

### Planning applications committee

**Date:** Thursday, 14 December 2023

**Time:** 09:30

**Venue:** Council chamber, City Hall, St Peters Street, Norwich, NR2 1NH

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. The meeting will be live streamed on the council's YouTube channel.

**Committee members:**

**Councillors:**

Driver (chair)  
Sands (M) (vice chair)  
Calvert  
Haynes  
Hoechner  
Lubbock  
Peek  
Price  
Prinsley  
Sands (S)  
Thomas (Va)  
Thomas (Vi)  
Young

(1 vacancy)

**For further information please contact:**

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### 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



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## Agenda

### Page nos

#### 1 Apologies

To receive apologies for absence

#### 2 Declarations of interest

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

#### 3 Minutes

5 - 14

To confirm the accuracy of the minutes of the meeting held on 9 November 2023

#### 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 on any of the following agenda items are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website: <http://planning.norwich.gov.uk/online-applications/>

Please note:

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

#### 4 Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, Norwich

15 - 34

**Proposal:** Proposed development of garage site into 4 No. self-contained modular flats with associated landscaping.

**Ward:** Lakenham

**Case Officer:** Robert Webb, Senior Planner

**Reason at Committee:** Objections

**Recommendation:** It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 88 of this report and grant planning permission.

**5      Application no 23/01176/U 7 Bowthorpe Main Centre Wendene,      35 - 50**  
**Norwich, NR5 9HA**

**Proposal:** Change of use on the ground floor from a retail unit (Class E) to a hot food takeaway (sui generis) and installation of ventilation and extraction equipment with associated external works.

**Ward:** Bowthorpe

**Case Officer:** Nyasha Dzwowa, Planner

**Reason at Committee:** Objections

**Recommendation:** It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 54 of this report, and grant planning permission.

**6      Application no. 23/01166/F 1 Fernhill, Norwich, NR1 4AQ      51 - 62**

**Proposal:** External insulation and replacement render (retrospective).

**Ward:** Thorpe Hamlet

**Case Officer:** Holly Lusher-Chamberlain, Conservation & Design Officer

**Reason at Committee:** Councillor Call In

**Recommendation:** It is recommended to refuse the application for the reasons given in the report.

**7      Variation of Condition 3 Opening hours of permission 20/00497/F      63 - 72**

**Proposal:** 'Variation of Condition 3: Opening hours of permission 20/00497/F to allow the premises to operate 08:00-00:30 Monday-Thursday and Sunday, and 08:00-01:00 Friday and Saturday'

**Ward:** Catton Grove

**Case Officer:** Sophie Buckingham, Conservation & Design Officer

**Reason at Committee:** At the discretion of the Head of Planning & Regulatory Services

**Recommendation:** It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 28 of this report, and grant planning permission. Note that a condition is proposed which restricts the opening hours further than the applicant requests.

Date of publication: **Wednesday, 06 December 2023**



**Planning Applications Committee**

**09:30 to 13:45**

**9 November 2023**

**Present:** Councillors Driver (chair) (from item 5 (below), Sands (M) (vice chair) (in the chair from the start of the meeting to the end of item 4 (below)), Ackroyd (substitute for Councillor Lubbock), Calvert, Champion, Hoechner, Peek, Price, Prinsley, Sands (S), Thomas (Va) and Thomas (Vi) (to end of item 5 (below)) and Young

**Apologies:** Councillors Lubbock and Stutely

(In the absence of the chair, Councillor Sands (M), vice chair, was in the chair.)

**1. Declarations of interests**

Councillor Ackroyd declared an other interest in items 3, Application no 23/00790/F – Site Adjacent to 133 Netherwood Green and 4, Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, because she does voluntary work for St Martin's Housing Trust. Councillor Ackroyd left the meeting during the consideration of these items and did not take part in the determination of items 3 or 4.

Councillor Peek declared a pecuniary interest in items 3, Application no 23/00790/F – Site Adjacent to 133 Netherwood Green and 4, Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, because he was employed by St Martin's Housing Trust. Councillor Peek left the meeting during the consideration of these items and did not take part in the determination of items 3 or 4.

Councillor Calvert had served on the licensing subcommittee that had determined the premises licence in respect of 152A Unthank Road (item 6 (below) Application no 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS). He declared that he did not have a predetermined view in respect of this application.

