metal balustrading and handrails
  15. Coloured weld mesh fencing to match existing fencing on site.



North Elevation

ISSUED FOR PLANNING - 27.07.2017

Rev	Iss	Date	Revision
1			
2			
3			
4			
5			
6			
7			



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Client:	Kier Construction
Project:	Jane Austen College Sports Hall
Title:	Proposed Elevations GA Elevations 2

Scale @ A1	Date	Drawn
1:100	July 2017	DO

17104-LSI-01-ZZ-DR-A-206



**Report to** Planning applications committee

12 October 2017

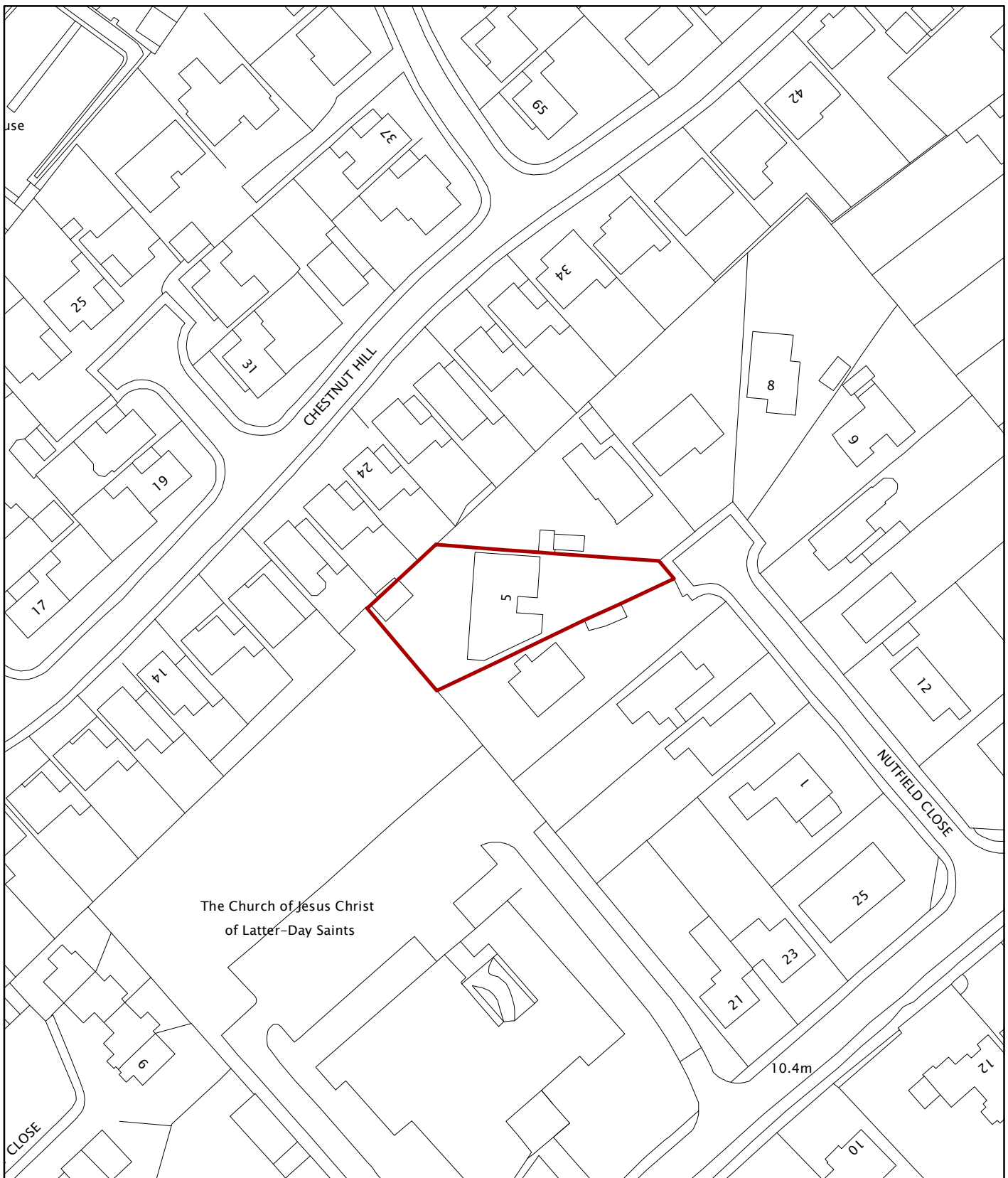
**Report of** Head of planning services

**Subject** Enforcement Case – 5 Nutfield Close, Norwich, NR4 6PF

**Item**

4(d)

