

## **Planning applications committee**

**Date: Thursday, 06 November 2014**

**Time: 10:00**

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

### **Committee members:**

#### **Councillors:**

Gayton (chair)  
Sands (M) (vice chair)  
Ackroyd  
Blunt  
Boswell  
Bradford  
Button  
Herries  
Grahame  
Jackson  
Neale  
Woollard

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

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### **Site visit 9:00**

Members of the committee will be undertaking a site visit to 1 The Moorings at 09:00. The formal business of the committee will commence at 10:00.

### **Information for members of the public**

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declaration of interest**

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

### **3 Minutes**

5 - 16

To approve the minutes of the meeting held on 2 October 2014.

### **4 Planning applications**

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

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

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

Please note:

- The formal business of the committee will commence at 10:00.
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

**Summary of applications for consideration by the committee**

17 - 18

**Standing duties**

19 - 20

4A	<b>Application no 1401134F 1 The Moorings</b>	21 - 42
4B	<b>Application no 1401234F 41A Ipswich Road</b>	43 - 56
4C	<b>Application no 1401108U Rouen House Rouen Road</b>	57 - 68
4D	<b>Application no 1401228F 220A Unthank Road</b>	69 - 84
4E	<b>Application No 1401235VC Three Score Bowthorpe VC to 1302031RM</b>	85 - 98
4F	<b>Application no 1200143ET Depository Building Part Lion House And Part Seymour House Muspole Street</b>	99 - 106
4G	<b>Application 1400618F Adj 420 Dereham Road NR5 8QQ</b>	107 - 124
5	<b>Tree preservation order no 467 confirmation</b>	125 - 132
	<b>Purpose</b> - That the committee considers whether or not to confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW.	
6	<b>Performance of the development management service, progress on appeals and enforcement action</b>	133 - 142
	<b>Purpose</b> - This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 July to 30 September 2014.	

Date of publication: **Wednesday, 29 October 2014**







**Planning applications committee**

**9:30 to 12:00**

**2 October 2014**

- Present:** Councillors Sands (M) (vice chair in the chair), Ackroyd, Blunt, Boswell, Bradford, Button, Gihawi (substitute for Councillor Gayton), Grahame, Herries, Jackson and Kendrick (substitute for Councillor Woollard) and Neale
- Apologies:** Councillors Gayton and Woollard

**1. Pre-application briefing**

The committee received a presentation before the commencement of the committee meeting on proposals for the replacement multi-storey car park at Rose Lane, Mountergate. Councillor Stonard, cabinet member for planning and transportation and Councillor Henderson, Thorpe Hamlet ward councillor also attended.

**2. Declaration of interests**

Councillor Herries declared an other interest in item 5 (below) Application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX as a resident of Indigo Yard.

Councillor Bradford declared an other interest in item 7 (below) Earlham Road because the son of the applicant was known to him.

**3. Minutes**

**RESOLVED** to approve the minutes of the meeting held on 4 September 2014 subject to amending the typographical error in the resolution of item 6 Application no 14/00833/F 216 Unthank Road, Norwich, NR2 2AH, deleting "2 members abstaining" and replacing with "2 members voting against" to read as follows:

**"RESOLVED**, with 7 members voting in favour (Councillors Gayton, Sands, Ackroyd, Button, Henderson, Woollard and Bradford), 2 members voting against (Councillors Boswell and Jackson) and 3 members abstaining (Councillors Blunt, Grahame, and Henderson) to approve application no 14/00833/F 216 Unthank Road, Norwich, NR2 2AH....."

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

The planner (development) presented the report with the aid of plans and slides. At its meeting in August, the committee had asked officers to go back to the applicant and negotiate an increase to the size of the plot and reduce the footprint of the

building. The slides showed the site from the perspective of 87 Welsford Road and 34 Broadhurst Road. Representations from County Councillor Bearman and a local resident had been received and were summarised in the supplementary report of updates to reports circulated at the meetings.

The resident of 87 Welsford Road addressed the committee in which he reiterated his concern that if the application was approved it would be detrimental to the character of the area and that he considered that the officers had not had a meaningful dialogue with the applicant. He considered that the applicant should move the footprint of the building 2m rather than a ½m to the north of the site. Two other longstanding local residents also addressed the committee and outlined their concern about the development on a garden site and that it was not in keeping with the density of the housing on Eaton Rise and opposing the officer recommendation that the development would not cause significant harm to the area.

Councillor Wright, local member for Eaton ward, spoke on behalf of Eaton Rise residents and said that the body of feeling was that the development was over intense and out of character in the area. He also referred to the comments of the Norwich Society about “garden grab”.

The architect spoke in support of the application and explained the personal circumstances of the applicant who wished to build a small house for his own use. The footprint of the dwelling would only occupy 33% of the site. The area was typified by larger family houses and this modern, small house would fill a gap in the market. The client had agreed to extend the development site and had reduced the footprint of the dwelling and included planting along the front to enhance the street scene.

In response to a member’s question, the planner explained that under permitted development rights the applicant could construct a large out building or garage on the site without planning consent.

During discussion the planner and the planning team leaders (development) answered member’s questions. Members were advised that when considering outline planning permission they also needed to be satisfied that it would be feasible for an acceptable form of development to come forward at reserved matters stage. In reply to a question, the planner explained that the applicant had not chosen to move the new dwelling 2m from the boundary fence.

Discussion ensued in which members considered that the development was “out of kilter” with the area and that it was not possible to keep tweaking the outline planning permission to make it acceptable. Councillor Boswell moved, seconded by Councillor Jackson, that the application should be refused on the grounds that it was contrary to National Planning Policy Framework (NPPF) policies 58 and 64, and following an amendment by Councillor Jackson, was contrary to the council’s policies DM3 and DM12 in that the development was too dense and out of keeping with the existing character and function of the area including local distinctiveness and that it would have a detrimental impact on the character of the area. Councillor Bradford spoke against refusal and said that the applicant could develop the site with a building of equal size under permitted development rights. He considered that it was not a “land grab” and was a unique application.

**RESOLVED**, with 7 members voting in favour of refusal (Councillors Sands, Blunt, Ackroyd, Boswell, Jackson, Neale and Grahame) and 5 members voting against refusal (Councillors Button, Gihawi, Herries, Bradford and Kendrick), to refuse application no 14/00683/O 36 Broadhurst Road, Norwich, NR4 6RD on the grounds that it too dense a development on the site and would be detrimental to the character of the area and contrary to NNPF policies 58 and 64, DM3 and DM12, and to ask the head of planning services to provide the reasons for refusal in policy terms.

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

The development of a one bedroom dwelling is of a scale and design which would result in a cramped form of development which would relate poorly to the style, layout and density of development in the area. The proposal would therefore have a detrimental impact on the character and local distinctiveness of the area. It is therefore contrary to paragraphs 58 and 64 of the NPPF, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, saved policies HOU13 and HBE12 of the City of Norwich Replacement Local Plan 2004 and emerging policies DM3 and DM12 of the emerging Development Management Policies April 2013.)

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

(Councillor Herries had declared an interest in this item.

The planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates to reports which was circulated at the meeting, and comprised an additional letter of representation from the residents of 19 Indigo Yard and further information submitted by the applicant.

Three local residents addressed the committee and outlined their objections to the scheme which included concern about it being detrimental to the character of the area, loss of light, proximity and overlooking of properties in Indigo Yard; that the proposed extension was too large a mass and affected the spatial quality of the area and blocked the light to the communal area, and that the council's conservation and design officer had objected to the design. Some residents had not been included in the consultation. The application was finely balanced and the committee was asked to consider conducting a site visit before making its decision.

The applicant addressed the committee and explained that the proposed extension would be viewed through vegetation for most of the year and that the design picked up features in the adjoining buildings, including grey cladding and a balcony. He pointed out that there would be a gap between the adjacent buildings and that building control regulations ensured access by fire and emergency vehicles.

The planner referred to the report and addressed the issues raised by the speakers. There had been a site notice on site and the consultation had been conducted in accordance with the council's procedures. Some residents in Indigo Yard would not have received a letter as their dwellings were outside the consultation area.

During discussion the planner, together with the planning team leader (development) referred to the report and answered members' questions. Members were advised that for most of the year the foliage of the trees would obscure the view. A condition

could be added to ensure that the windows which overlooked the stairwell of the neighbouring property could be obscure glazed. Members expressed concern that they would not be aware of the comments of the conservation and design officer if it had not been for one of the speakers at committee. They were advised that this was procedurally correct and that the report incorporated the comments of the design and conservation officer as appropriate. The final professional officer assessment and recommendation provided to members was outlined in the report of the head of planning. Members considered that the report should contain a summary of the comments and an explanation of the conclusion reached by the head of planning services.

Councillor Bradford moved and Councillor Neale seconded that the committee should defer consideration of the report and undertake a site visit.

**RESOLVED**, with 10 members voting in favour (Councillors Sands, Ackroyd, Blunt, Boswell, Bradford, Button, Grahame, Herries, Jackson and Neale) and 2 members abstaining (Councillor Kendrick and Gihawi) to defer consideration of planning application no 14/01134/F 1 The Moorings, Norwich, NR3 3AX and to undertake a site visit (9:00 on Thursday 6 November 2014)

**6. Applications nos 14/00987/MA and 14/01077/L Land Bounded by Pigg Lane, Palace Street And Bedding Lane Including 1- 2 St Martin At Palace Plain Norwich**

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

**RESOLVED**, unanimously, to approve:

- (1) application no 14/00987/MA Land Bounded by Pigg Lane Palace Street and Bedding Lane Including 1- 2 St Martin At Palace Plain and grant planning permission, subject to the following conditions:

1. In accordance with the approved plans;
2. External materials;
3. Details to be agreed (including windows, doors, eaves detail, canopies, details of the glazed link, car park treatment, bin storage details; new extension and louvers);
4. Groundwater contamination mitigation (parts 1 and 2 in accordance with 11/00909/D);
5. Attenuation of any increased public surface water provision;
6. Heritage Interpretation;
7. Cycle Parking and bin storage;
8. Travel Plan;
9. Landscaping, planting, site treatment;
10. Car parking and cycle parking to be provided and available for use prior to first occupation of Bedding Lane office;
11. Plant and machinery details;
12. Fume and flue outlet points details;
13. Details of energy conservation and efficiency measures to be submitted;
14. Details of renewable energy technologies to be used;
15. Archaeology.

## Article 31(1)(cc) Statement

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

(2) application no 14/01077/L 1-2 St Martin at Palace Plain and grant listed building consent, subject to the following conditions:

1. In accordance with the approved plans;
2. Schedule of repairs in accordance with details agreed in 09/00216/D;
3. Listed building protection measures;
4. Works to remove floors or ceilings to be done with agreed structural solution details in 09/00216/D;
5. Schedule of repairs in accordance with details agreed in 09/00216/D;
6. Details of internal partitions and joinery.

## **7. Application no 14/00801/O 498 - 500 Earlham Road, Norwich, NR4 7HR**

(Councillor Bradford had declared an other interest in this item.)

The planner (development) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports circulated at the meeting which contained an additional recommended condition and supporting text.

Councillor Ryan, local member for University ward, spoke on behalf of the residents of 496 Earlham Road and outlined their objections to the scheme which included concerns about antisocial behaviour and over intensification of student accommodation in the area, impact on the immediate neighbourhood and that the garden size of all the properties would be reduced, that the property could change to from C3 to C4 use without permission and that the downstairs study would be made into a third bedroom .

The applicant spoke in support of the application and explained that the proposed development would not be accessed or visible from Earlham Road; the properties would be accessed from Salter Avenue; and, the gardens would be fenced off separately. The proposal was for affordable houses with the intention that family members would use these to get on to the property ladder.

During discussion the planner referred to the report and answered members' questions. A member pointed out that the proposed development was in keeping with the density of properties on Salter Avenue. Members were advised that the drawings were indicative and would be more detailed at the reserved matters stage.

Discussion ensued on the proposed condition to control change of use from C3 to C4 residential use to prevent the new dwellings being converted into student lets under permitted development rights. Some members considered that this additional condition was unnecessary and would be difficult to enforce. Councillor Gihawi moved and Councillor Bradford seconded that condition 7 was not included as a

condition for planning consent; and with 3 members voting in favour (Councillors Gihawi, Bradford and Herries), 7 members voting against (Councillors Sands, Blunt, Ackroyd, Boswell, Neale, Kendrick and Grahame) and 2 members abstaining (Councillors Button and Jackson) the proposal was lost.

The chair then moved the recommendations to approve the application subject to conditions and with the addition of condition 7, as set out in the supplementary report.

**RESOLVED** unanimously to approve application no 14/00801/O 498 - 500 Earlham Road Norwich NR4 7HR, subject to the following conditions:

1. Standard time limit for outline application.
2. No development until approval of reserved matters including appearance, landscaping, layout, access and scale.
3. Water conservation.
4. No development in pursuance of this permission until a scheme for replacement tree planting and payment of associated costs has been submitted to and agreed with the local planning authority.
5. Details of secure cycling storage, refuse storage and vehicle crossover.
6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), no part of the dwelling houses hereby permitted shall be enlarged, no garage, porch or garden building erected and no gates, fences, walls or other means of enclosure erected without express grant of permission by the Council as Local Planning Authority.
7. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the dwelling houses hereby permitted shall be used for C3 dwelling houses and for no other purpose (including any other purpose in Class C4 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).

Informatives:

1. Refuse and recycling bins to be purchased by applicant with agreement from the council's city wide services department.
2. Any hard standing to be constructed with a permeable material.
3. The development will not be eligible for on street parking permits.
4. Street name and numbering enquiries.
5. Vehicle crossover (dropped kerb and pavement strengthening is required for this development.
6. Construction working hours.
7. Development that affects the highway will require underground utilities searches and road opening and closure noticing (fees payable).
8. This development involves work to the public highway that will require the approval of the Highway Authority. It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the

permission of the Highway Authority. Please note that it is the applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the Highway Authority( Agreement with NPS Norwich must be obtained to secure the vehicle accesses.

9. Outline permission only; no permission granted for specific layout or design of development. However , two or more storey at the rear of the dwellings (north facing) is unlikely to be considered an acceptable design as it would raise the potential for overlooking to residents at 498-500 Earham Road. Further submission of reserved matters required.

**8. Application no 14/01288/VC Land and Buildings rear of and including 293 - 293A Aylsham Road, Norwich**

The senior planner (development) presented the report with the aid of plans and slides and referred to the supplementary report of updates circulated at the meeting.

The applicant addressed the committee at the chair's discretion and explained the reasons for the request for a variation of conditions and concerned that the development would not be viable for the supermarket operator. This development was on a brownfield site, would create jobs and could revert to its previous use as a fuel depot.

Discussion ensued in which the senior planner referred to the report and answered members' questions. Members disputed the applicant's statement that if the current supermarket operator did not go ahead there would not be others to fill the space. Members then discussed 24 hour operation of the proposed supermarket. One member said that the site was run down and in need of development. The former fuel depot would have had deliveries and generated vehicle movements. Another member referred to the fact that people should not be disturbed in the early hours of the morning. The supermarket would be a local amenity and increase footfall to other shops in the district centre. A member said that although 150 jobs would be created he considered that these low paid jobs displaced jobs elsewhere.

The committee noted the measures to mitigate against noise and disturbance from deliveries such as the design of the delivery yard and the distance from the nearest house (85m), and requirements to turn off engines and refrigerated units of stationary vehicles

**RESOLVED** with 10 members voting in favour (Councillors Sands, Blunt, Ackroyd, Boswell, Button, Gihawi, Herries, Jackson. Bradford and Kendrick) and 2 members voting against (Councillors Neale and Grahame) to approve application no 14/01288/VC, 293-293a Aylsham Road and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 03 December 2014, to include the provision of contributions to street trees provision and maintenance, and a Travel Plan performance bond to the value of £75,000, and subject to the following conditions:

1. **[Variation]** The development hereby permitted shall be begun before 12 June 2017.

2. [Unchanged condition from former permission 13/01928/F] - The development shall be in accordance with the approved details.
3. [Unchanged from 13/01928/F] - Site operations shall accord with the approved Arboricultural Impact Assessment and protective fencing to trees shall be retained.
4. [Unchanged from 13/01928/F] – Site contamination shall accord with the remediation method statement report ref AFH/10.042/OPPCond11/RMS/Rev01 and subsequently updated reports.
5. [Unchanged from 13/01928/F] – There shall be no more than 2,117sq.m. of net retail floorspace, including 423sq.m. or 20% of the net retail floorspace for comparison A1 retail.
6. [Unchanged from 13/01928/F] – No subdivision of the superstore shall take place, and any comparison retail floor space provided shall not be accessed separately to convenience floor space, nor operated by a different retailer, nor operated separately to the convenience space.
7. [Unchanged from 13/01928/F] – No mezzanine floor shall be installed within the superstore without the specific grant of a further permission.
8. **[Variation]** – (a) The development hereby permitted shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 23:01 and 03:59 on Mondays to Saturdays, and 17:01 and 09:59 on Sundays and Public Holidays.  
**[Variation]** – (b) Notwithstanding the requirements of Condition 8(a) above there shall be no collection, relocation or manoeuvring of shopping trolleys for purposes other than use by individual shoppers, and no other servicing activities shall take place within the car park of the development hereby permitted, during the hours of 2300-0700 Monday – Saturday, and 1700 – 1000 Sundays and Public Holidays.
9. [Unchanged from 13/01928/F] – There shall be no use of reversing alarms by servicing or delivery vehicles on the site.
10. [Unchanged from 13/01928/F] – Delivery vehicle engines and refrigeration units fitted to delivery / servicing vehicles shall be switched off at all times when on site and stationary.
11. [Unchanged from 13/01928/F] – No use of the superstore hereby permitted shall take place until the delivery and servicing yard and the associated access drive are provided, and thereafter loading and unloading of vehicles serving the superstore shall only take place within the service yard, which shall be accessed only from the designated northern access drive.
12. **[Variation, to delete restrictions on delivery hours]** – With the exception of the delivery of daily newspapers, there shall be no servicing, collections or deliveries to and from the premises from vehicle parked on Aylsham Road or any other public highway.
13. [Unchanged from 13/01928/F] – No use until the approved Travel Plan has been implemented.
14. [Unchanged from 13/01928/F] – Contamination remediation verification plan to be agreed.
15. [Unchanged from 13/01928/F] – Contamination remediation verification report to be agreed.
16. [Unchanged from 13/01928/F] – Long-term contamination monitoring proposals to be agreed.
17. [Unchanged from 13/01928/F] – Risk assessment for groundwater contamination to be agreed.



18. [Unchanged from 13/01928/F] – Contamination reports confirming remediation to be provided.
19. [Unchanged from 13/01928/F] – Long-term monitoring and maintenance plan in respect of groundwater contamination to be agreed and reports submitted subsequent to that.
20. [Unchanged from 13/01928/F] – Ongoing contamination precautions.
21. [Unchanged from 13/01928/F] – Surface water drainage scheme to be agreed.
22. [Unchanged from 13/01928/F] – Detailed landscaping scheme to be agreed.
23. [Unchanged from 13/01928/F] – Ecology strategy to be agreed.
24. [Unchanged from 13/01928/F] – Design materials palette for superstore to be agreed.
25. [Unchanged from 13/01928/F] – Design materials palette for substation to be agreed.
26. [Unchanged from 13/01928/F] – Photovoltaic panels and energy strategy details to be agreed.
27. [Unchanged from 13/01928/F] – Sprinkler system and fire hydrant provision to be agreed.
28. [Unchanged from 13/01928/F] – Revision of existing on-street parking controls to be agreed.
29. [Unchanged from 13/01928/F] – Highway improvement works to be agreed.
30. [Unchanged from 13/01928/F] – Details of possible access route from Aylsham Road to the north of the development site to serve future allocation site R23 to be agreed.
31. [Unchanged from 13/01928/F] – CCTV strategy to be agreed.
32. [Unchanged from 13/01928/F] – Exterior lighting plan to be agreed.
33. [Unchanged from 13/01928/F] – Cycle storage details to be agreed.
34. **[Variation]** – A car parking management plan to be agreed, which shall include free parking irrespective of shoppers' patronage, with a minimum period of free parking to be agreed, and to ensure parking is used only in association with the activities, events and hours of operation of the development and uses of the adjoining district centre.
35. [Unchanged from 13/01928/F] – Restriction on machinery, plant, flue, ventilation installation.

Article 31(1)(cc) Statement:

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

Informative notes:

1. [Unchanged from 13/01928/F] – Planning obligations.
2. [Unchanged from 13/01928/F] – Community Infrastructure Levy.

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

- (2) if a satisfactory S106 agreement is not completed prior to 3 December 2014, to delegate authority to the head of planning services to refuse planning permission for Application No 14/01288/VC at Land And Buildings Rear Of And Including 293 - 293A Aylsham Road, for the following reason:

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

**9. Application no 14/00892/MA The Happisburgh CBE Building, Norwich City College, 5 Ipswich Road, Norwich NR2 2LJ**

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. The applicant would be required to submit details of landscaping.

**RESOLVED**, unanimously, to approve application No 14/00892/MA at City College, 5 Ipswich Road, Norwich, and grant planning permission, subject to the following conditions:-

1. The development shall be completed in accordance with the approved plans.
2. Within 3 months of the date of the permission, a scheme for removing the rooftop railings and/or concealing the rooftop railings shall be submitted for the LPA approval, and shall be installed within 3 months thereafter.
3. Within 3 months of the date of permission a landscaping scheme shall be submitted for LPA approval. This shall include landscaping of the former print room space, the northern boundary, the frontage / forecourt, and the Broadland Drive concourse. The details shall be provided within 3 months thereafter.
4. The premises shall be used only as a classroom facility (as original permission).
5. Development shall retain the wheelchair lift for the duration of the building's use.

6. No additional plant or machinery shall be installed without prior consent.

Article 31(1)(cc) Statement

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

**10. Application no 14/01004/F 37 Clarendon Road, Norwich, NR2 2PN**

The planning team leader (development) presented the report with the aid of plans and slides.

**RESOLVED**, unanimously, to approve application no 14/01004/F 37 Clarendon Road and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plans
3. Details of a) timber cladding, render, roof lantern
4. Annex to be occupied only for purposed ancillary to the residential use of dwelling known as 37 Clarendon Road. At no time shall it be sold, leased or occupied independently

Informatives:

The annex would not be entitled to parking permits.

(Article 31(1)(cc) Statement

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

**11. Application no 14/01002/F 14 Mill Hill Road, Norwich, NR2 3DP**

The planning team leader (development) presented the report with the aid of plans and slides. He explained that the committee had granted permission at its last meeting. However due to an administrative error the report had not been published on the council's website.

**RESOLVED**, unanimously, to approve application no 14/01002/F at 14 Mill Hill Road, subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials to match existing.

**12. Application no 12/02046/O Enterprise Garage Starling Road, Norwich, NR3 3EB - application under Section 106BA**

The senior planner (development) presented the report with the aid of plans and slides. He explained that the applicant had sent a note earlier that day to say that he was unable to attend at short notice but was content for the committee to progress with consideration of the application to vary the Section 106 agreement.

During discussion the senior planner said that the applicant had not indicated when the development would commence.

**RESOLVED**, unanimously, to refuse application no 12/02046/O Enterprise Garage Starling Road, Norwich, NR3 3EB - application under Section 106BA for the reasons set out within the council's planning applications committee report dated 2 October 2014 which concludes that it has not been demonstrated that the scheme cannot viably provide affordable housing and therefore the planning obligation is to continue to have effect without modification.

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

The planning team leader (development) presented the report with the aid of plans and slides.

**RESOLVED** 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 removal of the overage provisions;
2. The addition of a further social rented affordable unit (totalling six);
3. Either the removal of the affordable housing commuted sum option or the increase of the affordable housing commuted sum, to allow the provision of six units off site.

CHAIR

# Applications for consideration by the planning applications committee

## ITEM 4

6 November 2014

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4A	14/01134/F	1 The Moorings	James Bonner	Extension at first floor level to side elevation	Deferred from previous meeting for site visit	Approve
4B	14/01234/F	41A Ipswich Road	James Bonner	Regularisation of existing grounds maintenance site layout and operations.	Objections	Approve
4C	14/01108/U	Rouen House, Rouen Road	Caroline Dodden	Change of use of lower ground and ground floors from offices (class B1) to clinic (class D1)	Objections	Approve
4D	14/01228/F	220A Unthank Road	John Dougan	Erection of dwelling attached to existing house.	Objections	Approve
4E	14/01235/VC	Three Score site, Bowthorpe	Steve Fraser-Lim	Variation of conditions re. substation, levels, landscaping and design details	City council major proposal.	Approve
4F	12/00143/ET	Muspole Street	Mark Brown (Ian Whittaker presenting)	Section 106BA application to change the level of affordable housing in consent 12/00143/ET	Obligation requirements	Approve changes to S106 agreement.

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
4G	14/00618/F	Vikings Venture Scout Hut Adjacent To 420 Dereham Road Norwich NR5 8QQ	Lee Cook	Erection of 8 No. two bedroom flats.	Objections	Approve subject to S106 agreement. Refuse if agreement not signed by 1 February 2015

## STANDING DUTIES

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself). Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

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

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

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

### **Crime and Disorder Act, 1998 (S17)**

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

### **Natural Environment & Rural Communities Act 2006 (S40)**

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

### **Planning Act 2008 (S183)**

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

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law - Article 8 – Right to Respect for Private and Family Life**

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

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

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





**Report to** Planning applications committee  
**Date** 6 November 2014  
**Report of** Head of planning services  
**Subject** 14/01134/F 1 The Moorings Norwich NR3 3AX

**Item**  
**4A**

## SUMMARY

<b>Description:</b>	Erection of single storey extension at first floor level to side elevation with balcony [revised description and elevational treatment].
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Mancroft
<b>Contact Officer:</b>	Mr James Bonner Planner 01603 212542
<b>Valid Date:</b>	13 August 2014
<b>Applicant:</b>	Mr Michael Innes
<b>Agent:</b>	N/A

## INTRODUCTION

### Background

1. The application was reported to the last planning applications committee where members resolved to defer the application for a site visit. Members also sought clarification as to why the conclusions of the head of planning differed from the conservation and design officer and expressed concern that conservation and design comments were not summarised within the report.
2. With regard to the procedures for reporting internal views of staff within the planning service the concerns of members have been noted and these procedures are under review, however, members will be updated separately on this matter of procedure as this is not pertinent to the determination of this application.
3. Given that the comments of the design and conservation officer were circulated at the last meeting they have been appended to this report. They were fully considered in drafting the previous report to committee however officers considered on balance that the concerns set out within them did not amount to sufficient justification to refuse the application for the following reasons:
  - (1) Character and Appearance - Paragraphs 29-31 and 38-39 assess design and impact on the conservation area. It is necessary when assessing the impact to not only outline what that impact is (as has been undertaken at bullet 1 of the conservation and design officer comments) but also to assess the level of harm and the weight that should be attached to that

harm in the context of the heritage assets and buildings in question. The officer report discusses the extent to which the extension would be viewed from the public realm and outlines that less weight should be given to private views particularly in the absence of any reference to such views in the conservation area appraisal. Given the limited opportunity for public views of the structure the conclusion is that there is no harm to the character of the conservation area. However should members consider that there is a degree of harm it will be necessary to ascertain the level of harm and the weight this should be given in the decision making process. In this regard it is relevant to highlight that the building itself is not a heritage asset (it is neither listed nor locally listed) but is a recently (within the last ten years) constructed dwelling albeit one that could be said to contribute positively to the conservation area.

- (2) Indigo Yard - This matter is considered further at paragraphs 29-32 of the report. It is relevant to note in considering any harm to the conservation area that this yard is predominantly a semi-private yard rather than a public open space which would be regularly visited or appreciated by the wider public.
- (3) Private Views - This matter is discussed at paragraph 23 and is of limited to no weight given that private views are typically not material planning considerations.
- (4) Walkway access - This is discussed at paragraphs 24-28 and of particular relevance is that the path was originally intended to be a private route for residents with a locked gate as indicated in the original landscaping proposals, albeit such a locked gate does not appear to have been installed. This matter was confused by the applicant's original plans including the annotation 'public path under extension' and as such the true status of the path may not have been clear to the design and conservation officer.

## **Updates and further representations**

- 4. To assist in members understanding of the spatial relationship officers requested a layout plan showing the extension in the context of the boundary fence and 19 Indigo Yard. This has been supplied and is at the end of the report.
- 5. The application has not been re-advertised as no changes have been made to the scheme, however the further representations included in the updates report at last committee and any further representations have been included in an updated representations section below.

## **The Site**

### **Location and Context**

6. 1 The Moorings is the end terrace in a modern row of eight properties along the east side of the river. Including No.1, seven of the eight properties are almost identical in design: three storeys with steeply pitched gables facing the river, intended to reflect the character of the warehouse development that previously overlooked the river. No.8 – the other end terrace – is set back from this building line and is finished in render rather than the white brick of the others. It also has a slate roof but with a shallower pitch orientated at 90 degrees to the main row.

### **Constraints**

7. The site is within the City Centre conservation area, within the Northern Riverside area, described in the CA appraisal as of 'significant' significance. The nearest building of interest is the grade II listed New Mills Yard Pumping Station, which at 100m away is not affected by the proposals.
8. Adjacent to the site, running underneath the proposed extension, is a footway which provides access to bin and bike stores as well as to Unicorn Yard, which includes flats above garages. It is not adopted and is within the ownership of 1 The Moorings with shared access to be provided to certain residents.
9. The site is within Flood Zone 2 but flooding is not considered an issue at this height.
10. There are mature trees nearby but they are not a direct constraint on this development.

### **Planning History**

**04/2000/0732/F** - Redevelopment of car park site with 62 residential units with associated garages and parking spaces – Approved.

**04/01367/D** – Condition 2: Materials; Condition 3: Details; and Condition 4: Elevations for previous permission 4/2000/0732/F "Redevelopment of car park site with 62 residential units" – Approved

### **Equality and Diversity Issues**

There are no significant equality or diversity issues.

### **The Proposal**

11. A first floor extension to the south side of the property, overhanging a footpath. It will be supported by two columns and will feature a balcony facing out onto the river. The design has been amended to change the external cladding from metal to Thermowood (heat treated softwood cladding) and to introduce a side window.
12. The flat roofed extension is 7.9m long and wider at the front (3.9m) than the rear

(1.9m), following the line of the adjacent path it overhangs. From the ground it is 6m to its roof and 2.9m to its underside. Two columns support the structure and are placed to the south of the path next to the boundary fence.

## Representations Received

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

14.