(Councillor Driver subsequently declared an other interest in that he was a member of the Campaign for Real Ale (CAMRA) in relation to item 6 (below) Application no 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS. He had also served on the licensing subcommittee that had determined the premises licence in respect of 152A Unthank Road and declared that he did not have a predetermined view in this application.)

## 2. Minutes

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 12 October 2023.

(Councillors Ackroyd and Peek left the meeting at this point.)

## 3. Application no 23/00790/F – Site Adjacent to 133 Netherwood Green

**Proposal:** Proposed development of garage site into 8 No. self-contained modular flats with associated landscaping and parking.

(Councillors Ackroyd and Peek having declared interests were not present during the consideration of this item.)

The Development Management Team Leader presented the report with the aid of plans and slides. For clarification, she confirmed that the application number for this planning application was 23/00790/F and that references, contained in the report and on the site plan, starting with “22” instead of “23” were incorrect.

Three interested parties who had made representations on the planning application then addressed the committee with their objections to the proposal.

The first speaker referred to her concern about an increase in antisocial behaviour on the site from providing accommodation for homeless people without addressing the root cause of their drug and alcohol addictions, and that her views were evidenced by the experience of neighbours living around Webster Close and Kett’s Court. She considered that Broadland Housing Association and St Martin’s Housing Trust were not good neighbours in managing these facilities. There were eight known locations providing housing for homeless people in NR1, which was an overconcentration. She suggested that the council should provide affordable housing on this site rather than the proposed facility for homeless people due to the implications for other residents and the locality.

The second speaker addressed the committee and outlined her concern about accommodation for people with a drug or alcohol dependence in the vicinity of a school and the affect that this could have on children; her perception of safety around her home; and requested that there was CCTV. She also expressed concern that the demolition of the garages would release asbestos and other toxins and the affect that this could have on residents and wildlife.

Thirdly, a resident of Arnold Miller Road, whose garden backed on to the proposal site, addressed the committee outlining her objections regarding loss of privacy and being overlooked from the development and concerns that the development would affect the wildlife that she enjoyed in her garden.

The Chief Executive of St Martins Housing Trust (the applicant) addressed the committee in which she confirmed that the plans had been changed to mitigate local concerns following consultation with the community and that there would be further engagement with residents. Four years ago, there had been around 60 objections to the planning application for the Somewhere Safe to Stay Hub in Recorder Road and their perceptions about antisocial behaviour had not been realised. Norwich had

bucked the national trend by reducing the numbers of people rough sleeping through the provision of specific support and accommodation. There had been no cases of drug dealing either inside or outside the hub. The hub's residents helped maintain Stuart Gardens. There had only been three complaints since January. There was antisocial behaviour because some of the residents had poor mental health. The trust worked closely with the police. She referred to the national housing crisis and said that this proposal could change lives. The provision of a safe place to stay, saved lives.

The Managing Director, Flagship Homes, also addressed the committee in support of the proposal, and spoke about the reasons that led to people becoming homeless. The provision of safe and secure accommodation enabled people to rebuild their lives, improve their mental and physical health, and contribute to society whilst also reducing crime. There would be a competent team in place to address any issues that arose, and they would continue to work together with the community.

The Development Management Team Leader said that the application was for a scheme for C3 land use and the provision of 8 one-bedroom flats. Members should not put too much weight on the allocation of the flats to homeless people or perceptions of criminal antisocial behaviour and should focus on the implications of the proposal in planning terms. The site was a garage site that was mostly covered with hard standing. The removal of asbestos was covered by legislation that was outside the planning process. Concerns about wildlife, biodiversity and landscaping would be discharged through conditions.

Discussion ensued in which the Development Management Team Leader, referred to the report and presentation and answered members' questions. Members considered that landscaping could provide screening to prevent no 14 Arnold Miller Close being overlooked from the external stairway of one of the flats, noting that any shading would be over the new flats and not the existing houses which were 15 to 20 metres away. This could be achieved through the landscaping condition. Members also sought assurance that the council had other garages available for residents in the vicinity and that loss of income was not an issue for the committee to take into consideration. The Development Management Team Leader advised members that the construction of the buildings was modular and unlikely to support a green roof, and that members should consider the application as presented in the application. Members were advised that the ecologist's report would recommend the most appropriate measures to support species rather than the committee proscribing measures which might not be the most appropriate. Given the low-level roofing of the garages, it was unlikely that there were bats on the site but if found during construction works would stop and Natural England notified. Members noted that the proposed landscaping and green spaces would improve the biodiversity of the site. A member suggested that a proportion of the site be put aside for rewilding.