<b>SUMMARY</b>	
<b>Description:</b>	Subdivision of dwelling to create four independently accessed units of accommodation
<b>Reason for consideration at committee:</b>	Enforcement action recommended.
<b>Recommendation:</b>	Authorise enforcement action up to and including prosecution in order to: (1) secure the cessation of the use of the three newly created flats; (2) secure the removal of the additional kitchen facilities which facilitate their use; (3) secure the removal of the three new external access doors to the side elevations; (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.
<b>Ward:</b>	Eaton
<b>Contact officer:</b>	Stephen Polley <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>



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Planning Application No 17/00157/ENF  
Site Address 5 Nutfield Close

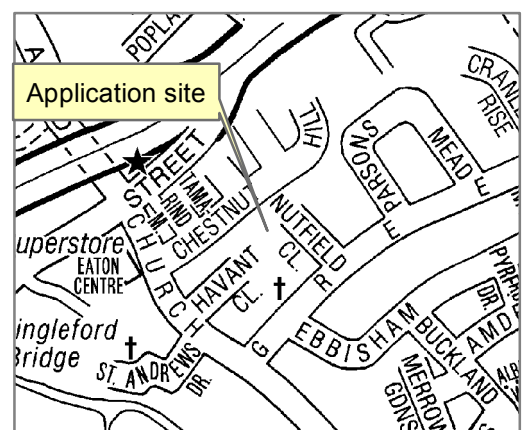
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## **The site**

1. The site is located at the western end of Nutfield Close, a residential cul-de-sac within Eaton to the south-west of the city. The predominant character of the area is residential, primarily consisting of a mixture of single and two storey detached dwellings built on good sized plots constructed as part of a wider post war housing development circa 1960. Nutfield Close consists of twelve single storey bungalow type dwellings constructed around a cul-de-sac which slopes gently upwards from east to west.
2. The site is bordered by the neighbouring properties located within Nutfield Close with no. 4 being located to the south and no. 6 to the north. Both neighbouring properties are bungalows which have been altered. To the rear of the site is the rear gardens of properties located on Chestnut Close. The site boundaries are marked by close bordered fencing and mature planting at the rear and mature hedgerows to the front.

## **Relevant planning history**

3. 17/00587/F – Single storey extension (retrospective) – Withdrawn

## **The breach**

4. Without planning permission carrying out the following operations without planning permission:
  - a) The erection of a single storey front, side and rear extension with replacement roof;
  - b) The change of use of the dwelling from a single C3 dwelling house into four separate units of accommodation (class C3).

## **Relevant policies**

### National Planning Policy Framework:

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design

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

- JCS2 Promoting good design
- JCS4 Housing delivery
- JCS6 Access and transportation

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

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

### **Justification for enforcement**

5. The bungalow was partly demolished and rebuilt to include a raised roof, extension to the front, extension to the rear and the infilling of a covered porch. The works commenced without planning consent and were subsequently investigated by the planning enforcement officer which led to the submission of the retrospective planning application. The proposal included the creation of two independently accessed bedrooms with en-suite. The application stated the rooms were to be occupied by a carer and the applicant's elderly mother whom is a dementia sufferer. The application was presented to the planning applications committee in September and was recommended to be approved on the basis that the design, amenity and use were acceptable. Members chose to defer the decision on the basis that the rooms should be incorporated within the main house and not be independently accessed.
6. On further investigation and following a further site visit, the building works have now been largely completed and three independent studio flats have been created. Each has a bedroom, small kitchen and shower room with independent external access. Two of the three units were occupied at the time of the visit and the final unit was being actively marketed. The internal layout varies to that which was provided as part of the recent withdrawn planning application.
7. In considering if it is expedient to take enforcement action it is necessary to consider the acceptability of the operations which have taken place.
8. The principal of new flats and bedsits is assessed under policies DM12 and DM13. These policies allow for such proposals subject to a number of criteria. These criteria in particular require a consideration of:
  - (a) the amenity of future and neighbouring residents in accordance with policy DM2;
  - (b) servicing and access arrangements to ensure appropriate cycle, car parking and refuse arrangements.
  - (c) density and character of the surrounding area;
  - (d) The above are considered further below.