Issues Raised	Response
<p><b>Amenity</b></p> <ul style="list-style-type: none"> <li>• Affects sensitively designed gap, creating feeling of being shut-in.</li> <li>• Closing in of light and space between buildings</li> <li>• Outlook negatively impacted from side windows of 19 Indigo Yard and further so by balcony</li> <li>• The so-called 'bland gable' is infinitely preferable to the extension and therefore dispute that it will 'add some interest'.</li> <li>• Unsightly extension will block the open view through the gap to mature trees and the river.</li> <li>• This ill-conceived proposal will reduce light for 10, 11, 12 and 13 Indigo Yard. The river view from south east facing windows will be either considerably reduced or completely obstructed.</li> <li>• Blocked view/restricted sunlight will impact on gardens and residents (more so in winter).</li> <li>• Will overshadow and reduce light to properties along The Moorings (balconies and living rooms).</li> <li>• Will reduce light to side path.</li> <li>• Intrudes into IY in a significant fashion, affecting quiet enjoyment of yard.</li> <li>• Overbearing effect on front</li> </ul>	<ul style="list-style-type: none"> <li>• Assessment takes account of two windows (paragraph 17). Amenity impact assessed from the perspective of this being a full balcony (paragraphs 17-18). For the avoidance of doubt the word Juliette has been removed from the description.</li> <li>• Amenity – see paragraphs 17-23.</li> <li>• Loss of light to side path not a significant amenity concern</li> </ul>

<p><b>Design</b></p> <ul style="list-style-type: none"> <li>• Hideous and completely out of context with the rest of the (sensitively and sympathetically designed) riverside development.</li> <li>• Will compromise well-proportioned row.</li> <li>• Box on stilts will detract from unified frontage.</li> <li>• Will negatively impact riverside, street scene and conservation area.</li> </ul> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• Affected path has history of antisocial behaviour, drug and noise issues – the extension will exacerbate these issues.</li> <li>• Support column will impede members of public using path.</li> <li>• Extension comes up to boundary fence of Indigo Yard – construction/maintenance needs co-operation of neighbours who are all vehemently opposed to proposal.</li> <li>• Questioning need for extension.</li> <li>• Will set a precedent for similar developments.</li> <li>• Glazing on NE elevation needs clarifying</li> <li>• Stressed that area of Indigo Yard affected is front gardens</li> </ul>	<ul style="list-style-type: none"> <li>• Design – see paragraphs 29-39.</li> </ul> <ul style="list-style-type: none"> <li>• Crime and antisocial behaviour issues addressed in paragraphs 24-28.</li> <li>• They do not appear to impede access any more than the streetlamp.</li> <li>• Not a material planning consideration</li> </ul> <ul style="list-style-type: none"> <li>• Not a material planning consideration – the application is assessed on its merits rather than whether it is necessary</li> <li>• Precedent – see paragraph 33.</li> <li>• No glazing is proposed on NE elevation (the smaller end of the wedge).</li> <li>• Orientation noted throughout assessment e.g. paragraph 21.</li> </ul>
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## Consultation Responses

**15. Norfolk Constabulary** – There have been seven incidences of ASB reported to police within the last twelve months in relation to The Moorings and Indigo Yard. This does not take into account incidents not reported to the police. The proposal would create a covered area that would exacerbate ASB - the existing gate would not adequately protect against this. Two gates should be provided [*annotated plan provided within comments*] alongside lighting.

**Norwich Society** – This extension may tend to unbalance the visual aspect of the front façade but we have no other comment on the design proposal. We note the objections and agree that the underside of the extension must be well lit for security. We note that the route is in the ownership of No 1 and acts only as access to cycle stores for numbers 1-4 The Moorings. This route will be gated and kept

locked.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

Statement 7 – Requiring good design

Statement 12 – Conserving and enhancing the historic environment

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

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

HBE8 – Development affecting conservation areas

HBE12 – High standard of design in new development

EP22 – High standard of amenity for residential occupiers

#### **Supplementary Planning Documents and Guidance**

Northern Area Action Plan (March 2010)

### **Other Material Considerations**

#### **Development Management Policies Development Plan Document – Pre-submission policies (April 2013) (As modified by the Inspector's Main Modifications):**

DM1 – Achieving and delivering sustainable development

DM2 – Ensuring satisfactory living and working conditions

DM3 – Delivering high quality design

DM9 – Safeguarding Norwich's heritage

#### **Emerging DM Policies:**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the JCS and RLP policies above are considered to be compliant with the NPPF.

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector's report for each plan, dated 13<sup>th</sup> October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the following policies, as proposed to be modified by the Inspector's reports, pending formal adoption.

## **Principle of Development**

### **Policy Considerations**

16. The principle of a residential extension is acceptable. With the identified constraints the main concerns relate to design and amenity (including the material consideration of crime and antisocial behaviour which is intrinsic to both design and amenity in this case).

## **Impact on Living Conditions**

### **Overlooking**

17. The proposed side window does not offer any serious opportunities for overlooking into the north east facing habitable (front) windows of 19 Indigo Yard given the oblique view. The side window and the balcony do not present significant issues for the two north west facing (side) windows of No.19 as they serve a stairwell rather than habitable rooms. Accordingly there is no appreciable loss of privacy.

### **Noise**

18. Given its size, the balcony does not give rise to any serious issues for increase in noise compared to the existing balcony on the property.

### **Overshadowing / Loss of light**

19. Because of the way the properties are orientated, there is no significant overshadowing (including those along The Moorings). During winter when shadows are longer it would only affect 24 Indigo Yard to the north east towards the end of the day when the sun is almost set. The neighbour(s) are more likely to be affected by 18 and 19 Indigo Yard than the proposed development.
20. Despite the extension being closer to the property, the loss of light to 19 Indigo Yard will not be substantial as the amount of visible sky (see paragraph 17) lost compared to the effect of the host dwelling is relatively low. The loss of light to the 10, 11, 12 and 13 Indigo Yard cannot be considered to be a significant issue given the distance (over 17m), the scale of the proposal and the open nature of the yard.

### **Overbearing Nature of Development**

21. The first floor extension brings the property closer to the boundary and the impact on the outlook for the occupiers of 19 Indigo Yard is an important factor in assessing the acceptability of the proposal. The north west elevation facing out onto Indigo Yard is the property's front elevation. In views out of the first floor window the structure will be around 4 to 6.5m away, but affecting only oblique views. Its presence would have an effect on the occupier's outlook, but the extent of this is not considered to be significantly detrimental as there would remain a good 135° of relatively uninterrupted field of vision.
22. The addition of the 3.1m tall first floor structure closer to their boundary has the potential to be an imposing mass in views from the ground floor windows and front door of 19 Indigo Yard. As above, while there is an impact, given the scale of the extension and the otherwise fairly open nature of the space, it is not considered to cause an unacceptable impact on the quality of life the neighbour could expect to have. Aside from the rest of the yard there will still be an element of openness in views over to the north west (between 10 Indigo Yard and 24/25 Unicorn Yard)

which also helps in reaching a conclusion that the extension will not be an overly dominant feature. While in some oblique views the outlook will be worse it is considered that the difference is marginal given the scale and mass of the large blank elevation, albeit further away than the proposed structure.

23. The development will result in some loss of view through to the river from 10 Indigo Yard being blocked. Limited weight can be attached to this due to the private view not being identified through policy as of public interest. Additionally the current view in itself is somewhat blocked (except in winter) by the dense mass of existing trees both inside Indigo Yard and on the Riverside Walk. As such fairly limited weight is attached to this particular amenity concern.

## **Crime and antisocial behaviour**

24. Numerous letters have raised an existing issue in the area relating to crime and antisocial behaviour including drug use/dealing and urination in the footpath. The police have been consulted who have confirmed there is an issue in the immediate area. It is accepted that introducing an overhanging structure (effectively a shelter) into an alleyway that is not well overlooked would exacerbate the issue.
25. The applicant is looking to live in the property and it is within his interests to reduce the opportunities for crime and antisocial behaviour. A solution is to move the existing (but unlocked) gate to the back of the edge of ownership by the bin store and to introduce a new gate in line with the front wall of No.1 as suggested by the police. This will effectively reduce the opportunities for behaviour that would cause amenity concerns for neighbours and alongside appropriate lighting, will lead to an improvement in this particular location.
26. The property faces onto the Riverside Walk, which although not adopted, is accessible by the public on foot and by bicycle. It is considered that it would be possible to put a gate here (up to 2m) without planning permission given the set back from the highway. It should also be noted that the originally approved landscape scheme for the housing development shows a 1.8m high railing and lockable gate along the front elevation in the proposed position.
27. Given the potential negative impacts on crime, permission should not be granted without a condition requiring details of gates and lighting prior to commencement. However given that a gate could be installed without permission, no significant weight should be attached to the security benefits the extension will bring to the area.
28. For the purposes of understanding the ownership of the adjacent alleyway the applicant has provided a conveyance plan [*included at end of report*], and a letter from the management agent which shows support for the gates which fall within the boundary of 1 The Moorings. The status of the path is understood to be a 'private drive and pedestrian access with right of access (shared access)', with right of access likely to be provided (as a civil matter) to other residents listed on the deeds. It will be necessary to provide key or code access for those that need it. The details of this as well as any lighting is recommended to be included within the list of conditions.



## Design

29. This is an unusual design that has drawn some criticism, particularly from those within Indigo Yard to the east. 1 to 8 The Moorings makes a positive contribution to the street scene and character of the wider conservation area and the most important design question is whether the introduction of this extension causes harm to this.
30. A point is made that the proposed extension spoils the architectural composition of the row. Actual public views are somewhat limited, but if the row could be appreciated in its entirety in a wider context, such as from across the river, the presence of the contrasted design and step back of No.8 would be more significant. While the buildings are well designed and provide for an attractive streetscape, it would be disingenuous to suggest the immediate area has a dominant architectural character or style that should be protected. This and the impact on the conservation area is discussed further in paragraphs 33 and 34. Various architectural features (e.g. balconies) and building line irregularities have been purposefully included within the design of the original development and an argument could be had that this proposal is an appropriate feature as the built environment evolves and changes.
31. When walking along the Riverside Walk, views of the proposed extension are blocked by the trees (when the trees are in leaf) when approaching from the north and by 16 to 19 Indigo Yard from the south. It only really becomes visible when approaching the last tree or the rear gate of 16 Indigo Yard. When pedestrians reach this point (~10m window of visibility, which is partially obscured by trees in parts), they would have to purposefully look to the east to see the extension. In this sense the addition would be visible, but its size and mass is not considered excessive for the host dwelling. The choice of Thermowood cladding should soften its impact somewhat from the side and the balcony to the front will not look dissimilar to the adjacent balconies. As such the impact is fairly limited in its harm to the street scene.
32. The extension will be very noticeable from Indigo Yard to the east and although less weight is attached to this private view, it could be argued that the extension brings some 'interest' to this otherwise predominantly blank elevation. This is a highly subjective judgement as to whether the bland and largely blank wall is an unattractive and dull feature to the view from Indigo Yard and whether the proposal will provide variety and interest that would improve the appearance in this view. While it could be seen as an innovative means of extending a property within a tight-knit urban environment, it would also be possible to conclude that the unfamiliar addition is unacceptable in design terms for its lack of successful integration into the existing locale. As set out in saved policy HBE12, consideration must be given to the setting and spatial quality of new development in relation to both public and private spaces, which members may feel this extension falls short of. 3-D visualisations have been produced to help in this judgement, which should be made with both local and national policy in mind, for instance paragraph 58 of the NPPF:

*[development should] respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*

33. The potential for the approval in setting a precedent carries fairly limited weight given the unique nature of the development. If other similar extensions were applied for they would be assessed on their own merits and the impact on their entirely different context. An example could be on the south side of 9 The Moorings – the elevation is much more prominent and therefore it does not hold that a similar extension would be approved in a different location.
34. In terms of materials, the columns and balconies are to match those of the adjacent balconies along The Moorings and Thermowood will be used to clad the exterior. Including the windows, a condition is recommended so that details (and samples where necessary) are provided to ensure the visual impact is minimised.
35. The design of the gates would be dealt with by condition. Given the objections however it is worth assessing its effect on the closing off of the path. The alleyway has fairly limited prominence from the Riverside Walk, is not inviting to use and gives the appearance of a private alley way leading to bins. In comparison the other pedestrian access to Unicorn Yard (between 8 and 9 The Moorings) is wider and gated but undoubtedly more inviting. This particular gate is identified on the conveyance plan by the developer as 'public access point'.
36. The endpoint of the view down the alleyway is a gate and for the casual visitor on the Riverside Walk there is little to indicate that this is any more than access for residents to the rear of gardens, bins and the rear of the properties. The path does not offer a legible route and one can be better provided through alternatives (e.g. between 8 and 9 The Moorings, New Mills Yard or Coslany Street).
37. It is important to note that this is private land that currently could be gated at any time. Access for the residents is a civil matter.

### **Conservation Area – Impact on Setting**

38. As with all development affecting a conservation area, "special attention shall be made to the desirability of preserving or enhancing the character or appearance of that area". In assessing this impact reference is made to the character area (Northern Riverside) in the City Centre conservation area appraisal. This document was completed before much of the development in the immediate area was, and reference is made to its rapidly changing character. It is acknowledged that the modern housing developments tend to respond better to their context and exhibit traditional detailing. Reference is made to New Mills Yard using white brick. From visits to the site it can be seen that The Moorings exhibit a traditional form that reflects the site's industrial past but with a number of modern details such as balconies and windows. As made clear in the appraisal and in assessment of the site, a key element of the character area is the Riverside Walk.
39. Given the relative lack of prominence from many views it is not clear that the development would cause harm to the Riverside Walk nor have a significant effect

on the character of the conservation area. However it will be visible to pedestrians (albeit for a short period of time) and because of the relative infancy of the development site on this side of the river, there have been little if any inappropriate developments that have eroded its character since the houses were built. In this respect the introduction of an extension could be argued to not preserve the character, but on balance it is considered that the opportunity for public views of the structure would be so limited that it would be unreasonable to suggest it causes harm to the character of the wider area, particularly as you do not view the east side of the river in isolation from some of the more inappropriate developments opposite it.

## **Local Finance Considerations**

40. Although technically liable for Community Infrastructure Levy (CIL), the extension is below the threshold of minor development (100sq.m) and is exempt from payment.

## **Conclusions**

41. The proposed extension is certainly an atypical and contentious design that has raised a number of comments relating to design and amenity. There are also significant crime and antisocial behaviour concerns that overlap with both of these issues. Whilst on its own the extension would exacerbate antisocial behaviour in the area, a condition requiring details of gates and lighting prior to commencement is considered to adequately mitigate against this. As the gates may well be erected without permission it is inadvisable to frame the improvements to security as a benefit that can be weighed against the potential design and amenity shortcomings.
42. The proposal brings the extension closer to the boundary with the neighbours at Indigo Yard and while there are some amenity concerns for loss of outlook, the tangible harm is fairly limited due to scale of the structure, the otherwise open nature of the courtyard and the comparison being made to a largely blank existing elevation. Less of a concern is overlooking and overshadowing/loss of light due to the positioning of windows and the orientation and scale of the surrounding buildings.
43. Its visual prominence is most apparent from the private Indigo Yard and there will be limited views of the extension from the public Riverside Walk. The scale of the structure is not excessive for the host dwelling and the use of materials, subject to condition, should adequately soften its impact on the street scene and character of the wider conservation area. That being said, this is a finely balanced judgement, and if a differing level of weight is given to some of the negative aspects explained in the report above then a different decision could easily be justified.
44. On balance, given the surrounding development, the scale of the proposal and its relative inconspicuousness from public views, the recommendation is for approval as it is considered to accord with the policy objectives of the National Planning Policy Framework (March 2012), policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies HBE8, HBE12 and EP22 of the City of Norwich Replacement Local Plan (2004) and all other material

considerations.

### **RECOMMENDATIONS**

To approve application no 14/01134/F and grant planning permission, subject to the following conditions:-

1. Standard time limit (3 years);
2. In accordance with the plans;
3. Details of materials (to include columns, windows and doors, external cladding, balcony, eaves);
4. Detail of gates and locking/access scheme;
5. Detail of lighting.

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

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

#### **Informative:**

1. Considerate construction.

**Application Number: 14/01134/F**

**Location: 1The Moorings, Norwich**

**Proposal: Erection of single storey extension at first floor level to side elevation with balcony.**

## **Conservation and Design Comments**

### **The Context**

The Moorings are situated within the Northern Riverside Character Area of the Norwich City Centre Conservation Area. This part of the Conservation area is characterised by elegant terraces of residential townhouse development along the riverside. They have symmetrical and repetitious form. The riverside frontages are punctuated intermittently by breaks in the houses and public walkways running between (perpendicular to the riverside walk) allowing public access through the housing to and from the river and the city centre. This makes this a pleasant and permeable area for a pedestrian to navigate.



### **The proposal**

The proposed first floor extension would have the following Conservation & Design impacts:

1. The elegant, symmetrical and repeating form of the buildings within this Northern Riverside character area of the Conservation Area would be detracted from. The proposed first floor end-of-terrace extension would project from the side of the building on stilts, harming the character of this key part of the Conservation Area by the listed New Mills Yard Pump House and



the character and appearance of both The Moorings terrace and Indigo Yard (the terrace adjacent) would also be harmed. It would sit only slightly back from the front building line of the terrace and will be particularly visible for the half of the year when the frontage trees are bare.



2. The proposed first floor projecting wedge extension would be exceptionally close to 19 Indigo Yard's frontage. It would be an alien timber structure floating on stilts above the boundary fence. It would detract from Indigo Yard's terraced townhouses and attractively landscaped frontage courtyard.
3. The mass of the extension would fill the existing gap between The Moorings and Indigo yard, blocking residents existing views of the river from 10-13 Indigo Yard properties and those beyond.
4. It would negatively affect the shared access walkway by: appearing to 'privatise' it; reducing the existing natural surveillance of the walkway from the three side facing windows of 19 Indigo Yard (which currently directly overlook it) and from the quayside by obscuring a section of the walkway from view by overflying it and by overshadowing it; and worsening the current antisocial behaviour issues within the walkways.

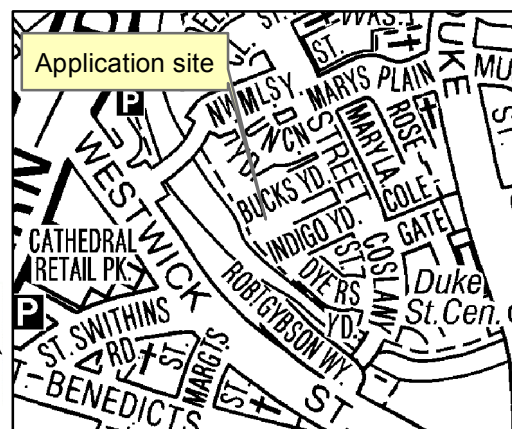
The only way the antisocial behaviour issue could be resolved below such an extension would be to add a further gate below the front of the extension and lock both gates, to prevent access to the space below the extension from the front and the rear (full public access can be gained from either direction at the moment when the gate is left open). Such an arrangement would presumably have to be agreed in advance with the residents behind, who presumably have shared access rights through to the river.



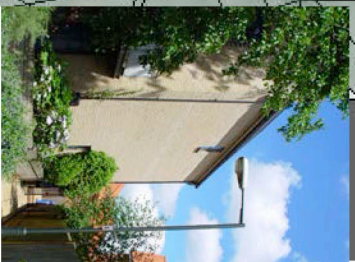


In Conservation and Design terms, this proposal is inappropriate for the reasons outlined above. It is contrary to National Planning Policy framework statements 7 and 12, and it conflicts with the relevant development plan policies, including policy 2 of the Joint Core Strategy<sup>2</sup> and 'saved' policies HBE8 and HBE12 of the Local Plan. These policies require development to be designed to the highest possible standards and to respect local distinctiveness; such proposals should also be sympathetic to the form and character of a conservation area's development.

**Chloe Canning-Trigg 22.8.14**  
(Conservation and design officer)





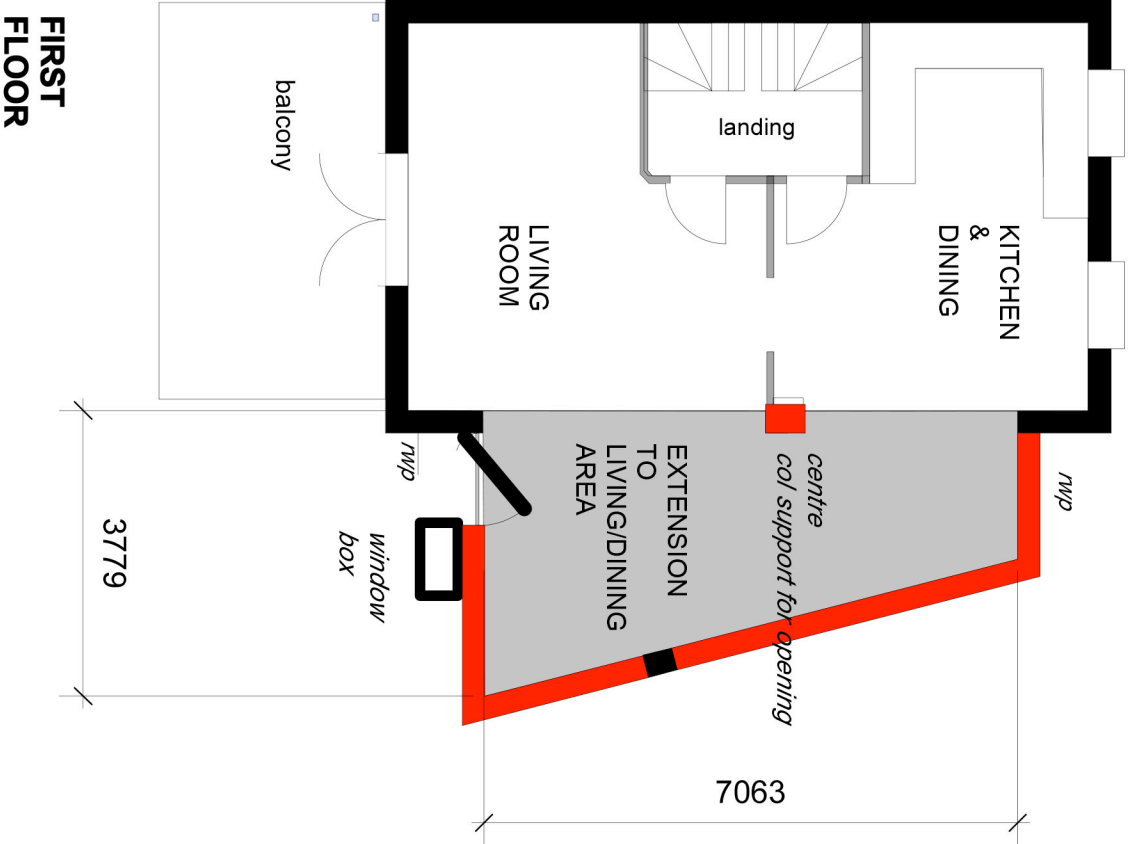


The general intention is an extension of No 1 The Moorings at first floor level only - externally expressed as a supported blind bay.

The path, albeit for public use, will be unobstructed by this addition and the land that it spans is within the conveyed boundary of No 1

The path, already narrowed at the gate and further still at the rear, will not in any practical way be reduced by the support columns, chosen to continue the theme set by the front balcony.

The extension will be mainly prefabricated, to reduce the difficulties of construction.



**FIRST FLOOR**



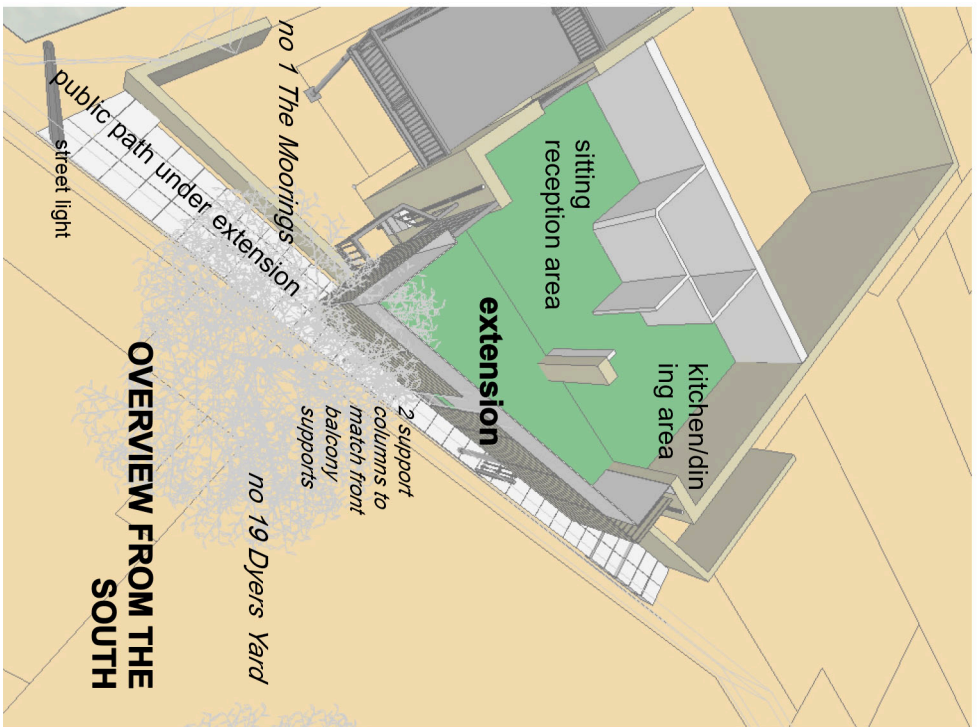
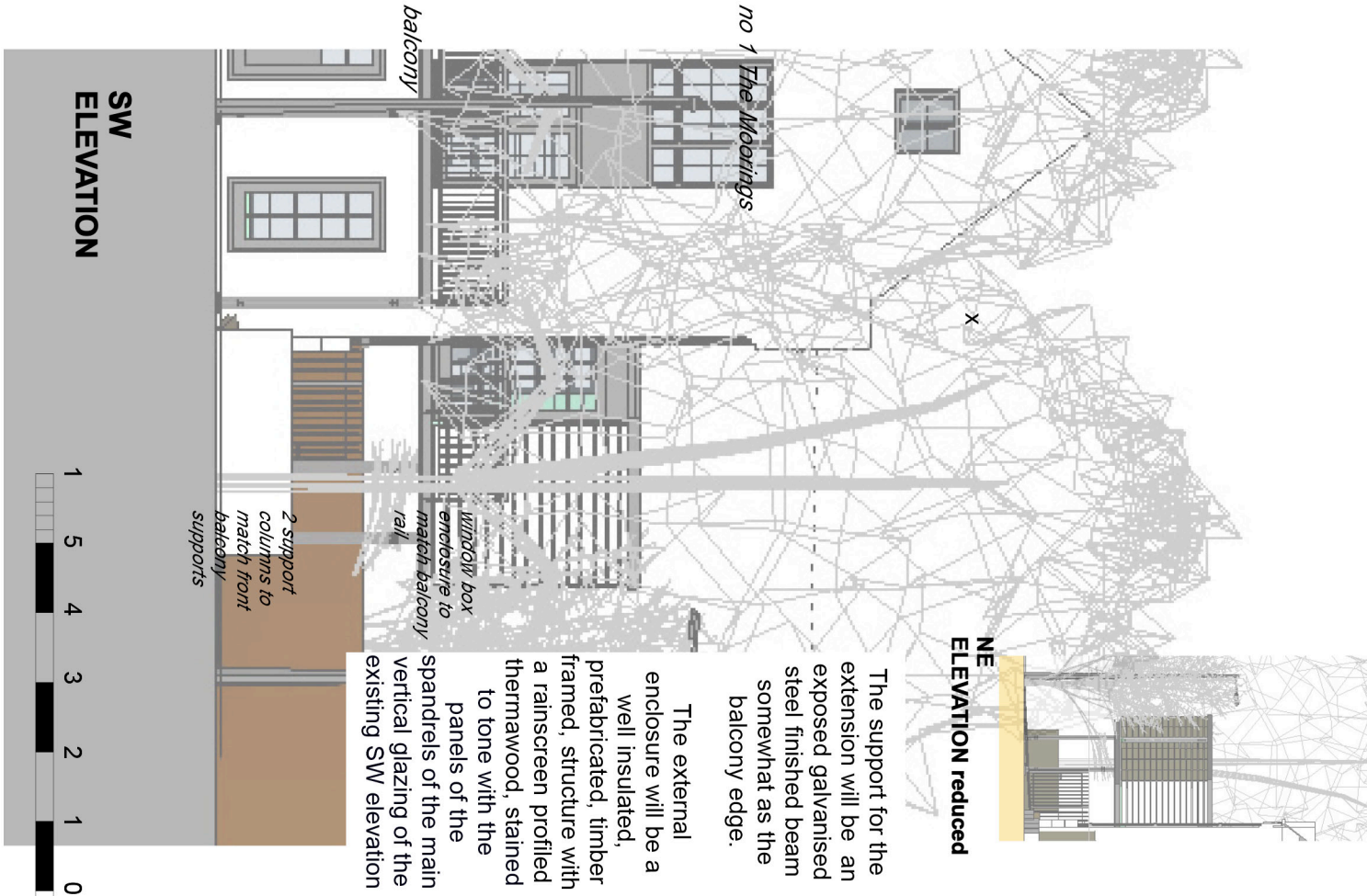
1:100 @ A4

scale of metres

10

**2**

# plan and general view



1:100 @ A4 scale of metres

3

# elevations & sections



CONSTRUCTION NOTES FOR EXTENSION

1 ROOF

flexcoat membrane or similar  
ply base, thermal board, firrings to falls  
timber joists  
gypsum board ceiling  
skim coat plaster

2 EXTERNAL WALL

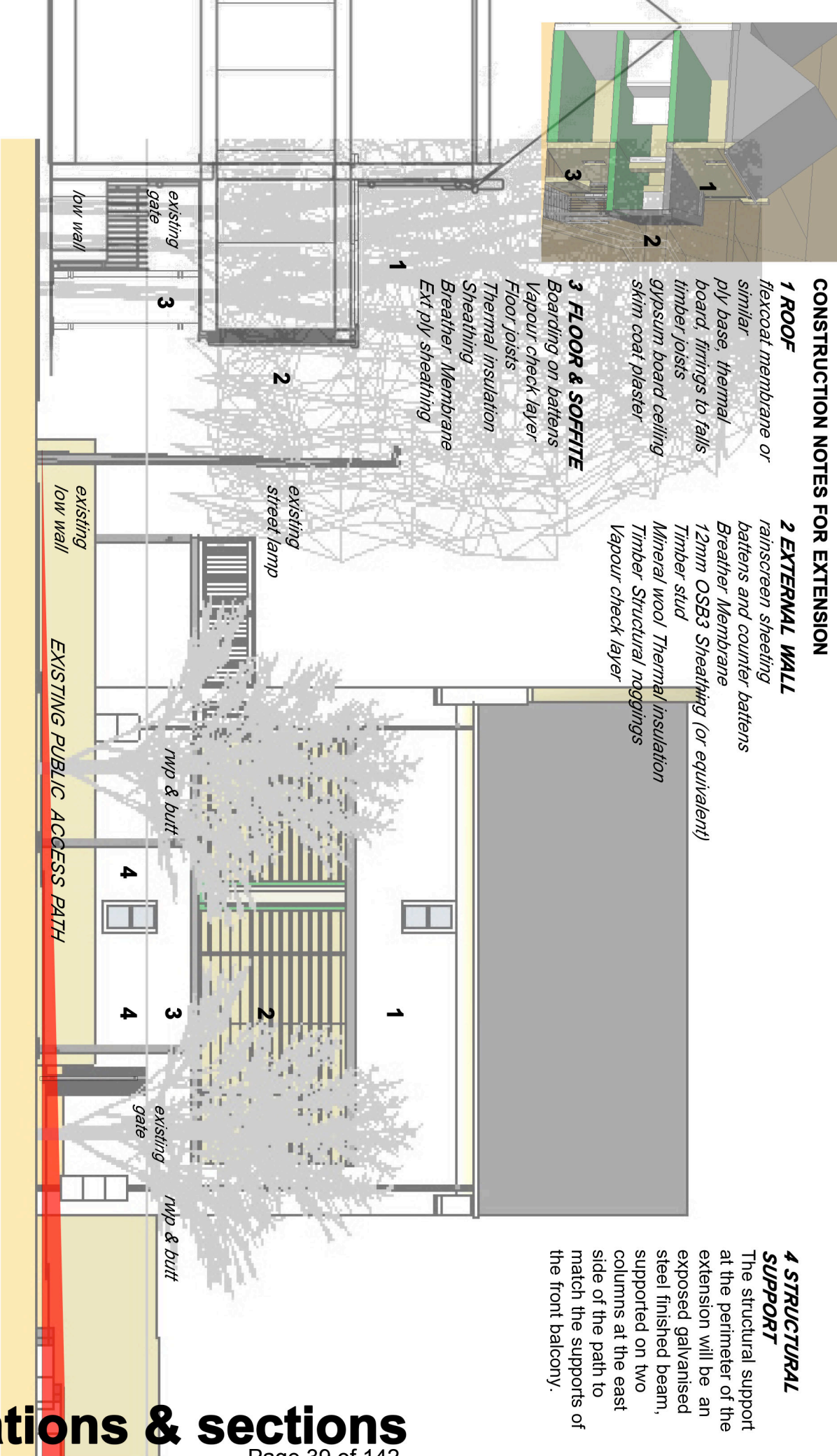
rainscreen sheathing  
battens and counter battens  
Breather Membrane  
12mm OSB3 Sheathing (or equivalent)  
Timber stud  
Mineral wool Thermal insulation  
Timber Structural noggings  
Vapour check layer

3 FLOOR & SOFFITE

Boarding on battens  
Vapour check layer  
Floor joists  
Thermal insulation  
Sheathing  
Breather Membrane  
Ext ply sheathing

4 STRUCTURAL SUPPORT

The structural support at the perimeter of the extension will be an exposed galvanised steel finished beam, supported on two columns at the east side of the path to match the supports of the front balcony.