The vice chair moved, and Councillor Sands (S) seconded the recommendations contained in the report.

Discussion ensued in which Councillor Hoechner moved and Councillor Calvert seconded that the landscaping condition be enhanced to provide screening to prevent overlooking from the development into no 14 Arnold Miller Close. Members considered appropriate planting and the maturity and maximum size of trees at

planting to provide immediate screening. Members were advised that it was not reasonable to require the applicant to provide planting in the neighbour's garden. On being moved to the vote the amendment was carried unanimously.

The vice chair then moved the recommendation to approve the recommendations contained in the report as amended.

**RESOLVED**, unanimously, to approve application no 23/00790/F, Site Adjacent to 133 Netherwood Green, and grant planning permission subject to the completion of a Section 106 legal agreement to secure nutrient neutrality mitigation and Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy contributions and the following conditions and informatives:

1. Standard time limit;
2. In accordance with plans;
3. Materials details
4. Landscaping details, enhanced to include planting for screening of no 14 Arnold Miller Close;
5. Ecology measures
6. Surface water drainage
7. Provision of parking and turning area
8. Cycle storage details
9. Construction management plan
10. Contamination – site investigation and remediation
11. Unexpected contamination
12. Imported soil
13. Water efficiency
14. Tree protection

Informatives:

1. Construction working advice
2. Asbestos removal
3. No car parking permits

#### **4. Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green**

**Proposal:** Proposed development of garage site into 4 No. self-contained modular flats with associated landscaping and parking.

(Councillors Ackroyd and Peek having declared interests were not present during the consideration of this item.)

The Development Management Team Leader presented the report with the aid of plans and slides.

The first speaker for the previous application addressed the committee and said that there had been a lack of communication with the community about this scheme. The success of the scheme was dependent on the support of existing residents. She said that it was difficult to report incidences of antisocial behaviour at Webster Court. She reiterated the adjoining neighbours' concerns about the effect on wildlife and concern about anti-social behaviour and noise from the occupants of the new flats.



The applicants confirmed that they had nothing further to add to their statements made on the previous application.

Discussion ensued in which the Development Management Team Leader, referred to the report and presentation and answered members' questions. This included questions about the location of the bin stores in relation to the car parking, with members noting that access to the bins was impractical when a car was parked in one of the spaces. Members considered whether there were alternative locations such as at the rear of the site, which could be accessed via a gate into the path. Members noted that the car parking spaces were for future occupants of the proposed flats. The green space at the front of the flats was too small to for fly parking. Members noted the constraints of the site with a substation in one corner, and considered whether there were alternative or more practical locations for the bin store on the site. The committee also considered the removal of the first-floor side windows of the flats overlooking the trees at the north of the site was detrimental to residential amenity. The design should not have been amended to remove the side windows to mitigate overlooking the neighbours and members considered that obscure glass should be used instead. A member commented that natural light in this flat would be unsatisfactory without these windows or light tunnels.

The vice chair moved, and Councillor Thomas (Va) seconded, the recommendations as set out in the report.

Councillor Champion moved, and Councillor Calvert seconded, that consideration of the application should be deferred to enable the applicant to address members' concerns about the provision of a sun tunnel to the first floor flat (overlooking the trees) and the relocation of the bin store. Discussion ensued on the trees in which it was noted that it would be against council policy to remove the trees. Councillor Sands (S) pointed out that the trees were deciduous and would shed leaves in winter when the sun was low. During discussion it was suggested that instead of sun tunnels, the reinstatement of the flat's first floor windows, with obscure glazing, should be explored with the applicant. On being moved to the vote it was:

**RESOLVED**, with 7 members voting in favour (Councillors Champion, Calvert, Prinsley, Young, Hoechner, Thomas (Vi) and Thomas (Va)), 2 members voting against (Councillors Sands (M) and Sand (S)) and 1 member abstaining from voting (Councillor Price) to defer further consideration of Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green, to a future meeting to give the applicants an opportunity to review the plans to consider reinstating the side windows of the first floor flats (adjacent to the trees) with obscure glazing, and/or the installation of sun tunnels to these flats, and relocation of the bin stores.