### **Amenity**

9. Whilst we do not have accurate as built plans the new flats are estimated to measure between 17-25m<sup>2</sup> in size. The nationally described space standards as well as the space standards in policy DM2 seek a minimum gross internal area of 37m<sup>2</sup> for a 1 person 1 bed property. The largest flat is centrally located and has a single window facing west and less than a metres from the boundary fence. The other two flats which have been created also have a single aspect one with an outlook to the frontage parking area and another with an outlook to the rear garden.



10. The sites rear garden has not at this point been subdivided and no separate defensible external amenity space exists for any of the newly created flats. Whilst the rear garden could be subdivided to provide amenity space to the flat at the rear of the property, it is not considered that external amenity space could be readily created for the other two flats in a manner which relates well to those properties.
11. Given the size of the dwellings, their poor outlook and lack of defensible amenity space the flats would fail to provide a high standard of amenity to future occupants as required by policies DM2 and DM13.
12. With regard to the impact on the amenity of neighbouring occupiers the extensions are not considered to result in amenity impacts such as overlooking or overshadowing which would conflict with policy.

### **Access, parking and servicing**

13. The frontage of the property consists of a drive way with shingle parking areas. This is bordered by boundary hedging and trees. No formal refuse storage or cycle parking has been provided, albeit it is possible that such provision could be made. Car parking standards would require at least 4 car parking spaces for the four properties on the site and whilst the frontage of the property is a reasonable size it's shape may prohibit the provision of car parking whilst allowing sufficient turning and servicing space and retaining existing boundary vegetation.

### **Character and density of the area**

14. The site is located in an area characterised by single and two storey detached properties in reasonable sized plots. Densities in the area are around 13 dwellings per hectare. The extension and subdivision of the property to four units of accommodation would be inconsistent with this character and would result in a far higher density and intensity of use of the site.
15. Whilst the extensions themselves would not be harmful in design terms due to the relatively concealed nature of the site, the use as four units of accommodation would be inconsistent with the character of the surrounding area.

### **Equality and diversity Issues**

16. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - (a) Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.
  - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party

ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusion**

17. For the reasons outlined above the extension and subdivision of the property into four separate units of accommodation represents an overdevelopment of the site resulting in a poor standard of amenity for future occupiers, insufficient parking and servicing facilities and inconsistent with the character of the surrounding area. As such it is recommended that enforcement action be pursued to secure the cessation of the use of the three newly created flats, removal of the kitchens facilitating their use, the blocking of external access doors and opening up of interior doorways to ensure all rooms can be accessed internally within the remaining single dwelling.
18. Whilst the extensions do not benefit from planning permission, subject to securing the above and ensuring that the extensions are ancillary to the main use of the dwelling, the extensions would not result in harm to the surrounding area. As such the recommendation does not seek to secure the removal of the extensions themselves.

## **Recommendation**

Authorise enforcement action up to and including prosecution in order to:

- (1) secure the cessation of the use of the three newly created flats;
- (2) secure the removal of the additional kitchen facilities which facilitate their use;
- (3) secure the removal of the three new external access doors to the side elevations;
- (4) secure the opening up of the internal doorways so that all rooms are accessible internally within the dwelling.

**Report to** Planning applications committee

**Item**

12 October 2017

**Report of** Head of planning services

4(e)

**Subject** Enforcement Case – 142 Dereham Road, Norwich, NR2  
3AB

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SUMMARY	
<b>Description:</b>	Without planning permission a food van has been parked on the forecourt on a vacant commercial unit.
<b>Reason for consideration at committee:</b>	Enforcement action recommended.
<b>Recommendation:</b>	Authorise enforcement action to secure the cessation of trading and removal of the food van from the premises, including the taking of direct action which may result in referring the matter for prosecution if necessary.
<b>Ward:</b>	Nelson (outer)
<b>Contact officer:</b>	Lydia Tabbron <a href="mailto:lydiatabbron@norwich.gov.uk">lydiatabbron@norwich.gov.uk</a>