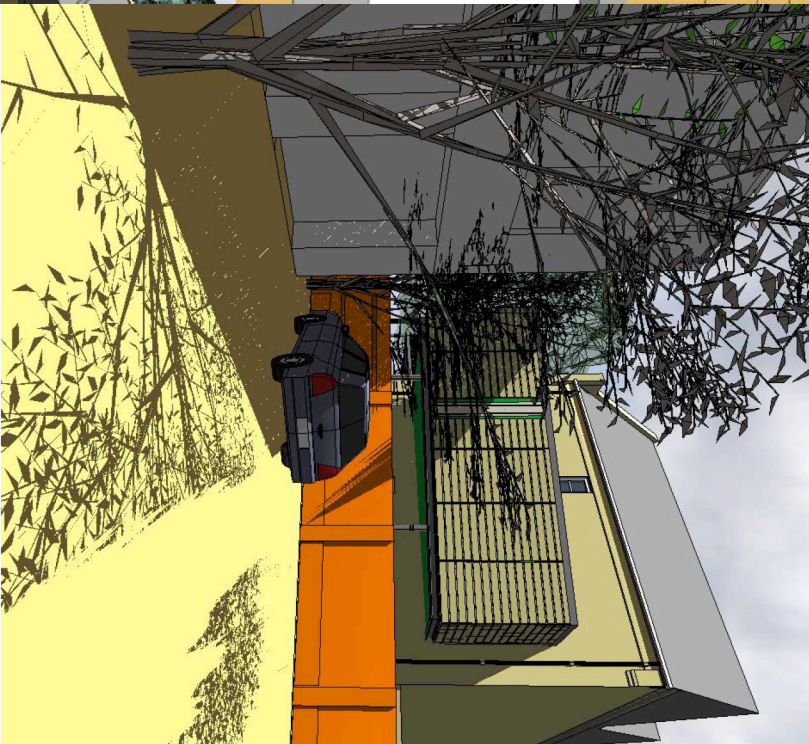
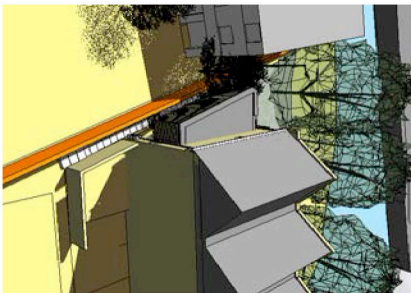
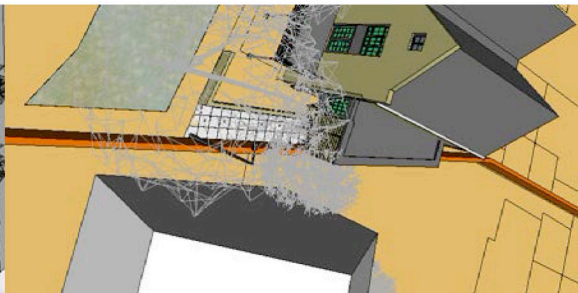
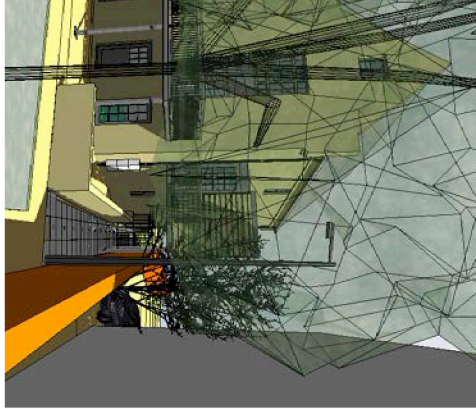


CROSS SECTION

SE ELEVATION



1:100 @ A4 scale of metres



The addition does not really impact on any view of public significance - certainly not from the Riverside Walk nor the opposite bank.

From approach to houses on the adjoining Indigo Yard, the impact is small and will add some interest to a bland gable.

To soften the aspect at close range, the cladding material has been changed from metal to timber/thermawood and profiled to give greater texture than the previous metal proposed.

The trees shown exist and are approximately correct as to placing and size.

6

## additional studies

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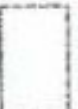




20 August 2014

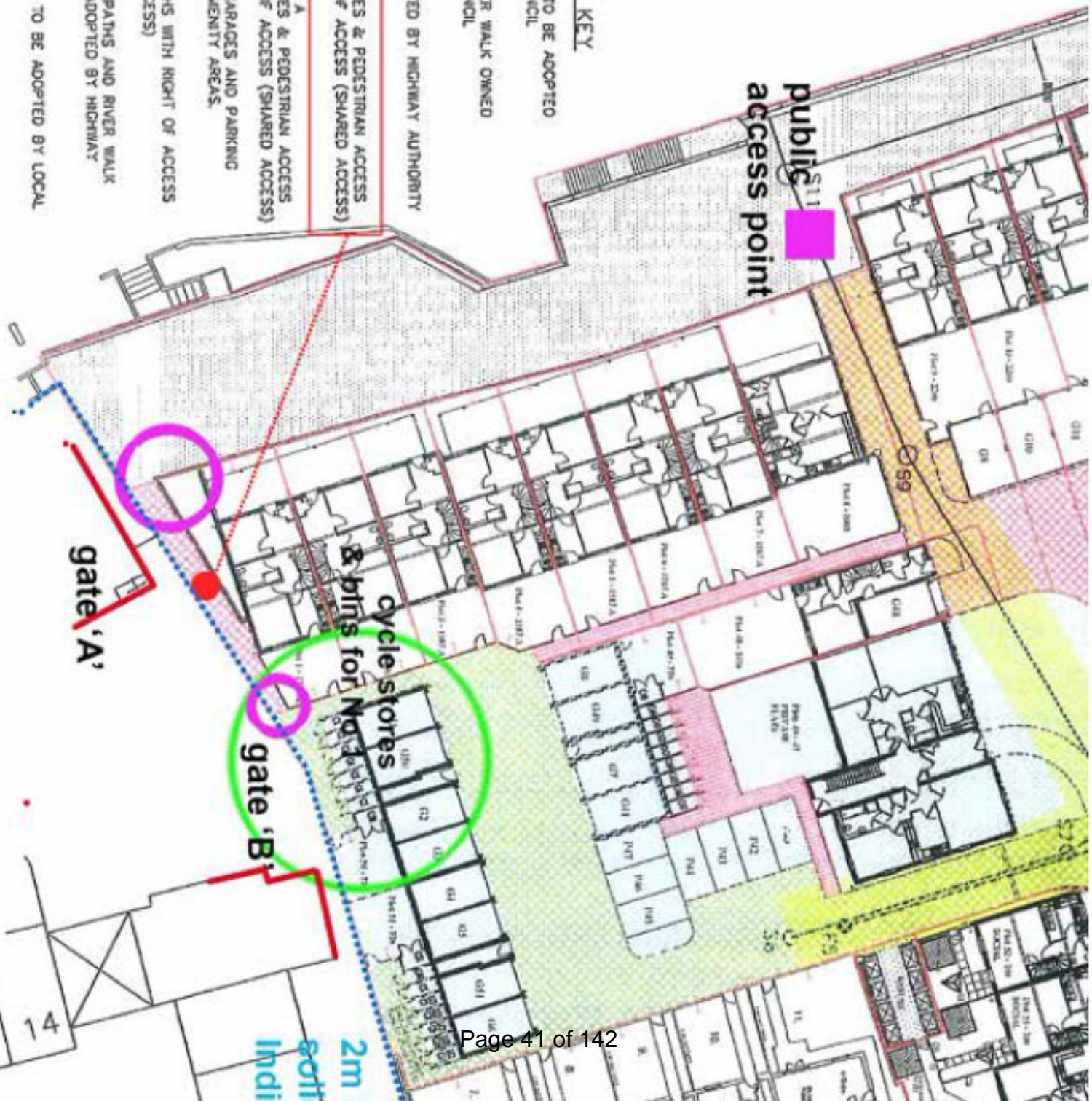


*Live Mason*

public  
access point

**CONVEYANCE PLOT KEY**

-  PRIVATE DRIVES & PEDESTRIAN ACCESS WITH RIGHT OF ACCESS (SHARED ACCESS)
-  ACCESS WAY A PRIVATE DRIVES & PEDESTRIAN ACCESS WITH RIGHT OF ACCESS (SHARED ACCESS)
-  LEASEHOLD GARAGES AND PARKING SPACES & AMENITY AREAS.
-  PRIVATE PATHS WITH RIGHT OF ACCESS (SHARED ACCESS)
-  ROADS, FOOTPATHS AND RIVER WALK CURRENTLY ADOPTED BY HIGHWAY AUTHORITY
-  OPEN SPACE TO BE ADOPTED BY LOCAL AUTHORITY
-  RIVER WALK TO BE ADOPTED BY CITY COUNCIL
-  EXISTING RIVER WALK OWNED BY CITY COUNCIL
-  TO BE ADOPTED BY HIGHWAY AUTHORITY





Item  
4B

<b>Description:</b>	Regularisation of existing grounds maintenance site layout and operations.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Town Close
<b>Contact Officer:</b>	Mr James Bonner                      Planner 01603 212542
<b>Valid Date:</b>	22 August 2014
<b>Applicant:</b>	Norse Commercial Services
<b>Agent:</b>	Mr Jonathon Green

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## Planning History

5. None.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

6. This applicant seeks to regularise the use of the land in its continued operation as a grounds maintenance depot. The application follows a number of concerns raised by neighbouring residents about alleged intensification of use which then led to a planning enforcement investigation and the agreement of Norse to submit a formal application.
7. Included in the proposal are a small number of accompanied changes, including the erection of an acoustic fence along the northern boundary and the rearrangement of containers.

## Representations Received

8. 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.
- 9.

Issues Raised	Response
Start times, activity level, noise levels and general inappropriateness of the site's use are unacceptable for a residential area. When used just by Hewett School for grounds maintenance it was ok but not now – it should be moved or limited. Hedges and trees have been removed without permission.	The principle of the use is accepted. Matter of intensification addressed in paragraphs 11 – 18.  Noise and disturbance – see paragraphs 19 – 27.  Trees/hedges – see paragraphs 31 – 33.
<ul style="list-style-type: none"><li>• Not a gradual intensification but a dramatic change starting with removal of hedge/trees etc.</li><li>• Went from 5 to 20 containers on site.</li><li>• Noise (and its nature) so early is disturbing.</li><li>• B1 industrial use not suitable in residential area.</li><li>• Tractors parked within 6ft of sun lounge.</li><li>• Intensification has devalued house.</li><li>• Statutory noise nuisance tests were</li></ul>	<ul style="list-style-type: none"><li>• The principle of the use is accepted. Matter of intensification addressed in paragraphs 11 – 18.</li><li>• Devaluation is not a material consideration.</li><li>• Statutory noise nuisance test is a separate matter to planning and covered by different legislation. See paragraph 27.</li><li>• Trees/hedges – see</li></ul>



<p>done in winter – they should be done in summer when noise is worse.</p> <ul style="list-style-type: none"> <li>• Requests for reinstatement of hedge and for 8am start time.</li> <li>• Deaf resident at No.10.</li> </ul>	<p>paragraphs 31 – 33.</p> <ul style="list-style-type: none"> <li>• Start time – see paragraph 26.</li> <li>• Noise and disturbance – see paragraphs 19 – 27.</li> </ul>
<p>Concerned with:</p> <ul style="list-style-type: none"> <li>• lack of consultation</li> <li>• increased noise and disturbance</li> <li>• proposed mitigation measures inadequate – trees could be removed</li> <li>• potential for extending future use in terms of layout and hours.</li> </ul>	<ul style="list-style-type: none"> <li>• Neighbours within 10m of the site are sent letters as per procedure.</li> <li>• Noise and disturbance – see paragraphs 19 – 27.</li> <li>• Trees – see paragraphs 31 – 33.</li> <li>• Approving application would allow for greater control over layout and enforcement is currently unlikely to be an option.</li> </ul>

## Consultation Responses

**Environmental Health** – Recommended to condition: restricted hours of use, restricted delivery and collection hours; hours of use of the metal storage containers; restriction on hours of use of plant or machinery in the metal storage containers; external lighting; the site layout; handles on the metal storage containers must be supplied with rubber sleeves to reduce noise; a site operational management plan; boundary treatment of the site.

10. **Tree officer** – fine as long as done in accordance with AIA.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

Statement 1 – Building a strong, competitive economy

Statement 8 – Promoting healthy communities

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 5 – The economy

Policy 12 – The remainder of the Norwich urban area

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

NE3 – Tree protection control of cutting, lopping etc.

HBE12 – High quality of design, with special attention to height, scale, massing and form of development

EP22 – High standard of amenity for residential occupiers  
EMP1 – Small Scale Business Development

## **Other Material Considerations**

### **Development Management Policies Development Plan Document – Pre-submission policies (April 2013) (As modified by the Inspector's Main Modifications):**

DM1 – Achieving and delivering sustainable development  
DM2 – Ensuring satisfactory living and working conditions  
DM3 – Delivering high quality design  
DM7 – Trees and development  
DM16 – Employment and business development

### **Emerging DM Policies:**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the JCS and RLP policies above are considered to be compliant with the NPPF.

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector's report for each plan, dated 13 October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the following policies, as proposed to be modified by the Inspector's reports, pending formal adoption.

## **Principle of development and relevant case law on intensification**

11. The use of the land as a grounds maintenance depot is a historic one and there is no doubt that in planning terms this is effectively an unrestricted use as there is no relevant planning history. What has been questioned in recent times is whether the use of the land has intensified, a claim made by a number of residents due to the disruption it has caused. This has been investigated by planning enforcement and the planning (inner area) team leader who with reference to current case law [summarised below], have concluded that the case for intensification is doubtful at best.
12. The allegation is based on an increase in numbers of containers on the site which has coincided with a reconfiguration of the site. The aerial images at the end of the report aerial photos from 2005 and 2010 on the left and right respectively. The most up-to-date image on Google Maps (dated 2014) is not attached but it does show the same layout as 2010. The area to the right of the site is covered in vegetation – this is actually where green waste has been stored in the open for years. Recently this waste has been cleared and the site rearranged to position tool and machinery storage containers along this eastern boundary. The containers have been moved from the western side of the site (top left corner of the aerial photo) and as the site

visit photographs on the presentation will show, this westernmost area now houses no containers, just tools and two skips – one for green waste and one for general waste.

13. This eastern area now sites eight containers. Due to the trees it is unclear how many containers were previously on the western side but it looks to be three or four, meaning a probable increase of four or five in the total number of containers. The use of the site remains the same prior to the reconfiguration and the question for enforcement was whether the alleged intensification has led to a material change in the definable use of the land and whether there are different planning consequences as a result of the increased activity beyond the normal fluctuations of the business. This 'test' takes reference from this case law mentioned above [*Hertfordshire CC v SoS for Communities and Local Government and Metal and Waste Recycling Ltd (decision of Ouseley J delivered on 01/02/2012)*], which relates to a legal challenge to a Planning Inspector's decision to correct an enforcement notice. The Inspector had judged that the increase in intensification of a scrap yard did not lead to a breach in planning control. For context (and to gain an understanding of the environmental impacts that this case law is based on), the description of the alleged breach of condition was as follows:

*The breach of planning control as alleged in the notice is without planning permission the material change of use of the land from a scrap-metal yard with an average yearly material throughput of 74,500 tonnes, to a scrap yard, (including as part of this use an end of life vehicle recycling facility), with an average yearly material throughput of 181,000 tonnes, the totality of the new use having a different nature and character from the former use.*

14. With regards to the application before committee, planning enforcement have assessed the alleged intensification in a similar manner to that outlined in the above judgement: on the environmental impacts of the increase in throughput. When judging whether this increase in scale of activities has caused a material change of use, those activities which did or could have occurred in absence of the increase cannot be attributed to any intensification.
15. The bottom line from that judgement is that although a material change of use could arise in theory, it has proved elusive in practice and has to include a material change of use in the land by bringing about a definable change in its character. In this particular grounds maintenance depot case the investigation has determined that there has been neither and a material change of use would be difficult if not impossible to prove. The judge was careful to add a note of caution about Planning Authorities relying on a claim of change of use by intensification as a substitute for imposing proper planning conditions.
16. Aside from the reconfiguration of containers, also of importance to the assessment of intensification are the site's other changes, particularly the tidying up which has made the area much more efficient in its recent use. Combined with the loss of the trees, boundary treatments and general foliage (addressed further in paragraph 31) this has made the site and its use much more visible, especially compared to its much more rustic appearance previously.
17. With regards to the effects of the alleged increase in throughput, this would in this

case be primarily noise and to a lesser degree visual amenity. Environmental Health have investigated the operation of the site from the perspective of it being a statutory nuisance and it was judged to not be a nuisance. It is however understandable how it could be considered an annoyance with potential amenity implications which should be judged as the principal matter in this planning application.

18. It should be made clear that given the questionable case for intensification, the applicant could have applied for a lawful development certificate to establish the lawful use of the land. They have helpfully applied for full planning permission which allows for conditions to be attached, offering a degree of control over the site and its operations. This is particularly pertinent for the scenario where a different operator could come in and use the site as an unrestricted grounds maintenance depot with much less accountability than Norse currently has. The imposition of conditions allows for some control over the site which currently does not exist.

## **Impact on Living Conditions**

### **Site operations and noise/disturbance**

19. Clearly the use has its largest impact on amenity through noise and any attempt to regularise it must have a clear assessment of its effect. The bulk of the disturbance comes from workers arriving on site in the morning, opening the metal containers and moving about the site on foot and in vehicles (typically vans with trailers). Following complaints from neighbours, these main site operations now begin on-site at 7.30am, with workers arriving and parking vehicles from 7.15am to 7.20am. Prior to this works often began at 6.45am. Besides emergency works and on-call work that require earlier starts, this is the agreement that the site currently operates to.
20. Working practices generally involve employees in teams, each team paired with a couple of metal containers which are opened when work starts. One has tools such as strimmers and mowers which are loaded onto a trailer while in the container; the other stores a trailer holding a ride-on mower. Both trailers are then connected to a van and then driven out of the containers. The exception to this is one narrower, older container which cannot fit a trailer – ride-on mowers must be started inside the container and driven out, which causes additional noise of a lower, more noticeable frequency than the vans. This is compounded by the container opening out towards 8 and 9a Harford Manor Close, directing noise towards the residents.
21. Maintenance teams then tend to leave the site around 7.45am to 8am and return from 4pm Monday to Thursday and 3pm Friday. Trailers are reversed into containers (or ride-on mowers where applicable), tools unloaded and vans parked in front of their respective containers. Between these times there is relatively little activity, most of which is maintenance teams arriving to tip green waste off the back of the van. This is dumped into the storage space adjacent to the skip on the west side of the site, just north of the garage / workshop. Every day a tractor is used to deposit the green waste into the skip.
22. One significant source of noise identified by neighbours and the submitted Noise Impact Assessment is when this green waste skip gets emptied, which in summer

is typically once a month but in pruning season (between October and March) can be three times a week. A general waste skip is emptied fortnightly. The Noise Impact Assessment (NIA) identified this noise from the placing and lifting of the skips as fairly insignificant compared to the lorry's engine noise, but it can be understood to be significant enough of an annoyance to warrant a condition restricting this from happening before 9am. More significant is the manner in which this skip is emptied. In the past, but not when the NIA was being carried out, the procedure involved dragging the skip across the yard so that the new skip could be put in its place. This created a very high level of noise which caused noticeable and undeniable disturbance to residents. Following complaints the procedure has been revised to set the replacement skip down next to the full skip, which itself then is lifted onto the wagon. Any approval would need to be accompanied by a condition requiring further details of a site operations management plan outlining this preferred procedure. Compliance with this management plan can then be adhered to and enforced against if necessary. Options have been explored including creating a noise barrier, but this is not feasible given first floor windows are affected. Also pondered was reconfiguring the layout to move the skip, but the spatial constraints of the site means that there needs to be enough room for the wagon and vans with trailers to safely manoeuvre.

23. To help mitigate against the noise from the opening and use of the older container, the NIA suggests swapping the position of this container with the one in the south east corner of the site and rotating it 180° so that it opens westwards, facing down the access road. Further suggestions include the manner in which the loading onto the trailer should occur to reduce unnecessary noise, for instance through removing the need to manoeuvre the mowers in the centre of the yard. These will be agreed in the site operations management plan.
24. The NIA highlights idling van noise when loading as a source of noise that could be addressed through clear signposting and enforcement of a requirement in the management plan to switch off engines when loading in the morning. While not a dominant noise on site, opening the containers does create short bursts of noise from metal-on-metal impact. The worst offender is the older container and its relocation should assist in this respect. Otherwise, a management plan could include measures which agree to make staff aware of the need to reduce noise when opening container doors so that metal handles are not dropped when released from the hatch. It is acknowledged that this will not have a significant effect on overall noise but cumulatively alongside the other issues this should help to reduce disturbance. The inclusion of rubber straps around posts will assist with this and will be conditioned.
25. Related to the loss of the hedge, another mitigation measure proposed is the erection of a 2m high acoustic fence along the north (adjacent to 8 and 9a Harford Manor Close) and west (adjacent to skip) boundary. This would not provide attenuation of the noise to the habitable rooms on the first floor of those affected dwellings but such a measure would not be viable given the height that would be required to break the line of sight between noise source and receiver. A 2m high fence would reduce noise levels to the garden by 5dB(A) and should be conditioned if approved.

26. The most important control over operations will be restrictive conditions on the times employees can arrive and start work on site. Recommended is a restriction of employees on-site before 7.15am with no works (including opening of containers) before 7.30am Monday to Friday with no work beyond 7pm. A later start than 7.30am would be at odds with the nature and requirements of the work and would be unreasonable, particularly considering that the use of the land is currently entirely unrestricted. Any condition would need to include allowance for a degree of flexibility for unscheduled emergency works that require earlier starts as this is an essential aspect of the client's operation. The condition restricting hours of operations will include this exception for emergency works and a definition of this will need to be formally agreed in the site operations management plan. Also needed will be a condition to restrict the collection of any waste before 9am.
27. The issue of the site creating a statutory nuisance is a matter separate to planning and if required, could be addressed at a later date. This could happen with or without the grounds maintenance depot having formal planning permission or not.

#### **Other amenity issues**

28. The proposed fence should reduce some of the amenity concerns and a condition requiring the specification, position, direction and cowl of any lights will be attached. There are no other significant amenity issues.

#### **Visual Impact**

29. Being set back considerably from Ipswich Road, the site's visual impact from the public sphere is limited and is of minimal concern given the historic use. The fence's visual impact is minimal but as it would be permitted development, this is inconsequential.

#### **Transport and Access**

30. Access remains the same as has been historically used and no assessment is required.

#### **Trees and Landscaping**

31. One major concern from one neighbour in particular is the removal of the hedge which forms the boundary between the site and 8 Harford Manor Close. While not having notable capacity as an acoustic barrier, it provided an important visual break between the neighbour and the site. In combination with the tidying and reconfiguration of the site this has made its presence and use more apparent to the neighbours most affected. From speaking to the applicant the removal of the hedge was done in error and has proved to be a regrettable error for both parties. While the fence offers some solutions to the issue of noise, it will provide an additional visual break also.
32. The removal and possible reinstatement of the hedge has not been covered as it is a civil matter between the two parties.
33. There are a number of trees on site which are not due to be removed according to

the submitted Arboricultural Impact Assessment. The location of the fence needs agreeing on site with an arborist to avoid damage to the tree roots and a condition will ensure this.

## **Conclusions**

34. While there has been an increase in the number of containers on the site, the degree of change does not constitute intensification that could be considered to cause a material change in the use or defined character of the land. Some of the changes, including tidying the site up and reconfiguring the layout have coincided with some unfortunate changes to boundary treatments that have made the site and its use more apparent to the neighbours most closely affected. Given the investigation and reference to recent case law it is not considered that there has been a breach of planning control which could be enforced due to the historic use of the site.
35. This planning application will allow the employment use to continue while introducing an element of control over its activities that did not previously exist. There are several conditions which will help reduce noise and the impact upon amenity. Although it is accepted that this will not fully eliminate the annoyance to the neighbours it should be seen in the context of the fact that the use could continue without any restriction. With this in mind the conditions are reasonable given the need to allow the operator to remain commercially competitive. The recommendation for approval is therefore considered a reasonable planning solution.
36. If the application is refused and planning enforcement are asked to investigate, the outcome of this will likely be that no enforcement action can be taken. This is because the conclusion from the previous investigation is that there has been no material change of use of the land as a result of the alleged intensification. There would be no 'breach of planning control' within the meaning of the 1990 Act. On the basis of discussions with the applicant it is however expected that if approved the applicant will implement the consent and conform with the conditions giving a degree of control over the site in the future.

## **RECOMMENDATIONS**

To approve 14/01234/F 41A Ipswich Road and grant planning permission, subject to the following conditions:-

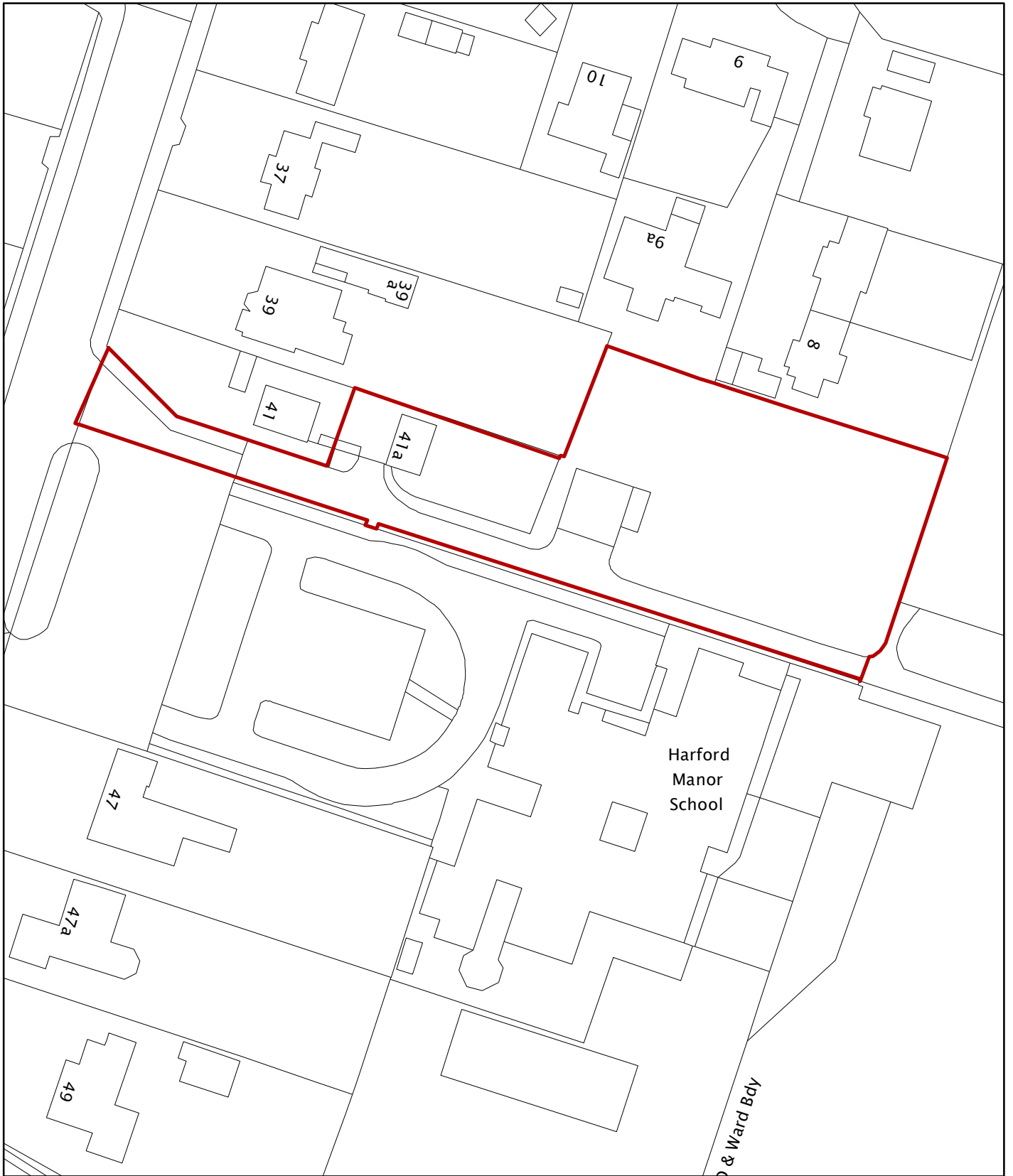
1. In accordance with the approved plans.
2. No employees on site before 07:15 or after 20:00 except in the case of an emergency (which itself shall be defined in the site operations management plan to be agreed through condition 8).
3. No operational use (including the opening of containers) of the premises which form the subject of this permission and outlined in red on the approved location plan ref.01-01-15-2-1035 (01) shall take place other than between the hours of 07:30 and 19:00 on any day except in the case of an emergency (which itself shall be defined in the site operations management plan to be agreed through condition 8).

