

### **Planning applications committee**

**Date:** Thursday, 26 November 2015

**Time:** 09:30

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

#### **Committee members:**

##### **Councillors:**

Sands (M) (chair)  
Herries (vice chair)  
Blunt  
Bradford  
Brociek-Coulton  
Button  
Carlo  
Jackson  
Lubbock  
Neale  
Peek  
Woollard

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

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## **Agenda**

### **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 - 14**

To approve the accuracy of the minutes of the meeting held on 29 October 2015

### **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 for consideration**

**15 - 16**

	<b>Standing duties</b>	<b>17 - 18</b>
<b>4(A)</b>	<b>Application no 1501449F - Land at the corner of St Saviours Lane and Blackfriars Street, Norwich</b>	<b>19 - 36</b>
<b>4(B)</b>	<b>Application no 1501204F - Site between 95 and 111 Adelaide Street, Norwich</b>	<b>37 - 52</b>
<b>4(C)</b>	<b>Application no 1501487F - The Windmill Knox Road, Norwich, NR1 4LQ</b>	<b>53 - 64</b>
<b>4(D)</b>	<b>Application no 1501368F - 427 Dereham Road, Norwich, NR5 8QH</b>	<b>65 - 80</b>

Date of publication: **Wednesday, 18 November 2015**







**Planning applications committee**

**10:00 to 13:40**

**29 October 2015**

Present: Councillors Sands (M) (chair), Herries (vice chair), Bradford, Button, Brociek-Coulton, Carlo, Henderson (substitute for Councillor Blunt), Jackson, Lubbock, Neale, Peek and Woollard

Apologies: Councillor Blunt

**1. Declarations of interest**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 1 October 2015.

**3. Tree Preservation Order 2015, City of Norwich no 481, 99 Christchurch Road, Norwich, NR2 3NG**

(The following members of the committee had attended the site visit to 99 Christchurch Road which had been held before the meeting at 9:00: Councillors Sands, Herries, Brociek-Coulton, Button, Carlo, Jackson, Neale and Peek.)

The council's tree consultant presented the report with the aid of plans and slides. During the presentation the tree consultant advised members that the recommendation was to confirm Tree Preservation Order 2015, no 481, without modifications, but the committee could decide to modify the order to exclude either of the trees, or not to confirm it. He explained the methodology he had used to make his assessment and that he considered that both the trees covered in the order were in good condition and had a reasonable life expectancy.

The adjacent neighbour (no 101 Christchurch Road) and one of the co-owners of no 99 Christchurch Road addressed the committee and outlined their objections to the confirmation of the order. This included their concern that the maintenance of the trees would not alleviate their concerns about overshadowing or the effect of debris from the trees, including toxins from the walnut tree which prevented certain plants growing around the trees. The owners had recently purchased the property and during the process had checked that none of the trees were covered by a tree preservation order. The council's consultant had made his assessment on 21 May 2015 after their offer on the house had been accepted. The owners considered that the removal of the trees would allow for the planting of replacement trees and other plants; and for an existing beech tree to thrive.

During discussion, the tree consultant referred to the report and answered members' questions. This included advice that a mature beech tree would be a large specimen. The committee noted the sun path across the three gardens and that the garden of no 99 was in shade until the late afternoon. The "jungle" of vegetation under the trees demonstrated that light filtered through. Members were advised that the walnut tree had leaf blotch which occurred during wet/damp summers. It was not a fatal condition but caused defoliation and walnuts would be useless in the year of infection. The committee noted that a tree preservation order could secure the replacement of the trees and that without one the council had no authority to require the owners to replace the trees.

Discussion ensued in which members commented on the proposal. Some members were of the view that the trees were in the wrong place but, as a member pointed out, the Order was required to ensure the replacement of the trees and give some control over the species of replacement trees. Another member suggested that the removal of the trees would enhance the owners' enjoyment of their garden and that the replacement of the trees with more suitable species would be preferable. Other members noted the preservation of the trees contributed to biodiversity. A member pointed out that the trees were visible from the road and did not overshadow the garden of no 101.

Councillor Brociek-Coulton moved and Councillor Peek seconded that Tree Preservation Order, City of Norwich, no 481 was confirmed with a modification to exclude T2, walnut tree because of its condition which was likely to continue given the shady aspect of the garden and its location: and to preserve T1, the Scot's pine only. On being put to the vote with 3 members voting in favour (Councillors Brociek-Coulton, Peek and Sands) and 9 members voting against (Councillors Herries, Carlo, Henderson, Button, Lubbock, Jackson, Neale, Woollard and Bradford) the motion was lost.

Councillor Bradford moved and Councillor Lubbock seconded that Tree Preservation Order, City of Norwich, no 481 was not confirmed because the trees were not suitable for the location and that the owners had shown a willingness to replace the trees with appropriate species. It was therefore-

**RESOLVED**, on the chair's casting vote, with 6 members voting in favour of the proposal to not confirm the order (Councillors Sands, Bradford, Button, Lubbock, Peek and Woollard) and 6 members voting against the proposal (Councillors Herries, Carlo, Henderson, Brociek-Coulton, Jackson and Neale), to not confirm Tree Preservation Order 2015, City of Norwich, no 481 – 99 Christchurch Road, Norwich, NR2 3NG.

#### **4. Application no 15/00689/F - Car Park adjacent to 6 Albion Way, Norwich**

The senior planner (development) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports and said that there was no need for an evacuation plan, given the scale of floor space and level of risk, and therefore condition 7, as set out in the main report, was no longer required.

During discussion the senior planner, together with the planning team leader (inner), referred to the report and answered members' questions. This included an explanation that the plans indicated seating at both ends of the proposed units to show that the potential use of either unit was flexible but only one of the units would be A3 (restaurant and café) and the other A1 (retail). Members also sought clarification of transport matters and noted that the proposal would not reduce car parking spaces for the disabled.

Discussion ensued on the developer's contribution of £13,000 towards improvements to bus services. Members considered that there needed to be improved signage and information available for bus users. The committee was advised that there were proposals to reroute buses through Geoffrey Watling Way.

Councillor Bradford expressed concern that the number of car parking spaces would be reduced. The chair pointed out that the reduction in car parking spaces amounted to around 5% of the current provision.

**RESOLVED**, with 11 members voting in favour (Councillors Sands, Herries, Button, Brociek-Coulton, Carlo, Henderson, Jackson, Lubbock, Neale, Peek and Woollard) and 1 member abstaining from voting (Councillor Bradford) to approve application no. 15/00689/F - Car Park adjacent to 6 Albion Way, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to secure payment of a commuted sum to fund measures to improve the accessibility of the site by other modes of transport and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans and details;
3. Use restrictions – A3 use of no more than 139sqm / - all floorspace, removal of permitted development rights for changes of use;
4. Contamination - stop work if unknown contamination encountered;
5. No piling unless details approved – to include contamination risk assessment and where necessary remediation;
6. Finished floor level to reduce risk of flooding;
7. Detailed landscape proposals including - landscape management;
8. Provision of servicing facilities and cycle parking.

#### Article 32(5)

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.

#### **5. Application no 15/01091/F - Briar Chemicals Ltd, Sweet Briar Road, Norwich, NR6 5AP**

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

During discussion the senior planner referred to the report and answered members' questions which include clarification that construction vehicles would enter the site

from the north and therefore avoid using the bridge and confirmation that landscaping conditions ensured the retention of hedgerows and small trees that formed the boundary of the site.

Members considered that the solar panels would provide an opportunity for increased biodiversity on the site. The committee also discussed the issues surrounding the applicant's contribution to sports provision in the area and that the sports facilities on the site were no longer in use or suitable for other parties to use. A member said that the proposed development would help sustain chemical production on the site and remain competitive.

**RESOLVED**, unanimously, to approve application no. 15/01091/F - Briar Chemicals Ltd, Sweet Briar Road, Norwich NR6 5AP and grant planning permission subject to the completion of a satisfactory legal agreement or unilateral undertaking for a contribution of £15,000 towards football pitch improvements and changing room facilities at Sloughbottom Park and subject to the following conditions:

1. Standard commencement time limit;
2. Temporary consent for 30 years. All materials and equipment to be removed and land restored to its former condition in accordance with a scheme of work to be approved by the local planning authority;
3. Not less than 12 months prior to temporary consent expiring or the cessation of electricity production from the solar panels, a scheme of works of the decommissioning of the solar farm shall be submitted.
4. In accordance with plans;
5. Tree survey, arboricultural implications assessment and tree protection plan to be submitted and approved prior to development commencing;
6. Additional landscaping and biodiversity plan to be submitted prior to development commencing.
7. No external lighting unless a scheme is agreed.

Informatives:

1. Construction hours

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

## **6. Application no 14/01574/NF3 - 38 - 64A Argyle Street, Norwich, NR1 2DA**

The planning team leader (inner) presented the report with the aid of plans and slides and pointed out that the proposed demolition and landscaping should not preclude future housing development on the site.

During discussion the planning team leader referred to the report and answered members' questions. Members were advised that the site would be top-soiled and turfed. Members concurred that there should be a condition to ensure that demolition waste materials were recycled. The planning team leader explained the

arrangements to conserve the bat habitat and provide bat boxes under licence from Natural England. Members also considered that there was potential to develop the site for housing but the council could consider other uses, such as allotments, in the future.

Members welcomed the proposal to improve the appearance of the site.

**RESOLVED**, unanimously, to approve application no. 14/01574/NF3 - 38 - 64A Argyle Street, Norwich, NR1 2DA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Development in accordance with arboricultural impact assessment, method statement and tree protection plan;
4. Materials from the demolition to be reused and recycled;
5. Submission of a bat mitigation strategy;
6. Details of number, type and location of bat boxes to be submitted and agreed;

Informative

1. Construction working hours;
2. Need for a bat mitigation licence and legal responsibility to protect bats.

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

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

**7. Application no 15/01156/F and 15/01157/L - 31 St Stephens Square, Norwich, NR1 3SS**

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of further correspondence from the adjacent neighbour and the officer response.

The adjacent neighbour addressed the committee and outlined their objections to the proposal which included concern about the calculation of the height of the extension; objecting to the design and its contribution to the heritage of the building, suggesting that a flat roof would be preferable; and concern that the extension because of its design would be detrimental to their amenity and that of the whole terrace.

The applicant said that the extension would provide a ground floor toilet and extend the ground floor of the house to meet the family's future needs. They had met with the council's design and conservation officer to discuss the application and to ensure that the design was sympathetic to the heritage of the building. He explained that

the extension could be built under permitted development rights if it was 14 cm shorter and the roof height could be higher than that proposed. The applicant said that they would instruct a structural engineer and ensure that the building was fully compliant with building control regulations.

During discussion the planner, together with the planning team leader (inner), referred to the reports and responded to the comments made by the speakers and answered members' questions, including the clarification that the height of the extension was measured from inside the application site. In reply to a question from Councillor Brociek-Coulton, the committee was advised that the planner had made an adequate assessment of the objections to the proposal from the photographs supplied by the adjacent neighbour and by viewing the site from Crooks Place. The proposal could be allowed under permitted development rights if it was shorter by 15 cm, and the impact on amenity could not be refused under listed building consent.

**RESOLVED**, with 11 members voting in favour (Councillors Sands, Herries, Button, Bradford, Carlo, Henderson, Jackson, Lubbock, Neale, Peek and Woollard) and 1 member voting against (Councillor Brociek-Coulton) to approve:

(1) application no. 15/01156/F - 31 St Stephens Square Norwich NR1 3SS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

Informative:

Considerate construction

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.

(2) listed building consent application no. 15/01157/L - 31 St Stephens Square Norwich NR1 3SS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Repair any damage to listed building within 3 months;
4. Notwithstanding what is shown on the plans, details of materials.

Reason for approval: While there are elements of less than substantial harm, the level of harm is relatively low and the extension represents a logical evolution of the listed building as a private residential property. It is of sympathetic scale, form and detail and within the context of the considerably more inappropriate surrounding developments, this is a suitable addition. Where there is harm, for instance through loss of fabric, it has been reduced to an acceptable level. Accordingly 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.

**8. Application no 15/01382/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR**

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a suggested amendment to the informative which made it clear that this application related to the roof-lights only.

A Bethel Street resident, whose apartment overlooked the roof of Aldwych House, outlined her concerns that the construction did not comply with existing planning permission and that her view of the Cathedral of St John the Baptist was impeded by two of the sky-lights. She had spoken to the contractors and understood that the roof-lights were to make the single bedroom flats more habitable

The agent explained that the development had changed ownership in January of this year. The application was retrospective and would enhance and improve the living conditions of future residents of the flats. One roof-light had been rotated and lowered as far as possible for maintenance and to function properly.

During discussion the planner, together with the planning team leader (inner), referred to the reports and answered members' questions. During discussion members commented on prior approval for office buildings to be converted into residential use and the limitations of local planning authorities to control the standard of housing. Members were assured that the council's private sector housing would ensure that such residential units were habitable.

Discussion ensued in which it was noted that a private view of a heritage asset was not given the same weight as the public one. Members were advised that the resident only objected to the roof-lights shown as A and B on the plan. The committee discussed the public view from Bethel Street showing that the roof-lights projected from the roof and obstructed the view of the cathedral.

Councillor Jackson moved and Councillor Neale seconded that the application be refused on the grounds that was unacceptable because it had an overbearing impact on a heritage asset (the Cathedral of St John the Baptist) and its effect on the character of the conservation area, and to grant authority to the head of planning services to instigate enforcement action. Officers advised members to consider the amenity value of a raised roof-light in front of the view of the cathedral from street level and weigh this against the benefits to future residents of the development. Members suggested the applicant could modify the proposal and address the implications of the roof-lights A and B, in particular. Councillor Lubbock spoke against the motion and pointed out that members were considering the harm to the conservation area from two roof-lights.

**RESOLVED**, with 11 members voting in favour (Councillors Sands, Herries, Button, Bradford, Brociek-Coulton, Carlo, Henderson, Jackson, Neale, Peek and Woollard) and 1 member voting against (Councillor Lubbock) to:

- (1) refuse application no 15/01382/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR was unacceptable because the roof-lights projected above the roofline and impacted on the view of the Cathedral of St John the Baptist and to ask the head of planning services to provide the reasons for refusal in planning terms;
- (2) authorise enforcement action to remove the unauthorised projecting roof-lights

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

The roof lights by virtue of their height and location would protrude into the skyline when viewed from Bethel Street in front of the Cathedral Church of St John The Baptist, a grade I listed building. This would lead to less than substantial harm to the appearance of the Conservation Area. This has been balanced against the amenity benefits to the future occupiers of the flats at Aldwych House, however this is not considered to outweigh the harm to the Conservation Area. The development is contrary to paragraph 134 of the National Planning Policy Framework, policy 2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) and policies DM3 and DM9 of the Norwich Development Management Policies Local Plan (adopted 2014).

(Councillor Herries left the meeting at this point and Councillor Lubbock left the meeting during the following item)

**9. Application no 15/01381/F - Aldwych House, 57 Bethel Street, Norwich, NR2 1NR**

The planner (development) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports, which was circulated at the meeting and contained an amendment to the informative set out in the report to clarify the scope of the planning application and additional information about the design of the stair tower.

During discussion the planner referred to the report and answered members' questions.