(The vice chair withdrew the motion to approve the application.)

(The committee adjourned for a short break at this point. Councillors Ackroyd and Peek were readmitted to the meeting and the committee reconvened with all members listed above as present. Councillor Driver also joined the meeting at this point.)

(Councillor Driver, chair, was in the chair for the remainder of the meeting.)

(Councillor Driver declared his interests in item 6, Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS which are listed under item 1, Declarations of Interests above.)

## **5. Application no 23/00744/F 21 Upton Close, Norwich, NR4 7PD**

**Proposal:** Demolition of existing 2 storey house and garage. Replacement 2 storey dwelling and garage and ancillary outbuildings.

The Interim Planning Officer (case officer) presented the report with the aid of plans and slides. There had been eight letters of representation and each of these supported the demolition of the existing dilapidated building and considering that the replacement house would improve the street scene. The neighbours' concerns were focused on the outbuildings which must be ancillary to the main house.

Discussion ensued in which the planner, together with the Development Management Team Leader, referred to the report and presentation and answered members' questions. This included confirmation that there were elements of sustainable energy use in the scheme, including solar panels on the ancillary outbuildings, and electrical charging points, though further enhancements could be suggested to the applicant but were not a requirement in policy terms. Members also were advised that a full ecological survey had been undertaken which did not identify any protected species and therefore any mitigation such as swift or bat boxes. Members were also advised that biodiversity net gain was not currently a requirement. A member suggested that the applicant be asked to consider biodiversity enhancements such as hedgehog gaps and swift boxes. Members noted that the proposal was to remove existing plant from its current location into the new outbuilding. The outbuildings could not be used as a B&B, without further planning permission, and was a pool room not intended for overnight use.

In reply to a member's question, the planner confirmed that as a new home the water efficiency requirement would be no more than 110 litres per person per day. The Development Management Team Leader explained that the details for the water efficiency condition needed to be confirmed. Usage was calculated on water flow rate and number of people living in the accommodation. It did not include the swimming pool and its outbuildings.

Members were advised that provision for two car parking spaces in this location was policy compliant. The planner explained that the proposal included a double garage. The applicant has agreed in principle to reduce car parking spaces at the front which would be achieved through the landscaping condition. The Development Management Team Leader confirmed that the hard standing at the front of the new dwelling would be reduced. In answer to a member's question, the planner said that the rear gate was to access the swimming pool area and move machinery etc and was not intended as a separate access to the ancillary outbuildings.

In reply to a member's question, the planner explained that there were no conditions for energy efficiency or biodiversity because the proposals confirmed with policy. To bring forward the application for determination, it had been agreed to confirm the landscaping details later. This application was not constrained by nutrient neutrality as it was a replacement building. The Development Management Team Leader said

that any condition needed to be reasonable. The landscaping would restrict the amount of hard surface to park cars in front of the building and would be approved as a condition of granting the planning permission. This application was constrained at how much could be achieved in terms of policy as it was a replacement and not a new development.

The chair moved and the vice chair seconded the recommendations to approve the application as set out in the report.

Discussion ensued in which members were advised by the chair that it was not appropriate to speculate about further development of the outbuildings as an individual dwelling. A member suggested that the use of solar panels would be very effective as the source of heating for the swimming pool. Another member suggested that there should be some biodiversity mitigation in place but was advised that whilst the applicant might agree to such measures, the swimming pool was already in existence and not a new pool.

Councillor Calvert said he considered that the application should be deferred because it was not policy compliant on car parking. He agreed with another member's suggestion that there could be an issue with surface drainage running off into the highway. Another member said that he was satisfied that officers could achieve policy compliance on parking and limit it through the landscaping condition. The applicants might intend to use the garage for a workshop or other uses.