4. No plant or machinery shall be operated on the premises outside the following hours:
  - before 07:30 hours and after 19:00 hours Mondays – Fridays;
  - before 07:30 hours and after 13:30 hours on Saturdays; and
  - not at all on Sundays or Public Holidays.
  - This shall apply except in the case of an emergency (which itself shall be defined in the site operations management plan to be agreed through condition 8).
5. No trade deliveries or collections (including the delivery or collection of green waste or general waste skips) shall take place before 9:00 hours and after 17:00 hours Monday to Friday.
6. The layout of the site shall be carried out in accordance with the approved plan ref.01-01-15-2-1035 (03) and retained as such unless otherwise agreed in writing with the local planning authority.
7. Within 3 months of the date of this decision the position of the old container shall be reconfigured in accordance with the details agreed in paragraph 4.1 of the approved Noise Impact Assessment [ref. 10980/1] and retained in this position unless otherwise agreed in writing with the LPA.
8. Within 3 months of the date of this decision details of site operations management plan to be agreed Operations on site shall be carried out in accordance with this plan unless otherwise agreed in writing with the LPA.
9. Within 3 months of the date of this decision details of the siting of the 2 metre high close boarded fence along the northern and western boundaries of the site are to be submitted and agreed by the LPA and maintained and retained in the approved position unless otherwise agreed in writing with the LPA.
10. Within 3 months of the date of this decision details of lighting (including specification, height, direction, cowling etc) to be agreed.
11. Within 3 months of the date of this decision the noise dampening measures as detailed in paragraph 4.6 of the approved Noise Impact Assessment [ref. 10980/1] shall be installed on all the containers within the site and maintained and retained in the approved form unless otherwise agreed in writing with the LPA.
12. In accordance with the approved AIA

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

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





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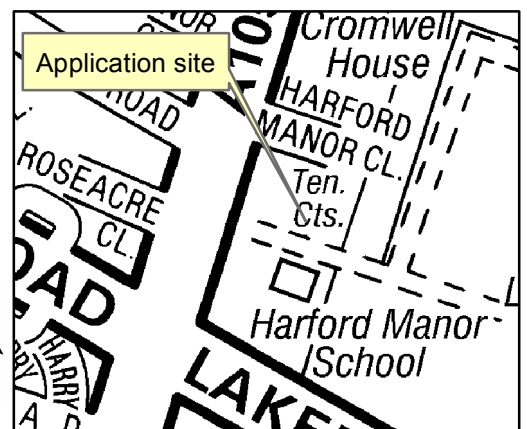
Planning Application No 14/01234/F  
 Site Address 41a Ipswich Road

Scale 1:800



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**PLANNING SERVICES**  
Norwich City Council, City Hall,  
Norwich, NR2 1NH  
Telephone 0344 980 3333

Drawing Title

Grounds Maintenance Depot Aerial 2005

Drawn: SB Scale: 1:938 Date: 27/10/2014

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Drawing Title

Grounds Maintenance Depot Aerial 2010

Drawn: SB Scale: 1:938 Date: 27/10/2014

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**Report to** Planning applications committee  
**Date** 6 November, 2014  
**Report of** Head of planning services  
**Subject** 14/01108/U Rouen House Rouen Road Norwich NR1 1RB

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**Item**  
**4C**

## SUMMARY

<b>Description:</b>	Change of use of the lower ground and ground floors from offices (Class B1) to clinic (Class D1).
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Thorpe Hamlet
<b>Contact Officer:</b>	Mrs Caroline Dodden Planner 01603 212503
<b>Valid Date:</b>	2nd September 2014
<b>Applicant:</b>	Norwich Practices Ltd.
<b>Agent:</b>	KLH Architects Ltd

## INTRODUCTION

### The Site

#### Location and context

1. Rouen House is a five storey office building situated on the southeast side of Rouen road, which was built in the 1970s, at the same time as Prospect House situated to the west, on the opposite side of Rouen Road. A number of residential blocks of flats, such as Raleigh Court, Scoles Green, Morgan House and Paradise Place are located close to Rouen House.
2. The access road known as Normans Buildings lies directly to the south of the building and runs along its rear boundary. This road provides access to a vehicle workshop and garage, a small commercial unit and a number of residential flats. Stepping Lane forms a T-junction with Normans Buildings behind Rouen House, which provides access to a private car park, further residential dwellings and pedestrian access to King Street/ Mountergate.



## Constraints

3. The building lies within the Ber Street character area of the city centre conservation area appraisal. Rouen House is identified within the appraisal as a negative building and negative landmark. In addition, the appraisal identifies negative vistas looking westwards from Mountergate and north-westwards along Rouen Road.
4. The building also falls within an area of main archaeological interest and an office priority area (under emerging policy DM19).

## Topography

5. The land slopes down to the north-east, east and south from the building, where the gradient ranges from about 1:15 to more than 1:20.

## Planning history

The majority of the recent planning history for Rouen House relates to the installation of telecommunications antennae and equipment.

## Equality and diversity issues

Accessibility has been a key consideration of the assessment of the planning application and as such, this matter is discussed in detail at paragraphs 18 - 25 and 31 - 32.

## The proposal

6. To change the use of the lower ground floor of Rouen House to a walk-in health centre and the ground floor to a doctors' surgery. This facility would replace the existing Timberhill Health Centre that is located in the Castle Mall shopping centre.

## Representations received

7. Advertised on site and in the press. 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.

8.

Issues Raised	Response
Keen to see the walk-in clinic remain in a city centre location but feel that this application is currently not viable, as it does not address accessibility to the clinic.	Paragraphs 18 - 25
If Normans Buildings and Stepping Lane are used as an informal drop off /parking area for the clinic it will cause chaos and potentially accidents on these streets.	Paragraph 24

Lack of parking facilities for the centre will mean a dramatic increase in traffic to the area and as a consequence illegal and nuisance parking on Normans Buildings and Stepping Lane.	Paragraphs 21, 22 and 24
Concern about noise disturbance if the entrance to the clinic is proposed from Normans Buildings.	Paragraphs 27 - 30
There would be significant risk to the safety of pedestrians and vehicles on most of the routes of access to Rouen House and on adjacent roads	Paragraphs 18 – 25, 31

## Consultation responses

9. Local Highways Authority: In highways terms, the proposal is acceptable in principle for its city centre location and would work operationally. A change to the traffic regulation order would be required for disabled parking, footway improvement measures adjacent to the property, pedestrian and directional vehicular signage in the locality and a Travel Information Plan to be submitted, all of which could be the subject of condition.
10. Norwich Society: concerned about access, dropping-off points and servicing of the proposal.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant planning policies

#### National Planning Policy Framework:

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

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

Policy 6 – Access and transportation  
Policy 7 – Supporting communities  
Policy 11 – Norwich City Centre  
Policy 19 – The hierarchy of centres

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

AEC2 – Local community facilities in centres  
TRA6 - Parking standards - maxima  
TRA7 - Cycle parking standards  
TRA8 - Servicing provision

## **Supplementary Planning Documents and Guidance**

City Centre Conservation Area Appraisal (September 2007)

### **Other Material Considerations**

Written Ministerial Statement: Planning for Growth March 2011

### **Emerging Development Management Policies**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the JCS and RLP policies above are considered to be compliant with the NPPF.

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector's report for each plan, dated 13 October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the following policies, as proposed to be modified by the Inspector's reports, pending formal adoption.

DM1 Achieving and delivering sustainable development  
DM2 Ensuring satisfactory living and working conditions  
DM19 Encouraging and promoting major office growth  
DM22 Planning for and safeguarding community facilities  
DM28 Encouraging sustainable travel  
DM31 Car parking and servicing

## **Principle of Development**

### **Policy Considerations**

11. Paragraph 70 of the NPPF states that planning policies and decisions should plan positively for community facilities and local services and guard against the unnecessary loss of valued facilities and services, particularly where it would reduce the community's ability to meet its day-to-day needs.
12. The proposed use as a health clinic comprising a walk-in centre and a GP surgery falls within use class D1. As such, it is not a defined main town centre use within the NPPF. The proposal is assessed against saved policy AEC2 of the Local Plan. This policy sets out a sequential approach to the location of facilities in centres where a need exists. In this case the City Centre is considered to be the most sequentially appropriate location for such a use, which services the wider Norwich Area.
13. Emerging Policy DM22 permits new or enhanced public or community facilities where they are located within or adjacent to the city centre or existing and proposed local and district centres. It continues that development resulting in the loss of an existing community facility will only be permitted where an adequate alternative provision exists or will be provided in an equally accessible or more accessible



location within 800 metres walking distance.

14. Emerging Policy DM19 relates to office priority areas. The policy does not permit the change of use of larger existing offices of 1500sq.m gross internal floor space unless it can be justified by a number of criteria including that the accommodation is no longer fit for purpose and that its upgrading is not economically viable, feasible or practicable.

### **Loss of office floorspace**

15. The proposal would see a change of use of 628sq.m of office space (Class B1(a)) to a health centre (Class D1) over the two lower floors of this office building. Although the building lies within the Office Priority Area under emerging policy DM19, the proposal does not trigger the requirement to justify the loss of office space as it is below the 1500sq.m. threshold and the three upper floors of the building currently remain in office use.

### **Relocation of health centre**

16. This site has been identified by the Applicants as a potential alternative location for the existing Timberhill Health Centre, which is currently located on level 4 at no.115-117 Castle Mall.
17. In planning terms, it is considered that the use of part of Rouen House for a health centre would satisfy both adopted policy AEC2 and emerging policy DM22 as being an adequate replacement, as the building is situated within the city centre, which is the most sequentially appropriate location for the facility.

### **Accessibility and servicing**

18. Rouen House is located approximately 100 metres along Rouen Road from the four way junction with Cattle Market Street, Farmers Lane and Golden Ball Street. The existing Timberhill health centre is located approximately 200 metres away in Castle Mall.
19. The proposed doctor's surgery would be located on the ground floor, which has good accessibility by steps or a gentle slope from Rouen Road. The walk-in centre would be accessed from the southern side of the building, where a new entrance would be created adjacent to the existing fire exit doors. The details of the new entrance would be the subject of a further planning application.
20. The Transport Statement submitted proposes to improve the pedestrian access to the walk-in centre, as a minimum, by providing a handrail at the back of the footway in the immediate vicinity of the proposed walk-in centre entrance and by providing tactile paving to the pedestrian crossing areas of the pavement on either side of Normans Buildings. If Members are minded to grant planning permission, a condition could be attached to require the submission and formal agreement of a package of measures to improve pedestrian safety in the immediate vicinity of Rouen House.
21. The Transport Statement also gives details of the various modes of transport that can be utilised to access Rouen House. There are many bus routes that stop at Castle Meadow and the Bus Station. There are two car parks containing over 790

spaces within Castle Mall and a surface car park on Rouen Road (194 spaces) approximately 150 metres away to the south. In addition, there are on-street pay and display bays situated intermittently on both sides of Rouen Road. There is motorbike parking on Farmers Avenue and several cycle stands located outside the main entrance to Rouen House. In addition, the train station is about a 10 minute walk away.

22. There is an on-street parking bay directly outside the main entrance to Rouen House after which double yellow lines stretch around the corner on to both sides of Normans Buildings and Stepping Lane (apart from a small on-street parking bay in front of the flats at Scoles Green). Given that the proposal is a change of use application and not a new-build, it is considered unreasonable that a dedicated dropping off point is identified as part of the application, particularly when it is considered that the building is highly accessible and that no such facility is in operation at the existing Timberhill health centre.
23. It is understood that ambulances would rarely visit the health centre and such emergency vehicles are allowed to park temporarily on double yellow lines. Therefore, it is considered that if a convenient space was not available for an emergency vehicle within the on-street parking bays on Rouen Road, it would be acceptable for an ambulance to park on double yellow lines.
24. Objectors are concerned that some health centre visitors will park along Normans Buildings and Stepping Lane and that this would cause access and highway safety problems. It is considered that there is good access to Rouen House and a variety of parking facilities available close by. Bearing in mind the existing on-street parking restrictions on Normans Buildings and Stepping Lane, which are both narrow roads, it is considered that little more can be done to prevent any potential unneighbourly parking that may occur as a result of the proposal. However, it is proposed to attach a condition requiring the submission and formal agreement of a Travel Information Plan that would detail how the health centre would provide practical travel information to staff and customers to encourage sustainable travel.
25. The largest delivery vehicle would be a 7.5 tonne rigid vehicle that removes clinical waste. This is considered to be of a comparable size to office delivery vehicles. Servicing the health centre will utilise the existing arrangements from Normans Buildings. A gated access is available at the rear of the building to allow delivery vehicles to turn adequately.

## **Impact on living conditions**

### **Noise and disturbance**

26. Two nearby residents are concerned that the proposal could cause noise disturbance from vehicles and visitors, particularly at times of the day when the area is quieter.
27. The opening times required for the clinic would be 7:00am – 9:00pm Monday to Sunday. The pedestrian access for the doctors' surgery would be from Rouen Road and the access for the walk-in centre would be via a new entrance door situated on the corner with Normans Buildings.

28. The Rouen Road entrance is close to the flats at Raleigh Court. The main orientation of the nearest block of flats appears to be east-west and although there is one window on each floor that faces the entrance, it does not appear to be a principle window.
29. The proposed walk-in centre entrance is approximately 25 metres to the edge of Morgan House to the southeast and approximately 35 metres to the nearest flats at Paradise Place to the southwest. Both groups of flats are set within mature landscaping and sit lower than Rouen Road itself.
30. Although the building is within the city centre, Rouen Road is largely residential in character and as such, it is considered that a condition to control the hours of opening to those requested would be appropriate (7am to 9pm each day). This would ensure that nearby residents would not be subjected to significant noise disturbance late at night, when the background noise levels are generally much lower.

### **Equality and diversity issues**

31. Disabled parking is provided within the Castle Mall and Rouen Road car parks and blue badge holders can also park for free in the on-street bays on Rouen Road. The Transport Statement also proposes four dedicated disabled spaces directly in front of Rouen House.
32. It is understood that many of the 8,200 people registered with a doctor at the existing Timberhill health centre are young people, vulnerable, people with special needs, or people who have difficulty engaging with a doctor. Also, there are a number of frail elderly patients who have difficulty with transport. Keeping the replacement health facility centrally located would ensure that such people would still have good access to health care.

### **Conclusions**

33. Subject to conditions, it is considered that the proposed change of use from offices to a health centre, comprising doctors' surgery and walk-in centre, is acceptable. The relocation of the health facility within the city centre is considered to be of upmost importance in serving the local population. The proposals are considered to be consistent with the development plan and subject to conditions there are not considered to be material considerations which indicate that the proposal should be determined other than in accordance with the plan.

## **RECOMMENDATIONS**

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

1. Commencement within three years.
2. In accordance with approved plans and details.
3. The health centre, comprising a doctors surgery and walk-in centre, shall not be open to the public between the hours of 9pm and 7am hours on any day;

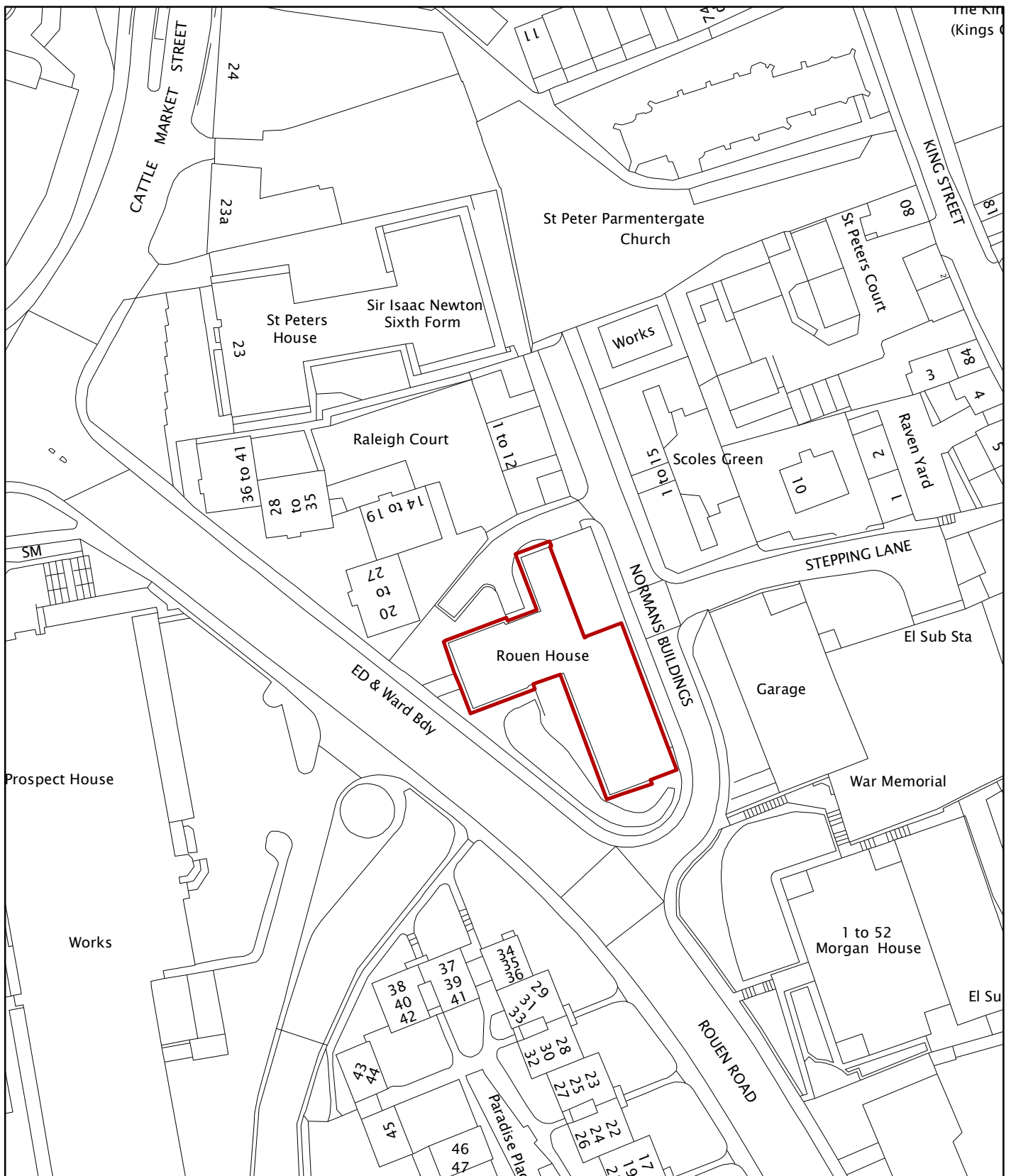
4. No development until measures to improve the pedestrian safety of visitors to the health centre, comprising a hand rail & improved pedestrian plaza to the Normans Buildings entrance;
5. Submission of a Travel Information Plan;
6. A scheme for the provision of pedestrian and vehicle signage;
7. Provision of on street disabled parking bays including dropped kerbs and associated amendments to extant restrictions;
8. Scheme for the provision of cycle storage facilities;
9. The premises shall be used as a health centre and for no other purpose (including any other purpose in Class D1).

#### Article 31(1)(cc) Statement

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

#### Informative notes:

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



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Planning Application No 14/01108/U  
 Site Address Rouen House  
 Rouen Road

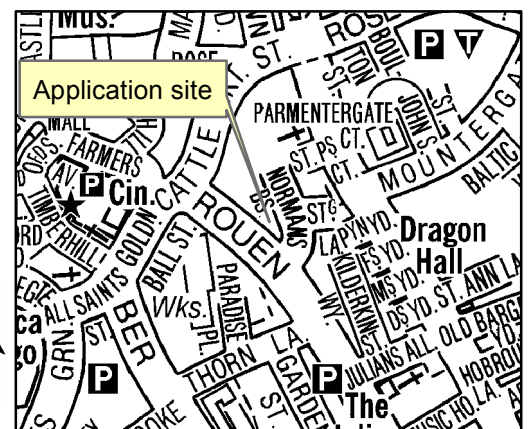
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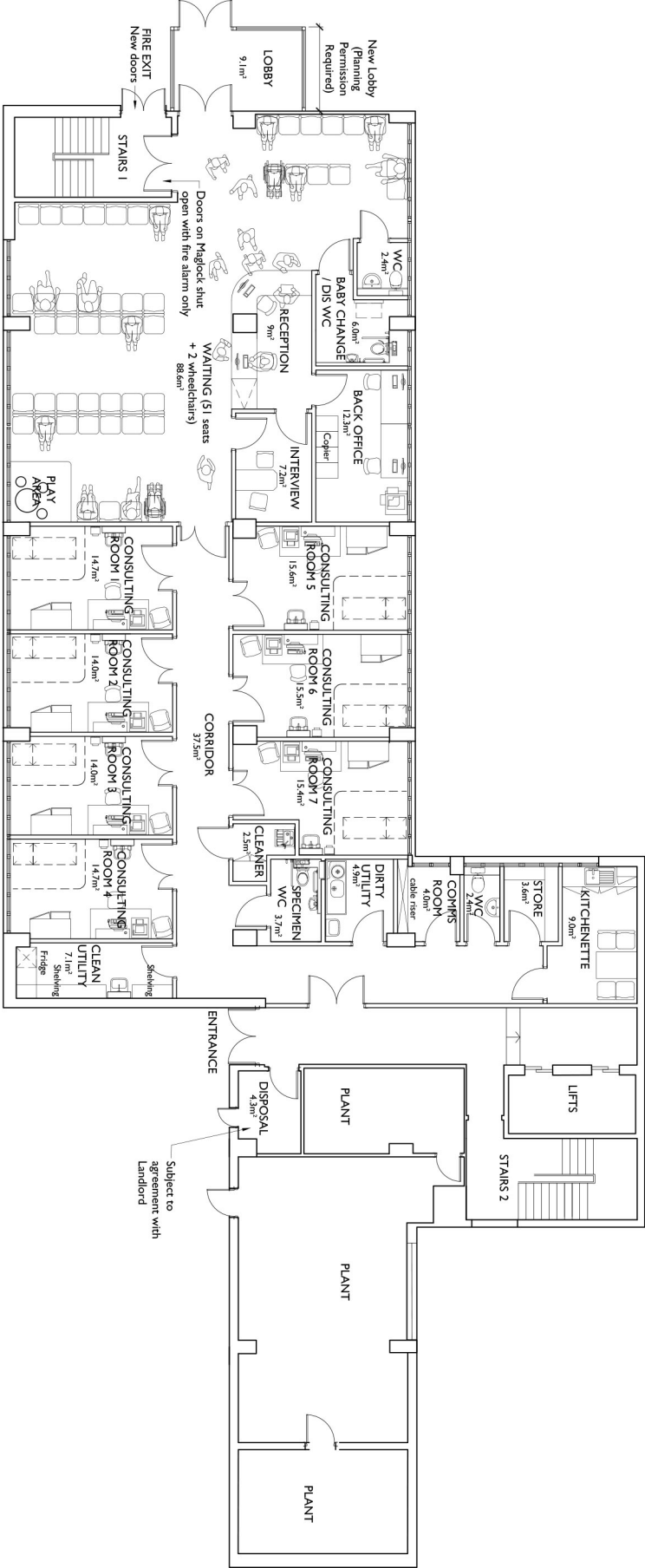


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PLANNING SERVICES

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PRELIMINARY

Client  
MORGAN SINDALL

Project  
ROUEN HOUSE  
WALK IN CENTRE AND  
GENERAL MEDICAL SERVICE

Title

WALK IN CENTRE  
PROPOSED LAYOUT  
LOWER GROUND FLOOR

Drawing Ref.  
2996/01

Scale	Drawn	Date
1:100 @ A2	RC	JULY 2014
Drawing Status	Checked	
PRELIMINARY	GL	

Project  
ROUEN HOUSE  
WALK IN CENTRE AND  
GENERAL MEDICAL SERVICE

GENERAL MEDICAL CENTRE  
PROPOSED LAYOUT  
GROUND FLOOR

Scale	Drawn	Date
1:100 @ A2	RC	JULY 2014
Drawing Status	Checked	
PRELIMINARY	GL	







**Report to** Planning applications committee  
**Date** 6 November 2014  
**Report of** Head of Planning Services  
**Subject** 14/01228/F 220 Unthank Road, Norwich, NR2 2AH

**Item**  
**4D**

## SUMMARY

<b>Description:</b>	Erection of a single storey residential annexe attached to the existing house.
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Town Close
<b>Contact Officer:</b>	Mr John Dougan                      Planner (Development) 01603 212504
<b>Valid Date:</b>	21 August 2014
<b>Applicant:</b>	T J Browne Limited
<b>Agent:</b>	T J Browne Limited

## INTRODUCTION

### Location and Context

1. The area is predominantly residential in character comprising large single and two-storey detached dwellings of varying style and varied plot sizes with many trees and hedges within each of the sites and to the un-adopted street frontage along Beech Drive.
2. A key characteristic which makes the area distinctive is the many mature trees and hedges both within the properties but also to the Beech Drive frontage, creating a leafy character.
3. The existing two-storey dwelling is of red brick dating from the mid-20<sup>th</sup> century (circa 1940's) and retains much of its original character and form. It lies within the Newmarket Road conservation area. However it has little architectural merit and is well screened from the main highway and the rest of the conservation area. It is set in generous grounds as with many properties in this area. The site appears to have been part of the now locally listed 222 Unthank Road, formerly known as Beech Lodge.
4. The site has two points of access. One being to the north-west corner of the site and the other access on the north-east corner of the site serving a driveway and garage.
5. The site has a range of relatively mature trees / shrubs and a hedge along the Beech Drive frontage indicated as T1 – T5 on the submitted block plan. There is also a hedge and a tree (T6) along the existing driveway to the south east side of the site which provides a significant level of screening.
6. There are no other constraints associated with the site.

## Planning History

No recent relevant planning history

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

7. The application is for the erection of a single storey residential annexe building attached to an existing house matching the materials used on the existing dwelling.
8. The applicant has confirmed that the extension is an annexe to the main dwelling and will be for family use, having shared use of the curtilage of the wider site.
9. The revised plans also include the extension of an existing access road within the site in the form of a turning area and the addition of 1.6 metre high gates to the driveway serving the garage.

## Representations Received

10. Adjacent and neighbouring properties have been notified in writing.  
Seven letters of representation have been received citing the issues as summarised in the table below.

Issues Raised	Response
It is unclear whether or not this is a separate dwelling or annex.	See section – ‘The proposal’
Another dwelling in addition to the recently approved one is putting burden on the drive and drainage / sewerage system and having	See section – ‘Environmental issues’
Overdevelopment of the plot	See sections – ‘scale, design and layout’
Over dominant building	See section – ‘Character’ and ‘scale, design and layout’
The development extends beyond the building line	See section – ‘character’
Adverse impact on an attractive tree lined street scene giving the sense of over crowding	See section – ‘character’
Increase in traffic flow on Beech Drive onto Unthank Road – having an adverse impact on highway safety	See section – ‘transport and access’
Overlooking and loss of privacy	See section – ‘Overlooking’
The development will be visible from our property resulting in loss of view	See section – ‘Overbearing nature of development’
The annexe should be placed at the other end of the dwelling	See section – ‘Impact on living conditions’
Adverse impact on the health of the	See section – ‘Trees and

trees and hedge to the Beech Drive frontage	landscaping'
This is a long established conservation area. One of the commitments of Norwich City Council being that development not adversely impact on the amenity of existing residents. This proposal fails to do that.	See section – 'Character' and 'Impact on living conditions'

## Consultation Responses

11. Natural Areas Officer – main concern is that adequate measures are in place to protect the existing trees on the site. Care should be taken during building operations about safeguarding species of conservation concern such as the common toad e.g. falling into excavations or moving stacked materials. I would agree that the extent of the proposed shrub clearance and hedgerow removal would not warrant any serious concern, provided that the work is undertaken outside the main bird breeding season, March – August inclusive. If the works cannot be undertaken during this period, for whatever reason, a qualified ecologist should first establish that no bird breeding activity is taking place before removal goes ahead. The additional planting suggested may help to compensate for the loss of small amount of shrubs and hedgerow from wildlife as well as an amenity viewpoint.

12. Transportation – Comment awaited.

13. Anglian Water – no response received

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

- Statement 7 – Requiring good design
- Statement 11 – Conserving and enhancing the natural environment
- Statement 12 – Conserving and enhancing the historic environment

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

- Policy 1 – Addressing climate change & protecting environmental assets
- Policy 2 - Promoting good design

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

- NE3 – Tree protection
- NE8 – Management of features of wildlife importance
- NE9 – landscaping and tree planting
- HB8 – Development in conservation areas
- HBE12 - High quality of design, with special attention to height, scale,

- massing and form of development
- EP22 – High standard of amenity for residential occupiers

### **Other Material Considerations**

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

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

- DM2 - Ensuring satisfactory living and working conditions
- DM3 – Delivering high quality design
- DM5 - Critical drainage area
- DM7 - Trees and development
- DM9 – Safeguarding Norwich’s heritage
- DM30 – Access and highway safety
- DM31 - Car parking and servicing

### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the JCS and RLP policies above are considered to be compliant with the NPPF.

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector’s report for each plan, dated 13<sup>th</sup> October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the above policies, as proposed to be modified by the Inspector’s reports, pending formal adoption

### **Principle of development**

14. The application as originally submitted was unclear as to whether a self-contained dwelling or residential annexe was proposed. The applicants have since confirmed that the proposed development is for occupation as a residential annexe in connection with the main dwellinghouse as accommodation for an elderly relative. The application has therefore been assessed on this basis. If the application were to be used as a self-contained dwelling independently from the main dwelling, this would require a separate application for planning permission, and a planning condition is also proposed to ensure that the proposal remains as an annexe.
15. The principle of extending an existing residential property and the creation of a residential annexe for a family member is acceptable subject to it being of a scale and design which is appropriate for the character of the conservation area, the appearance of the existing dwelling, the amenities of neighbouring properties and the health of nearby trees, hedges and any

protected species.

## **Character**

16. A residential extension replicates the residential character of the area.
17. In addition to relevant adopted and emerging policies, S72 of the Listed Buildings and Conservation Areas Act 1990 provides that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (the Planning Acts) special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
18. The area displays a varied character as a result of development along Unthank Road and in the former grounds of Beech Lodge to the west now Beech Drive. No 216 (on the opposite side of Beech Drive) has recently gained permission (Sept 2014) for the erection of a four bed dwelling.
19. However a distinctive characteristic of Beech Drive is that dwellings are of substantial scale, varying architectural style and located in large plots, set well back from the street. Building heights vary with some being single or multiple storeys, with the plots on the south-west side of Beech Drive being small than the other examples in the Drive. It is also noted that the existing dwelling occupies a smaller building footprint compared to the single storey dwelling in the adjoining property to the north-west (no.222a);
20. Another key feature of the area is that many of the sites (and to the frontage of Beech Drive) contain mature trees and shrubs which all contribute to the leafy character and distinctiveness of this part of the conservation area.
21. Paragraph 58 of the NPPF does state that proposals should also respond to local character and reflect the identity of local surroundings.
22. The extension will be located on the footprint of the existing 3.4 metre wide flat roof garage, with a length of 7.1m metres, being single storey and having a hipped roof design using similar materials to the existing dwelling.
23. It is acknowledged that the extension will project forward of no. 222a towards Beech Drive by approximately 2.1 metres. However, in the context that the extension is subordinate in height to the existing dwelling and there not being any distinct building line on this side of Beech Drive, the impact on the street scene is not considered to be significant. In fact, further mitigation in the form of the existing trees identified as T1 – T5 will partially screen the extended area from the street scene, ensuring that the leafy character of the area is maintained.
24. The applicant's willingness to reduce the length of the extension to 7.1 metres and provide supplementary shrub planting along the boundary to Beech Drive will help further protect the visual amenities of the street scene and the leafy character of the area. The removal of the hedge along part of the south-east boundary will mean that the new built form will be visible. Whilst the impact will not result in a significant impact on the

character of the area, new planting could be secured by condition having the effect of enhancing the existing leafy character.

25. The proposed extension would not therefore detract from the character and appearance of the conservation area, in accordance with aforementioned heritage policies.

### **Scale, design and layout**

26. As previously mentioned the scale and design of the extension is subordinate to the original dwelling, replicating its materials and roof profile.
27. Its position to the frontage will have an insignificant impact on the visual amenities of the street scene, due to it being subordinate to the main dwelling and set behind existing trees.
28. That being said, it will be important that the existing trees be retained to soften the extensions appearance in the street scene. The applicant's willingness to reduce the length of the extension will mean that the protection of the trees is feasible. The retention of the trees and details of supplementary planting can be secured by condition.
29. The application site is larger than the adjoining site to the north-west (no.222a) which has a dwelling with a much larger building footprint. Therefore, the extension will result in a dwelling still has adequate space for private amenity space, servicing, parking and turning.
30. It is noted that the driveway to the south-east of the site will be increased in size to accommodate a turning / parking area. As the area in question is not in the front garden it would normally be classed as permitted development.