**RESOLVED** with 8 members voting in favour (Councillors Sands, Brociek-Coulton, Button, Henderson, Jackson, Neale, Peek and Woollard), 1 member voting against (Councillor Bradford) and 1 member abstaining from voting (Councillor Carlo) to approve application no. 15/01381/F - Aldwych House 57 Bethel Street Norwich NR2 1NR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of canopy (including materials, section, finish/colours etc)



4. Within 1 month of the date of this decision the section of wall extending 2m in length from the rear elevation of 12 Chapel Field North shall be rebuilt to its original height.

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

Informative:

The planning permission relates only to the changes to the entrance canopy and the western boundary wall as shown on the submitted plans and specified in the conditions. This permission does not infer approval for those other potentially unauthorised elements, for instance:

- the works to the projection on the flat roof adjacent to the stair tower (assumed to be the lift motor housing);
- the two windows in the mansard on the north east corner;
- This also applies to the various apparent discrepancies on the plans, including on the front elevation;
- the changes to the stair tower, including the different design and position of the windows (as well as those on the adjacent side elevation).

These elements listed are not shown on the plans approved through 14/00630/F and given they are not included in the description of this particular proposal no assessment has been made of their acceptability. For the avoidance of doubt the approved drawings on this decision notice will explicitly delete these elements and focus solely on what has been applied.

(Councillor Carlo left the meeting at this point.)

**10. Application no 11/02236/F - Land adjacent to Novi Sad Bridge, Wherry Road, Norwich**

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

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

1. The replacement of the occupation trigger point for the viability review to occur at 35 months instead of 30 months post-implementation.
- 11. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarter 2, 2015-16 (1 July to 30 September 2015)**

The planning team leader (inner) presented the report.

During discussion a member expressed regret that despite the concerns of local residents, the appeal against the committee's decision to refuse application no 13/01540/VC, land and buildings on the north east side of King Street, had been allowed. Members also noted that the appeal against the refusal for planning permission and listed building consent for demolition of rear outbuildings and the extension and construction of four two bedroom flats at 148 Magdalen Street had been dismissed.

The committee was advised that the planning team leader (outer) was holding meetings with the Norwich Family Life Church to resolve the outstanding issues regarding its accommodation and pending enforcement action.

**RESOLVED** to note the report.

CHAIR

## Summary of planning applications for consideration

## ITEM 4

26 November 2015

Item no	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(A)	15/01449/F	Land at the corner of St Saviours Lane and Blackfriars Street, Norwich	James Bonner	Conversion of offices (Class B1) to 4 No. flats (Class C3).	Contrary to policy	Approve subject to s106
4(B)	15/01204/F	Site between 95 and 111 Adelaide Street	Joy Brown	2 no. flats	Objections and revisions to application previously referred to committee.	Approve subject to conditions
4(C)	15/01487/F	Car park, Windmill public house, Knox Road, Norwich	John Dougan	Car wash	Objections	Approve subject to conditions
4(D)	15/01368/F	Rear of 427 Dereham Road, Norwich	John Dougan	Erection of dwelling	Objections	Approve subject to conditions



## **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**

26 November 2015

**Report of** Head of planning services

**Subject** Application no 15/01449/F - Land at the corner of St Saviours Lane and Blackfriars Street, Norwich

**4(A)**

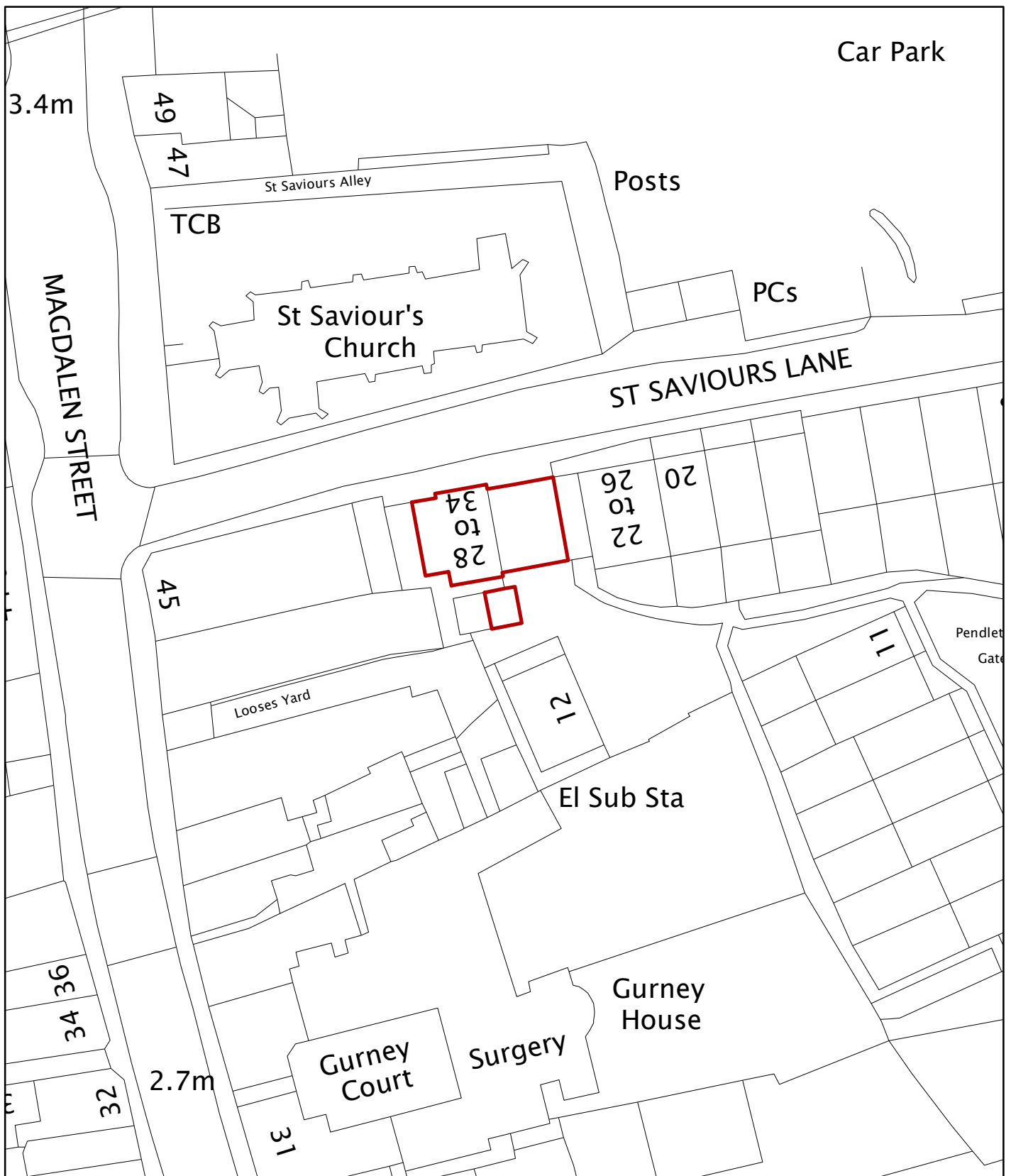
**Reason for referral** Departure from development plan

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<b>Ward:</b>	Mancroft
<b>Case officer</b>	James Bonner - <a href="mailto:jamesbonner@norwich.gov.uk">jamesbonner@norwich.gov.uk</a>

Development proposal		
Conversion of offices (Class B1) to 4 No. flats (Class C3).		
Representations		
Object	Comment	Support
1		

Main issues	Key considerations
1 Principle of development	Loss of office space; provision of new housing
2 Affordable housing	Viability of wider scheme; provision of affordable units
3 Amenity	Occupier amenity (internal space standards; noise)
<b>Expiry date</b>	10 December 2015
<b>Recommendation</b>	Approve subject to S106 agreement



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Planning Application No 15/01449/F

Site Address Land at the corner of St Saviours Lane and Blackfriars Street

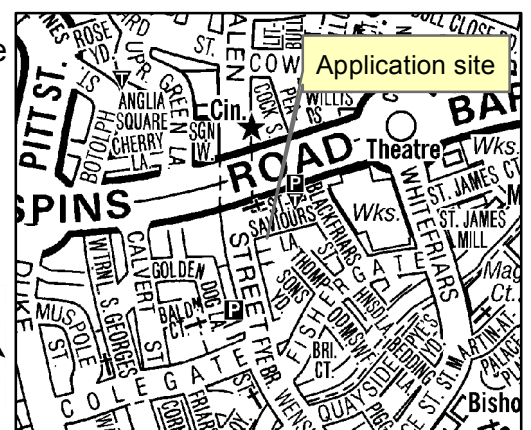
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**NORWICH**  
City Council

PLANNING SERVICES

Page 20 of 80





## The site and surroundings

1. The application affects the office space in former Hi-Tech House site on the corner of St Saviours Lane and Blackfriars Street. The floorspace is in the far western corner of St Saviours Lane, directly opposite St Saviours Church. For a full site history see the original report for the site's redevelopment (10/00907/F), which was described:
  - 16 one and two bedroom flats;
  - 21 three and four bedroom town houses;
  - 201.75 square metres of B1/A2 office uses in two, three, four and five-storey buildings;
  - associated amenity space, vehicle accesses, car parking and refuse/cycle storage.
2. This development has been 'completed' with the dwellings being sold and occupied. The office space remains open plan but it is not furnished or even finished to the degree it would appear as office space.

## Constraints

3. Within the city centre conservation area; opposite grade I listed church. Smurfit Kappa factory is to the east, which operates on a 24 hour basis. The site is within flood zone 2 and has had issues of contamination in the past (now resolved).

## Relevant planning history

4.

Ref	Proposal	Decision	Date
07/00587/F	Redevelopment of site with 52 apartments; 6 town houses; 4 live/work units; 203 square metres of B1/A2 office uses in two, three, four and five-storey buildings with associated open space, vehicle access, car parking and refuse/cycle storage (Revised Scheme).	Approved	29/10/2009
10/00907/F	Redevelopment of site to provide for 37 No. dwelling units (16 No. one and two bedroom flats and 21 No. three and four bedroom townhouses) with offices (201.75sqm) and associated car parking spaces.	Approved	22/03/2012
13/02097/F	Erection of automated gates at two entrance/exit points.	Approved	25/04/2014

Ref	Proposal	Decision	Date
15/00481/F	Conversion of new office building to 4 No. flats.	Refused	18/08/2015

## The proposal

5. Proposed is the change of use of the office space (Use Class B1a) to four one bedroom flats (Class C3). A similar proposal was refused in August on the basis of the following reasons for refusal:
  - (1) Insufficient information has been provided to demonstrate that there is no possibility of reusing or redeveloping the allocated office space for similar or alternative business uses; and that a) the site or premises is no longer viable, feasible or practicable to retain for business use; or b) retaining the business in situ would be significantly detrimental to the amenities of adjoining occupiers, would prevent or delay the beneficial development of land allocated for other purposes or would compromise the regeneration of a wider area; or c) there would be an overriding community benefit from a new use which could not be achieved by locating that use in a more accessible or sustainable location. In the absence of this information the proposal is contrary to DM17 of the Norwich Development Management Policies Local Plan (adopted 2014) and the strategic aims of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014) which aims to support the needs of small, medium and start-up businesses (policies 5 and 11).
  - (2) As part of the site's original redevelopment a lower affordable housing contribution was accepted given the scheme demonstrated a lack of viability with the full JCS4 requirement of 33%. This provision of office space informed the viability assessment to some degree and as the development of the employment use has not been completed, separating this floorspace from the rest of the scheme is considered artificial subdivision of the site. In the absence of a draft/completed S106 agreement or undertaking, or an updated viability assessment which demonstrates why further affordable housing cannot be provided, the proposal is contrary to DM33 of the Norwich Development Management Policies Local Plan (adopted 2014) and JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2011, amendments adopted January 2014).
6. Follow this refusal discussions have taken place with the applicant who has indicated that the Registered Provider currently on-site is willing to take on two of these four proposed flats. This current application has therefore put a greater emphasis on the provision of two affordable flats in order to overcome the previous reasons for refusal.
7. No external changes are proposed.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>4</b>
No. of affordable dwellings	<b>2</b>
Total floorspace	<b>161.89sqm</b>
No. of storeys	<b>3</b>
<b>Transport matters</b>	
Vehicular access	<b>Via Blackfriars Street or St Saviours Lane. This part of the development would primarily use St Saviours Lane.</b>
No of car parking spaces	<b>2 (the original scheme afforded 2 spaces to the offices; there are also 32 parking spaces for the other 37 residential units)</b>
No of cycle parking spaces	<b>As per commercial provision in store – 6 spaces shown</b>
Servicing arrangements	<b>Communal bin store in courtyard</b>

## Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received [*NB: the Norwich Society objected to the previously refused and materially unchanged scheme – see below*].

## 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 comments.

## Environmental protection

11. [*From previous scheme*] No comment. The site has already been remediated and the building envelope has been treated to reduce noise intrusion from road traffic etc.

## Environment Agency

12. *[From previous scheme]* Covered by Flood Risk Standing Advice – no comments to make. Surface water management is a matter for the lead local flood authority.

## Highways (local)

13. *[From previous scheme]* No objection providing bin and bike storage is adequate. Flats would not be eligible for on-street parking permits.

## Norfolk historic environment service

14. No archaeological implications.

## Norwich Society

15. *[From previous scheme]* We are disappointed that this office space is now being divided into such small flats.

## Private sector housing

16. *[From previous scheme]* No comment.

# Assessment of planning considerations

## Relevant development plan policies

17. **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
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation
18. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**
- LU1 – Mixed use development to promote regeneration and a distinctive identity
  - LU3 – Residential Development – high density – 15% for family occupation
  - MV1 – Sustainable Transport – promote pedestrian and cycle facilities by contributions
  - TU1 – Design for the historic environment – plot widths, building lines, scale, proportions, street widths and materials – City Centre Conservation Appraisal key tool
  - ENV1 – High Standard of Energy Efficiency
  - WW1 – Land west of Whitefriars – mixed use redevelopment
19. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development

- DM2 Ensuring satisfactory living and working conditions
- DM5 Planning effectively for flood resilience
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- 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**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF10 Meeting the challenge of climate change, flooding and coastal change

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

- Affordable housing SPD adopted 11 March 2015

### **Case Assessment**

22. 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**

23. Residential: Key policies and NPPF paragraphs – DM12, DM13, JCS4 and 11, NPPF paragraphs 49 and 14.
24. Loss of office space: Key policy – DM17, JCS5 and 11.
25. The principle of residential use on this site in general is accepted; however the allocation on the site specifically included the requirement for a mix of uses including office employment. It should be noted that this allocation (WW1) in the Northern City Centre Area Action Plan referred to the wider site which included the much larger proportion of the currently occupied Smurfit Kappa site to the east and the car park to the north. As previously discussed, it is considered practical to suggest that the loss of this small proportion of office space could be made up in the development of the rest of the site if and when it comes forward. However in

assessing it against DM12(c) the loss of the offices would still be contrary to policy given the scheme was assessed and approved on the basis of there being a proportionate mix of uses as required in the site allocation. As the offices have not been substantially completed or occupied it is difficult to argue that this aspect of the permission has been implemented and that a new chapter of the site's planning history has begun. For the same reason there is no permitted development right to convert the offices to residential through the prior approval process.