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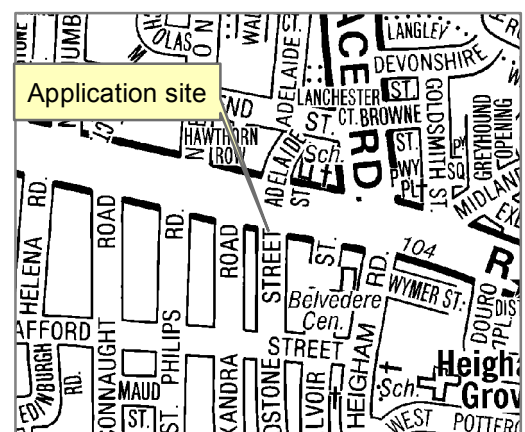
Planning Application No 17/00136/ENF  
Site Address 142 Dereham Road

Scale 1:1,000



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## **The site**

1. No.142 Dereham Road is a vacant commercial unit (previously a convenience store) located on the junction of Dereham Road and Gladstone Street. The site has an 'L' shaped forecourt/parking area in front of the unit which directly leads onto the public footpath.
2. The area is predominately residential with terraced and semi-detached houses surrounding the site to the west on Dereham Road, across Gladstone Street on the east elevation and behind, to the southern elevation on Gladstone Street. Large detached houses are situated across Dereham Road to the north of the site.
3. Other than being situated in a critical drainage area this site has no other constraints.

## **Relevant planning history**

4. 142 Dereham Road is owned by Mr Quantrell, who recently requested permission for a temporary change of use for the commercial unit from A1 (retail) to A3 (café/restaurant). This was approved in September 2017 (ref. 17/00556/TMPCOU) and he has since sought permission for a permanent change of use from A1 to A3 as well as the installation of a ventilation flue (ref. 17/00045/F). This application is still pending consideration.

## **The breach**

5. The use of the food van by trading on the forecourt on 142 Dereham Road involves development requiring planning permission for which permission has not been sought. It appears to Norwich City Council that the above breach of planning control has occurred within the last ten years and is not therefore immune from enforcement action. As such the works constitute a breach of planning control as defined under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended).

## **Planning policies**

National Planning Policy Framework:

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF7 Requiring good design

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

- JCS2 Promoting good design
- JCS5 The economy
- JCS6 Access and transportation
- JCS 7 Supporting communities
- JCS9 Strategy for growth in the Norwich policy area

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM23 Supporting and managing the evening and late night economy
- DM24 Managing the impacts of hot food takeaways
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Justification for enforcement**

6. The presence of the food van is uncharacteristic and unsympathetic to the character of the area, which in this location is primarily residential and maintains a respectful gap between the front property line and highway. By being positioned very close to the highway and in front of the property line it disrupts the flow and character of the street scene.
7. The operation of a hot food takeaway van is this location, which has been reported to operate until 11pm, impacts upon neighbouring amenity by causing noise and disturbance to local residents. Due to the residential nature of the immediate area, a food van operating late at night in this location is considered unacceptable.
8. The food van is also considered to cause parking issues due to the small size of the forecourt it is situated upon. This is considered to worsen if/when the commercial unit is occupied. This will result in intensification of the forecourt and lead to cumulative issues that may affect the operation of the highway, such as obstruction to the footpath. This will also exacerbate noise and disturbance to neighbouring properties.

### **Equality and diversity Issues**

9. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
  - a. Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised use in the interests of amenity is proportionate to the breach in question.
  - b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusion**

10. The unauthorised trading from the food van has detrimental impact on the visual amenity and character of the street scene and area, as well as noise and disturbance to neighbouring residential dwellings. The van also presents parking and cumulative highway safety concerns from intensification of use, which will be exacerbated if/when the commercial unit on site is occupied.
11. Authority is sought from the planning applications committee for enforcement action to secure the removal of the unauthorised works. Enforcement action is to include direct action and prosecution if necessary.

## **Recommendations**

12. Authorise enforcement action to secure the cessation of trading and removal of the food van from the premises (142 Dereham Road, Norwich, NR2 3AB), including the taking of direct action which may result in referring the matter for prosecution if necessary.