### **Overlooking**

31. Whilst policy EP22 does not specifically refer to protection of privacy in private amenity space areas, it is still a material planning consideration. Emerging policy DM2 specifically refers to protection of overlooking and loss of privacy of other areas such as amenity areas.
32. Given the position of the extension, the key receptor is the adjoining property to the north-west (no.222a), which has a series of habitable windows along its south-east elevation and sits on a slightly lower ground level than that of the application site.
33. It is acknowledged that the two new windows serving the lounge dining room will be visible when viewing the extension from the neighbour's amenity space and dining area. This is due to the ground level on the application site being slightly higher, the boundary fence only being approximately 1.7 metres in height and the sporadic nature of the shrubs.
34. The occupant of no. 222a has cited BRE guidance which suggests that there should be a minimum separation of 22 metres between habitable windows, the resulting distance in the proposal being 14.6 metres

indicated on the site plan. The neighbour also stated that they would be able to look into the living area of the annex.

35. Whilst planning policy does not prescribe a distance of 22 metres, the privacy of neighbouring properties is an important material planning consideration. That being said, one has to acknowledge that the extension is only single storey meaning overlooking will be reduced by boundary treatments. In addition given a distance of 14.6 metres, the amount of overlooking between both areas is not likely to be significant.
36. Nevertheless, it is considered that the neighbour's privacy could be enhanced by improving the boundary treatment by increasing the height of the fence at that point from 1.7 metres to 2.0 metres.
37. The applicant responded to the concerns raised by the neighbour by changing the internal layout of the annex shifting the two windows serving the lounge / dining area to the south-east side meaning that the north-west elevation would only have a single window serving the less frequently used bedroom area.
38. The revised layout in conjunction with a condition requiring that the fence along the north-west boundary to be increased to 2 metres and details of additional planting along that boundary can be secured by condition.
39. It is noted that the driveway to the south-east of the site will be increased in size to accommodate a turning / parking area, requiring that the existing boundary hedge be removed. Whilst such works are likely to be permitted development, the removal of the hedge might mean that there would be overlooking to the property to the south-east (no.220). However, as the area in question is a driveway and there is other boundary screening on the adjoining property no significant loss of privacy will result.
40. No adverse impact on the privacy of the occupant and neighbour properties will result.

### **Overbearing nature of development**

41. It is acknowledged that the extension will be visible from the street scene and the adjoining properties from the north-west and south-east.
42. However, in light of its single storey profile in the context of the existing dwelling / other properties and surrounding landscaping it will not appear significantly overbearing. The extension's minimal impact on surrounding properties can be improved by the provision of additional landscaping along the north-west boundary. Similarly, in light of the loss of the hedge (next to the existing driveway), the new built form can be softened by the addition of new shrub landscaping, helping sit more sensitively in surrounding leafy character of Beech Drive. These matters can be secured by condition.

### **Overshadowing**

43. The key receptor is the adjoining property to the north-west (no.222a).

44. Whilst the site is slightly higher than the above property, the fact that the extension is single storey and 5.8 metres from the boundary will mean that it is unlikely that any significant overshadowing of no.222a's external amenity space habitable rooms will result.
45. The occupant of no.222a has expressed concern that proposed mitigatory planting along the boundary will block some natural light filtering into their property.
46. It is acknowledged that certain species of shrubs or trees (if unattended) could grow quite tall, potentially overshadowing or reducing daylight accessing their habitable rooms or external amenity space. However, in the context of what can be undertaken under permitted development rights e.g. 2 metre high fence and landscaping, such an impact is not considered to be significant and that any subsequent poor maintenance of boundary hedging can be addressed via separation legislation, namely the High Hedges Act.

### **Transport and Access**

47. It is acknowledged that one of the neighbouring properties has recently gained approval for a new dwelling within its curtilage, the local highway authority concluding that the development would have a negligible impact on traffic in the area.
48. The provision of an extension which is incidental to the enjoyment of the existing dwelling house is not of a scale or intensity of use which would result in any significant harm in terms of traffic generation or users of the unadopted road (Beech Drive) or the junction with Unthank Road. The occupants would continue to use the two existing accesses to the property.
49. Furthermore, in light of the small scale nature of the development, the cumulative nature of any impact on highway safety of the area is likely to be insignificant.
50. The provision of 1.6 metre high gates is acceptable as they are located in a position which will not have any significant impacts on highway safety. Although, it is recommended that they be of an appropriate design to ensure that they are appropriate in the conservation area. This matter can be conditioned in any approval.

### **Trees and Landscaping**

51. Increasing the distance between the north-east elevation of the extension and the trees along the Beech Drive boundary means that the protection of the trees identified as T1 – T5 is achievable subject to a condition requiring the submission of an arboricultural method statement and tree protection plan.
52. The additional shrub planting to the north-west and Beech Drive boundaries can be secured by condition, ensuring that they deliver the desired screening to contribute to the leafy character of the area and the



amenity of neighbouring properties.

53. In light of the site being within a conservation area, it is recommended that the applicant be advised that the removal of any trees (not needed to facilitate the development) be subject to a separate s 211 application. It would appear that this would apply to the applicant's proposal to remove T6 (Magnolia). This can be added as an informative.
54. Given the loss of biomass, it is recommended that the tree be replaced with a suitable alternative, which replaces the biomass and screening the extension from when viewed from the south-east.

## **Biodiversity**

55. The protection of the trees T1 to T5 is achievable and can be secured by condition. This will mean that no significant loss of biomass along the Beech Drive boundary. Nevertheless, there are some existing shrubs which will need to be removed to enable the construction of the extension.
56. As the amount of shrubs is relatively small, the impact is likely to be small. That being said, it is recommended that any removal of vegetation needed to facilitate the extension be undertaken outside the bird nesting season, reducing the risk of any harmful impact on protected species. The applicant's willingness to replant shrubs, to replace the lost biomass is considered to be an acceptable compromise, the details of which can be secured by condition.
57. It is acknowledged that the construction of the extended driveway to the south-east of the site alongside the removal of the hedge (not indicated on the site plan) would be permitted development. However, as it is indicated in the planning application, it needs consideration.
58. The hedge in question provides a significant level of screening value and will no doubt provide a habitat for wildlife. To reduce the risk, it is recommended an informative be added reminding the applicant that it is an offence to disturb protected species using the hedge and that they should employ the services of a suitably qualified person to determine if it is safe to remove the hedge.
59. As the hedge in question provided an important visual screen, it is recommended that a new hedge be planted to help soften the appearance of the extension and replace any lost biomass.
60. The Natural Area Officer comment that species of conservation concern, such as hedgehog or common toad, may be present on site and good practice during building operations. It is therefore recommended that this advice be added as informative.

## **Environmental issues**

61. Concern has been raised that the development would overburden this existing drainage and sewer infrastructure on Beech Drive.

62. The site is located in a critical drainage area, requiring that sustainable drainage measures appropriate to the scale and nature of the development shall be incorporated in all appropriate development proposals involving the erection of new buildings or the extension of existing buildings (other than householder extensions). This will ensure that mitigation measures deal with surface water arising from development proposals be incorporated to minimise the risk of flooding on the development site and surrounding area.
63. As the development is akin to a small scale householder extension and not a separate planning unit (e.g. a new dwelling), the imposition of a condition requiring the submission of a sustainable urban drainage system is not deemed to be necessary or reasonable. However, in light of the fact that the existing driveway is to be extended, it is recommended that a condition be imposed requiring details of surface treatment to maximise the use of soft landscaping and permeable surfacing.
64. Several objections have been received referencing the current strain on the drainage system in the area and associated blockages and issues with the raw sewerage.
65. As the proposal is akin to a householder extension and therefore relatively small scale, it is unlikely (even in the context of recent approval for the dwelling at no.216) to result in significant additional burden on existing infrastructure.
66. The site is located in an urban area where several points will be available to the main sewerage system. If access to the sewerage system is protected by covenants then it will be necessary to gain the consent of the relevant landowner. However, this would constitute a civil matter and is therefore not a material planning consideration.

### **Local Finance Considerations**

67. None

### **Equality and Diversity Issues**

68. The site is relatively flat and the annex is of single storey construction. Therefore suitable access for wheel chair users is considered to be achievable.

### **Conclusions**

69. The principle of an extension to an existing residential property to be used as a self-contained annex to be used by a family member is acceptable.
70. The extension, in the context of existing landscaping, is of scale and siting which is sympathetic to the character and local distinctiveness of the conservation area and the visual amenities of the street scene. The protection of existing trees and further mitigatory planting can be secured by condition.
71. It is of a scale and design which is sympathetic to the appearance of

existing dwelling and proportionate to the size of the plot.

72. The extension is not of a scale and siting which would result in any significant loss of amenity of neighbouring properties. Further screening can be secured by condition.
73. The development, even in the context of the recent approval for the dwelling at no.216, is considered small scale and will not have a significant impact on highway safety.
74. The existing trees and landscaping play an important role in contributing to the leafy character of the area and screening the extension in the street scene. The protection of the trees is achievable and can be secured by condition. The provision of additional and replacement landscaping can be secured by condition.
75. The relatively mature trees along Beech Drive are to be retained, ensuring that no significant loss of habitat will occur. Any loss of hedging, is regrettable, but mitigated by the fact that there will be new planting and any clearance be undertaken outside the bird nesting season.
76. As the development is relatively small scale no significant impact on drainage or sewerage infrastructure is expected. Although condition 8 will ensure that there will not be any significant run off from the extended driveway.

## **RECOMMENDATIONS**

To approve Application No (14/01228/F at 220A Unthank Road) and grant planning permission, subject to the following conditions:-

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

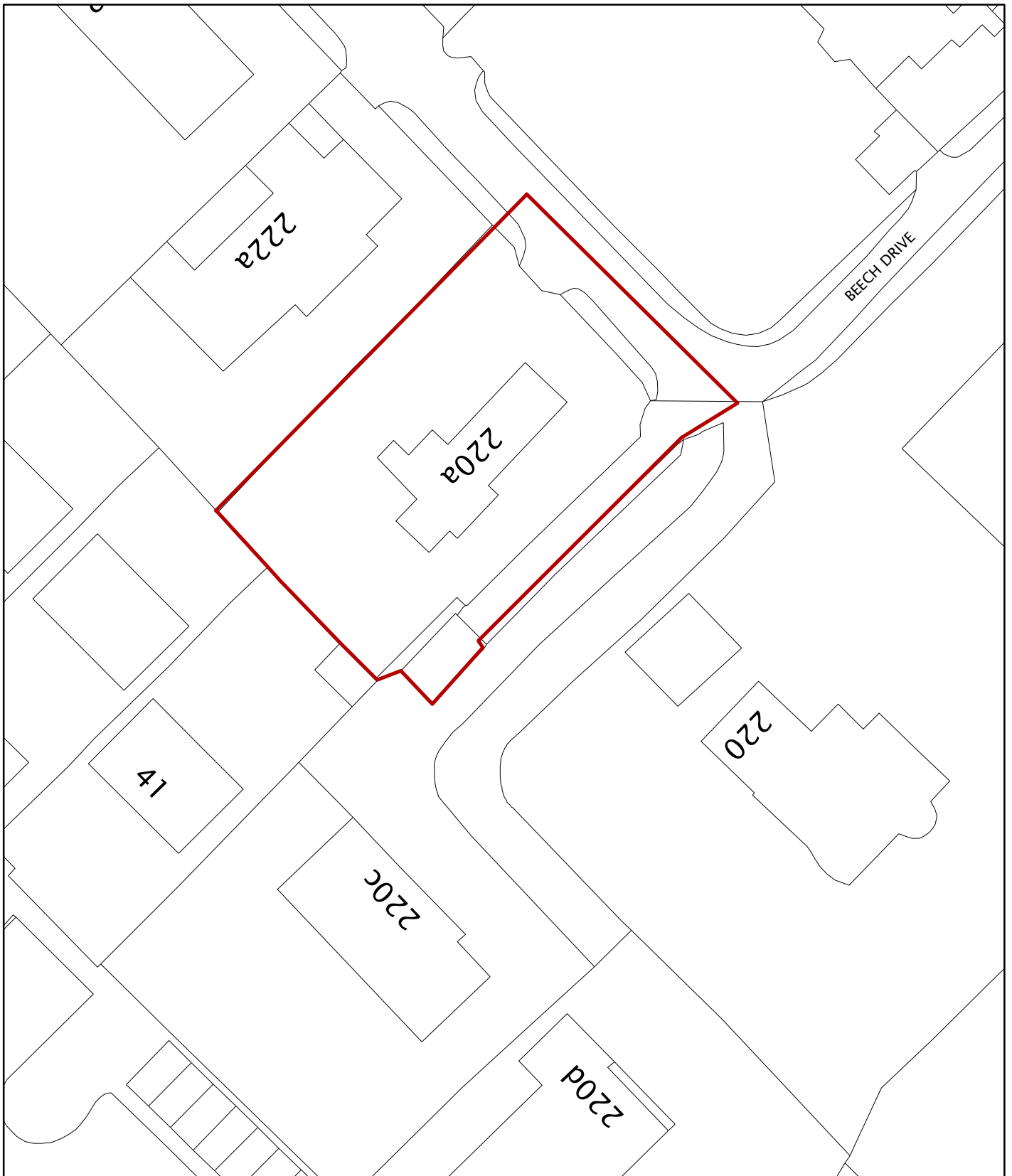
8. Details of surface treatment for the extended driveway to maximise the use of soft landscaping and permeable surfacing.

Informatives:

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

Article 31(1)(cc) Statement

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



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Planning Application No 14/01228/F

Site Address 220A Unthank Road

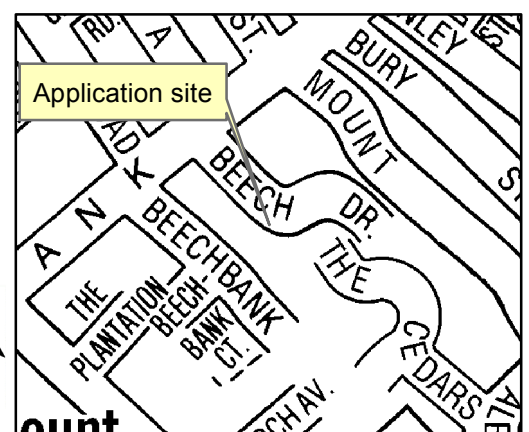
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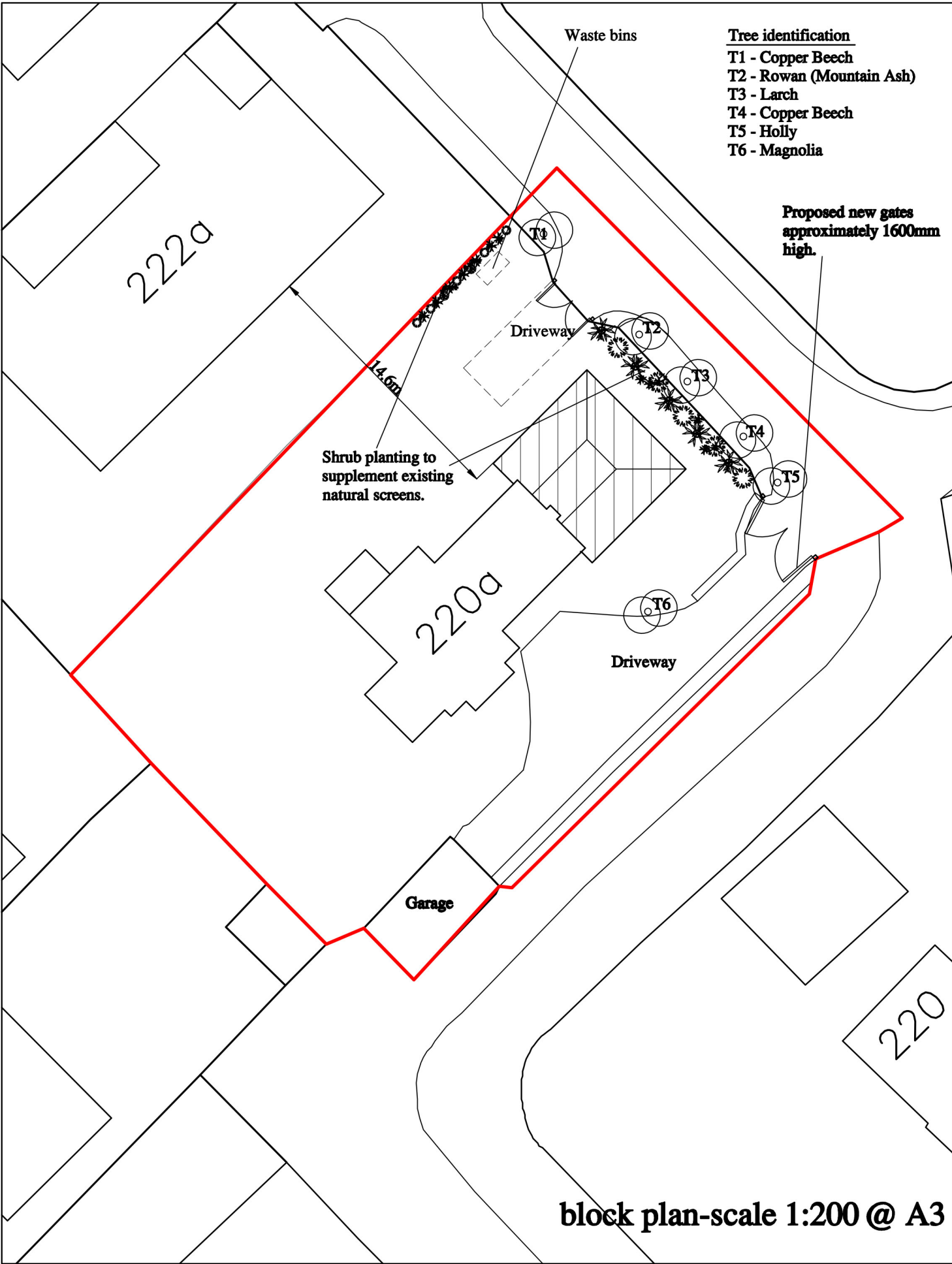
**NORWICH**  
City Council

PLANNING SERVICES

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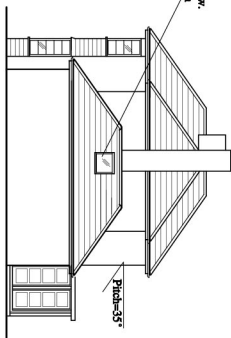


The image contains three architectural drawings of a building facade, oriented vertically. The top drawing is a plan view showing a rectangular building with a central entrance, several windows, and a small balcony. The middle drawing is a section view showing the internal structure, including a staircase and a large open space. The bottom drawing is another plan view, showing a different elevation of the building with a large window and a small balcony.

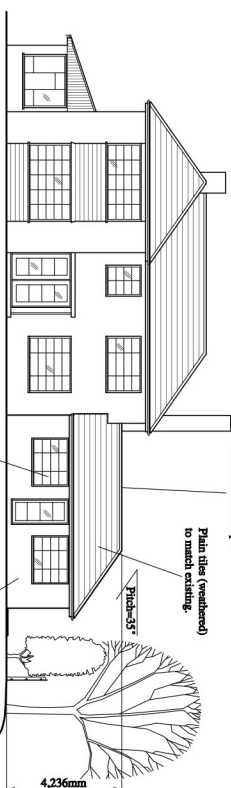
side elevation N-E

front elevation S-E

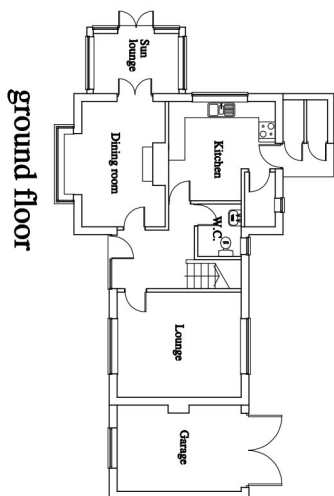
rear elevation N-W



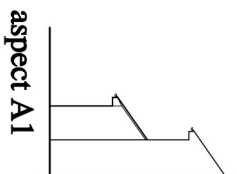
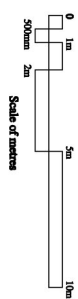
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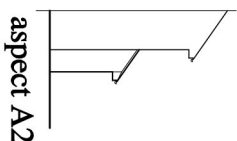
front elevation S-E



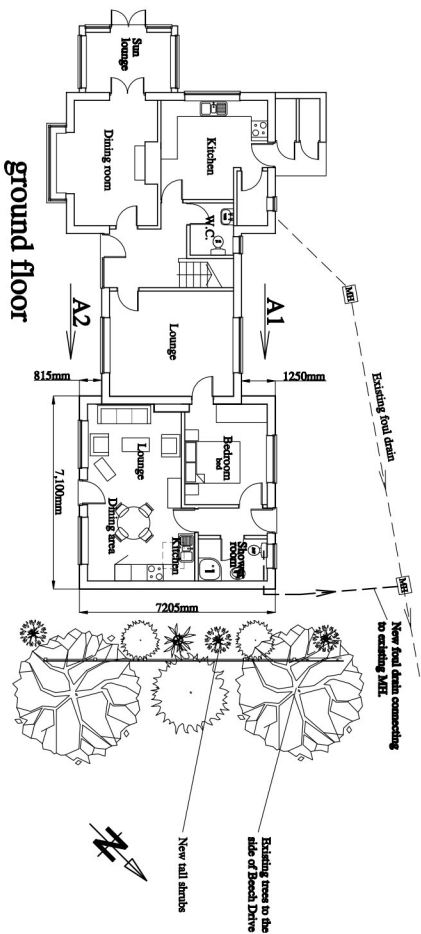
ground floor



**aspect A1**



**aspect A2**



**ground floor**



<b>Report to Date</b>	Planning applications committee 6 November 2014	<b>Item</b>
<b>Report of Subject</b>	Head of planning services Application no 14/01235/VC Three Score Site, Land South of Clover Hill Rd, Bowthorpe	<b>4E</b>

## SUMMARY

<b>Description:</b>	Variation of conditions 1, 2 and 7 of planning permission 13/02031/RM to provide for amendments to the scheme to allow for a new substation, revised level information to provide for sub-soil to be re-used on site, revised landscaping details, omission of apartment 81 and amendments to window details.	
<b>Reason for consideration at Committee:</b>	Major city council owned site and proposal	
<b>Recommendation:</b>	Approve subject to conditions	
<b>Ward:</b>	Bowthorpe	
<b>Contact Officer:</b>	Steve Fraser-Lim	
<b>Valid Date 14/00850/F:</b>	23 September 2014	
<b>Applicant:</b>	Norwich City Council	Planning Team Leader 01603 212507
<b>Agent:</b>	NPS Property Consultants Ltd	

## INTRODUCTION

### The Site & Background

1. Outline planning consent (reference 12/00703/O) was granted in July 2013 for redevelopment of the Three Score site at Bowthorpe with up to 1000 homes, including affordable housing, care home, a new village centre including at least one local shop, public open space and associated roads and infrastructure. The consent was granted following the completion of a legal agreement and the resolution of planning applications committee to approve the application on 14 March 2013.
2. Subsequently reserved matters consent (reference 13/02031/RM) was granted in March 2014 for the first phase of development being a care home to the northeast

of the site.

3. The site is predominantly uncultivated grass land and forms the last area of undeveloped land within Bowthorpe as it was initially envisaged in the 1970s.

## **The Proposal**

4. Reserved Matters application 13/02031/RM comprised an 80 apartment dementia care and 92 flat housing with care scheme to the northeast of the site occupying block 5 and part of block 4 within the block layout approved at outline stage.
5. The scheme is arranged around a central 'village square' with the main entrance area which includes a reception, small hairdressers, shop, day care suite and open plan café dining area with a lounge, back of house facilities and offices. To the south of this village square is the dementia care element arranged in a perimeter block with a central secure garden. The dementia care elements consist of en-suite rooms with shared lounge and dining areas.
6. The housing with care elements run along the northern boundary of the block in two wings one to the west of the central access area and the other to the northeast. These benefit from a south facing aspect facing towards the tree belt in the centre of the wider site. The housing with care consists of individual 1 and 2 bed flats although there are some small communal areas.
7. The dementia care block is 2 storeys in height and the housing with care is 3 storeys in height with the exception of a small section to the northeast which is 2 storey flat roof terrace. The village square is single storey. Although the topography of the plot falls steeply to the south the finished floor levels remain the same throughout the site for ease and practicality. This does result in effectively retaining lower ground floors to the south of the dementia care and western housing with care blocks which will be visible from the footpaths to the south.
8. A central community green space is located at the front of the entrance which would provide an area of public open space and a focal point for the surrounding blocks. The roads around this are proposed to be a shared surface to promote pedestrian and cycle priority. The route to the north of the green space being the main route past the site to future development blocks and the route to the south being predominantly for access to the care facility with car parking and cycle parking in front of the entrance.
9. Following the grant of reserved matters for the first phase (13/02031/RM) more detailed design work has been undertaken and the applicants have now submitted this variation of condition application in order to make a number of amendments to the previously approved reserved matters, to include provision for a new electricity sub-station, revised level information to provide for subsoil to be re-used on site, revised landscaping details, omission of an apartment from the second floor of the dementia care unit and amendments to window details.

## **Equality and Diversity Issues**

10. There are no significant equality or diversity issues.

## **Representations Received**

11. The application has been advertised on site and people who formally made representations to 13/02031/RM have been notified. No letters of representation have been received.

## **Consultation Responses**

12. Natural Areas Officer – Raises concerns that the landscaping plans provide insufficient detail as to how the invertebrate mitigation measures will be implemented, and also managed over the long term. As part of previous consents a detailed report highlighting the invertebrate importance of the site was produced by expert invertebrate ecologists. The landscaping proposals do not seem to give this issue the importance it warrants. In particular, more detail is needed on the creation and management of bare ground habitat for invertebrates. Also it is not clear whether it is still proposed to bund the eastern boundary west of Bunker's (Hill) Wood to create invertebrate habitat, or if this is now to be created elsewhere within the site.
13. The Landscape General Arrangement drawing still shows bat boxes fixed to a proposed new tree. This is unfeasible (at least until c. 2045 - 50 when the tree will have grown large enough to accommodate the boxes). Alternative locations for the bat boxes need to be found, including mounting on buildings or the use of specialised 'bat bricks'.
14. The Landscape Planting Strategy needs to be revised as regards the choice of tree species in the 'Woodland Pasture' area. In addition it should be confirmed whether the buffer strip along the boundary of Bunker's Hill Wood is to be managed as grassland or as scrub/woodland.
15. General Arrangement drawing shows 3 no. bat boxes to be fixed to one proposed tree 'once fully established'. This is not practical. It would take several decades of good growth before a tree could reach sufficient stature to accommodate bat boxes. Alternative proposals for bat boxes should be provided.
16. Concerns remain that the Bowthorpe Green community garden comprises only an expanse of grass with trees around the edges and would not be sufficient to constitute a community garden.
17. Invertebrate Conservation Trust – No comments received.
18. Norfolk Wildlife Trust – No comments received.

# ASSESSMENT OF PLANNING CONSIDERATIONS

## Relevant Planning Policies

### National Planning Policy Framework:

- Presumption in Favour of Sustainable Development
- Ensuring the Vitality of Town Centres
- Promoting Sustainable Transport
- Delivering a Wide Choice of Quality Homes
- Requiring Good Design
- Promoting Healthy Communities
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Natural Environment
- Conserving and Enhancing the Historic Environment
- Facilitating the Sustainable Use of Minerals

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

- Policy 1: Addressing climate change and protecting environmental assets
- Policy 2: Promoting good design
- Policy 3: Energy and water
- Policy 4: Housing delivery
- Policy 6: Access and transportation
- Policy 7: Supporting communities
- Policy 9: Strategy for growth in the Norwich Policy Area
- Policy 12: The remainder of the Norwich urban area, including the fringe parishes
- Policy 19: The hierarchy of centres
- Policy 20: Implementation

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

- NE1 Protection of environmental assets from inappropriate development
- NE2 Woodland protection
- NE4 Street trees to be provided by developers
- NE7 Protection of locally designated sites of nature conservation interest
- NE8 Management of features of wildlife importance and biodiversity
- NE9 Comprehensive landscaping scheme and tree planting
- HBE4 Other locations of archaeological interest
- HBE8 Development in Conservation Areas
- HBE9 Listed Buildings and development affecting them
- HBE12 High quality of design, with special attention to height, scale, massing and form of development
- EP1 Contaminated land and former landfill sites – evaluation and treatment prior to permission
- EP5 Air pollution emissions and sensitive uses
- EP16 Water conservation and sustainable drainage systems
- EP17 Protection of watercourses from pollution from stored materials, roads and car parks
- EP18 High standard of energy efficiency for new development
- EP20 Sustainable use of materials

- EP22 High standard of amenity for residential occupiers
- SHO3 Locational conditions for new retail development – sequential test
- HOU5 Accessibility for wheelchair users
- HOU6 Contribution to community needs and facilities by housing developers
- HOU8 Committed housing development sites
- SR1 Minimum standards for provision of open space
- SR2 Provision within each sector of the City
- SR4 Provision of open space to serve new development
- SR5 Allocation of specific areas for open space
- SR7 Provision of children's equipped play space to serve development
- SR10 Bowthorpe Southern Park and Bawburgh/Colney Lakes areas
- SR11 Riverside Walks – agreement with developers to provide/maintain
- SR12 Green Links network, including provision by developers
- TRA3 Modal shift measures in support of NATS
- TRA5 Approach to design for vehicle movement and special needs
- TRA6 Parking standards – maxima
- TRA7 Cycle parking standard
- TRA8 Servicing provision
- TRA10 Contribution by developers to works required for access to the site
- TRA11 Contributions for transport improvements in wider area
- TRA12 Travel Plans
- TRA14 Enhancement of the pedestrian environment and safe pedestrian routes
- TRA15 Cycle network and facilities
- TRA16 Public transport measures to increase efficiency and attractiveness

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

Policies HBE4, HBE9 and EP5 have been assessed as partially compliant with the NPPF. In relation to HBE4 the policy does not have NPPF paragraph 132 caveat that in exceptional circumstance development that does not meet the normal archaeological requirements may be permitted. With HBE9 the NPPF sets a stronger requirement in relation to listed buildings in a poor state of repair and with EP5 the focus of policy EP5 is on mitigating the impact of pollution-causing development and does not fully take into account the impacts of locating other forms of development close to existing sources of air pollution. None of these matters are considered to have any material impact on the assessment of the application in question. All other adopted local plan policies used in the assessment are considered to be consistent with the NPPF.

**Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013)**  
**Site Allocations Development Plan Document – Pre-submission policies (April 2013) –**

- ☐ R41: Three Score, Bowthorpe

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM15 Safeguarding the city's housing stock
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the JCS and RLP policies above are considered to be compliant with the NPPF.

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector's report for each plan, dated 13th October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the above policies, as proposed to be modified by the Inspector's reports, pending formal adoption.

## **Principle of Development**

### **Policy Considerations**

19. The principle of the wider redevelopment has been approved at outline stage via consent reference 12/00703/O. The subsequent reserved matters consent (reference 13/02031/RM) was granted in March 2014 for the first phase of development being a care home to the northeast of the site. The proposals are the same as this reserved matters consent, with the following changes: provision for a new sub-station; revised level information to provide for subsoil to be re-used on site to form bunds; revised landscaping details; omission of an apartment from the second floor of the dementia care unit; and amendments to window details.
20. The principle of the proposed development has therefore been established as part of these earlier consents. The differences between the current proposal and the approved reserved matters scheme would raise planning issues with regard to design and appearance, landscape and biodiversity, considered in the following



sections of the report.