26. It may be possible to justify the loss of offices on the basis of the relatively small provision being more beneficial as part of a larger cluster elsewhere in the site, however its loss would still have to be justified against DM17, which states:

*Sites and premises providing for small and medium scale businesses will be safeguarded for class B business uses and other economic development purposes. Proposals leading to the loss of suitable sites or premises which are used by, or available for, such businesses will be permitted where the possibility of reusing or redeveloping the site or premises for similar or alternative business purposes has been fully explored and it can be demonstrated that there is no demand for small and medium scale business units in the area; and*

- (a) the site or premises is no longer viable, feasible or practicable to retain for business use; or*
- (b) retaining the business in situ would be significantly detrimental to the amenities of adjoining occupiers, would prevent or delay the beneficial development of land allocated for other purposes or would compromise the regeneration of a wider area; or*
- (c) there would be an overriding community benefit from a new use which could not be achieved by locating that use in a more accessible or sustainable location.*

27. Of particular interest for this proposal is the need to demonstrate that there is a lack of demand for the units. The previously refused scheme included a letter from a surveyor stating their negative opinion on the potential for the offices to be successfully let. This letter was not accepted as a satisfactory justification and a more detailed report has been provided for the current proposal. It cites several factors as to why the offices space itself is not attractive, as well as evidence showing how the general picture in the centre of Norwich is one of oversupply and lack of demand for 'poor secondary' offices as this space is designated, although it is keen to note that supply is lessening as a result of a number of large offices being converted to residential through the prior approval process.
28. Although it is accepted there is an oversupply of 'secondary poor' office space in the city and that this particular space has its shortcomings, it should be noted that the report itself is not without faults, for instance it underplays its potential to serve as relatively cheap office space in a fairly central location with dedicated car parking. There are limited direct comparisons made to similar spaces which have been difficult to let. One of these is the first floor of 3 St James Court which is a larger space where the landlord has apparently shown a willingness to subdivide for smaller occupiers. This is not a fair comparison given it is more expensive grade A space and no meaningful comparison can be made on size and rent. The other comparison is the ground floor of St James Mill which has been available since 2014 – this is a grade I listed building, which although is a potentially large

constraint, partitions have been granted listed building consent in the past. This could be a fairer comparison but no evidence has been provided to show what size the office(s) are, how much they were marketed at, what any offers were and how this is comparable to the application site.

29. The report lacks any suggestion of how much this application office space would potentially be marketed for, but the most glaring omission is the fact that the space has not been formally marketed at all. There is no evidence which suggest an absence of reasonable interest, even if it demonstrated that the interest was at an unfeasibly low rate. This is the evidence required to establish a lack of demand. For this reason the proposal is still contrary to DM17, although in contrast to the previous refusal the decision is considered to be tipped in favour of approval by the formal inclusion of two affordable units. This balancing exercise is set out in the conclusion.

### **Main issue 2: Affordable housing**

30. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
31. The original scheme (10/00907/F) was approved on the basis of providing 13.5% affordable housing on-site because the 33% required through JCS4 made it unviable alongside the playspace (£75K), education (£93K) and transportation (£10.5K) contributions. Part of this justification for not providing more affordable housing is the inclusion of the lower value office space, although nothing in this current application or the previous refusal has suggested what impact this had. In this current application the provision of two of the four units as affordable has been made more formal with the submission of a draft s106 agreement. The current on-site Registered Provider (RP) is to take on the two larger units on the basis of 'Affordable Rent', i.e. subject to rent controls that require a rent of no more than 80% of the local market rent. The rest of the affordable units within the development (one three bedroom house and four 2 bedroom flats) are social rented.
32. As stated in the adopted affordable housing SPD it is current practice to accept affordable rent dwellings only where a developer can provide evidence that social rent is unviable or where evidence is provided that RPs will not accept social rented dwellings. The applicant has stated that the RP will only take on the two units as affordable rented and not social rented due to budget constraints. While social rented would be preferable, this is still by definition affordable housing and the provision of the one bedroom flats further improves the site's mix of affordable dwellings, which is clearly a positive. The inclusion of these two additional units is considered to adequately satisfy the previous questions of viability and potential under-provision of affordable housing.

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

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
34. The original scheme for the wider site was subject to conditions requiring compliance with the recommendations of an Adrian James acoustic report dated 2007. Since completion it has been established that the works have been carried out with the recommendations of a subsequent Adrian James acoustic report dated 12 March 2014. This suggests deviations from the mitigation measures suggested in the 2007 report, including alternative insulation and alternative acoustic trickle

vents. Titon SF sound attenuator vents V75 with standard canopy have been installed in the dwellings within the wider development as well as the office windows affected here. This has been verified by visiting the site and Environmental Protection are satisfied that this will deliver the necessary internal noise levels as required by the original acoustic report. The agent has confirmed that these measures have been installed but a condition is recommended to ensure continued compliance with this most recent acoustic report, which should allow for satisfactory living conditions.

35. The internal floorspace of the two affordable units are 45.3sqm two of the units are smaller (35.6sqm) than the thresholds set out in DM2 (37sqm). As of 1 October 2015 these space standards have since been replaced by the new national standard for internal space, which sets out minimum space as 37sqm plus 1sqm of in-built storage (the flats have bathrooms rather than shower rooms, hence the lower requirement). Attempts have been made to revise the layouts to afford the smaller flats a bit more room. However the position of the separating Party Wall on both floors sits where there is a break in the separating floors. The cavity sits over the break and helps with the acoustic separation between the flats. Moving the partition may lead to two marginally larger flats but may worsen the acoustic protection between the flats and may increase the difficulty in meeting Part E of the Building Regulations.
36. It should be noted that while important, these figures are largely indicative and given there are reasonable levels of daylight and outlook, as well as a communal external amenity space in the courtyard, this is unlikely to represent unacceptable living conditions for the occupiers which could substantiate refusal against DM2. The policy suggests that the case for relaxing these standards can be based on 'exceptional conservation or regeneration benefits'. The provision of additional housing, particularly the securing of affordable housing, is considered to be a regeneration benefit which outweighs the relatively low level of harm to occupier amenity.
37. These additional units would not have an appreciable impact upon the amenity of any neighbouring occupiers.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Yes subject to condition</b>



<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Not applicable</b>

### **Other matters**

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

- Contamination – this has been addressed as part of the previous application.
- Archaeology – as above.
- Transportation – cycle parking and refuse storage for the office were shown on the previous scheme's approved plans. There are no concerns with this arrangement for the four dwellings and any approval would be subject to conditions. The previous plans indicated two car parking spaces would be reserved for the office space and it is assumed this would transfer to the residential use. This raises no issues.

### **Equalities and diversity issues**

40. There are no significant equality or diversity issues.

### **S106 Obligations**

41. Any approval would be subject to a S106 agreement to secure the two largest units are affordable social rented dwellings.

### **Local finance considerations**

42. 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.
43. 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.
44. In this case local finance considerations are not considered to be material to the case.
45. The conversion to residential is liable for CIL at ~£85 per square metre. The floorspace belonging to the affordable units is eligible for affordable housing relief.

## Conclusion

46. While the loss of the office space is regrettable, particularly as it has not been established whether there is genuine demand for it, this must be balanced against the provision of much-needed housing. The inclusion of two additional affordable flats is a substantial improvement over the previous refusal and this weighs heavily in the proposal's favour.
47. Although there is a strategic need for smaller scale employment sites (JCS5 and 11), there is also a very clear need for more housing (JCS4 and 11). There is a potential risk that undergoing a full marketing exercise for 6 to 9 months may end up with the same conclusions as the surveyor's assessment, by which time the Registered Provider may have lost interest in taking on the units. In contrast there is no doubt that additional affordable housing is and still will be required. Even working with the assumption that this floorspace can and will be used for its originally intended employment use, the conclusion of this assessment is that the provision of the additional dwellings is considered to outweigh the loss of the employment use.
48. While mixed-use developments are desirable in city centre locations such as this it has to be noted that this particular employment use does feel slightly tacked-on to the residential development. The wider allocation can in theory provide a much more plausible employment use within a larger mixed-use development. Although this proposal is technically contrary to the site's allocation this is not considered to outweigh the benefits of the proposal.
49. Whilst there are minor issues for occupier amenity as a result of the relatively small floorspace provided within the non-affordable flats, qualitatively speaking the flats are of fine with good shared amenity space. Any shortcomings are outweighed by the provision of the affordable units. As there are no outstanding concerns with regard amenity or transportation 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

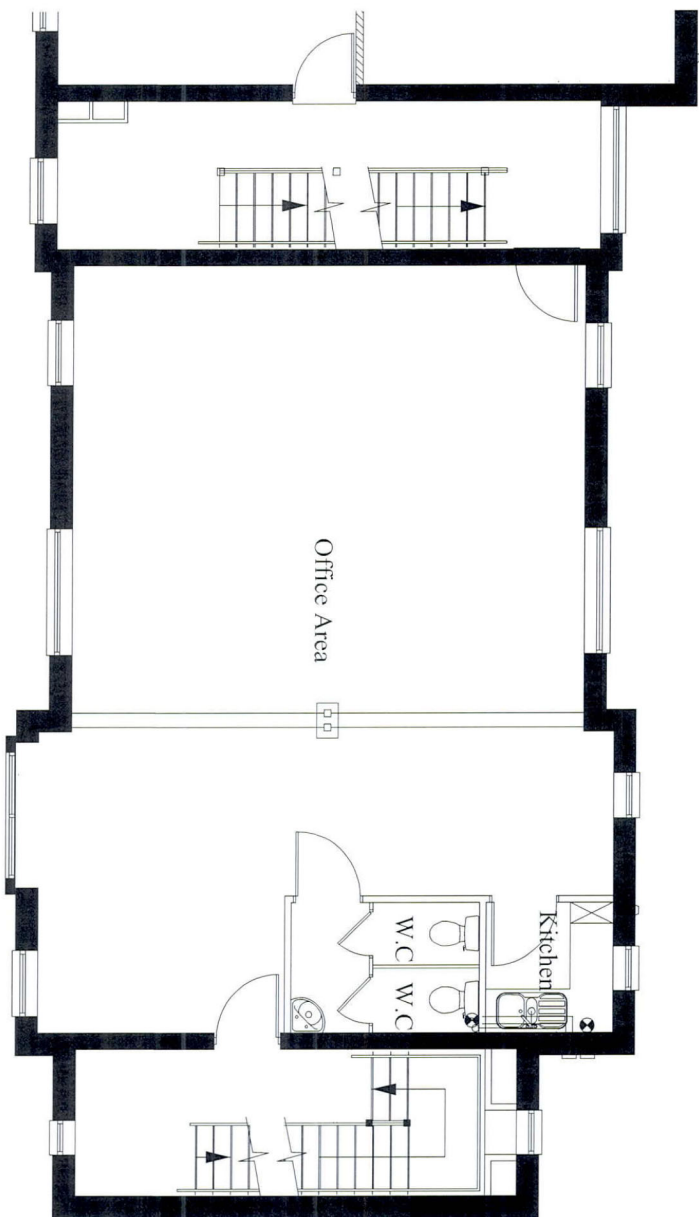
To approve application no. 15/01449/F - Land at the corner of St Saviours Lane and Blackfriars Street, Norwich and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The acoustic measures set out in the Adrian James Technical Acoustic Report dated 12 March 2014 shall be carried out and retained as such.
4. Refuse and cycle storage shall be provided prior to occupation and retained as such in line with approved plans.

**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 at the pre-application stage insert if necessary the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

CORPORATE RESOURCES  
24 SEP 2015  
POST ROOM



# EXISTING FIRST & SECOND FLOOR PLAN

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revision no.	date	by	checked	approved

Authorisation: ☐ Issued for Information ☐ Issued for Approval ☐ Issued for Construction

NOTES:  
All measurements to centre of room, unless otherwise stated.  
All dimensions to be checked and confirmed by the contractor.  
The contractor is to be responsible for the accuracy of the dimensions.  
The contractor is to be responsible for the accuracy of the dimensions.  
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The contractor is to be responsible for the accuracy of the dimensions.

**CONSTRUCTION**

PROJECT  
**BLACKFRIARS**  
**NORWICH, NORFOLK**

EXISTING FIRST & SECOND FLOOR LAYOUT

Scale 1:200	Sheet No.	Sheet of	Drawn
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YHC0026-5

21 City Road, Norwich, Norfolk NR1 1JN. Tel: 01603 616161. Email: [info@johnyoung.co.uk](mailto:info@johnyoung.co.uk)

CORPORATE RESOURCES  
24 SEP 2015  
POST ROOM

[illegible]

**CONSTRUCTION**  
 PROJECT  
**BLACKFRIARS**  
 NORWICH, NORFOLK

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DESIGNED BY  
**PROPOSED GROUND  
 FLOOR LAYOUT**



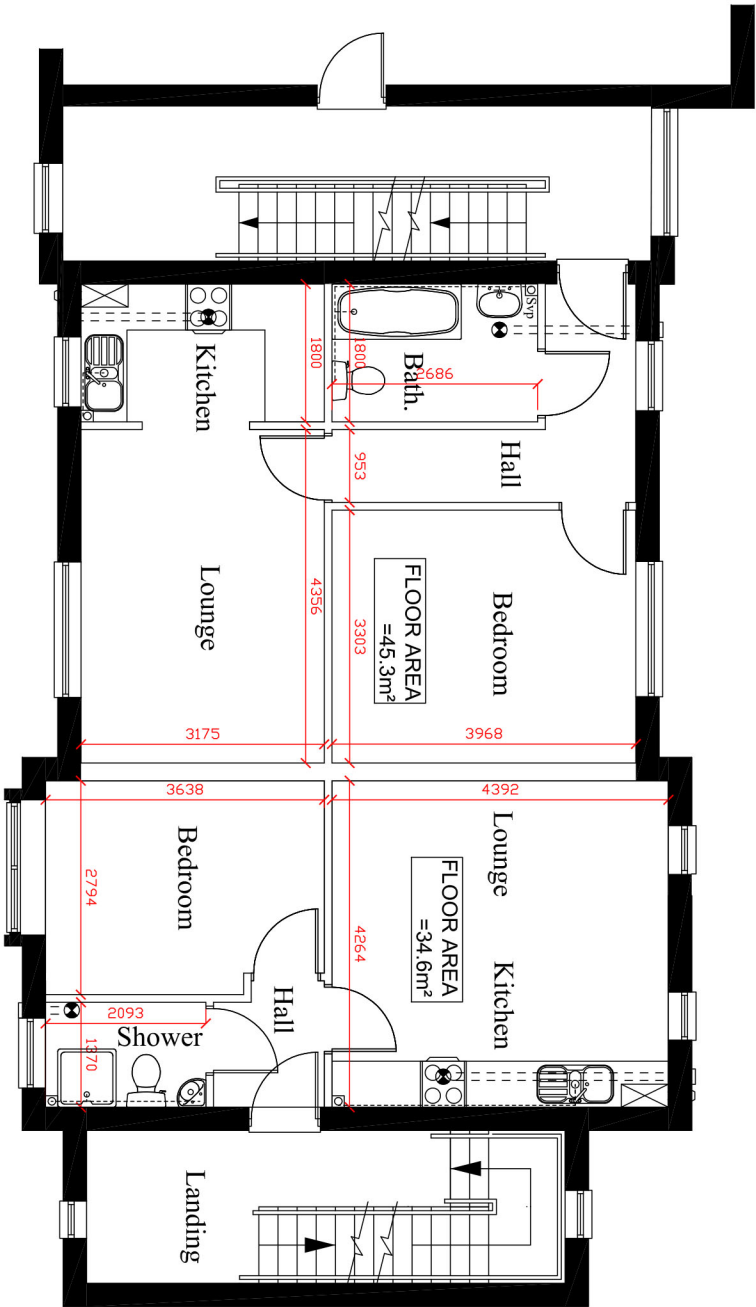
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Information				revision no.			
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<input type="checkbox"/>	checked	<input type="checkbox"/>	checked to	<input type="checkbox"/>		<input type="checkbox"/>	



# FIRST FLOOR PLAN - RESIDENTIAL

## NOTES

### WASTE

Wastes: to have min 75mm deep seal traps, sink and bath to have 40mm diameter wastes, washbasins to have 32mm diameter wastes  
S&P to be 100mm diameter UPVC with long radius bend at base, terminate with cage at min 900mm above any opening within 3000mm. Cage to be Brit  
Metric 110mm Soil Vent Terminal or similar approved (Alternatively SBA approved air admittance valve in roof space, where not at head of drain). Box in all s&p's and pack with sound deadening rockwool quilt.

### SEPERATING FLOOR/FFS-2

See Robust Details for full specification and installation details.  
Insulation required: 100mm Celotex filled below.  
Internal finish to be moisture resistant 22mm OSB flooring on 300mm. Steel lattice joist ceiling finished with 15mm plasterboard with 3mm skim coat ready for decoration.

### PARTY WALL/E-WS-1

Internal faces of the steel stud with a 50mm cavity to accommodate one layer of 50mm (min.) unfaced mineral wool bats (Density 33-60 kg/m³). Both sides to be finished in 2no. 15mm Gyproc Soundbloc plasterboard or similar (min. total nominal mass per unit area 22kg/m²).  
Cut floor deck 50mm wide to form cavity on party wall - Check with engineer  
All joints to be staggered. See Robust Details for full specification and installation details.

### INTERNAL PARTITIONS

Internal partitions to be 90mm steel stud in accordance with Vision built design details. Partition to be finished both sides with 1 layer of 15mm Gyproc Soundbloc plasterboard

## NOTES

All workmanship is to be in accordance with the latest amendment of the relevant section of BS 5900, to the extent that it is more stringent than the relevant British Standard. The work is to be carried out in accordance with the requirements of the relevant British Standard, to the extent that it is more stringent than the relevant British Standard. The work is to be carried out in accordance with the requirements of the relevant British Standard, to the extent that it is more stringent than the relevant British Standard.

### CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS

Construction (Design and Management) Regulations (CDM Regulation 13) requires Designers (including Contractors who carry out design work) to take reasonable steps to ensure that the design of the building, and the design of the building, is safe and sound. Designers must ensure that the design of the building, and the design of the building, is safe and sound. Designers must ensure that the design of the building, and the design of the building, is safe and sound.

Notes to Planning Supervisors and Principal Contractors: The Principal Contractor has considered that none of the risks referred to in carrying out the work would be outside the knowledge of a competent Contractor.

## CONSTRUCTION

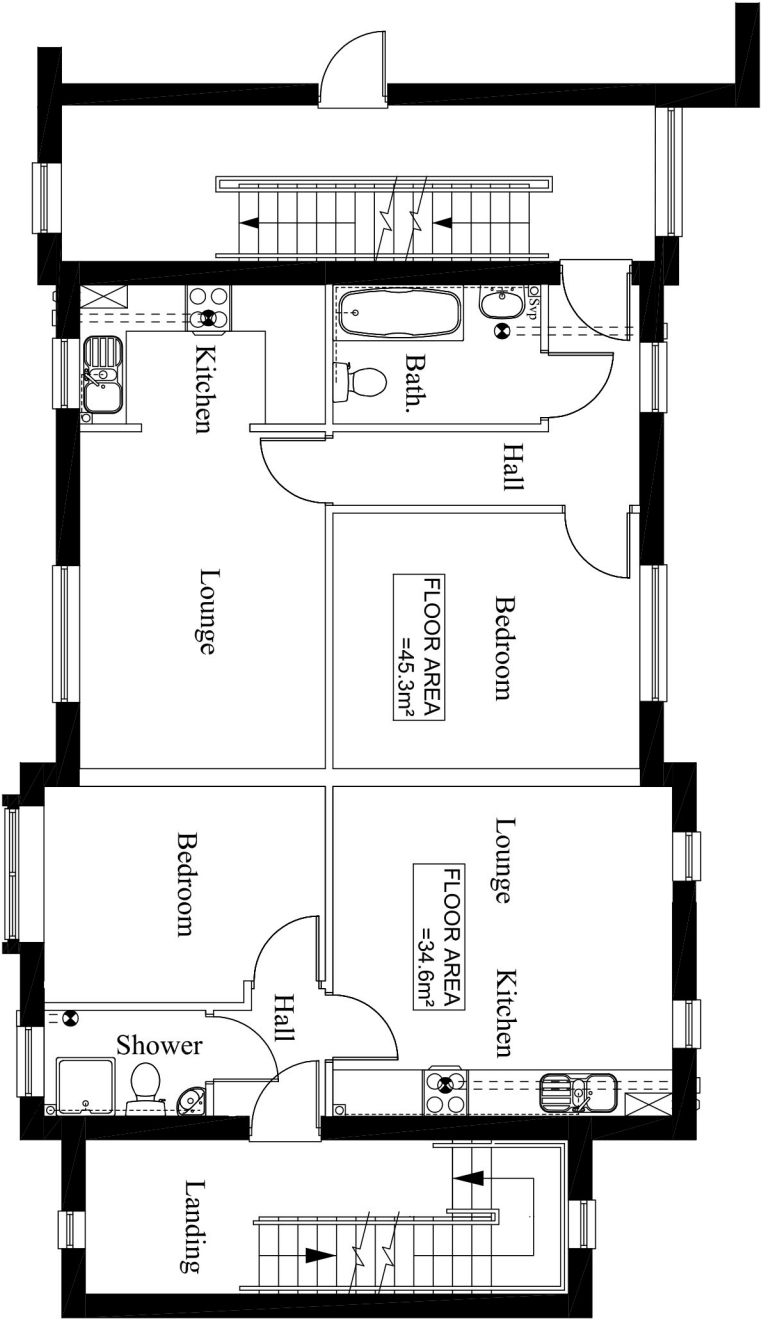
Project:  
BLACKFRARS  
NORWICH, NORFOLK

Drawing title:  
PROPOSED FIRST FLOOR  
LAYOUT



scale @ A2	drawn by	date	checked by	date
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Drawing no:	YHC0026-1			
			rev:	-

Information				Comments/Approval		Wettable		By construction	
revision no.	date	source	drawn by	description		checked no.		checked no.	



# SECOND FLOOR PLAN - RESIDENTIAL

## NOTES

### WASTE

Wastes: to have min 75mm deep seal traps, sink and bath to have 40mm diameter wastes, washbasins to have 32mm diameter wastes  
S&VP to be 100mm diameter UPVC with long radius bend at base, terminate with cage at min 900mm above any opening within 3000mm. Cage to be Brett.  
Martin 110mm Soil Vent Terminal or similar approved (Alternatively BBA approved air admittance valve in roof space, where not at head of drain). Box in all s&vps and pack with sound deadening rockwool quilt.

### SEPERATING FLOOR E-FS-2

See Robust Details for full specification and installation details.  
75mm acoustic batten, 19mm plank + 22mm Chipboard  
Internal finish to be moisture resistant 22mm OSB flooring on 300mm. Steel lattice joist ceiling finished with 15mm plasterboard with 3mm skim coat ready for decoration.

### PARTY WALL/ E-WS-1

Internal faces of the steel stud with a 50mm cavity to accomodate one layer of 50mm (min.) unfaced mineral wool bats (density 33-60 kg/m³). Both sides to be finished in 2no. 15mm Gyproc Soundbloc plasterboard or similar (min. total nominal mass per unit area 22kg/m²).  
Cut floor deck 50mm wide to form cavity on party wall - Check with engineer  
All joints to be staggered See Robust Details for full specification and installation details.

### INTERNAL PARTITIONS

Internal partitions to be 90mm steel stud in accordance with Vision built design details. Partition to be finished both sides with 1 layer of 15mm Gyproc Soundbloc plasterboard

**NOTES:**

All workmanship is to be in accordance with the latest amendment of the relevant section of BS 8000, to the extent that it is more stringent than the relevant part of the Building Regulations.

For information to be included in the contract documents, the Manufacturer's instructions, with the requirements of the relevant British Board of Agreement Certificate, the relevant British Standard applicable to that material and the section of BS 8000 applicable to that trade.

**CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS:**

CDM Regulation 13(1) requires Designers (including Contractors who carry out design work) to take reasonable steps to ensure that the design of the building and its components is safe and sound throughout its life.

Further information contact the local Health and Safety Executive office.

Notes to Planning Supervisors and Principal Contractors:

1. The Designer has considered that none of the risks referred to in carrying out the work would be outside the knowledge of a competent Contractor.

**CONSTRUCTION**

Project: **BLACKFRIARS**  
**NORMWICH,NORFOLK**

Drawing title: **PROPOSED SECOND FLOOR LAYOUT**

Scale @ A2: 

Drawn by: LB	Date: 14.04.2015	Checked by: -	Scale: 1:50
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Drawing no: **YHC0026-2**

Rev: -





**Report to** Planning applications committee

**Item**

26 November 2015

**Report of** Head of planning services

**Subject** Application no 15/01204/F - Site between 95 and 111  
Adelaide Street, Norwich

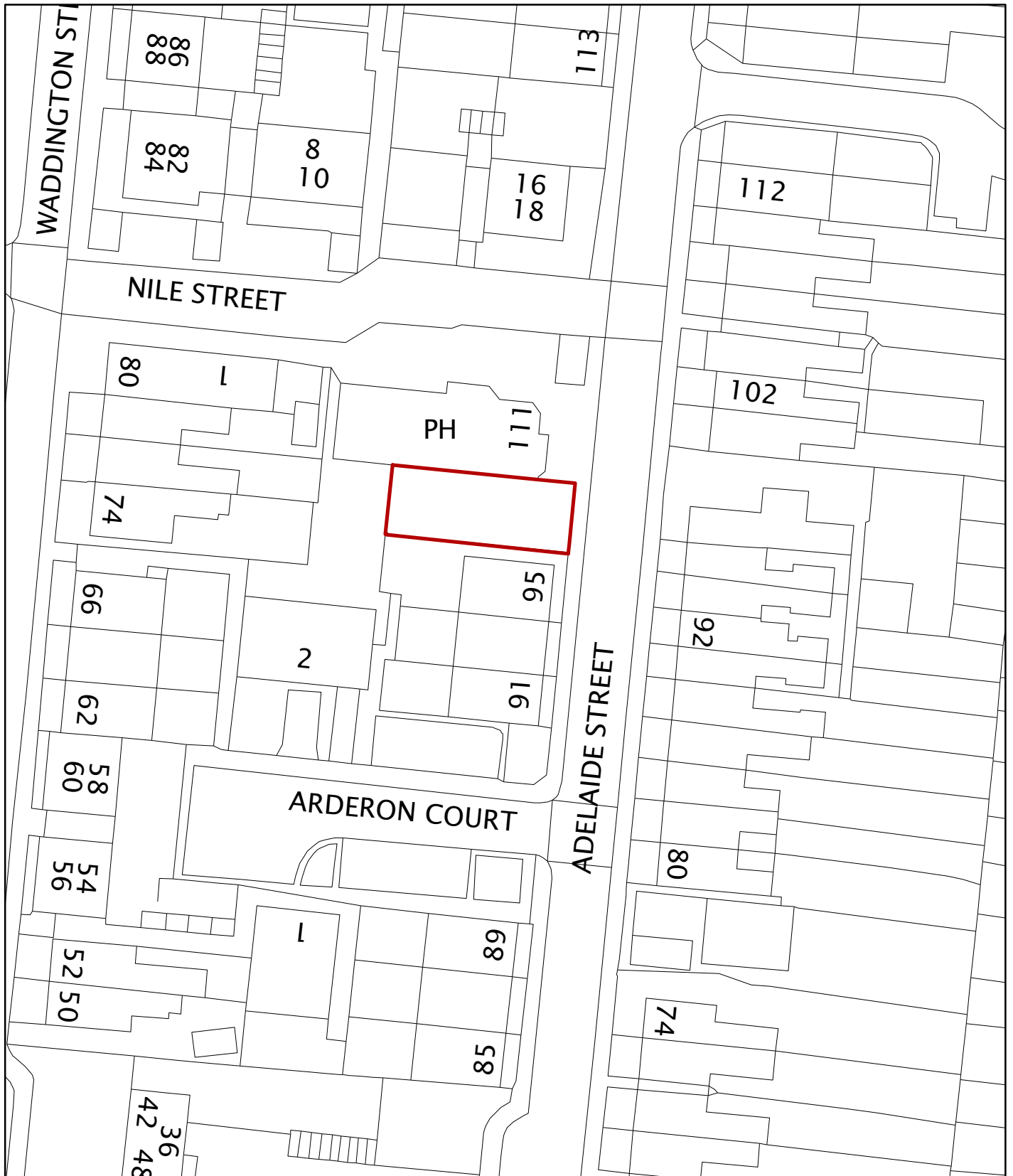
**Reason  
for referral** Objection / revisions to application previously referred  
to committee.

4(B)

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

Development proposal		
2 No. flats.		
Representations to proposal as submitted		
Object	Comment	Support
3	1	0
Representations to amended proposal (consultation period does not expire until 23 November so to be updated verbally)		
0	0	0

Main issues	Key considerations
1 Principle	Housing supply
2 Design	Impact on streetscene, setting, mass, height
3 Heritage	Impact on neighbouring locally listed former Bread and Cheese Public House
4 Amenity	Impact upon neighbouring residents and provision of satisfactory living conditions for future residents
5 Transport	Development with no off street car parking
<b>Expiry date</b>	5 November 2015 (extension of time until 3 December 2015)
<b>Recommendation</b>	Approve



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Planning Application No 15/01204/F

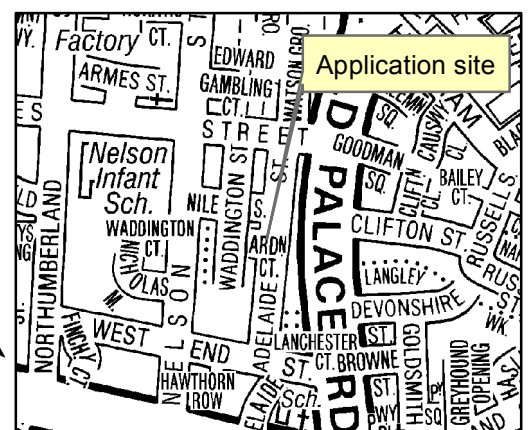
Site Address                      Site between 95 and  
111 Adelaide Street

Scale                                      1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

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

## Constraints

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

## Relevant planning history

Ref	Proposal	Decision	Date
03/00230/F	Erection of dwelling.	Approved	07/11/2003
04/00200/D	Condition 5: details of glazing for previous planning permission 03/00230/F ' Erection of dwelling'	Approved	08/04/2004
14/00957/F	Erection of 3 No. flats.	Refused, due to concerns with regard to design, impact upon the neighbouring locally listed building, impact upon living conditions of future and existing residents and car parking.	11/12/2014

5. Planning permission has also recently been granted at the neighbouring Bread and Cheese Public House for the conversion of the building to 4 no. flats (ref number 15/00256/F). Development has commenced.