21. The reserved matters have been screened under the EIA regulations as a subsequent application within the terms of the regulations (being subsequent to the approved outline consent which was subject to an environmental statement). This current variation of condition application is substantially similar to the previous Reserved Matters application and pursuant to regulation 7 of the Environmental Impact Assessment Regulations 2011 this previous opinion is considered to apply to the current proposals. The proposals are not therefore considered to represent EIA development.

## **Design and appearance**

22. The proposed design is substantially similar to the previously approved reserved matters development, with the exception of the first floor level of the dementia care block within the centre of the site, where the building form at first floor level is altered slightly through omission of one of the rooms. Changes to the window design of both the outward and courtyard facing facades of the dementia care unit are also proposed. In addition a free standing electrical substation enclosure constructed of Glass Reinforced Plastic (GRP) is proposed on the western boundary of the site.
23. The omission of the additional unit at first floor level to the west elevation of the dementia care block will make this element of the proposals easier to construct. They would result in only a small change to the south western elevation of the dementia care unit, which would not be visible from outside the site. As such this design change would not detract unduly from the appearance of the building or surrounding area.
24. The changes to the external and courtyard facing elevations of the building comprise omission of corner breaking windows and introduction of larger more horizontally shaped windows to the main building facades. Changes to the outward facing elevations of the building would be visible from public footpaths adjoining the site to the south. The changes would result in the loss of some visual interest from the scheme and introduce a greater sense of horizontality to the building facades. However the proposed windows would relate more rationally to the rooms behind the windows and provide improved outlook and daylight to future occupiers. Overall the proposals are still considered to accord with the original design rationale appearance of the development, and would still accord with the original design rationale for the scheme.
25. The proposed substation would be visible in limited views from the proposed Bowthorpe Community Garden, and proposed footpath which adjoins the site to the west. However the enclosure is small in scale and partially screened by the proposed boundary fence and tree planting and is not considered to detract unduly from the appearance of the development. There is potential for this element to be further screened by additional planting.
26. As such the proposed substation enclosure, omission of a room and changes to the windows of the dementia care unit would not detract from the appearance of the development or wider Three Score development, in accordance with JCS

policy 2, policy DM3, and saved local plan policy HBE12.

### **Landscaping and biodiversity impacts**

27. The site sits within the wider Three Score development, which comprises open sward grassland which provides important habitat for invertebrates such as bees and wasps. Landscape proposals as part of application 13/02031/RM were considered to be particularly important in mitigating impacts on biodiversity as a result of the construction of the extra care home.
28. The landscape design of this application is substantially similar to that previously approved as part of application 13/02031/RM. The approved scheme included a woodland pasture area to the south of the site incorporating two infiltration ponds, and a communal garden area in the eastern corner of the site, incorporating meadow and shrub planting, and two infiltration swales.
29. The landscape plan now proposed is almost the same as this previously approved scheme, but with a change in levels across the site so that the woodland pasture area is raised to form earth bunds within the southern and eastern landscaped areas. An infiltration pond is omitted from the woodland pasture area. These changes would allow a greater proportion of soil to be retained on site. An ecology report submitted with the application considers that provision of bunding would increase the value of mitigation proposals by providing slopes to create hot microclimates; scrapes and vertical faces; gradients in environmental conditions, a greater range of plant species and greater disturbance to create bare patches of soil. The report states that changes would increase the biodiversity value of the proposed landscaping and would better support invertebrate species.
30. The amended landscaping proposals have been reviewed by the Councils landscape and natural areas officers. A number of detailed comments have been provided including that further information is provided with regard to the management of bunded areas, provision of bat boxes and tree pits. In addition suggestions have been made that the planting strategy should be amended to take account of the different climatic conditions created by the bunding.
31. Overall it is considered that the proposed landscaping proposals would help to mitigate impacts upon biodiversity and would still be similar to the landscape strategy of the approved scheme. As such the proposals would be broadly in accordance with policy JCS1, saved local plan policies and policy DM6. However further discussions are taking place with the applicant with regard to the detailed landscape and biodiversity issues raised and members will be updated in due course.

### **Planning obligations and CIL**

32. Relevant planning obligations have been secured via a S106 agreement linked to the outline planning consent. These include commuted sums to off-site improvements of open space including Bunkers Hill Wood, Earlham and Bowthorpe Marshes, Bowthorpe Historic Park and the Yare Valley. Education contributions, library contributions, transport contributions and affordable housing. The Bunkers Hill Wood contribution (£57,000) is linked to the commencement of development in blocks 4, 5 or 7 and therefore will be payable on commencement

of this phase. There will also be a transport (£25,957.80 index linked) and library contribution (£5,520.00 index linked) payable for this phase for the housing with care element only, no other contributions are triggered by this phase.

33. The outline consent was granted before the adoption of CIL and therefore the scheme is not CIL liable.

## **Local Finance Considerations**

34. Under section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues. In this case the financial considerations include council tax and new homes bonus. The development is not CIL liable as detailed above. Balanced against the need to provide housing and ultimately the development was approved.

## **Drainage**

35. The proposals would make some changes to the arrangements for surface water drainage. However details of drainage across the site are a conditional requirement of the outline planning permission and will be considered fully at this stage.

## **Conclusions**

36. The principle of development has been accepted as part of the outline consent. This case relates to changes to the previously approved reserved matters of layout, scale, external appearance and landscaping for the first phase of development being a care facility to the northeast corner of the site. The changes proposed as part of this application when considered in comparison to the approved reserved matters scheme, are not considered to detract unduly from the appearance of the development, and would provide suitable landscaping which would mitigate impacts upon biodiversity. The recommendation is therefore to approve the application subject to the conditions outlined in the recommendation below.

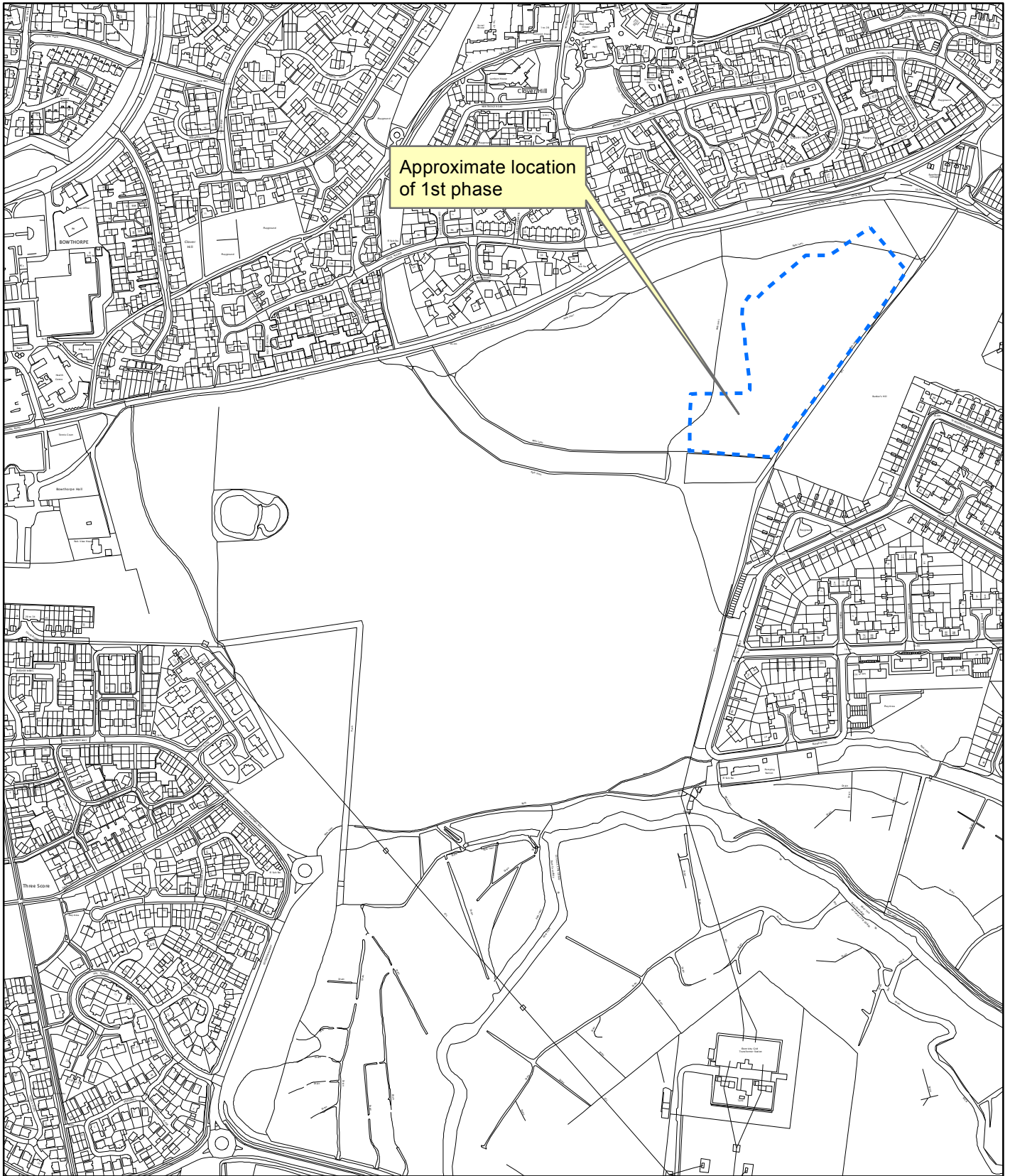
## **RECOMMENDATIONS**

To approve Application No (14/01235/VC Three Score Site Land South Of Clover Hill Road Norwich) and grant planning permission, subject to the following conditions:

1. Landscaping in accordance with the plans submitted and further landscaping details to be agreed including:  
levels, kerbs, measures to prevent vehicles entering open/green space, boundary treatment elevations, lighting details of private areas (public areas covered by condition 19 of the outline consent), hard surfacing materials.
2. Details of materials including:  
Bricks, render, tiles, columns to entrance, eaves detail of entrance canopy,

windows, rainwater goods, external walls of lower ground supporting structures, bargeboard, curtain walling, substation/bin/sprinkler store details.

3. Cycle parking stand specification, numbers and location;
4. Construction access to be closed off before occupation and details of access, temporary boundary treatment to either side of temporary foot/cycle path, realignment of pavement on Clover Hill Road and restrictive access barriers;
5. Details of the cycle/foot path access to the west of the site onto Clover Hill Road including the link to the existing pavement, further AIA and AMS for the access and restrictive access barriers;
6. Tree protection in accordance with the AIA
7. Method for removal, storage and re-use of topsoil in full accordance with supplementary ecology statement;
8. Method statement for the protection of the grassland areas indicated to be protected during development to be submitted and agreed, including details for restoration should the areas be impacted during construction activity.
9. Conservation (ecology) management plan for the site.
10. Development in accordance with approved plans.



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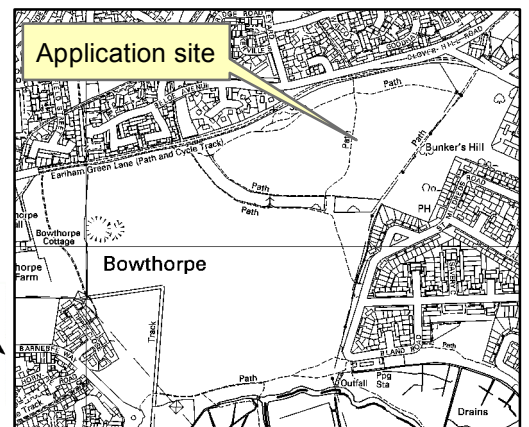
Planning Application No 14/01235/VC  
 Site Address Three Score site Bowthorpe

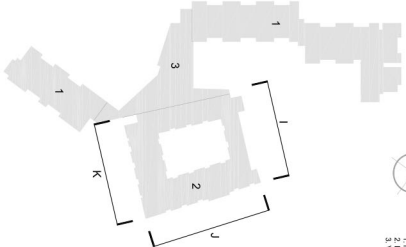
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**NORWICH**  
 City Council

**PLANNING SERVICES**



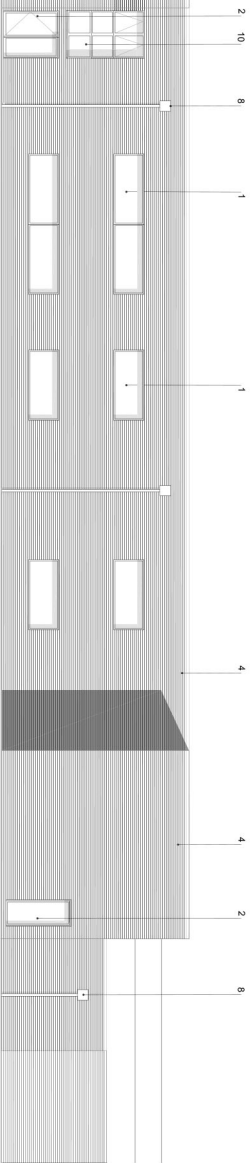


NOTES

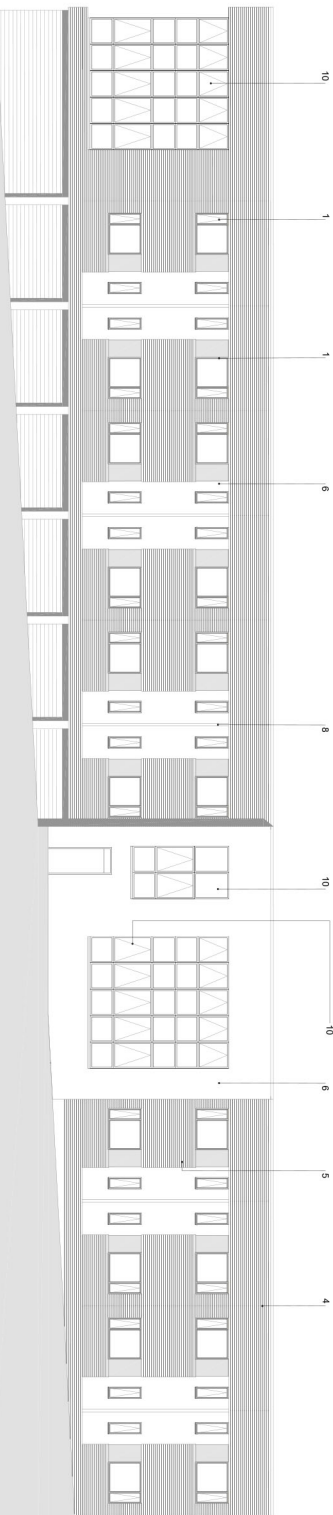
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Elevation I  
Dementia Care

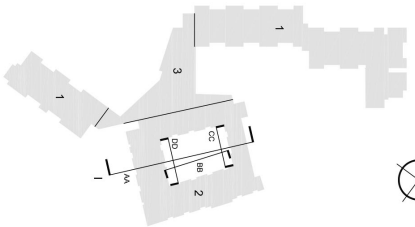


Elevation J  
Dementia Care



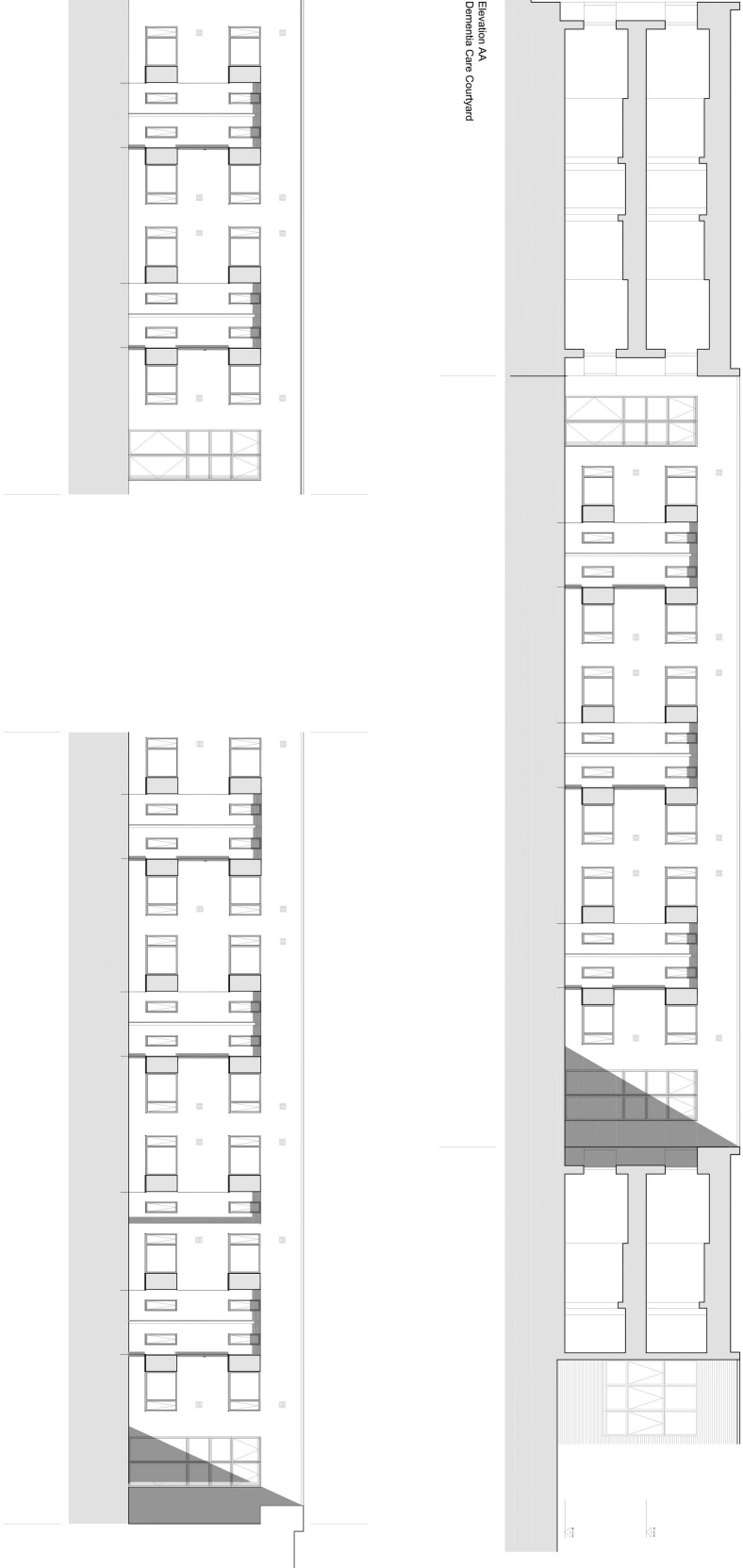
- 1- NBS ref L10,103 (UPVC Windows)
- 2- NBS ref L203,111 (External Doors)
- 3- NBS ref L203,110 (External Security Doors)
- 4- NBS ref F10,105 (Outer Brick work)
- 5- NBS ref F10,105 (Inner Brick work)
- 6- NBS ref M21,104 (External Render)
- 7- PPS ref EWS-401 (Timber weatherboarding)
- 8- PPS ref FWS, 101 (Rainwater drainage Systems)
- 9- NBS ref L20,105 (Rainwater Gullies)
- 10- NBS ref H11,104 (Curbin Walling)
- 11- NBS ref H22,106 (Roof Tiling)

Issued for Contractors Proposals, as per Appendix SA	
D	REVISION BY: AD   DATE: 08.07.2014   CHECKED BY: AD   DATE: 08.07.2014
Amendment for window profiles - elevation & window added above window area	
C	REVISION BY: AD   DATE: 11.05.2014   CHECKED BY: AD   DATE: 14.05.2014
Escape door added to elevation II	
B	REVISION BY: AD   DATE: 15.01.14   CHECKED BY: AD   DATE: 15.01.14
Landscape and path information revised, Elevation J and K revised to reflect path.	
A	REVISION BY: EJ   DATE: 18.11.13   CHECKED BY: AD   DATE: 18.11.13
SCALE BAR	
0 1 2 4 10m	
PERIOD OF ISSUE	
Contractors Proposals	
FILE REFERENCE	
S2 - FIT FOR INFORMATION	
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A1	



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Elevation CC  
Dementia Care Courtyard

Elevation BB  
Dementia Care Courtyard

Issued for Contractors Proposals, as V1 Proposals SA

REVISED BY: AO	DATE: 06.07.2014	CHECKED BY: AO	DATE: 06.07.2014
Leads and plan information provided.			
REVISED BY: EJ	DATE: 18.11.13	CHECKED BY: AO	DATE: 18.11.13

SCALE: 1:100	10m
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Contractors Proposals

D2 - FIT FOR TENDER

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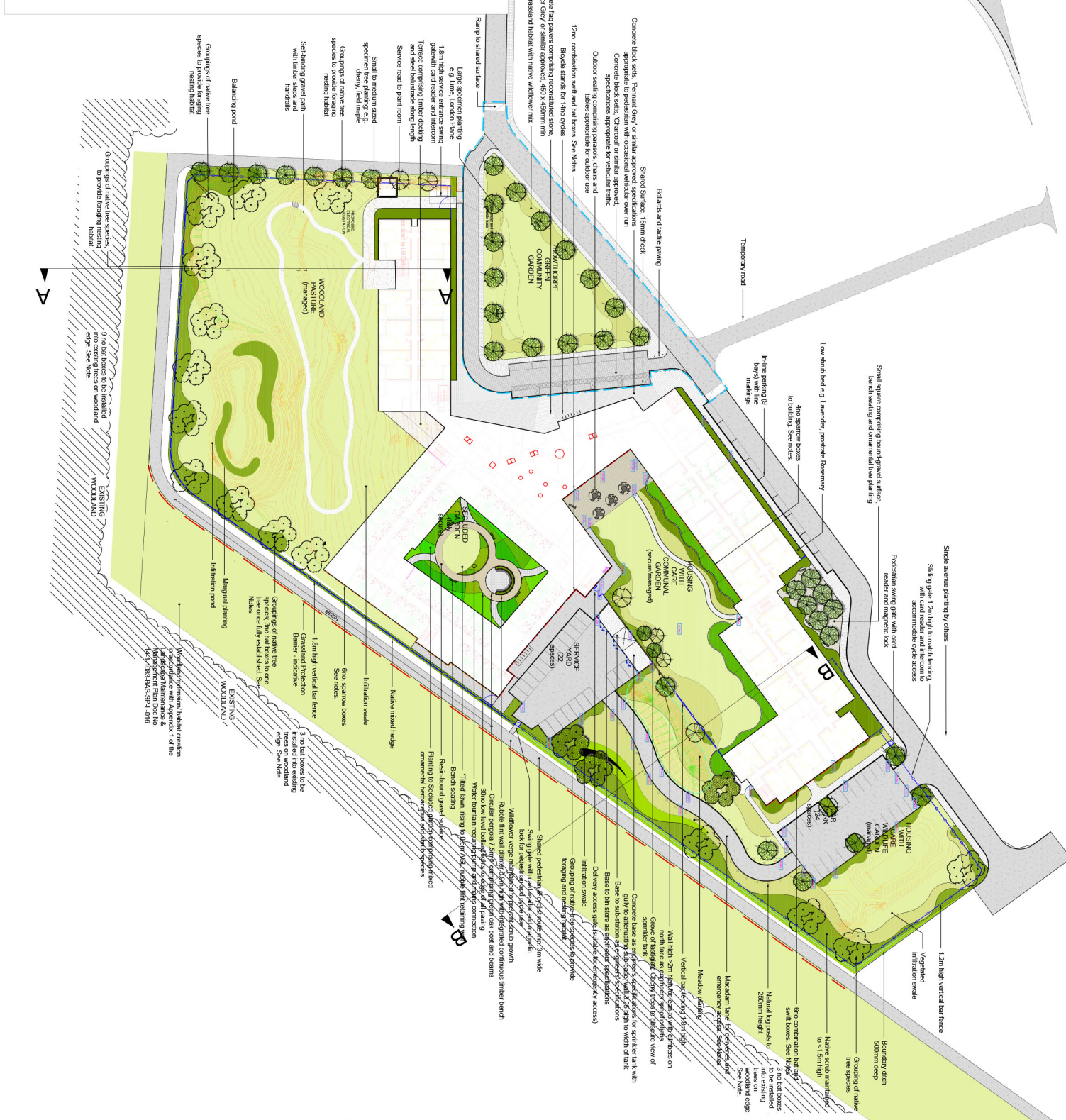
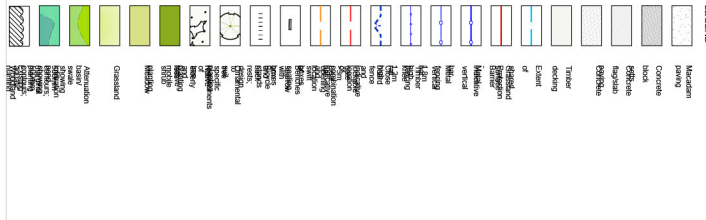
**Baron and Smith Architects**  
Baron and Smith Architects  
100, The Quadrant, London, W1A 1AA  
Tel: 020 7493 8800  
Email: info@baronandsmith.co.uk  
Website: www.baronandsmith.co.uk

**NORSE CARE LTD**

**THREE SCORE, BOWTHORPE**  
**HOUSING WITH CARE AND DEMENTIA CARE SCHEME**

PROJECT	DATE	DESIGN	CHECKED
AA, BB, CC, DD	NOV 2013	EJ	AO/AC
DEMMENTIA CARE COURTYARD	NOV 2013	EJ	AO/AC
PROJECT NO	14-1-1083	DRAWING NO	NPS-A-E-X 107
REV CODE			B





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**CONTRACT:**

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**FOR TENDER**

**D2**

**REVISIONS:**

NO.	REVISION	DATE
P1	Initial design	14.11.2013
P2	Revised design	14.11.2013
P3	Revised design	14.11.2013
P4	Revised design	14.11.2013
P5	Revised design	14.11.2013
P6	Revised design	14.11.2013

**CLIENT:**

**MORSE CARE LTD**

**PROJECT:**

**THREE SCORE, BOWTHORPE**

**HOUSING WITH CARE AND DEMENTIA CARE SCHEME**

**TITLE:**

**LANDSCAPE GENERAL ARRANGMENT**

**SCALE:**

**1:500**

**DATE:**

**DNC 2013**

**DRAWN:**

**WN**

**CHECKED:**

**AC**

**PROJECT NO:**

**14-1-1083 BAS-PL-L 011**

**SCALE CODE:**

**P6**

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**Baron & Smith Architects**

**17 The Malvern**

**17 The Malvern**

**17 The Malvern**

**17 The Malvern**

**17 The Malvern**

**Report to** Planning applications committee  
**Date** 6 November 2014  
**Report of** Head of planning services  
**Subject** 12/00143/ET Depository Building Part Lion House and Part Seymour House, Muspole Street, Norwich

**Item**

**4F**

## SUMMARY

<b>Description:</b>	Application under Section 106BA  Previous scheme for redevelopment of site to provide 47 No. apartments and 10 No. houses with associated works including enhancement of external areas and provision of formal parking areas (originally granted by 08/00866/F and extended by 12/00143/ET).
<b>Reason for consideration at Committee:</b>	Planning Obligation Requirements
<b>Recommendation:</b>	Approve the changes to the S106 agreement
<b>Ward:</b>	Thorpe Hamlet
<b>Contact Officer:</b>	Mark Brown Planning Team Leader 01603 212505
<b>Valid Date:</b>	29 August 2014
<b>Applicant:</b>	MAHB Capital
<b>Agent:</b>	Lanpro

## INTRODUCTION

### The Site and Background

1. The application site is located to the north of the Woolpack public house and comprises offices fronting onto Muspole Street, and the former Hadley and Ottaway depot which is dominated by the depository building, a former shoe factory. Consent was granted for the redevelopment of the site to provide 57 dwellings on 27 March 2009 under reference 08/00866/F. This consent was extended for a further three years on 21 December 2014 under reference 12/00143/ET.
2. The consent provides for the erection of 10 houses fronting onto Muspole Street, 24 flats in the converted depository building and 23 new build flats in two blocks on to the north of the depository building and the other adjacent to the south boundary with the Woolpack public house.
3. The consent was subject to a S106 agreement which secured the following:
  - 33 per cent affordable housing being 19 affordable housing units (of which 16 would be social rented and 3 intermediate tenure dwellings);
  - An education contribution of £46,576;
  - A play space contribution of £71,760;
  - A public open space contribution of £26,847;

- A transport contribution of £16,082.95.
4. The committee report and minutes as well as the former signed S106 agreement are available at the link below: <http://planning.norwich.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=LY92Y0LX0J300>
  5. The site owner has submitted an application under Section 106BA of the Town and Country Planning Act. This relatively new provision provides a new application and appeal procedure for the review of affordable housing planning obligations. Such applications must contain a revised affordable housing proposal, based on prevailing viability, and should be supported by relevant viability evidence. Guidance has been produced giving an overview of what evidence may be required to support applications and appeals under Sections 106BA and 106BC.
  6. The new application and appeal procedures do not, in any way, replace existing powers to renegotiate Section 106 agreements on a voluntary basis. The application and appeal procedure should assess the viability of affordable housing requirements only and not reopen any other planning policy considerations or review the merits of the permitted scheme. Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The guidance also reiterates the Government encouragement for a positive approach to planning to enable appropriate, sustainable development to come forward wherever possible, to provide more homes to meet a growing population and to promote construction and economic growth. The guidance outlines that stalled schemes due to economically unviable affordable housing requirements can result in no development, no regeneration and no community benefit. Reviewing such agreements could result in more housing and more affordable housing than would otherwise be the case.
  7. The National Planning Policy Framework establishes that the planning system ought to proactively drive and support sustainable economic development. It also requires that local planning authorities should positively seek to meet the development needs of their area.

### **The Proposal**

8. The application under S106BA seeks to remove all on site affordable housing from the scheme and replace it with a £150,000 off-site commuted sum towards affordable housing.

### **Equality and Diversity Issues**

9. It is not considered that the proposed revision to the S106 agreement raises any equality or diversity issues.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

The policies listed below are solely those relating to planning obligations and the delivery of affordable housing.

### **National Planning Policy Framework (NPPF):**

Section 6 Delivering a wide choice of high quality homes.

### **Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (JCS)**

Policy 4 Housing Delivery

### **Other Material Considerations**

Emerging Local Plan Policies

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector's report for each plan, dated 13<sup>th</sup> October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the following policies, as proposed to be modified by the Inspector's reports, pending formal adoption.

Policy 33 – Planning Obligations

Interim Statement on off-site provision of affordable housing in Norwich, December 2011

DCLG Section 106 affordable housing requirements review and appeal April 2013

### **Viability and Planning Obligations**

10. JCS policy 4 provides that developments of this scale should provide 33 per cent affordable housing with an 85:15 split between social rented and intermediate tenures. The policy allows for the proportion of affordable housing sought to be reduced and the balance of tenures amended where it can be demonstrated that site characteristics, including infrastructure provision, together with the requirement for affordable housing would render the site unviable in prevailing market conditions, taking account of the availability of public subsidy to support affordable housing.
11. The Councils also has an interim statement on affordable housing which details where off-site commuted sums may be payable and how such commuted sums would be calculated.
12. At the national level since the granting of consent for this development, the government has introduced new measures to make it easier for developers to renegotiate the level of affordable housing under S106BA. The new associated guidance focuses on the delivery of viable developments and requires local

authorities to re-negotiate affordable housing provision to achieve a viable development.

13. The applicant has submitted a viability assessment of the approved scheme which indicates a loss of approximately £500k. They have also submitted a viability assessment of what they consider to be viable in the current market being a £150k off site contribution to affordable housing which in their appraisal delivers profit of 15.3% against gross development cost.
14. The viability of the scheme has been independently and externally verified by the District Valuer Service (DVS) on behalf of the Council. The DVS provides guidance on each major input into the viability assessment of the scheme and the results are summarised below.