## The proposal

6. The application seeks full planning permission for the erection of two flats (1 no. two bedroom flat at ground floor level and 1 no. one bedroom at first floor level). The proposed building will be two storey with one flat accommodating each floor. The building will be attached to the neighbouring public house and will be separated

from the neighbouring terrace block by a pathway which provides access to the rear of 95 Adelaide Street.

7. The proposal has been amended during the process of assessing the application to take into consideration some of the concerns raised by the planning officer and neighbouring residents. The plans as submitted included 2 no. two bedroom flats and a balcony at first floor level. The flat at first floor level has been changed from a two bedroom flat to a one bedroom flat which has meant that the projecting element to the rear has been reduced in height from two storey to single storey. The balcony has also been omitted.
8. The proposal also seeks to address the previous reasons for refusal by reducing the overall height of the proposal and changing the roof form from a flat roof to a pitched roof so it relates better to its setting and neighbouring buildings (including the locally listed Bread and Cheese Public House). Reducing the overall depth and in particular the depth of the first floor flat also seeks to minimise the impact upon neighbouring residents.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>2</b>
No. of affordable dwellings	<b>0</b>
Total floorspace	<b>104 sqm (GIA)</b>
No. of storeys	<b>2</b>
Max. dimensions	<b>Ridge height – 7.8m, Eaves height - 4.8m, Width – 6.1m, Depth – 12.7m</b>
<b>Appearance</b>	
Materials	<b>Red brick and cream render, Red clay pantiles</b>
<b>Transport matters</b>	
No of car parking spaces	<b>0</b>
No of cycle parking spaces	<b>3</b>
Servicing arrangements	<b>Sufficient space is provided for 4 x 240 litre bins</b>

## Representations

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

Issues raised	Response
The depth of the proposed building means that it is overbearing and intrusive to the neighbouring property to the south. The balcony will also create overlooking and noise issues to the property to the south and the garden of 2 Arderon Court.	See main issue 4
The depth of the proposal will result in proposed windows to the new flats within the Bread and Cheese public house building being covered or lost. Consideration needs to be given to adequate ventilation to the bathrooms.	See main issue 4
The development does not respect the existing building line. The front elevation of the proposal should be more in keeping with the public house.	See main issue 2 and 3

10. A further consultation took place on the amended proposal. The consultation period does not expire until 23<sup>rd</sup> November and therefore a verbal update of any responses will be given at the committee meeting.

## Consultation responses

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

### Environmental protection

12. No comments received

### Highways (local)

13. No comments received

### Natural areas officer

14. The period when site clearance should be avoided should be March – August inclusive as many birds that nest in scrub often have second broods present well into August.

## **Tree protection officer**

15. No objection. The proposed development will not have a demonstrable effect on the existing tree (Lawson Cypress).

## **Assessment of planning considerations**

### **Relevant development plan policies**

16. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
  - JCS20 Implementation
17. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing
  - DM33 Planning obligations and development viability

### **Other material considerations**

18. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF4 Promoting sustainable transport
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design
  - NPPF10 Meeting the challenge of climate change, flooding and coastal change
  - NPPF11 Conserving and enhancing the natural environment
  - NPPF12 Conserving and enhancing the historic environment

### **Case Assessment**

19. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

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

20. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
21. The principle of two flats on this vacant site is acceptable and will help meet the housing need within Norwich. As such the main issues in assessing any future application on the site are design and the impact upon the neighbouring locally listed building, the impact upon living conditions of future and existing residents and car parking. The previous application (14/00957/F) was refused on all of these grounds.

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

22. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
23. The proposed development is on a vacant site within a predominately residential area which is characterised by two storey 19<sup>th</sup> century terraces. However the terrace directly to the south of the site is much more recent than this and the public house to the north dates from the mid 19<sup>th</sup> century
24. Consent has previously been granted on the site for a contemporary dwellinghouse and although this does form some kind of precedent, it must be noted that this was permitted over 10 years ago and since this time the City of Norwich Replacement Local Plan was adopted in 2004 and the Development Management Policies Local Plan was adopted in 2014. Furthermore the adjacent public house has since been identified as a locally listed building and therefore careful consideration does need to be given to whether the proposed flats are appropriate in this setting taking into consideration the stronger design policies which are now in place.
25. A previous application for the erection of 3 no. flats was refused at planning committee in December 2014. It was considered that the proposed building did not adequately take account of its setting, with the proposed development appearing overbearing and out of keeping with the surrounding buildings. Furthermore it was considered that there was an unusual relationship between the proposed building and the pitched roofs of the other building on the street.
26. It is the officer's opinion that the revised proposal has overcome these concerns. Reducing the height of the building from three storey to two storey and replacing the flat roof with a pitched roof has resulted in a development which relates much better to the terrace to the south and the public house building to the north. The design of the building is still much more contemporary than the surrounding building but this is considered an appropriate design response given that the terraces to the south are of no particular architectural merit. In particular it should be noted that the proposed building is set back behind the build line of the neighbouring terrace

which not only has allowed for a front garden wall which makes the building appear more recessive but roof form has also helped reduce the overall mass.

27. Therefore it is considered that the revised proposal does address the previous reason for refusal and subject to conditions relating to materials, fenestration and landscaping the proposed development, although different from the surrounding buildings, does now adequately take account of its setting.

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

28. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
29. The site is situated adjacent to the former Bread and Cheese Public House which is locally listed and an early example of a corner public house. The public house has now closed and is being redeveloped for 4 flats. It is however still important that this current application is assessed in terms of its impact upon the significance of this non-designated heritage asset, in line with paragraph 135 of the NPPF.
30. One of the reasons for refusal on the previous application was that the proposed three storey development dwarfs the neighbouring public house due to the size, mass and positioning of the building. As such it was considered that the proposal would have a detrimental impact upon the neighbouring heritage asset.
31. It is the officer's opinion that the proposed amendments have addressed these concerns. The ridge of the proposed building is still slightly higher than the ridge of the public house and the building is still set slightly further forward of the building line. However the reduced overall height and changing the roof form has now resulted in a proposal whereby it can no longer be considered that there is harm to the significance of the neighbouring building.

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

32. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
33. *Impact on living conditions of neighbouring residents*
34. The previous application was refused as it was considered by Members that the proposed development would result in the loss of light and overshadowing to the property to the south and will also have an overbearing impact upon the neighbouring residents. Furthermore it was considered that the proposal would lead to overlooking to neighbouring residents on Adelaide Street, Arderon Court and Waddington Street.
35. Officers considered that the revised application (as submitted) did not adequately address these concerns and neighbouring residents also raised concerns that the development would still impact upon their living conditions. Following discussions with the applicant the proposal has been amended further. Reducing the overall size and therefore the depth of the first floor flat has significantly helped to minimise the impact upon all neighbouring residents. Although the rear elevation is still 1.5m deeper than the rear elevation of the terrace to the south, due to properties being separated by a passageway and due to the orientation the proposal will not result in any significant overshadowing or loss of light. The single storey element will also have little impact due to its height and due to the distances involved. With regards to overlooking although the proposal will inevitably result in some additional



overlooking to properties on Arderon Court and Waddington Street, this will now only be at a minimal level as the two storey element is not as deep as originally proposed and therefore it is considered no worse than can be expected in a tight urban context such as this.

36. Furthermore consideration now needs to be given to the impact that this proposal will have upon the living conditions of future residents of the neighbouring Bread and Cheese Public House as permission has recently been granted for its conversion. It is noted that new high level windows are proposed within the south elevation of the ground floor of the public house in order to provide light and ventilation to the kitchen and bathroom of the rear ground floor flat and the bathroom of front ground floor flat. The proposed development will mean that the windows to both bathrooms will be blocked off; however the window to the kitchen will be unaffected. Given that it is not necessary to have natural light and ventilation to bathrooms this is considered acceptable. The owner of the former Public House has also raised concern about the positioning of flues for the kitchen and bathrooms for the proposed flats within the Bread and Cheese Public House. Although this proposed development will limit where these can be positioned, there are still several options available including a shared systems which exits through the roof. Details of flues for the neighbouring development have been conditioned and have not yet been discharged so this can be agreed as part of a future application.
37. *Living conditions for future residents*
38. One of the reasons that the previous application was refused was due to Members considering that it would provide a poor standard of amenity for future residents of the site due to a combination of the flats having a small internal area and a lack of sufficient private, useable external space for all flats.
39. Since the determination of the previous application, national space standards have superseded those set out within the Local Plan and although both flats are still below the national standards, it is considered that the open plan layout works well and the proposed flats will just about provide sufficient internal space for future residents. Furthermore the proposed openings provide satisfactory light and ventilation into both properties.
40. With regards to external amenity space, a garden will be provided for the ground floor flat but no external amenity space will be provided for the upper floor flat. The application as submitted did include a small balcony; however this resulted in amenity issues to neighbouring properties and as such has subsequently been omitted from the proposal. Notwithstanding the above, given that the upper floor flat has been reduced in size from two to one bedroom, it is not likely to be occupied by a family and given that the site is within walking distance of a number of public open spaces such as the Wensum Park West, it is not considered that there are sufficient grounds to refuse an application on the lack of external amenity space for this one bedroom flat.

## **Main issue 5: Transport**

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

42. The final reason for refusal of the previous application was due to a lack of off site car parking which in turn would significantly increase demand for on street car parking in an area which has no controlled parking.
43. The local highway officer has provided no comment on this current application; however they raised no objection to the previous application was for 3 no. 2 bedroom flats. No offsite car parking is being provided as part of this revised application as the site is not of sufficient size to accommodate this. However it is felt that but reducing the total number of flats from three to two and also reducing the number of bedroom of the first floor flat, the demand for on street car parking has been reduced from the previous application.
44. Furthermore bearing in mind that the site is situated within a sustainable location with easy access to buses and due to the site being situated in cycling and walking distance of the city centre and local shops and services on Dereham Road, it is considered that a car free development is appropriate in this instance.
45. It is proposed to have sufficient cycle storage space for three cycles which although not covered should be relatively secure subject to a condition requiring further details of the tethers.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>No car parking is provided and the site is not situated within a permit area. No objection from local highway officer due to sustainable location.</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Not applicable</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

## **Other matters**

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

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

## **Equalities and diversity issues**

48. There are no significant equality or diversity issues.

## **S106 Obligations**

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

## **Local finance considerations**

50. 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.
51. This development would generate the payment of Community Infrastructure Levy to a sum of £8325.42 (index linked) (unless any relief for self-build is successful) and New Homes Bonus grant.
52. 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.
53. In this case local finance considerations are not considered to be material to the case.

## Conclusion

54. The previous application for 3 no flats was refused at planning committee due to the building not adequately taking account of its setting, the impact upon the neighbouring locally listed building, the impact upon neighbouring residents, the poor standard of amenity for future residents of the site and due to no off street car parking being provided.
55. It is the officer's opinion that reducing the number of flats from three to two, reducing the size and depth of the first floor flat, reducing the height and replacing the flat roof with a pitched roof has helped addressed these previous concerns. Therefore it is now considered that the proposal adequately takes account of its setting and will not cause significant harm to the significance of the neighbouring locally listed former Bread and Cheese Public House. Furthermore the proposal provides satisfactory living conditions for future residents of the site and will have minimal impact upon neighbouring residents.
56. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## Recommendation

To approve application no. 15/01204/F - Site between 95 and 111 Adelaide Street, Norwich and grant planning permission subject to the following conditions:

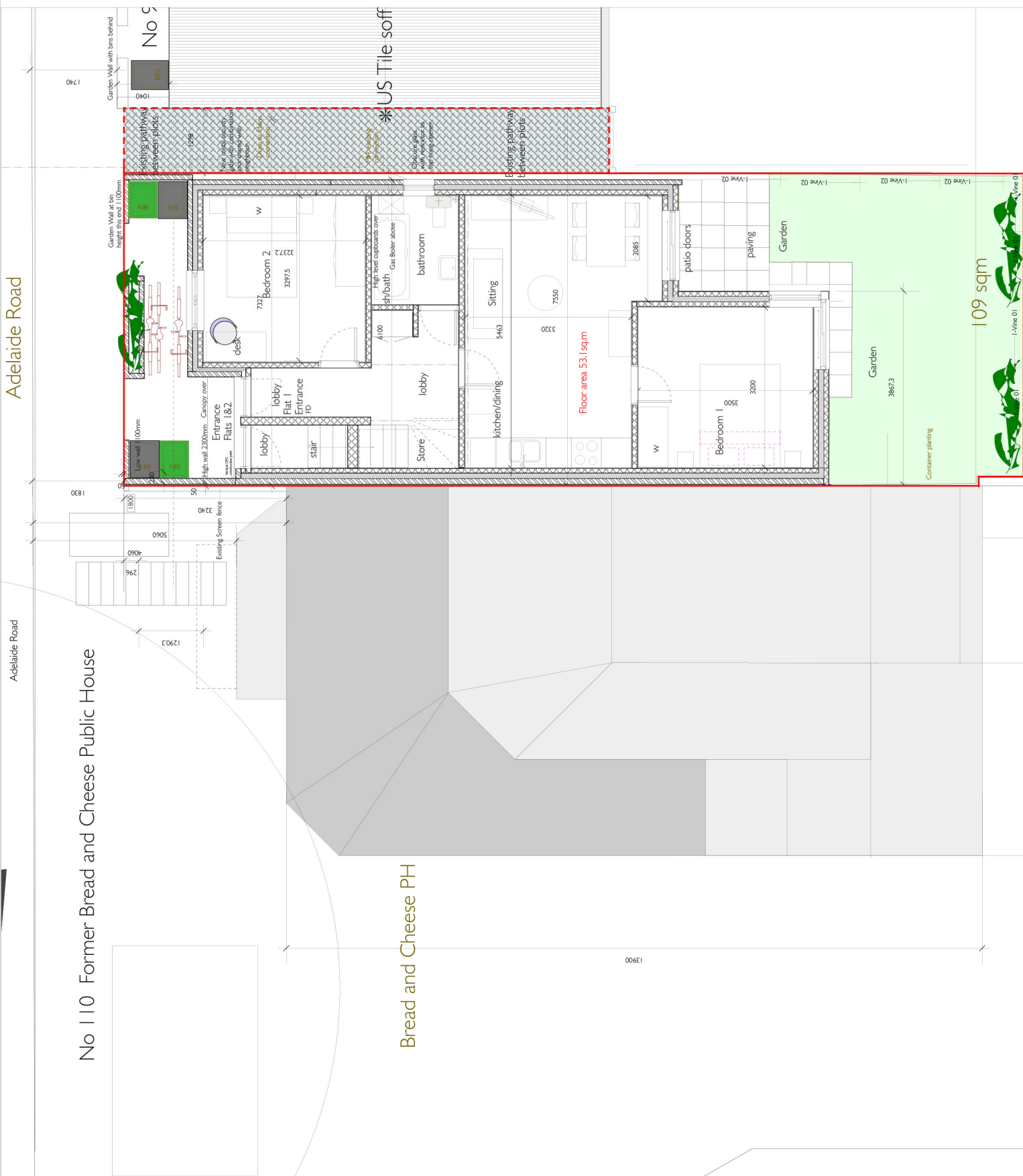
1. Standard time limit;
2. In accordance with plans;
3. Details of external facing and roofing materials
4. Details of windows and doors, canopy above front door
5. Details of bin store, cycle store, all external amenity areas, boundary treatments, gate to passageway. Provision prior to occupation and to be retained in perpetuity.
6. No site clearance during nesting season (March to August) inclusive unless agreed
7. Windows in side elevation to be obscured glazed
8. Water conservation and drainage

### Informatives

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

## 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.



Revision notes	A 15 10 29	Reduced plan area
	B 15 10 03	Anomalies amended

## GENERAL NOTES

Do not scale from drawings. All written dimensions to be

site before work commences. Figured dimensions only are shown on drawings. Discrepancies, where identified, must be noted on drawings.

the Architect immediately.