#### Development value

15. The DVS have conducted research into current private values in the area and have adopted higher sales values than in the applicant's model. This has resulted in a private sales value for the development being approximately £0.49m higher in the case of the approved scheme and £540k higher in the case of an all private scheme.
16. For the purposes of the affordable values the DVS have agreed with the applicant's use of a blended rate for the affordable dwellings at 50 per cent of market.
17. The applicant has not taken into account ground rents in their appraisal. On schemes such as this the flats will normally be sold on a long leasehold basis with a ground rent payable which will have a capital value. The DVS have assumed ground rents of £250 per annum and have capitalised this at 6 per cent yield with deducted purchaser's costs of 5.75 per cent.
18. The above results in a higher gross development value than indicated in the applicant's appraisal being approximately £590k higher in the case of the approved scheme and £720k higher in the case of an all private scheme.

#### Development costs

##### Build costs

19. DVS have considered BCIS build cost data and concluded that the build costs would be slightly lower (approx. £300k) than indicated in the applicant's appraisal. The DVS have agreed with the applicant's detailed abnormal costs as well as a 5 per cent contingency.

##### Fees

20. DVS have agreed with the applicant's allowance of 10% for professional fees as well as 3 per cent for sales and marketing fees. The DVS have however allowed a higher 0.5 per cent for legal fees (compared to the applicants 0.3 per cent) and 0.5 per cent RSL (registered social landlord) fees for the approved policy compliant



scheme.

#### Finance

21. The DVS have considered the applicants finance costs to be slightly low and have adopted a higher figure also allowing for an arrangement fee.

#### Section 106 costs

22. The section 106 includes other obligations for commuted sum payments as outlined at paragraph three above, these total just over £161k. The applicant's appraisal allowed £208k however this figure appears to be based on the original 2009 S106 agreement relating to 08/00866/F. In the current live consent 12/00143/ET, the deed of variation halved the education contribution revising the total commuted payments to £161k.

#### Profit

23. The applicants appraisal indicates that their all private scheme with a £150k affordable housing contribution shows a developers profit of 15.3 per cent on cost. For private, flatted residential schemes a normal developer's profit level of 20 per cent would be reasonable, with 6 per cent for the affordable element. The proposed scheme is predominantly flatted and while not disagreeing with the applicant's submission, in view of the size and the nature of this scheme DVS have adopted a profit level of 17.5 per cent on gross development value. This is considered appropriate in considering a revision which provides for a viable scheme to come forward which is the objective of section 106BA.

#### Development programme

24. The DVS appraisal includes a cash flow model which assumes a four month lead in with a start of construction after 4 months to take remediation into account. The build period for the residential units is assumed at 13 months with sales starting after 13 months of construction. Sales are estimated to conclude nine months after practical completion of the scheme in the case of the approved scheme and 13 months in the case of the all private scheme. This works on an approximate sales completion rate of 4 dwellings per month.

#### Land value

25. Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the Market Value of the site in accordance with the RICS guidance note September 2012.
26. The applicants have put forward a benchmark land value. In arriving at this figure the applicant has referred to the acquisition price paid by the developer on the open market for the overall site. However part of the overall site which has been purchased includes offices fronting onto Muspole Street to the north of the site, some of which are unaffected by the proposal. The rental value of this office space

has been capitalised based on a 10 per cent yield and subtracted from the land value.

27. The DVS have advised that they do not consider this approach to be unreasonable. They have also reviewed land values in the area and consider the land value which equates to just under £3m per hectare is reasonable. This is also consistent with the benchmark land values used to assess the viability of the local plans which recently went through examination.

28. In addition to the land value stamp duty is allowed for at 4 per cent as well as agent/legal fees at 1.75 per cent and a survey fee of £10k.

### **Appraisal Results**

29. Based on the DVS assessment the approved scheme shows a residual land value of £55,230, which is far from viable when compared to a benchmark land value.

30. In assessing what is viable in terms of a commuted sum payment an all private scheme has been modelled with a 17.5 per cent profit on gross development value and using the benchmark land value. This would provide for a £150,000 commuted sum towards affordable housing with a surplus of £547.

31. The applicant has not provided an assessment demonstrating what can be provided viably on site. They have suggested that registered providers would be unlikely to take on small numbers of units on sites such as this, albeit they have not evidenced this with any supporting documentation (such as details of approaches to registered providers relating to this site). Officers are aware that some registered providers have shown interest in small numbers of units in other not dissimilar schemes in the City Centre. Officers therefore consider that on-site provision may well be feasible on this site.

32. As such officers in conjunction with the DVS have made an assessment of what could viably be provided on site. This assessment is based on the same assumptions as above with the exception that:

- a) the total cash flow period has been reduced by one month given that there will be fewer private units to sell;
- b) completion of the sale of the affordable units is assumed at month 20 in the cash flow;
- c) rather than a blended rate for affordable unit values of 50% of market value used for the policy compliant scheme to take this matter forward a 45% of market value has been assumed for the social units and 61% for intermediate tenure units.
- d) it has been assumed in taking this forward that the affordable units would be new build flats in the first phase of the development.

This indicates that either 2 social rented units could be provided on site or 4 intermediate tenure dwellings resulting in surpluses of £24k and £1k respectively.

### **Review Mechanism**

33. The guidance on section 106BA applications advises that the intention of the new mechanism is to ensure development is progressed quickly. As such the guidance outlines that any modifications should be valid for three years only after such time



the obligations should revert back to the former obligations. If the development is not completed in that time, the original affordable housing obligations will apply to those parts of the scheme which have not been commenced. The guidance outlines that any new obligation should include provisions to reapply the requirements of the original agreement for the part of the site that remains un-commenced.

34. In this case the current consent expires in December 2015 and therefore a start on at least part of the scheme by that date is necessary to avoid the consent expiring. However it is necessary to ensure that the consent is not implemented by some minor works on site and then not taken forward to completion for some considerable time. It is therefore recommended that the section 106 agreement be revised to provide a mechanism for the original obligations to apply where no part of the development has been completed within 3 years of the date of the agreement and to parts of the development which have not been substantially commenced where only one part of the development has been completed. The detailed wording of such clauses will need to be negotiated with the applicants in conjunction with the Council's solicitors.

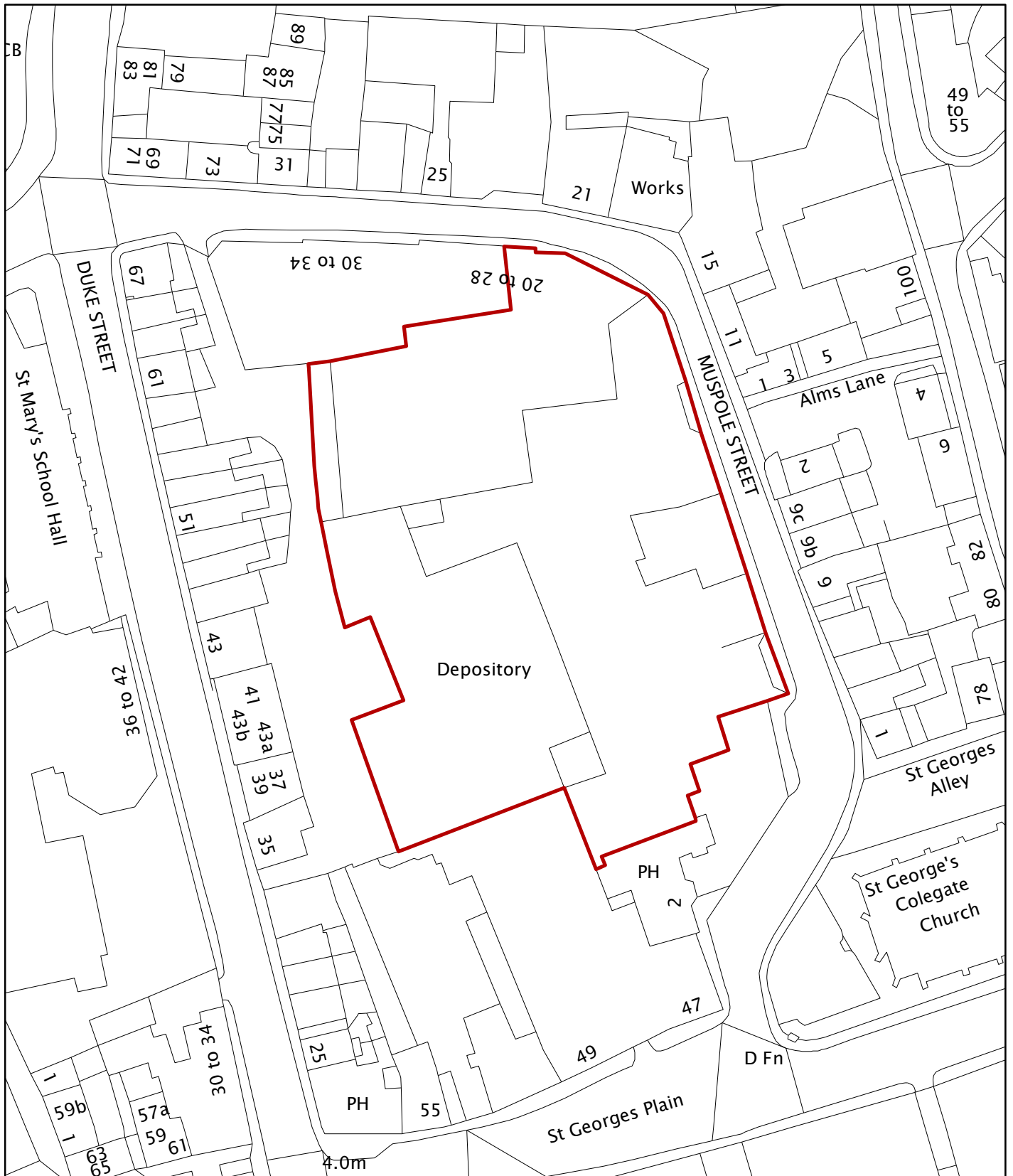
### **Conclusions**

35. The viability of the scheme has been subject to independent review by the district valuer on behalf of the Council. On the basis of this review it is recommended that the S106 agreement is varied to reduce the level of affordable housing on site to either 2 social rented dwellings or 4 intermediate tenure dwellings and allow for a commuted sum of £150k where a registered provider cannot be secured. It is also recommended that the section 106 agreement be revised to provide a mechanism for the original obligations to apply where no part of the development has been completed within 3 years of the date of the agreement and to parts of the development which have not been substantially commenced.

### **RECOMMENDATIONS**

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

1. reduced affordable housing on site to either 2 social rented dwellings or 4 intermediate tenure dwellings;
2. where it has been demonstrated that it has not been possible to identify a registered provider to take on the on-site units a commuted sum of £150k would be payable;
3. a review mechanism which reverts back to the original obligations where no part of the development has been completed within three years of the date of the agreement and to parts of the development which have not been substantially commenced.



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Planning Application No 12/00143/ET

Site Address Muspole Street

Scale 1:750



**NORWICH**  
City Council

PLANNING SERVICES

Page 106 of 142



**Report to** Planning Applications Committee  
**Date** 6 November 2014  
**Report of** Head of Planning Services  
**Subject** 14/00618/F Vikings Venture Scout Hut Adjacent To 420  
Dereham Road Norwich NR5 8QQ

**Item**

**4G**

## SUMMARY

<b>Description:</b>	Erection of 8 No. two bedroom flats.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve subject to S106 agreement. Refuse if agreement not signed by 1 <sup>st</sup> February 2015
<b>Ward:</b>	Wensum
<b>Contact Officer:</b>	Mr Lee Cook Senior Planner 01603 212536
<b>Valid Date:</b>	12th August 2014
<b>Applicant:</b>	Mr Joe Atashkadeh
<b>Agent:</b>	A Squared Architects

## INTRODUCTION

### The Site

#### Location and Context

1. The application site is vacant and approximately square, with a 34 m. frontage to Dereham Road to the north, the curtilages of flat blocks in the Whistlefish development to the east, the flank end of a three storey flat block along with its car parking area to the west and the side boundary with the house at 1, Dell Crescent to the south. There is a drop of 1- 2m between the ground level of Dell Crescent and the application site. The site was formerly occupied by a scout hut, which has now been demolished. The site is otherwise soft-surfaced and has a number of trees along its boundaries.

#### Constraints

2. HSE Consultation Sites - Bayer CropScience Buffer Zones. Tree Preservation Orders – Sites TPO.433.

#### Planning History

3.  
**08/00633/F** - Redevelopment of site to provide a block 9 No. apartments and associated parking and access. Withdrawn - 10/09/2008.  
**08/01322/F** - Erection of three storey building comprising eight apartments, with new vehicular access from Dell Crescent. Reported to committee and approved - 24/02/2009.  
**12/00342/ET** - Extension of time period for the commencement of development for previous planning permission 08/01322/F 'Erection of three storey building comprising

eight apartments, with new vehicular access from Dell Crescent'. Cancelled - 30/07/2013.

**12/01358/ET** - Extension of time of previous permission 08/01322/F 'Erection of three storey building comprising eight apartments, with new vehicular access from Dell Crescent.' Cancelled - 26/07/2012.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

4. The scheme is for the erection of 8 No. two bedroom flats within a single 3 storey T shaped block. Access is shown via Dell Crescent for car parking. Parking is partly undercroft and partly surface providing 4 garages and 4 spaces. Bicycle parking is also shown at the rear of the site. Refuse storage and collection is onto the Dereham Road frontage.

## Representations Received

5. Advertised on site and adjacent and neighbouring properties have been notified in writing. 6 individual letters of representation and 21 identical letters and petition signed by the addressee's have been received citing the issues as summarised in the table below.

Issues Raised	Response
Commentary on chalk working tunnels and rubbish infill under the site and new access and have provided indicative plans and other documents to explain known extent of chalk workings and history of uses and subsidence in the area. Concern that the new development and access way will interfere with the existing concrete retaining wall which supports adjacent car-park and buildings and also will impact on properties within the Crescent. Piling and materials storage is also likely to cause damage. Support for existing structures will need to be maintained at all times.	Paras 19 to 22, 34
Design and implementation of works will need to be approved by the council's engineers.	Para 22 Condition
A fully independent survey of existing buildings and structures will need to be funded by the applicant. The applicant's contractors and designers should be fully insured.	Private land owner/Party Wall issue
Permanent protection at point of entry (concrete bollards or the like) requested on the applicants land to avoid incursion on to adjacent property and damage to parked	Private matter of trespass, have suggested a condition relating to boundary treatments

cars when vehicles turn in. This protection should be before and after the works.	
Access should be taken from Dereham Road and not Dell Crescent. Parking on Dell Crescent is a problem. Emergency vehicles find it difficult to access the area. Any new access off this road will add to congestion, noise and general disruption.	Paras 23 to 25
Suggest a minimum of 2 spaces per flat plus visitors. Not to do so would make the use of Dell Crescent intolerable.	Paras 26, 27
Development traffic should be via the main Dereham Road. The site will be extremely difficult to develop with structural and parking implications so additional planning conditions should be inserted to protect neighbours property and interests.	Would not normally seek to restrict construction access from either adopted roadways for this scale of development under the Planning Act.
Already an issue with people parking and selling cars on the grass verge on Dereham Road - should consider enforcing a no parking area on the grass verge next to Dereham Road to ensure residents don't use grass verge as short term/additional parking. Request to replace drop down curb with standard curb.	Highways control
Any building over 2 storeys will overlook adjacent properties especially if the trees are removed.	Paras 35,36
The Sycamore trees provide a natural barrier between the proposed development and Whistlefish Court and Dereham Road and would like the trees retained for both privacy reasons and because the trees add to the area for both wildlife and amenity.	Para 35, 36, 43 and 47
Not opposed to building more homes and understand imperative for more housing.	Noted
Scheme has previously been refused by committee. Applicant has chosen to ignore previous halt on development and concerns on ground conditions.	Para 3 Application 08/01322/F was approved following report to Members in February 2009

6. Norwich Society: note the objections regarding the ground conditions. The elevations are banal and crude and we support the requirement for a stability survey in relation to policy EP2. We also note the restricted access via Dell Crescent due to regular pavement parking on both sides of the access road.

## Consultation Responses

7. Contracts Development Officer: No objections in principle; main point is the collection of the communal bins. Although there is a tarmac path and dropped kerb from the development to Dereham Road there is a reasonable distance that means that the refuse truck will be stationary on Dereham Road which could hold up traffic

and possibly block visibility - requested transportation view-point on this issue. The bins will have to be 1100's as 660's no longer used.

8. Environmental Protection Officer: No objection in principle; comments on concerns in relation to noise and land contamination.
9. Health and safety executive: do not advise, on safety grounds, against the granting of planning permission in this case.
10. Historic environment service: Commented with earlier application that there has been a previous evaluation here. Condition not required; seek informative to advise applicant of possible flint workings on the site.
11. Natural areas officer: No objection in principle; comments on need for protection of species as detailed within ecology report; need for appropriate level and detail of tree planting; and requirement for appropriate ecological enhancements on site.
12. Norfolk constabulary: No objections in principle - have provided the agent with literature in relation to secured by design guidance.
13. Property services manager: This site definitely contains a tunnel emanating from Dell Crescent; initially recommended a minimum of a desk top study in order to establish the need for ground investigation and special foundations. Following confirmation from the agent that the ground condition report submitted with their earlier application in 2008 forms the basis of site investigation has commented that nothing has changed (since 2008/09) and the approach is still considered to be acceptable.
14. Strategic Housing: No objection in principle, comments on s106 requirements; see assessment below.
15. Transportation Officer: No objection on transportation grounds subject to consideration of the following: confirmed bin collection point is as previously agreed and is okay; refuse store capacity needs updating (1,100 litre bins for general or recycling plus 360 litres for glass); pedestrian access detail from courtyard to avoid conflict with vehicles; surface of the parking court; detailing to ensure that the Dell Crescent highway is made good; and turning movements of vehicles. Also requested addition of informatives.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

#### **National Planning Policy Framework:**

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

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

Statement 11 – Conserving and enhancing the natural environment

Statement 12 – Conserving and enhancing the historic environment

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

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

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

AEC3	Loss of buildings for community use.
EP2	Testing for ground stability conditions.
EP16	Water conservation and sustainable drainage systems.
EP18	High standard of energy efficiency for new development.
EP22	High standard of amenity for residential occupiers.
HOU13	Proposals for new housing development on other sites.
HOU18	Construction of houses in multiple occupation
NE8	Habitat protection and enhancement
NE9	Comprehensive landscape scheme and tree planting.
TRA5	Approach to design for vehicle movement and special needs.
TRA6	Parking standards (maxima).
TRA7	Cycle parking standard.
TRA8	Servicing standards
TRA18	Major road network.

**Supplementary Planning Documents and Guidance**

Development of house in multiple occupation – June 2006  
Trees and Development SPD – September 2007

**Procedural Matters Relating to the Development Plan and the NPPF**

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

**Other Material Considerations**

Written Ministerial Statement: 23 March 2011: Planning for Growth  
Support of enterprise and sustainable development.  
The Localism Act 2011 – s143 Local Finance Considerations

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

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

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



## **Emerging DM Policies**

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

The Council submitted the Development Plan Policies local plan and Site Allocations and Site Specific Policies local plan for examination in April 2013. The examination process is now complete with the publication of the Inspector's report for each plan, dated 13<sup>th</sup> October, 2014 (available at <http://www.norwich.gov.uk/Planning/Pages/DMAAndSAPoliciesPlans.aspx>). Significant weight must now be given to all the following policies, as proposed to be modified by the Inspector's reports, pending formal adoption.

- DM1 – Achieving and delivering sustainable development
- DM2 – Ensuring satisfactory living and working conditions
- DM3 – Delivering high quality design
- DM4 – Providing for renewable and low carbon energy
- DM6 – Protecting and enhancing the natural environment
- DM9 – Safeguarding Norwich's heritage
- DM11 – Protecting against environmental hazards
- DM12 – Principles for all residential development
- DM13 – Communal development and multiple occupation
- DM28 – Encouraging sustainable travel
- DM30 – Access and highway safety
- DM31 – Car parking and servicing
- DM33 – Planning obligations and development viability

## **Principle of Development**

### **Policy Considerations**

16. The site provides the opportunity for new housing on a brownfield site with good access to local services and neighbouring facilities. The application site is now entirely surrounded by residential development, the site to the east on the Dereham Road frontage, formerly occupied by a petrol filling station, having been redeveloped for housing. Residential use would be compatible with the character of the area and approved and existing densities of housing development. The re-use of land is encouraged by the NPPF and local policies HOU13 and HOU18. As such the scheme accords with local and national policies for development and re-use of land and is considered to be an appropriate and preferred alternative use for the site.
17. The applicants previously advised that the 'scout hut', that formerly occupied a small part of the site, was removed some years ago. Whilst local plan policy AEC3 offers some protection to buildings in community use, that protection does not extend to seeking to retain the use, irrespective of whether or not there is a standing building. In addition given that the 2009 permission was granted for redevelopment of the site there is no objection, in principle, to the site being put to an alternative use.
18. The principle of providing for dwellings on this site is acceptable and will help meet the housing needs within Norwich. As set out above as Norwich does not have a 5 year land supply, policies relating to housing within the local plan have no weight.

As such the main issues in assessing any future application on the site are the impact upon land stability, design, living conditions of future and existing residents, parking and servicing. These are addressed below.

## **Land stability**

19. At the time of the earlier application reference was made to PPG14 which gave advice in relation to the determination of planning applications where ground conditions are an issue. The NPPG now provides information on ground stability to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence. The role of the planning system is in minimising the risk and effects of land stability on property, infrastructure and the public; helping ensure that various types of development should not be placed in unstable locations without various precautions; and to bring unstable land, wherever possible, back into productive use.
20. The area of Dereham Road/Dell Crescent is one known to have experienced subsidence due to poor ground conditions and is referred to in the adopted local plan policy EP2 as a location where appropriate tests must be carried out to establish ground conditions. A comprehensive geotechnical report, including analysis of boreholes sunk on site, was submitted with the original application and the agent has confirmed that this report is still relevant and that no changes in circumstances have occurred since that time. The report notes that chalk quarrying was carried out on the site between the late 19<sup>th</sup> c. and 1921 and that there is also evidence of a lime kiln.
21. A subsidence event in 1990 on the highway adjoining 5 & 6, Dell Crescent is noted: this was due to a tunnel collapse which the City Engineer addressed by infilling with concrete. The report notes that the application site has been deep filled, so that there is a deep layer of made-up ground over chalk. Previously Members were advised that the report recommends that the building would need very deep piled foundations; it does not favour the possible alternative of ground treatment. The report notes that the chosen construction method will need to take account of any effects on the stability of adjoining structures, including the retaining wall. All technical construction matters remain subject to control under the Building Regulations.
22. Where the investigations identifies risks are acceptable or that they can be mitigated to an acceptable level then the Authority can proceed to decision subject to appropriate conditions or obligations to mitigate land stability. In the circumstances and as nothing has changed on site to vary the previous conclusion to approve permission in 2009 for essentially the same scheme as that now applied for, the current application is considered to be acceptable subject to the conditions as previously imposed for the development to be carried out in accordance with recommendations in the geotechnical report and submission of a completion report to confirm ground stability issues have been addressed.

## **Transport and Access**

### **Vehicular Access and Servicing**

23. With this and the earlier application a main issue for residents objecting to the

scheme concerns the proposal to provide vehicular access to the scheme via Dell Crescent. There is an existing set of gates on the northern frontage of the site, along with a dropped kerb, indicating that vehicular access to the 'scout hut' was from Dereham Road. In practical terms it would be possible to access the proposed development from Dereham Road, however this is a principal highway defined as being part of the major road network where local plan policy TRA18 states that new access direct to the major road network will not be permitted unless there is no practical alternative.

24. The purpose of the policy is to ensure that the main roads work efficiently, in order to encourage or direct traffic to them rather than smaller roads. Were the existing Dereham Road access to be used the policy would not technically be breached, nevertheless the proposed development could at various times generate more traffic than the scout hut and as previously agreed it would be undesirable for this to go directly onto Dereham Road.
25. Dell Crescent is a short and not particularly wide cul-de-sac. It services 44 residential premises: 8 houses and 36 flats in two separate blocks. The proposed flat block would increase the number of residential premises serviced by the road. It is not considered to be an unreasonable level of increase of traffic to this road. Because the hammerhead at the end of the Dell Crescent cul-de-sac directly abuts the application site no substantive works outside the site boundaries are required to link the road and site. However, because of the difference in levels between Dell Crescent and the site (1-2M.), the access road would be ramped within the site. The potential design is considered acceptable to provide access to the site.

### **Car Parking and Cycling Parking**

26. Some residents are concerned that the level of car parking provision is inadequate and would give rise to parking in Dell Crescent. There are 4 garages and 4 other spaces proposed: 1 space per two bedroom flat. The provision equals the maximum allowed under the Council's adopted parking standards: any more spaces would breach the standard set out in policy TRA6 of the adopted local plan. Any person seeking to park in Dell Crescent would find it difficult to do so other than at risk to the safety of their vehicle.
27. The site is also within an area close to transport links in and out of the city. Within the scheme secure bicycle parking is also provided within the rear parking area. The parking area is overlooked and relatively safe for users of the flats. Proposed levels of parking are in line with the maximum suggested by policy and as such this level of provision accords with local policy and advice on encouraging sustainable modes of transport and car usage.
28. The central courtyard space is approximately 13.4 metres by 6 metres (plus 5 metres for parking bay depth) which should be sufficient for vehicles expected to use this space to turn within the site and leave in a forward gear back onto Dell Crescent. The design of surfacing details and access could be secured by way of condition to ensure a suitable finish to the scheme and an adequately designed and protected access.

29. As with the earlier scheme the proposal has been designed with a communal bin storage space to accommodate the bin requirements at the front of the site. This is shown as holding five 660 litre bins but would need to be updated to show storage for 1,100 litre bins as now used. The facilities are capable of access from the adopted highway but would require further design detail to show final appearance and access arrangements to ensure a suitably designed enclosure within the street scene and minimum disruption to the highway and damage to street trees. The transport officer has confirmed that access here is acceptable and, subject to conditions, the scheme makes adequate provision for servicing.

## **Design**

### **Layout, Form and Scale**

30. The proposal is for the erection of a three storey building comprising eight apartments, with four ground floor garages, four other car parking spaces being laid out on a hard standing. All the flats comprise two bedrooms. Vehicular and pedestrian access to the site would be from Dell Crescent, shortly before the end of this cul-de-sac. An additional pedestrian access from Dereham Road is proposed. The building line on the Dereham Road frontage would be marginally forward of the flat block to the west and slightly behind the flat block to the east.
31. The proposed block would have a shallow pitched roof, with a projecting gable facing Dell Crescent. The main facing material would be a red brick, with some buff brick detailing and an element of timber cladding on the north elevation. Roof tiles would be grey. Covered cycle storage is provided within the vehicular hard standing. The parking areas will be lit by street lighting. The refuse bin enclosure abuts the Dereham Road frontage; there is a pedestrian only access on this frontage.
32. The proposed refuse area needs to be carefully detailed as it abuts directly onto Dereham road and could if detailed well enhance the view as it is currently a concrete post and chain link fence. The screening of the proposed property will be crucial to the integration of the site into the surroundings. The replacement tree species should be of a size to make an immediate impact and be compatible the proposed boundary treatment. This will help reduce the impact for the neighbouring properties and also enhance views into the site from Dereham Road.
33. The area in general does not have one distinct style and is made up of a range of dwellings types as you move away from the centre of Norwich. The proposed building is of a scale and appearance which should fit reasonably well into the character of the area. Additional landscaping is suggested to help with the setting of the building. The ancillary storage buildings could have a bearing on the setting of the main building and should be designed to fit with the general layout of the site and aid interpretation of its operation. As such the scheme is considered to be acceptable subject to relevant conditions requiring details of materials; landscaping; stores etc.
34. Boundary treatments are not detailed in the application and in the interests of the visual amenities of the area approval should be subject to a condition requiring details of such treatments to be agreed. The site is currently secured on all sides by chain-link fencing. The boundary to the south is a retaining wall. It was previously

reported that whilst the structural integrity of the wall is not a planning matter *per se* (non-planning issues may be dealt with under a Party Wall agreement if relevant) it would be possible, via the boundary treatment condition, to seek to ensure that this wall was not part of changes to boundary treatments. This is still considered to be relevant with Dell Crescent having been subject to subsidence in the recent past, due to the mineral workings in the vicinity (see above).

## **Impact on Living Conditions**

### **Overlooking and Overshadowing**

35. The closest corner to corner distance of the new building to recently built flats on the adjacent development are 22.5 to 32 metres. Whilst trees are shown as being removed along the east boundary additional planting is shown around the site to help re-establish the landscape setting of the area.
36. The building is shown as part of the line of properties running along the south side of Dereham Road. These will be relatively equally spaced and of similar forms. The positioning of the building would not therefore result in any significant impact on the amenities of existing residents in the area.

## **Environmental Issues**

### **Noise**

37. The development site is situated on Dereham Road which is a main connecting route between the city centre and the A47 and then onto the western part of the county. As such there are high levels of traffic using the road, including a significant proportion of HGV and PSV. To ensure that the associated traffic noise does not become a source of nuisance to the future residents, it is suggested that any windows on the front and sides of the building are suitably specified to afford adequate protection in line with the World Health Organisation - Guidelines on Community Noise for internal noise levels.
38. This will involve the developer carrying out an environmental noise assessment at the site to accurately specify the window requirements and dependant on the noise levels it may be necessary to include additional ventilation such that background ventilation can still be provided with the windows closed. A condition is therefore suggested requiring submission of noise attenuation details.
39. With the previous application it was noted that the nature of foundation construction could give rise to concerns about noise within the area. Indication is given in the earlier application that the developer would look closely at the construction methods to be used. However; the precise timings and methods of construction were not completely known and it was considered reasonable to impose a condition requiring details to be agreed of the means by which neighbours would be protected from excessive disturbance during the construction period e.g. timing of works on site. This issue remains for the current application and it is considered reasonable to re-impose such a condition.

### **Site Contamination and Remediation**

40. The development site is situated within a relatively small area historically excavated for materials. As is common with such sites there may have been an unknown quantity of unrecorded material deposited to restore ground levels at the site.

Therefore there is a possibility of contamination being present on the site as a result of either the previous commercial use or the material used for infilling. It is therefore recommended that relevant standard conditions now used should be imposed relating to remediation, validation and to stop works if unknown contaminants are found on site during construction of the development.

### **Archaeology**

41. Given the Historic Environment Service's comment on the earlier application no archaeology conditions are proposed. An informative is however suggested in relation to possible flint workings within the area.

### **Sustainable Construction and Water Conservation**

42. The size of the development is below the threshold for an energy efficiency statement. The agent has indicated that the scheme can be designed to incorporate facilities to limit internal water consumption. It would therefore be reasonable to impose a condition requiring the development to meet appropriate levels of water usage as promoted by JCS policy 3.

### **Trees and Landscaping**

#### **Loss of Trees or Impact on Trees**

43. This site is part of a chain of green spaces large and small that stretch along the Dereham Road corridor towards the city centre, and any ecological enhancements that can be incorporated into this proposal could have wider-ranging benefits. The trees proposed for removal are self-sown specimens, mainly sycamores, that currently offer little ecological value and there is no objection to the removal of these. However, there does appear to be a discrepancy in the proposals for replacement tree planting. In an urban setting like this, there is no issue about the use of at least a proportion of non-native tree and shrub species.
44. An Arboricultural Implications Assessment has previously been prepared for the site. There is one class B tree considered worthy of retention, on the Dereham Road frontage, and this is to be kept. There are two class A beech trees on the verge between the site and Dereham Road and two further highway trees on each side of the existing crossover to the site. The latter are not currently included in the survey or tree protection plan. No mention is made of where the site will be accessed from during the build phase. Given that some changes to trees have occurred since the previous application these need to be included and factored in to the protection measures including restricting construction parking on the verge to aid tree protection. Conditions requiring a detailed tree planting scheme and for tree protection measures to be undertaken during construction are therefore suggested.