Areas indicated are approximate only. No responsibility for accuracy.

All work must be carried out in accordance with Building Regulations and the certification of the work. *Author's note:*

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0631 Proposed Ground

Dwg. No.:

02 01

Revisions: 03\_01

MCI Property Division

Scale @ A2:

Plot adjacent to Broad

Scale ① A4:

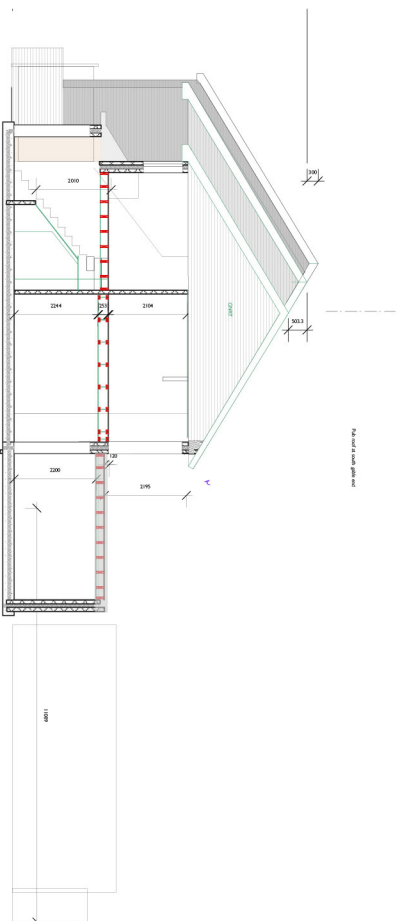
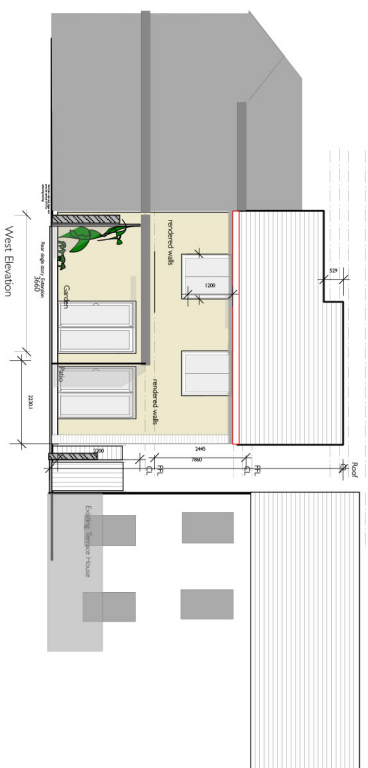
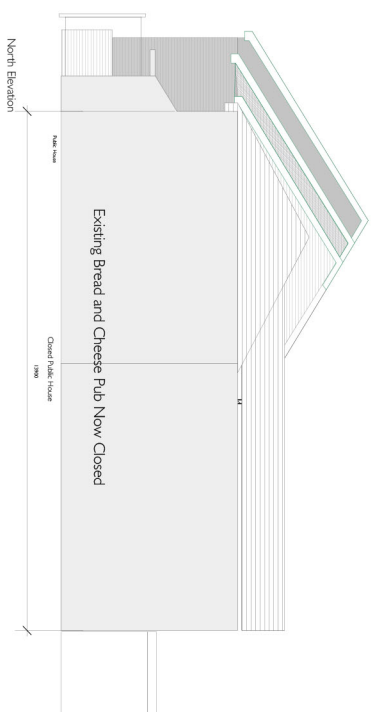
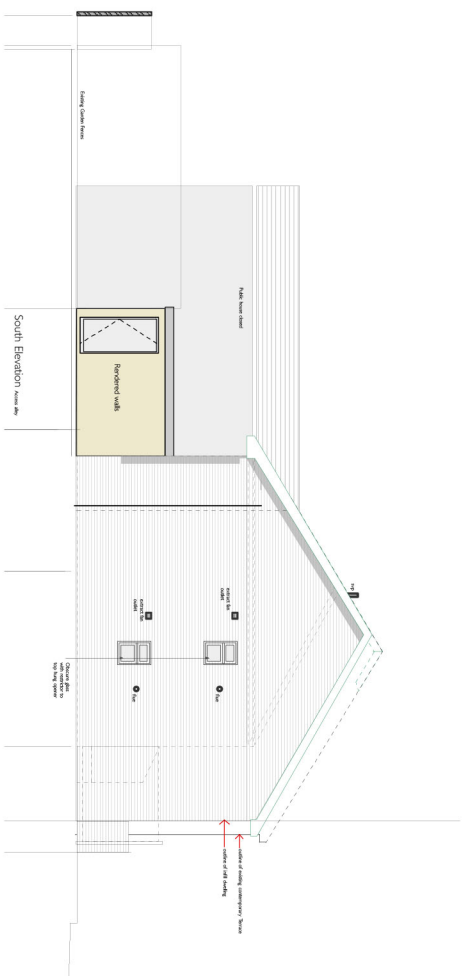
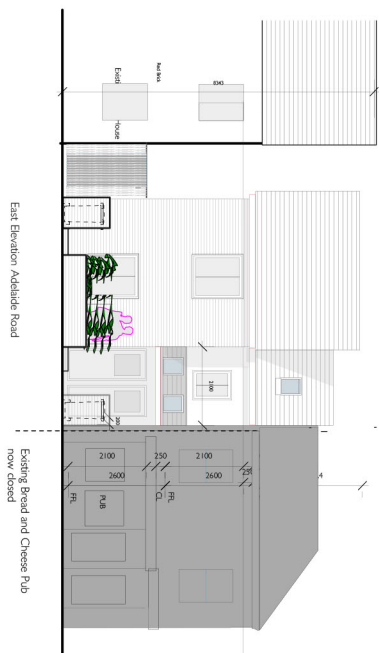
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Section AA





**Report to** Planning applications committee

**Item**

26 November 2015

**Report of** Head of planning services

**Subject** Application no 15/01487/F - The Windmill Knox Road,  
Norwich, NR1 4LQ

4(C)

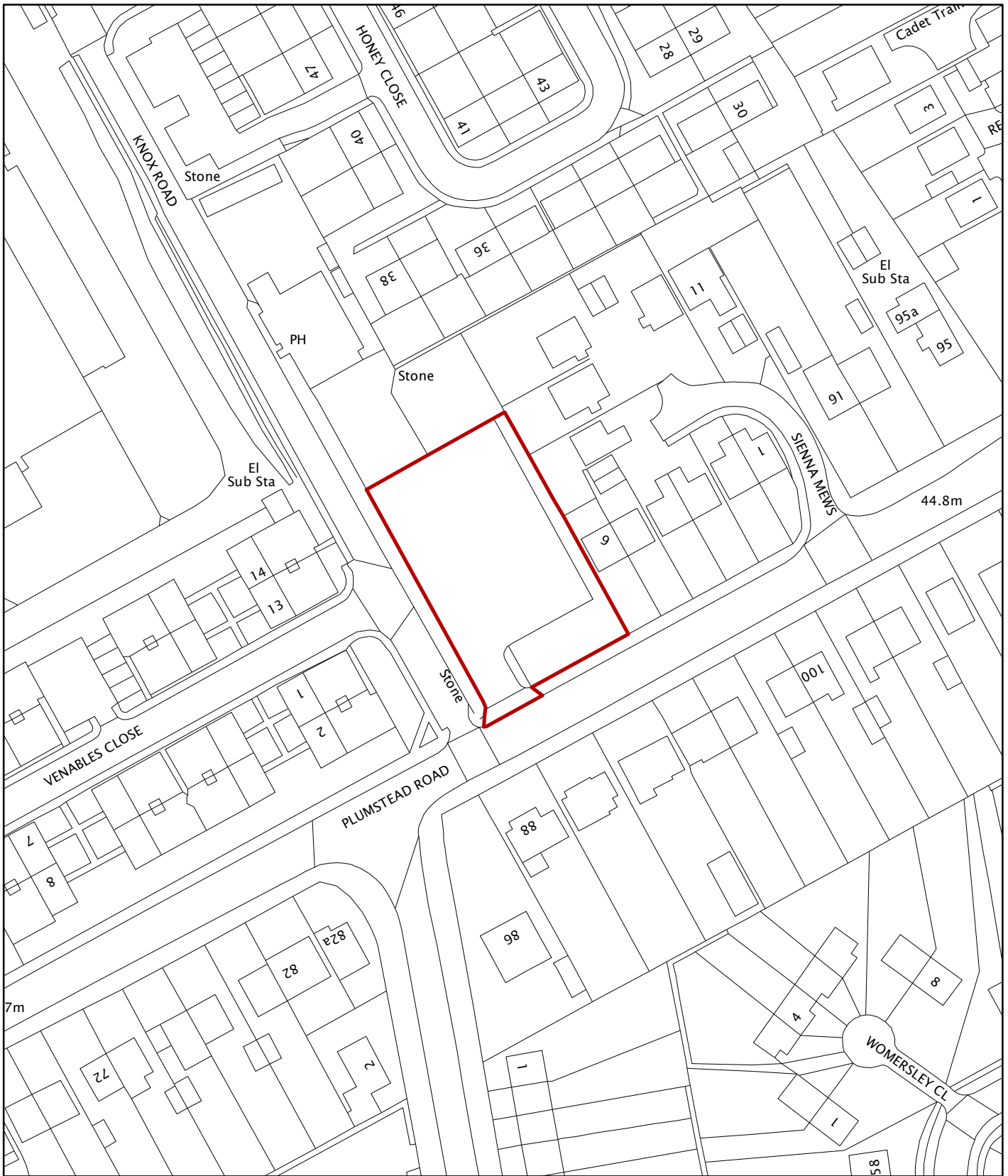
**Reason  
for referral** Objection

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<b>Ward:</b>	Crome
<b>Case officer</b>	John Dougan - <a href="mailto:johndougan@norwich.gov.uk">johndougan@norwich.gov.uk</a>

Development proposal		
Change of use of part of existing car park to car wash including erection of office and waiting room building.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1 Principle	Creating employment and operation of the existing pub.
2 Design	Appearance of the development in the street scene.
3 Transport	Appropriateness of access / parking and highway safety.
4 Amenity	Noise disturbance and water spray
<b>Expiry date</b>	25 November 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/01487/F

Site Address Car park Windmill Pub  
Knox Road

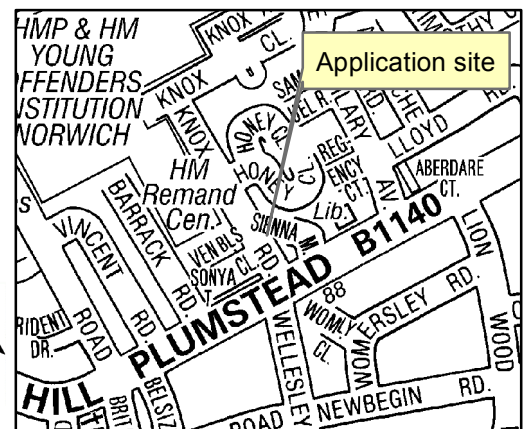
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**NORWICH**  
City Council

PLANNING SERVICES

Page 54 of 80



## The site and surroundings

1. The area is residential, the application site forming part of the Windmill public house being accessed from Plumstead Road.
2. The western boundary contains a mature hedge with residential properties to the other side of Knox Road which runs parallel to the application site. The eastern boundary comprises a close boarded fence with a mature hedge with residential properties to the other side of the boundary.
3. Adjoining the rear of the site is a parking area and external seating area serving the pub and to the front of the site, a grassed area which was previously occupied by an unauthorised use in the form of a portable building selling fire works together with unauthorised signage, which is directly adjacent to a pedestrian crossing area. The firework retail building is not proposed as part of this planning application and in any case is due to be removed shortly, following the involvement the Council's planning Enforcement team.
4. It was also observed that the parking area within the application site has a number of cars for sale.
5. The main car wash area is located to the northern extents of the application site and comprises an office / waiting room and a car wash area, together with drain to an existing foul sewer line. It is understood that the car wash has been operating since early August 2015.
6. The Council's planning enforcement team were informed about the unauthorised use, inviting the operator to submit a planning application.

## Constraints

7. Critical drainage catchment

## Relevant planning history

- 8.

Ref	Proposal	Decision	Date
04/01007/T	Installation of a 12 metre high telecommunications mono-pole, three antennae, one dish antenna and equipment cabinets.	REF	08/10/2004
07/00362/F	Erection of timber framed and glazed lean to shelter to side of building adjacent Knox Road.	APPR	16/05/2007
12/00260/A	Display of 1 No. double sided, internally illuminated post sign.	APPR	26/03/2012

Ref	Proposal	Decision	Date
14/01745/F	Erection of new access staircase and means of escape from first floor and change windows to folding doors to rear elevation and removal of chimney	APPR	29/01/2015

## The proposal

9. Proposed car wash and valeting facilities with water being discharged via a new silt trap to a foul sewer line within the site.
10. The use has been in operation since 1<sup>st</sup> August 2015 and submission states that it will be operated by 4 persons.
11. The proposed opening times are 0800 -1800 every day.

## Representations

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

Issues raised	Response
The car wash has been operating for a number of months and I am surprised that a planning application has only been submitted.	See paragraph 6
The various uses, structures and signage will have an adverse impact on the visual amenities of the street scene and character of the area.	See main issue 2
We already suffer from noise and disturbance from smokers congregating at the pub.	See other matters
The car wash activities have been very disruptive and noisy since they started, adversely impacting our enjoyment of our rear garden.	See main issue 4
The spray from the washing process is unpleasant when sitting in our gardens.	See main issue 4
Operating the car wash 7 days a week with pressure washers, especially on Sunday	See main issue 4

Issues raised	Response
morning, will mean that we don't get a break from the disturbance.	
The various uses and structures are having an adverse impact on highway safety, particularly the pedestrian crossing area.	See other matters
The fireworks could be dangerous. Does it have the appropriate permission?	See other matters
Adverse impact on property values	See other matters
The hedgerows are now badly overgrown making existing from Knox Road extremely dangerous.	See main issue 3 and other matters.

Cllrs Waters and Bradford conveyed the concerns of local residents about the unauthorised sale of fireworks and signage on the application site.

## Consultation responses

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

### Environmental protection

14. There is little harm in terms of noise, water spray due to the very limited operation and distance to the nearest potential receptor. The hand car wash operator has installed a silt trap to capture, dust, grit and sand and the grey water will discharge into the foul sewer rather than the surface water sewer which is good. The business has been operating for about 6 months and there does not appear to have been any complaints concerning noise, only in relation to whether the business benefits from planning permission. Conditions should be attached restricting the operating hours and number of operatives on site at any one time to limit the scale of the operation.

### Highways (local)

15. I have no objection on highway grounds with regard to the provision of car wash in an extant car park. There is adequate access to the highway network.

## Assessment of planning considerations

### Relevant development plan policies

16. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets

- JCS2 Promoting good design
- JCS3 Energy and water
- JCS5 The economy

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM16 Supporting the needs of business
- DM30 Access and highway safety
- DM31 Car parking and servicing

**Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change

**Case Assessment**

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

**Main issue 1: Principle of development**

20. Key policies and NPPF paragraphs – DM16, NPPF paragraphs 18 and 19.
21. The principle of setting up a small car wash business which will contribute to the local economy and provide employment is acceptable as long as it would not compromise the operation of the existing pub or have a significant adverse impact on the character of the area, the amenities of neighbouring properties and highway safety as set out in the sections below.

**Main issue 2: Design**

22. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
23. The small scale and low profile building associated with the car wash are set back some 44 metres from the main road, the car park boundaries to the west and east being laid to mature hedging.

24. On the basis of the above, the building is of scale, design and location which will not result in any significant harm the character of the area or visual amenities of the street scene.
25. Concern with regard to the visual impact of other structures and advertisements on the site, in particular in connection with the sale of fireworks are noted. However these are not part of this application for planning permission and the applicant has been advised that these structures and advertisements need to be removed as soon as possible, or could be subject to enforcement prosecutions. The applicants have indicated that they will be removed. As such the visual impact of these elements, should not be taken into account as part of this current application.

### **Main issue 3: Transport**

26. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
27. The use would not compromise the operation of the pub as a parking area for customers directly to the south of the pub is retained. Indeed, when the car wash ceases to operate in the evenings, users of the pub could then use the parking area within the application site.
28. The use is of a scale and intensity which would not result in levels of vehicular movements which would cause any significant adverse impacts to highway safety.
29. The local highway authority has confirmed that the existing access is deemed appropriate for what is a relatively small scale development.
30. It is unlikely that the use would generate significant levels of waste. Nevertheless, it is recommended that a condition be imposed requiring details of waste and recycling measures within two months of the date of any decision notice.

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

31. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
32. The building is set back a considerable distance from the main road and is low profile, ensuring that it will not have a detrimental impact on the visual amenities of the area.
33. The key issues are whether or not activities associated with the use would cause significant harm to the amenities of neighbouring properties e.g. noise emissions or water spray. The nearest sensitive receptors are the properties along the eastern boundary.
34. It is acknowledged that the use of a pressure washer would create some level of noise and that there may be occasions in which spray might be blown towards the rear gardens to the east. However, the proposal is not considered to be a high intensity use which would cause any significant disturbance to those properties. Any additional impacts would be further mitigated by the fact that the wash area is set back from the boundary and screened by a close boarded fence / mature hedge.

35. Nevertheless, in an effort to provide some level of control over the intensity of the use, it is recommended that a series of restrictions be imposed including:
- Hours / days of operation 0800 – 1800 Monday to Saturday and 1000 – 1600 on Sundays and Bank Holidays.
  - Limiting the number of staff to 4.

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

36. 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	The site has the capacity to accommodate secure cycle storage for staff.
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	It is regrettable that the car wash does not use a water recycling system to reduce the consumption of water. However in light of the small scale nature and intensity of the business, it is unlikely that the use would waste significant amounts of water over the course of an average working day. In light of the above, no further water conservation measures are deemed to be necessary.
Sustainable urban drainage	DM3/5	It is acknowledged that the site is located in a critical drainage area and a use which requires the use of water. However, as the use is small scale and the site is already of hard surfacing and flat, no additional sustainable urban drainage measures are deemed to be necessary. Any discharge to the foul sewer is considered to be a proportionate course of action in this instance. No significant additional run-off to other properties is expected.



## **Other matters**

37. The washing process would result in soiled water which needs to properly disposed of to ensure that no significant pollution to any watercourses would result. The submission confirms that that water would be discharged to an existing sewer line within the car park. Such a measure is considered proportionate for what is a relatively small scale development. The development is therefore in accordance with the intent of policy DM11 and NPPF paragraphs 120-122.
38. The local highway authority has confirmed that the access to the site is adequate for a use of this scale and intensity. The maintenance of the hedge is the responsibility of the landlord of the site. Nevertheless, any concerns relating to lack of maintenance should be conveyed to the local highway authority.
39. The concerns expressed by local residents relating to the impact of the unauthorised structures, signage and fireworks store having a detrimental impact on the amenity of the area, highway safety and safe operation of the fireworks store are being addressed via separate investigations by the council's planning enforcement team. Although, it is now understood that these structures have been removed.
40. A representation stated that the customers of the pub were causing noise disturbance. The pub is an existing use outside of the planning application site. It is recommended that they convey those concerns to the Council's environmental health team.
41. Any concerns relating to a reduction in property values are not a material planning consideration.

## **Equalities and diversity issues**

42. There are no significant equality or diversity issues.

## **Local finance considerations**

43. 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.
44. 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.
45. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

46. The car wash is of a scale and intensity which will not result in significant harm to the character of the area, amenity of neighbouring properties or highway safety, subject to conditions.

47. 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.
48. The unauthorised structures and uses within the site are not within the control of the applicant or the subject of this application. However, it is subject to separated investigations by the Council's enforcement team.
49. It is now understood that these structures have been removed.

## **Recommendation**

To approve application no. 15/01487/F - The Windmill Knox Road, Norwich, NR1 4LQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hours and days of operation
4. No more than 4 members of staff at any one time.
5. Details of refuse storage

## **Article 35(2) statement**

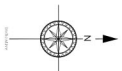
The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the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

Photo 1

Photo 2

Photo 3

CAR WASH SITE PHOTOGRAPHS September 2015



1 NETHERCONESFORD, 93-95 KING STREET,  
NORMWICH NR1 1PW  
Telephone: (01603) 664379  
Facsimile: (01603) 631352  
[www.asquaredarchitects.com](http://www.asquaredarchitects.com)

Mr P HAJDARI

**New Car Wash at Windmill PH  
Knox Road, Norwich**

## Site Layout & Location Plan

SCAH	LGSS
1:200 & 1:1250 @ A1	September 2015

Drawn By **PA** Status ☐ PRELIMINARY ☒ PLANNING

15 / 49 / 1



**Report to** Planning applications committee

**Item**

26 November 2015

**Report of** Head of planning services

**Subject** Application no 15/01368/F - 427 Dereham Road,  
Norwich, NR5 8QH

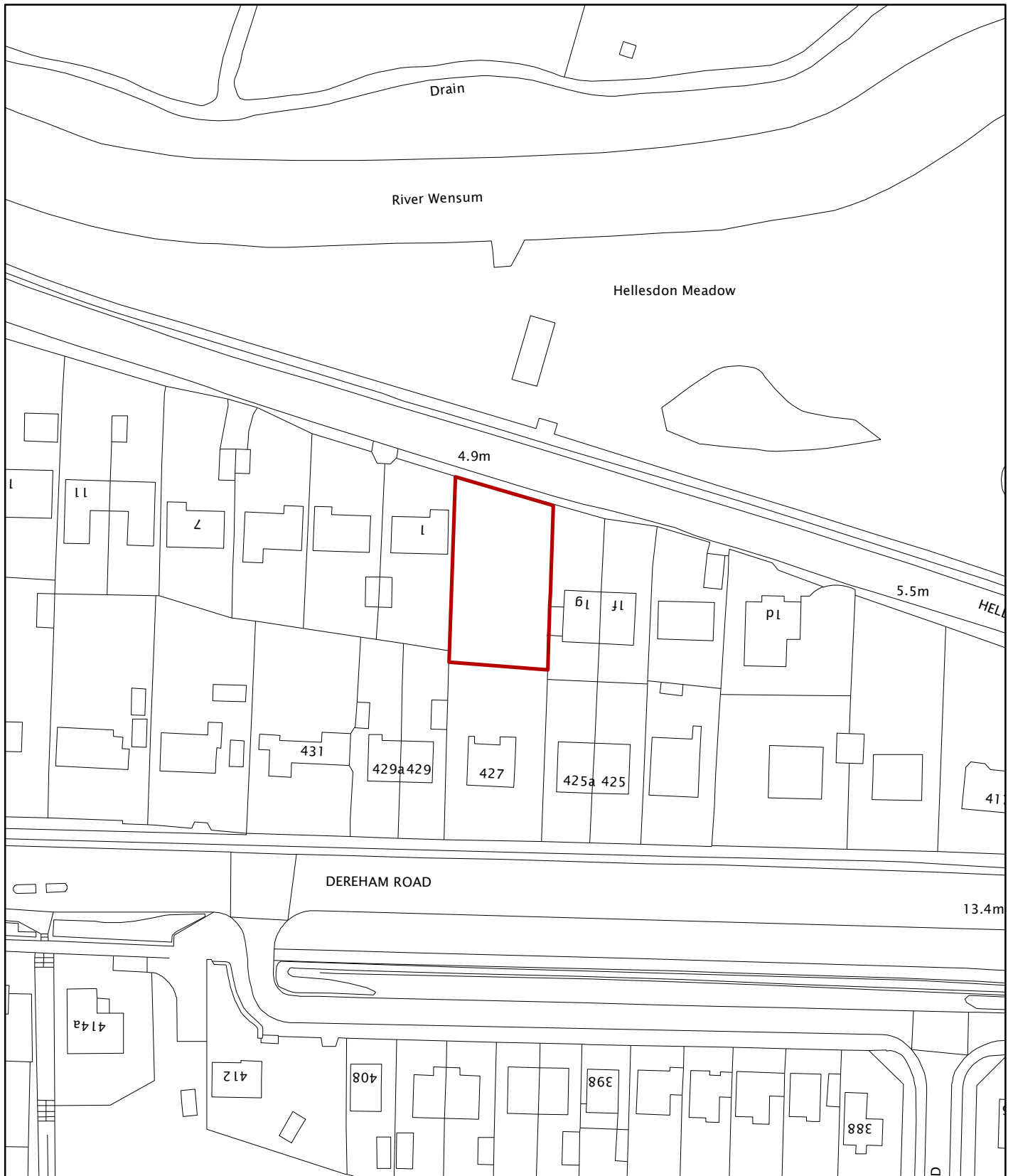
**Reason  
for referral** Objection

**4(D)**

<b>Ward:</b>	Wensum
<b>Case officer</b>	John Dougan - <a href="mailto: johndougan@norwich.gov.uk">johndougan@norwich.gov.uk</a>

Development proposal		
Sub-division of curtilage and erection of two-storey dwelling fronting Hellesdon Road.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle	Access to services and public transport
2 Design	Character of the area, density, scale and design
3 Environmental hazards	The feasibility of the development – subsidence, contamination and relationship with hazardous installations
4 Flood Risk	Minimising flood risk and control of surface water flooding
5 Amenity	Adequate internal / external amenity space. Will the development result in significant loss of light, overlooking or overshadowing of other properties.
<b>Expiry date</b>	20 November 2015
<b>Recommendation</b>	Approve



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Planning Application No 15/01368/F

Site Address Rear of 427 Dereham Road

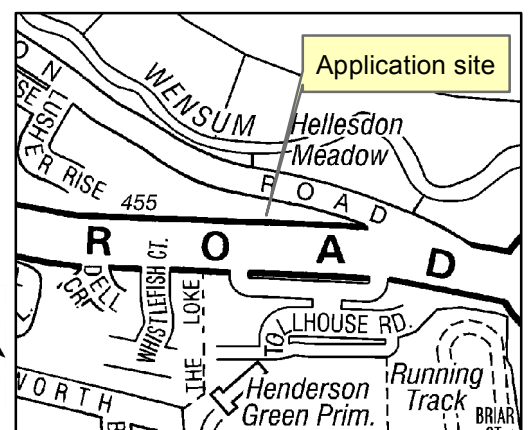
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**NORWICH**  
City Council

PLANNING SERVICES

Page 66 of 80



## **The site and surroundings**

1. The area is residential, the site fronting Hellesdon Low Road and Hellesdon Meadow which is part of the river Wensum, a key feature which provides a pleasant outlook for many of the properties along this Road.
2. The density of the area is relatively consistent along Hellesdon Road, each property having generously proportioned plots.
3. The scale and design of dwellings along Hellesdon Low Road is considered mixed including low profile bungalows, spit level properties, flat roof apartments to the east and two-storey examples further to the west. The frontages of the properties along this road are mixed comprising driveways and varying degrees of landscaping.
4. The application site reflects the plot size of the other properties and formed part of 427 Dereham Road, which had an unusually large plot in comparison with the other properties in the area. It is a sloping site with a hard edge in the form of a 2 metre high close boarded fence to the road frontage.

## **Constraints**

5. The site is not designated as have known incidences of subsidence as a result of chalk workings or landfilling activities. Although, on the basis of the evidence provided by other properties and the recent planning approval at 419 Dereham Road, the area may be subject to instability and contamination as a result of sewerage seepage.
6. A small section of the site (next to the main road) is within flood zone 2.
7. The site is also within the Health and Safety Executive consultation zone for Bayer Crop Science which is located further to the north on the opposite side of the River Wensum.

## **Relevant planning history**

8. None for the application site.
9. Although a planning appeal against the planning authorities decision to refuse the sub-division of no. 419 Dereham Road for a two storey dwelling (13/00013/F) was allowed at appeal in January 2015.
10. The key conclusions of the inspector where that the dwelling and plot would not be out of keeping with the character of the area and that any land contamination or subsidence issues could be adequately addressed as part of the Building Regulations process and Anglian Water.

## **The proposal**

11. Sub-division of curtilage and erection of two-storey dwelling fronting Hellesdon Road.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total no. of dwellings	<b>One</b>
Total floorspace	<b>145 sqm</b>
No. of storeys	<b>two</b>
<b>Appearance</b>	
Materials	<b>Timber cladding, glazing and sedum roof</b>
Construction	<b>Flat roof</b>
<b>Transport matters</b>	
Vehicular access	<b>From Hellesdon Road</b>
No of car parking spaces	<b>two</b>
No of cycle parking spaces	<b>Not indicated</b>
Servicing arrangements	<b>Not indicated</b>

## Representations

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

<b>Issues raised</b>	<b>Response</b>
The building is not in keeping with the other buildings along the road or character of the area.	See main issue 2
The building will result in loss of light and overlooking of my property.	See main issue 4
The construction of the large surface water drain along Hellesdon Road caused damage to my property. The movement is still happening, a new dwelling will make things	See main issue 3 and other matters



Issues raised	Response
worse.	
The ground in the area is generally unstable and subject to sinking, another dwelling will make things worse.	See main issue 3 and other matters
The building and driveway would compromise the Anglian water infrastructure running through the site and the stability of surrounding properties	See main issue 3 and other matters
The area experiences sewerage seepage requiring the fitting of return valves, another dwelling will make things worse.	See main issue 3 and other matters
Anglian Water imposed a restriction on any development on this site.	See other matters
My insurer states that the house is in a flood plain and flood comes from the drains.	See main issue 4
I will hold the planning department responsible for any damage to my property.	See other matters

## Consultation responses

13. 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

14. Anglian Water would not normally comment on Planning Applications under 10 dwellings or under 0.5 hectares. Their response did not object to the principle of a dwelling in this location.
15. Nevertheless, Anglian Water did respond to the applicant, indicating that there are no grounds to suggest that a new dwelling in this location would compromise their infrastructure subject to further detailed engineering design.