#### **Replacement Planting and Ecological Enhancements**

45. The recommendations of the ecological assessment should be followed to ensure that no harm or disturbance is caused to nesting birds, bats or hedgehogs that might be present or use the site for breeding or foraging purposes. The site does not appear to have been intensively managed for some time and it is possible that amphibians (frogs, toads or newts) may be present although the number is likely to be very small. The mitigation measures outlined for hedgehog will, to a large extent, apply to them too.

46. The ecological assessment recommends several biodiversity measures that could be incorporated into the development. The outline of the landscape proposal indicates that 60% of the site will remain under vegetation, and that apart from the trees this will be principally under grass, although no details are given (for example, will the grassed areas be wholly close-mown amenity grassland, or will a proportion of them be managed in a more 'wildlife friendly' manner).
47. Further details of biodiversity measures, landscaping and tree replacement are suggested by way of condition to ensure that amenity and ecological functions are addressed for the site. The details should also be accompanied with a preparation method statement including preparation of the ground, any root protection methods as appropriate, short term and long term management plans and who is responsible for the maintenance of the site post construction.

## Local Finance Considerations

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

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

## Planning Obligations

### Affordable Housing

49. The scheme is for eight flats in a single block with a policy requirement for two affordable units. No acknowledgement of the policy is given in the submitted documents but the agent has confirmed that the applicant would be happy to proceed with the first draft of the agreement and an undertaking for legal costs to prepare a draft s106 for affordable housing provision has been provided.
50. On the basis that it will be unlikely that the applicant will want to spend time now to find out if an RP might be interested in taking on affordable houses on site format for the S106 agreement is suggested along the lines of: a) provide two units on site; b) before going to off-site contribution provide evidence of approaches to 6 RP's and no expressions of interest having been received following 6 months; and c) provide off-site contribution to policy calculation.
51. No viability issue has been raised at this stage. If it were and we agreed the scheme was not viable then consideration would be given to encouraging



implementation of the scheme e.g. if agreed then would suggest the permission/S106 agreement is termed to require 18 month to start on site and then 12 or 18 months to occupation to avoid full liability of the affordable housing element. The S106 would revert to a); b) and c) above if development was not achieved within these timeframes (with no overage clause).

## **Conclusions**

52. The principle of the residential redevelopment of this vacant site is still considered acceptable in the circumstances of the wholly residential surroundings. The land stability issue is recognised and given due consideration with this and the earlier application. The approach to development outlined within the ground investigation report is considered to be acceptable and conditions are suggested to be repeated on any new permission. The vehicle, cycle and refuse storage provision meets adopted Council standards. Whilst the concern of Dell Crescent residents at additional traffic on their road is understandable, the level of additional traffic is not considered excessive, to the extent that the provision of a vehicular access to Dereham Road should be sought.
53. A three storey building is compatible with the three storey flat blocks on either side of the side on the Dereham Road frontage, in Dell Crescent and Whistlefish. Residential premises adjoining the site have flank elevations facing the proposed development and there would be no substantive loss of privacy by overlooking. The landscaping scheme would soften the visual impact of the proposed block.

## **RECOMMENDATIONS**

To approve application no 14/00618/F Vikings Venture Scout Hut adjacent to 420 Dereham Road Norwich NR5 8QQ and grant planning permission, subject to:

- (1) the completion of a satisfactory S106 agreement by 1<sup>st</sup> February 2015 to include the provision of affordable housing and subject to the following conditions:
1. Standard time limit.
  2. Development to be in accord with submitted drawings, documents etc.
  3. Precise details of external facing materials.
  4. Details of refuse storage enclosures.
  5. Details of courtyard and pedestrian access, car parking and cycle storage.
  6. Details of Landscaping, landscape maintenance.
  7. Details (plans/sections) of access road highway reinstatement.
  8. Details additional AMS for tree protection.
  9. Development in accord with AIA;
  10. Development to be carried out in accordance with recommendations in geotechnical report.
  11. Submission of a completion report to confirm ground stability issues addressed.
  12. Not less than 3 months before commencement of development, applicant to submit protocol on means to protect neighbours from excessive disturbance during construction period.
  13. Protection of individual dwellings from noise daytime & nighttime.
  14. Existing contamination – submission of details prior to development.
  15. Existing contamination - submission of verification report prior to first

- occupation.
16. Stop works if unknown contamination found.
  17. Certification of imported materials.

#### Informatives

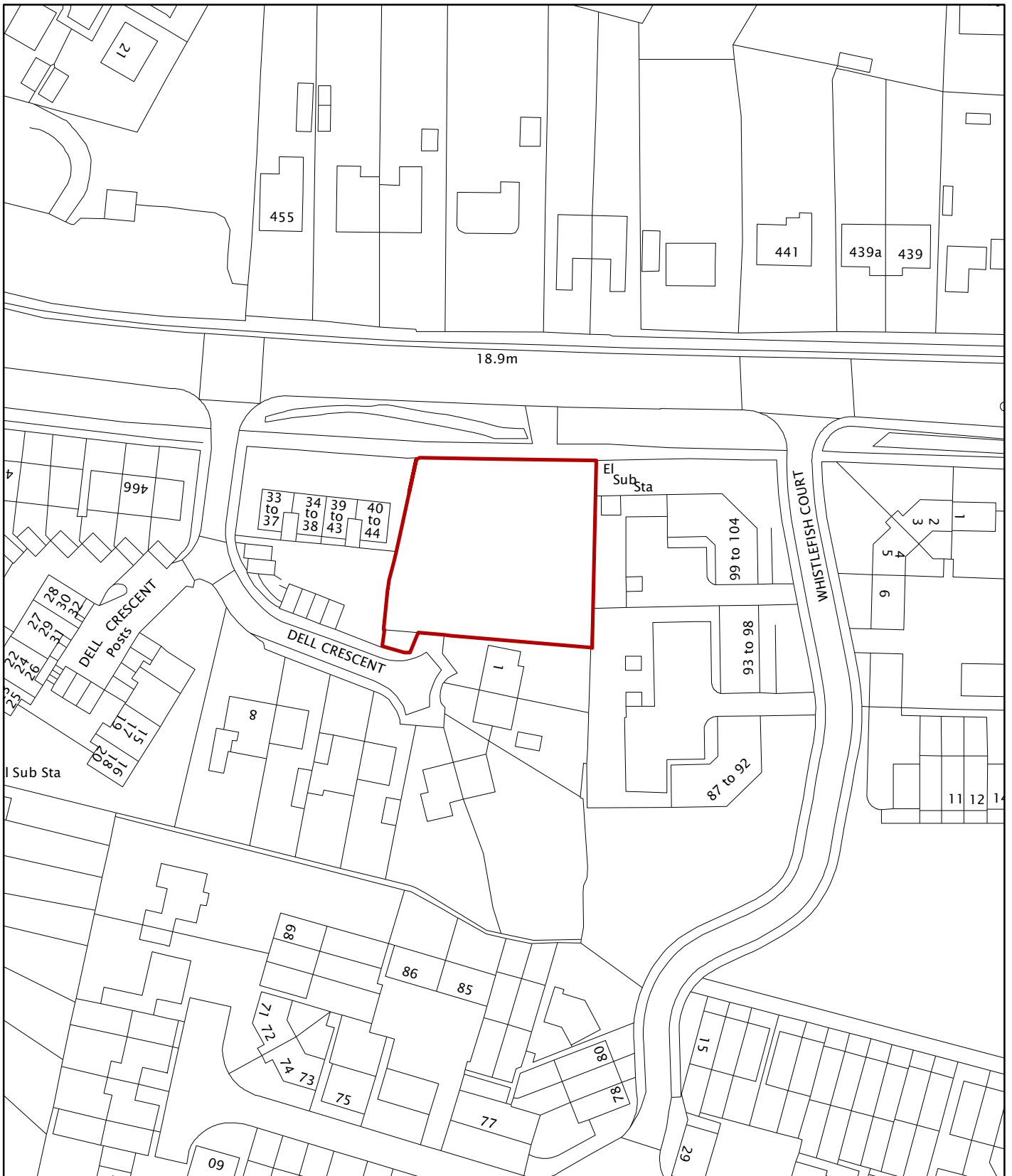
1. CIL
2. Considerate Constructors
3. Contents of protocol to cover noise audible at boundary at various times, mitigation of vibration effects etc.
4. Advice re. previous archaeological site evaluation.
5. Protection of wildlife
6. Shared surface matters
7. Refuse and recycling bins
8. Vehicle crossovers/dropped kerbs
9. Address naming and numbering

#### Article 31(1)(cc) Statement

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

(2) where a satisfactory S106 agreement is not completed prior to 1<sup>st</sup> February 2015 that delegated authority be given to the Head of Planning Services to refuse planning permission for Application No 14/00618/F Vikings Venture Scout Hut Adjacent To 420 Dereham Road Norwich NR5 8QQ for the following reason:

Policy 4 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) seeks the target provision of 20% affordable housing on sites of 5 to 9 dwellings in line with the most up to date housing market assessment. No affordable housing provision has been provided for within the scheme, nor has it been demonstrated that the provision of affordable housing would render the scheme unviable and therefore in the absence of a legal agreement relating to the provision of affordable housing the proposal is considered to be contrary to policies 4 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011) and would undermine the objectives of the National Planning Policy Framework to deliver housing need in affordable housing in sustainable locations



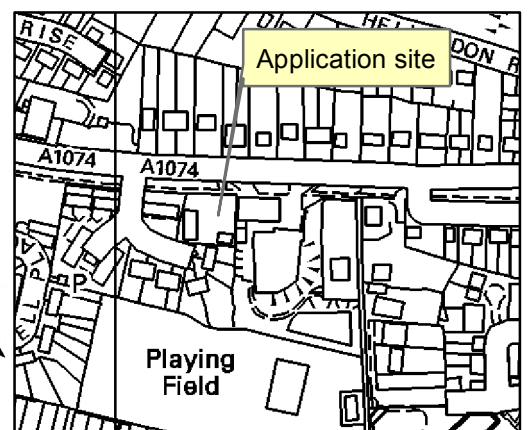
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Planning Application No 14/00618/F  
 Site Address Vikings Venture Scout Hut  
 Adjacent to 420 Dereham Road  
 Scale 1:1,000



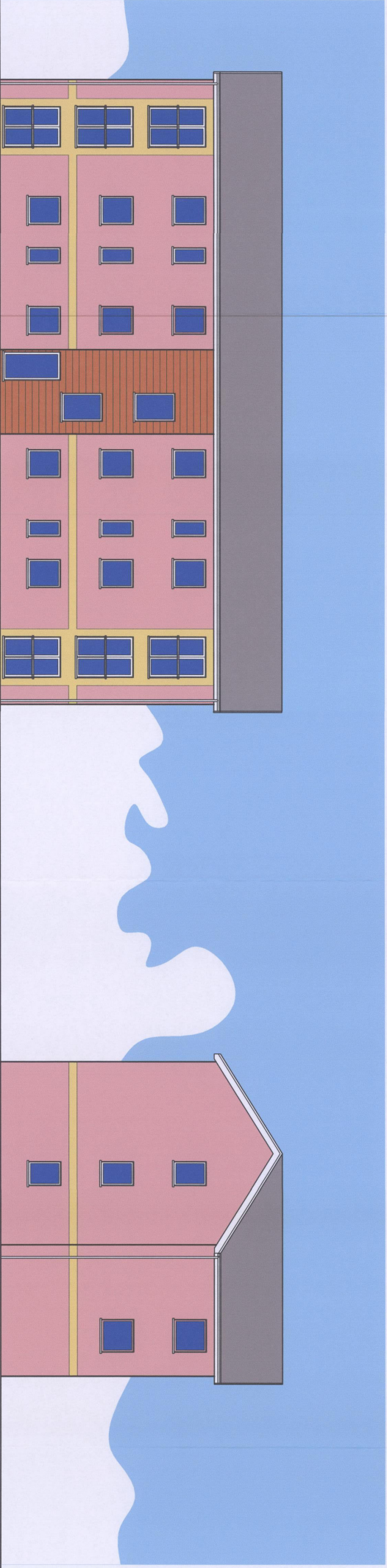
**NORWICH**  
 City Council

PLANNING SERVICES

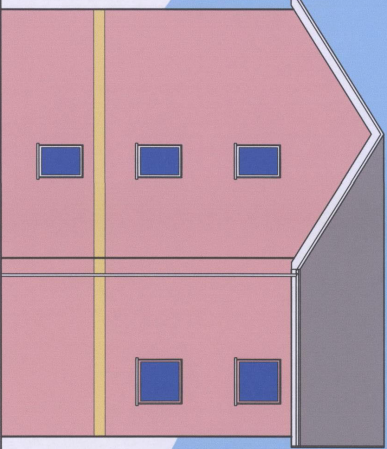




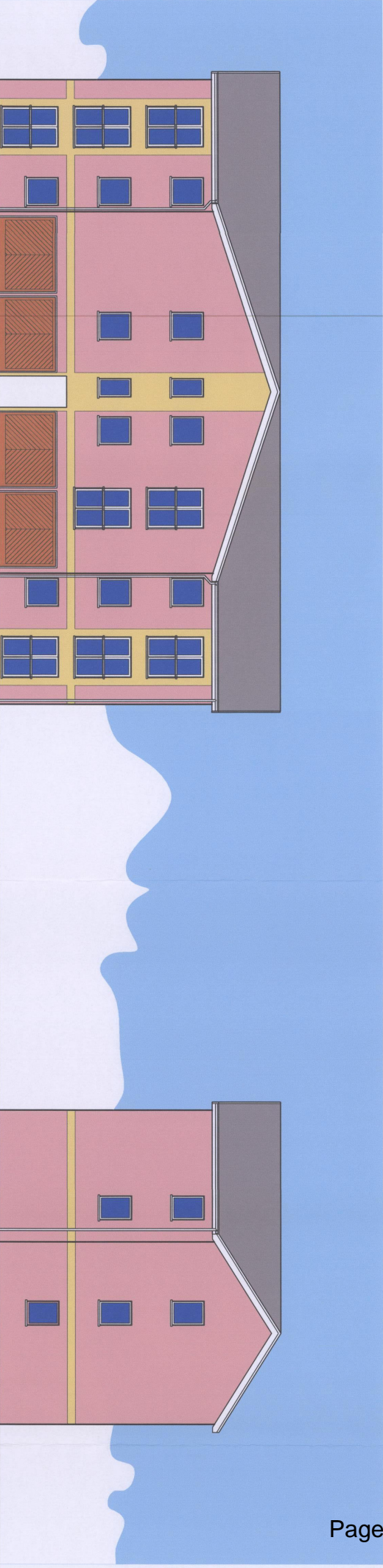




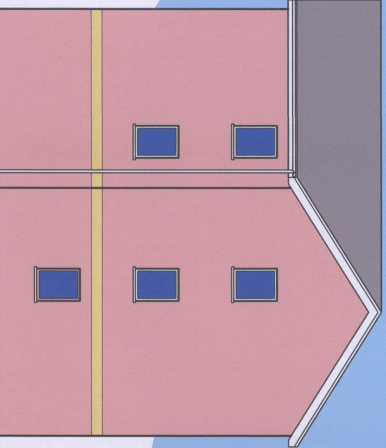
NORTH ELEVATION



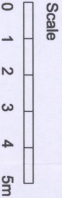
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION





**Report to** Planning applications committee  
6 November 2014  
**Report of** Head of planning service  
**Subject** Tree preservation order no. 467; confirmation.

**Item**  
  
**5**

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### **Purpose**

That the committee considers whether or not to confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW .

### **Recommendation**

To confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW

### **Corporate and service priorities**

The report helps to meet the corporate priority a prosperous city and the service plan priority to manage the development of the city through effective planning and conservation management

### **Financial implications**

There are no direct financial implications arising from this report.

Ward/s: Eaton

Cabinet member: Councillor Stonard – Environment and transport

### **Contact officers**

Mike Volp, tree protection officer

01603 212546

### **Background documents**

Copy of provisional TPO no. 467 document  
Copy of provisional TPO no. 467 plan.  
Copy of provisional TPO no. 467 notice.  
Copy of provisional TPO no. 467 accompanying letter.  
Copy of modified TPO no. 467 document.

1 no. letter of objection



# Report

## Introduction

1. Tree Preservation Order No 467 was served in order to preserve an area of Woodland that was perceived by local, concerned residents to be under threat due to the property being sold.
2. An objection has been received to this order from Birketts LLP, on behalf of Capital Trust Limited. Full details of this letter are available on request.

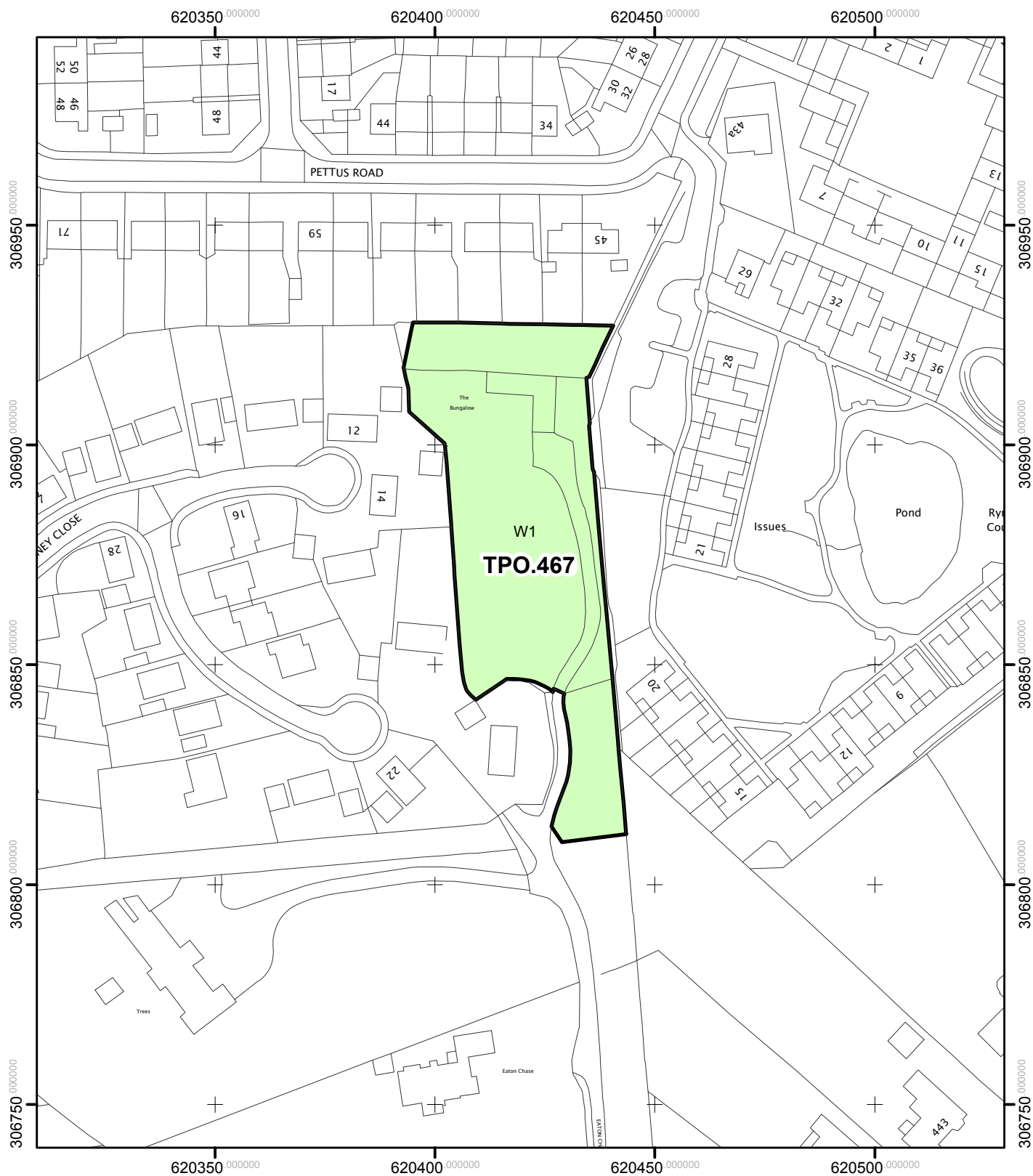
## Summary of objections

3. The objections are summarised below with the officer response.

Issues raised	Response
Validity of the provisional TPO	The area of land in question regarding the invalidity of the TPO is not within the curtilage of The Bungalow and will be removed from the TPO as a modification on confirmation. This negates the basis of the objection.
Expediency	The woodland was not preserved and not within a conservation area; the concern of local residents that the woodland may have been under threat as a result of the land being sold is reason enough to make the serving of a provisional TPO expedient.
Amenity	The local residents who brought their concerns to the council's attention see the woodland as a local amenity. Amenity has been variously defined as "pleasant circumstances or features, advantages" and "any benefit that derives from a thing". Visual amenity, though important, is not the only benefit derived from trees; particularly in an urban environment.
It is inappropriate to use the woodland classification in gardens	This woodland, which has The Bungalow within it, is more of a bungalow in a woodland than a woodland in a garden.
The making of the 'woodland;' TPO imposes onerous requirements on the owner in terms of having to make applications for any tree work.	Since the introduction of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 it is possible to agree proactive woodland management plans that would negate the need to apply for permission for every single tree work operation on every single tree. The formulation of long-term woodland management plans is something that is actively encouraged.

## **Conclusion**

4. Objections to the order have been taken note of and where appropriate the order has modified.



**PLANNING SERVICES**

Norwich City Council, City Hall,  
Norwich, NR2 1NH  
Telephone 0344 980 3333

Date : 24 Oct 2014

Scale : 1:1,250

Drawn by : SB



THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

**TOWN AND COUNTRY PLANNING ACT 1990**

**THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 467, 2014**

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

**Citation**

1. This Order may be cited as Tree Preservation Order, 2014  
City of Norwich Number 467, The Bungalow, Eaton Chase, Norwich,  
NR4 7QW .

**Interpretation**

2. 1. In this Order “the authority” means the City Council of Norwich
2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this twenty fifth day of June  
two thousand and fourteen.

THE CORPORATE SEAL of THE )  
CITY COUNCIL of NORWICH )  
Was hereunto affixed in the )  
Presence of )

.....

Authorised by the Council

SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually  
(encircled in black on the map)

Reference on Maps	Description	Situation
<b>None.</b>		

Groups of Trees  
(within a broken black line on the map)

Reference on Map	Description	Situation
<b>None.</b>		

Trees specified by reference to an area  
(within a black dotted line on the map)

Reference on Map	Description	Situation
<b>None.</b>		

Woodlands  
(within a continuous black line on the map)

Reference on Map	Description	Situation
<b>W1</b>	Mixed, mainly deciduous woodland	Throughout the property known as The Bungalow, Eaton Chase, Norwich, NR4 7QW. Within grid refs :- 620692 : 306927 620442 : 306927 620447 : 306783 620437 : 306779 620430 : 306843 620409 : 306844





<b>Report to</b>	Planning applications committee	<b>Item</b>
	6 November 2014	
<b>Report of</b>	Head of planning service	<b>6</b>
<b>Subject</b>	Performance of the development management service; and progress on appeals against planning decisions and planning enforcement action for quarter 2 2014-15 (1 July to 30 September 2014)	

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### **Purpose**

This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 July to 30 September 2014.

### **Recommendation**

To note the report.

### **Corporate and service priorities**

The report helps to meet the corporate priority A safe and clean city.

### **Financial implications**

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and transport

### **Contact officers**

Graham Nelson, head of planning services 01603 212530

Ian Whittaker, planning development manager 01603 212528

### **Background documents**

None

# Report

## Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.

## Performance of the development management service

3. The cabinet considers quarterly reports which measure the council's key performances against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review by the scrutiny officer or through the scrutiny committee work programme.
4. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
5. Of all the decisions that are accounted for by the governments NI157 indicator, some 192 out of 213 were dealt with by officers (a delegation rate of 90.1%). The remainder, 19 applications, were dealt with by committee. Over the past 5 quarters this rate has varied between 84.4% and 92.7%).

## Appeals

6. There were five planning appeals pending or awaiting decision at the end of the quarter. Details of the appeals that have been lodged and are pending a decision are set out in appendix 1. Three of the appeals are delegated officer decisions where the application was refused. One appeal was a member decision relating to moorings on the river bank which was refused against officer advice (application no. 13/01540/VC) for land and buildings on the north-east side of King Street, Norwich. The remaining appeal was a case where members refused the application against officer advice: Application no. 13/01964/F (Land adjacent to 25 to 27 Quebec Road) sought planning permission for the erection of 2 no. semi-detached three bedroom dwellings.
7. The planning inspector allowed two appeals which are set out in appendix 2. Application no. 13/00637/F, which was briefly summarised in the report to the planning committee meeting on 7 August 2014, was a member decision which was refused against officer advice. The application sought planning permission for the demolition of the existing property and erection of convenience store and 2 no. residential flats at 195 – 197 Sprowston Road (Rush Lighting). Application no. 14/00493/A (174 – 178 Plumstead Road) was a delegated officer decision where the application was refused.
8. Two planning appeals were dismissed. These are set out in appendix 3. Both cases were delegated officer decisions where the application was refused. There was also one enforcement appeal dismissed and the enforcement notice upheld with a

correction. Enforcement action was taken as windows had been replaced in the property at 33 Grosvenor Road in contravention of an Article 4 direction.

### **Enforcement action**

9. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 4.

### Planning appeals in progress – Quarter 2 (July to September) 2014-15

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
14/00001/REF Application No. 13/01593/CLP	APP/G2625/X/14 /2211377	8 Taylors Buildings Magdalen Road	Refusal to grant a certificate of lawful use or development for application for a Lawful Development Certificate for a single storey side extension.	9 January 2014	Written reps	Pending
14/00003/REF Application No. 13/01090/F	APP/G2625/A/14 /2216867	148 Magdalen Street	Refusal of planning permission for demolition of rear outbuildings and extension and construction of 4 No. two bedroom residential flats in two blocks.	23 April 2014	Written reps	Pending
14/00004/REF Application No. 13/01091/L	APP/G2625/A/14 /2216869	148 Magdalen Street	Refusal of Listed Building Consent for demolition of rear outbuildings and rear extension to facilitate construction of 4 No. residential units in rear curtilage.	23 April 2014	Written reps	Pending
14/00006/REF Application No. 13/01540/VC	APP/G2625/A/14 /2220356	Land And Buildings on The north-east side of King Street	Refusal to vary condition 9 of planning permission (app. No. 04/00274/F) to "Within 3 months of the date of this decision moorings shall be provided in full accordance with drawing numbers 046-M-	20 June 2014	Written reps	Pending

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
			1001, 046-SW-220 _ 046-FY-264/1 and shall be retained as such thereafter" Conversion of former flour mills and redevelopment of site to provide 160 residential apartments.			
14/00009/REF Application No. 13/01964/F	APP/G2625/A/14 /2223336	Land Adjacent To 25 - 27 Quebec Road	Refusal of planning permission for Erection of 2 No. semi-detached three bedroom dwellings.	12 August 2014	Written reps	Pending

**Planning appeals allowed – Quarter 2 (July to September) 2014-15**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
13/00013/REF Application No 13/00637/F	APP/G2625/A/13/2210266	195 – 197 Sprowston Road	Refusal of planning permission for demolition of existing property and erection of convenience store and two residential flats.	17 December 2013	Written reps	Allowed
14/00008/ADVT Application no 14/00493/A	APP/G2625/H/14/2222322	174 - 178 Plumstead Road	Advertisement. Display of non- illuminated externally applied vinyls.	28 July 2014	Written reps	Allowed

**Planning appeals dismissed – Quarter 2 (July to September) 2014-15**

<b>City Council Ref. Nos.</b>	<b>Planning Inspectorate Ref. No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
14/00005/REF Application no 14/00308/F	APP/G2625/D/1 4/2219234	80 Thorpe Road	Refusal of planning permission for erection of single-storey orangery to rear of dwelling.	30 May 2014	Householder	Dismissed
14/00007/REF Application no 13/01650/VC	APP/G2625/A/1 4/2220286	81 Dereham Road	Refusal to vary condition 5 of previous planning permission 10/01751/F to 'The kitchen area hereby permitted shall not be in use between 0200 hours and 0700 hours Monday to Saturday and between 0100 hours and 0700 hours on Sundays'.	17 June 2014	Written reps	Dismissed
13/00080/CO NSRV/ENF	APP/G2625/C/1 3/2209197	33 Grosvenor Road	Replacement windows (Article 4 Direction)	25 July 2013	15 September 2014	Dismissed and enforcement notice upheld with correction.



**Enforcement action**

<b>Case no.</b>	<b>Address</b>	<b>Development</b>	<b>Date referred to Committee</b>	<b>Current status</b>	<b>Actions completed*</b>
13/00080/CON SRV/ENF	33 Grosvenor Road	Replacement windows (Art. 4)	25 July, 2013	Enforcement notice appealed and dismissed. Time period for compliance ends on . If the windows are not replaced with ones that are appropriate in terms of design and appearance, the necessary action will be to undertake works in default to replace the windows with ones of an appropriate design. The cost of doing so will be levied as a charge on the property.	No
13/00068/EXTE N/ENF	268 Heigham Street	Unauthorised development - shipping container on land	7 Nov., 2013	Notice served and time period has expired for compliance. Prosecution file to be prepared and submitted w/c the 10 <sup>th</sup> November 2014.	No
EH12/8433	64-66 Westwick Street	Unauthorised development – conservatory fronting the river		Notice served and appealed, appeal was dismissed, the notice has not been complied with. Passed to nplaw and has been with them for some months but now a Court date has been set for 26 <sup>th</sup> November 2014 at Norwich Magistrates' Court.	No
Planning ref 13/01484/A	Sweet Briar Road	Hoarding	6 March, 2014	Letter sent to the Head of City Development Services requesting removal of the sign given its location on council owned land.  One sign remaining which is on Council owned land, it would be advisable that NPS Norwich Ltd remove sign rather than reporting for prosecution. We are unable to prove the other large 96-sheet poster panel does not have immunity and as a consequence we are unable to take enforcement action in this particular case.	No

Case no.	Address	Development	Date referred to Committee	Current status	Actions completed*
Planning ref 13/01982/F	463-503 Sprowston Road	Aldi foodstore fire escape steps	6 March, 2014	There have been a number of condition compliance issues with the site, these have all now been resolved with the exception of the steps to the fire escape. Aldi have been advised of need to work with local access groups and following a meeting earlier in the year Aldi have agreed to replace the steps with an access ramp. It is understood that Aldi are in the process of commissioning a ramp to be fabricated off site before being installed on site. This matter is to be kept under review. Failure by Aldi to move the matter forward could lead to the issue of a breach of condition notice to be issued pending outcome of this meeting.	No
Planning ref 13/02087/VC and 13/02088/VC	Football ground area	River bank, landscaping, street trees, etc	6 March, 2014	Various compliance dates between August 2014 and August 2017.	No
13/01540/VC	King Street	Read Mills – moorings on river bank	7 May 2014	Appeal lodged against refusal, the outcome is awaited before further action is taken.	No

\*If the actions have been concluded a “yes” indicates that the item will be deleted from the next quarterly report. Items with ongoing actions (listed as “no”) will be reported next quarter.