### Building control

16. Building control would not normally be consulted. However, they have been provided within an opportunity to respond on whether or not the erection of a dwelling would be feasible. No response was received.
17. However, the applicant contacted the Building Control to establish the feasibility of development on this site. Building Control and advised stated that they are not aware of any contamination or poor ground conditions in that area. They would

advise that engineers should be engaged to design the foundations, because of the topography of the ground, and to avoid any risk of instability to the site.

### **Environment Agency**

18. No formal response received.

### **Highways (local)**

19. The proposed development is suitable in transportation terms for its location and access to the highway network.
20. It is essential that water does not run-off from the site and drive onto Hellesdon Low Road, there must be adequate permeable surfacing and an aqua drain is likely to be needed to capture run off into a soakaway.
21. There is no indication of where the bins and bikes will be stored.

### **Health and safety executive**

22. Do not advise against the granting of planning permission in this case.

## **Assessment of planning considerations**

### **Relevant development plan policies**

23. **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
24. **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
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Other material considerations**

25. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF1 Building a strong, competitive economy

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

## **Case Assessment**

26. 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**

27. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
28. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
29. The principle of residential development in an established and accessible and established residential area is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed below.

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

30. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
31. Specifically, paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Paragraph 60 also states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
32. The layout of the plot reflects the density and layout of the majority of other properties in the area. In addition the nature of the development site with a frontage and access onto Hellsedon Low Road is similar in many respects to the

development site at 419 Dereham Road, which was subject to of an appeal decision by the Planning Inspectorate, see planning history. In the appeal case the Inspector considered that a new in fill dwelling fronting onto Hellesdon Low Road, would relate well with the pattern of development in the surrounding area. Given the proximity and similarities between these two sites the conclusions of the Planning Inspector are important material considerations in relation to this application.

33. A defining feature of the area is the proximity Hellesdon Meadow, a pleasant verdant setting opposite the urban development to the southern side of Hellesdon Road.
34. It is acknowledged that the plot is set amongst low rise bungalows and the proposal is of a contrasting contemporary flat roof design with a glazed frontage and sedum roof.
35. Nevertheless, the flat roof construction ensures that the form of the proposal is reflective of the scale of the adjoining properties. Indeed, by way of context, the scale and design of the dwellings in the area is considered to be mixed including 1.5 – 2 storey dwellings, flat roof apartments and even dwellings which are of a form which are akin to a Dutch barn.
36. The use of modern construction materials such as timber cladding, glazing and sedum roofing coupled with the landscaping to the northern boundary would result in a sensitive transition between the urban area and Hellesdon Meadow. Further details on materials and landscaping can be secured by condition.
37. In light of the above, the dwelling in the context of the varied examples, is of an appropriate scale and design which would enhance visual amenities of the streetscene and not be significantly at odds with the character of the area.

### **Main issue 3: Subsidence and contamination**

38. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
39. Under the National Planning Policy Framework, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. It also clearly identifies that it is the responsibility of the developer and/or land owner to ensure development is safe from land contamination and subsidence.
40. Policy DM11 states that where the best available evidence shows that the viability of development could be affected by serious and exceptional risk of subsidence. Or serious or exceptional risk of ground instability or potentially unstable land on or adjoining the site, developers will be required as part of the viability assessment necessary under policy DM33, to show that they have investigated and taken account of such risk by identifying appropriate design elements, or exceptional engineering works which are necessary to satisfactorily address that risk and enable a viable development to proceed.
41. Planning records do not indicate that the site or adjoining properties are affected by serious and exceptional risk of subsidence and or serious or exceptional risk of ground instability or potentially unstable land. Furthermore, whilst the land is relatively gently sloping, it is not considered to be abnormal to the extent to justify requesting a stability report as part of this planning application.

42. Nevertheless, the concerns of neighbouring properties with regard to this issue are noted. It is also noted that the applicant has given consideration to the constraints of the site i.e. the surface water and sewer pipes. They have also contacted Building Control and Anglian Water to establish if the principle of the development was acceptable. In an effort to establish the general feasibility of the development, officers also consulted CNC Building Control and Anglian Water.
43. On the basis of the responses, there are no grounds to suggest that a development of this scale would not be feasible. Taking all of the above factors into consideration, the development of the site is feasible subject to the construction methodology for the excavations and stability of surrounding properties being dealt with under separate legislation namely Building Regulations and the Party Wall Act, a conclusion drawn by the planning inspector at the recently allowed appeal at 419 Dereham Road.
44. Policy DM11 also states that permission for development or change of use within locations where it is known or suspected that land is contaminated or within 250m of a former landfill site (as shown on the policies map) will only be granted where it can be demonstrated by site investigations that there is no evidence of contamination which is likely to present the granting of planning permission; or where evidence of contamination exists, provision is made for any site remediation measures necessary to deal appropriately with that contamination before development.
45. Letters of representation have raised the issue of sewage disposal including problems of sewage backing up into properties. The issue of adequate sewage disposal is a matter for the water authority for the area, Anglian Water in this instance, to be responsible for.
46. A contamination report has not been submitted with the application. However a recent planning appeal was allowed for a new dwelling at 419 Dereham Road providing a helpful insight on this issue.
47. The contamination desk study submitted with that application cited that there is potential for historic sewerage spills, migration of ground gasses from a former sand pit / lime kiln in the area to the west of the site, and gasses from the previous worked ground off-site to the east and from underlying gases. In that case the inspector concluded that sewerage spills are unlikely to have significantly affected that site because higher land levels in comparison to other parts of the locality. The conclusion was that the Building Regulations process was sufficient to address concerns about methane gas.
48. Whilst the application site is at a slightly lower level than the site on at no.419, the conclusions of the contamination study that accompanied that application would indicate the development is feasible subject technical approval at the building regulations stage. A condition is proposed requiring that if contamination is established on site during construction, then work shall cease and further studies will be required to be submitted including appropriate mitigation measures.
49. In regards to the sites proximity to the Briar Chemicals Ltd site, the Health and Safety Executive has raised no objection to the proposal.

#### **Main issue 4: Flood risk**

50. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
51. A small portion of the lower extents of the site is located within flood zone 2, but dwelling itself is elevated and therefore outside flood zone 2. As such it is not considered that the occupants of the new dwellings will be at subject to any significant risk of flooding. It is noted that no objection has been submitted by the Environment Agency to the proposals.
52. However, as the site is sloping, it is recommended that a condition be imposed requiring further details of surface water drainage controls to ensure that no significant run off within the site, adjoining site or street occurs.

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

53. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
54. The internal space is an appropriate size for a family home, the minimum being 96sqm for a 3 bedroom / 5 persons. The external amenity space is also reflective of other examples in the area.
55. The building is of a scale and position which will not result in any significant loss of outlook or overshadowing or loss of light to adjoining properties. The use of a sedum roof will help soften the appearance of the building when viewed from the south.
56. The building compromises no side facing windows. The existing fence to the west and east boundaries are sufficient to secure the privacy of the new occupants and adjoining properties.
57. The applicant proposes a 1.8 metre high fence to the rear of site. It is recommended that this measure be supplemented by additional planting to enhance the privacy of the new occupants. This matter can be secured by condition.
58. The sloping nature of the site will mean that the windows to the rear of the building coupled with the proposed boundary treatment will be sufficient to secure the privacy of both sets of occupants. Although, it is recommended that additional planting to each of the boundaries will soften the appearance of the building and enhance levels of privacy.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Access, car parking provision	DM28, DM30, DM31	<b>Yes</b>

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Not applicable</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>
Trees and landscaping	DM3, DM7	<b>Yes subject to conditions, in particular additional planting to soften the street frontage</b>

### **Other matters**

60. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
61. Whilst ensuring the structural stability of the site and surround properties are subject to separate legislation in the form of Building Regulations and Party Wall Act, it is recommended that an informative be added reminding the applicant of the importance to satisfy these requirements as part of the construction of the dwelling.
62. Whilst any covenant restrictions or assets owned by other bodies within the site are separate to the determination of the application, it is recommended that an informative be adding reminding them that these issues may require separate consultation or consent.
63. The maintenance or upgrade of existing infrastructure such as the installation of return valves to control sewerage seepage is not subject to planning control.

### **Equalities and diversity issues**

64. There are no significant equality or diversity issues.

### **Local finance considerations**

65. 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.
66. 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.

67. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

68. The principle of a dwelling is acceptable in this location. It is of a scale and design which will enhance the visual amenities of the street scene and be sympathetic to the character of the area. Its layout is also reflective of the density of the area.
69. The development would not result in any significant impact on the amenity of neighbouring properties.
70. Suitable surface water controls can be secured by condition.
71. Matters relating to ground stability can be fully investigated as part of the Building Regulations process and Party Wall Act.
72. There are no reasonable grounds to indicate that any on suite contamination such as methane could not be adequately addressed as part of the Building Regulations process.
73. 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. 15/01368/F - 427 Dereham Road Norwich NR5 8QH and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Details of materials
4. Submission of a landscape plan
5. Details of surface water drainage measures.
6. Details of water efficiency measures
7. Details of secure covered cycle storage
8. Details of bin storage and collection facilities
9. Cease work if contamination found during construction

### **Informative**

1. Party Wall Act
2. Building Regulations
3. Liaise with Anglian Water

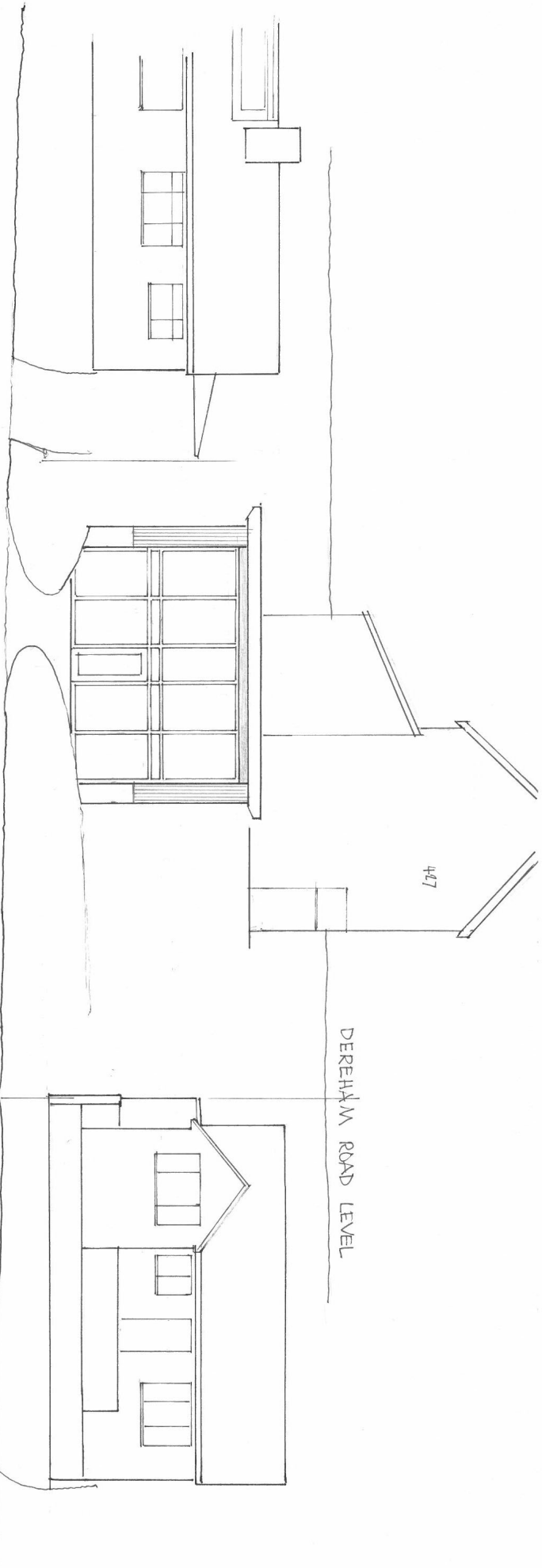
### **Article 35(2) statement**

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

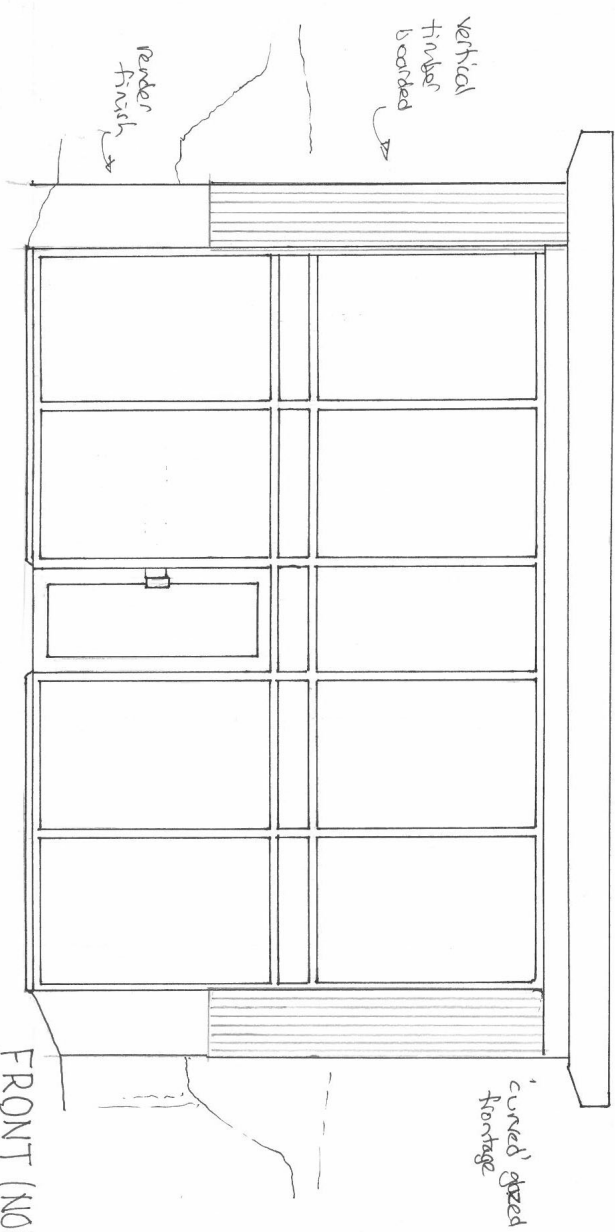


applicant, the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.





HELLEDON ROAD  
STREET ELEVATION 1:125 (PART ESTIMATED)



FRONT (NORTH) ELEVATION 1:50

Rev	Amendment	Date		
			<p>The drawing may contain indicative rather than accurate information. Report any discrepancies immediately and before taking action based on the drawing.</p> <p>Drawing not to be scaled other than as approximation, use written dimensions or confirm from site. Dimensions in mm unless otherwise stated.</p> <p>© This drawing is copyright</p>	
			<p><b>Frank Davey FRICS</b> Chartered Building Surveyor 10 Queen Street Norwich NR2 4TA tel. 01603 861961 frank@frankdavey.co.uk</p> <p>Client: Executors for Mrs A L Zipfel d/d</p> <p>Project: Plot rear of 427 Dereham Road and between 1g and 1 Hellesdon Low Road Norwich NR6 5EB</p> <p>Drawing: Front Elevation and Street View</p> <p>Plan Ref: 1227 04</p> <p>Revision: Scale: 1:50; 1:100 at A3</p>	<p>Date: July 2015</p> <p>Drawn: FND</p>