**RESOLVED**, with 12 members voting in favour (Councillors Driver, Sands (M), Ackroyd, Champion, Prinsley, Price, Peek, Sands (S), Young, Hoechner, Thomas (Va), Thomas (Vi)) and one member voting against (Councillor Calvert, on the grounds that arrangements were not in place to ensure that the application complied with the council's car parking space allocation policy) to approve application 23/00744/F 21 Upton Close, Norwich, NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works in accordance with Arboricultural Impact Assessment; Arboricultural Method Statement and Tree Protection Plan
4. Landscaping details;
5. Residential Ancillary Accommodation;
6. Water Efficiency – Residential;
7. Obscure glazing – side windows.

(Councillor Thomas (Vi) left the meeting at this point.)

## **6. Application no 23/00926/F 152A Unthank Road, Norwich, NR2 2RS**

**Proposal:** Change of use from class E to Public House/bar (Sui Generis) and erection of cooling unit.

The Planner (case officer) presented the report with the aid of plans and slides.

A resident of Unthank Road addressed the committee on behalf of other residents who opposed the application and read out a statement on behalf of a neighbour. This included concern that the noise assessment had been carried out during the day rather than in the late evening when there was less traffic and buses had stopped running; that the smoking area was inadequate for 20 people, that there were several bars in the vicinity; that customers to the premises would create noise and disturb neighbours; concern about noise from deliveries and that there was nowhere for taxis to drop off or collect people from the premises. The neighbour's statement included concern that residents would have their sleep disturbed by customers speaking outside at time when Unthank Road did not have much traffic.

The applicant spoke in support of the application for change of use to a bar. This proposal was for a microbar and bottle bar that would provide a high standard venue option for the community. The outside space would be managed in accordance with the conditions recommended by the council's Environmental Protection Officers. The location encouraged the use of sustainable modes of transport (walking and cycling). As experienced publicans, they were aware of maintaining neighbourhood stability.

The planner, together with the Development Management Team Leader, referred to the report and the presentation, and answered members' questions. Members were assured that Environmental Protection Officers had tested the independent noise assessment in detail and considered it to be reliable, and that this application, subject to the conditions, would not cause additional harm. The committee was advised that the change of use to a bar was without class or "sui generis" and therefore required planning permission.

Discussion ensued in which members asked officers about the operation of the premises. Members were advised that the outside smoking area would be restricted to 20 people. Both planning and licensing legislation could control the opening hours of the premises which would need to comply with whichever was more restrictive. Members considered that this venue was likely to be very popular. Smokers would be talking and creating noise and disturbance to neighbours, and there was concern about where smokers would go when the smoking area was closed. Members noted that the area was small, and constrained by the bin stores and the cycle parking for one cycle, which would need to be unlocked by the bartenders when the area was locked. There was no policy requirement for the bar to provide more cycle parking. It was noted that there was a disabled toilet with a ramp. Deliveries would be made through the bar.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members expressed their concern about the size of the smoking area and pointed out that without seating it would be difficult to monitor numbers and that the noise would disturb adjacent neighbours. Members also noted that the pavement was narrow, people would overspill onto it and there was a risk of accidents. Members minded to object to the proposal considered that the issues raised through the licensing and planning applications had not been given sufficient consideration. Another member pointed out that the outside area at the front was too crowded and would not accommodate 20 people, a cycle rack and bin stores.

A member speaking in support of the application said that the building had been used as a licensed premises for two years during the pandemic, albeit without planning permission, and there had been no complaints. Another member said that residents could refer any issues to the licensing committee for a premises review and that whilst he was concerned about the size of the premises and outside space, he was broadly supportive if there was mitigation in place. Members noted that the premises had previously been a bakery, bank, and shop and none of these uses had provided cycle storage. People wishing to smoke would go elsewhere if the smoking area was full or closed. The issues of noise and managing numbers were also subject to regulation under the premises licence.

**RESOLVED**, with 6 members voting in favour (Councillors Driver, Ackroyd, Champion, Peek, Sands (S) and Thomas (Va)), 5 members voting against (Councillors Sands (M), Calvert, Prinsley, Young and Hoechner) and 1 member abstaining (Councillor Price) to approve application no. 23/00926/F, 152A Unthank Road, Norwich, NR2 2RS and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Delivery hours to be limited to between 07:00 and 19:00 Monday to Saturday
4. Cycle stand to be installed.
5. In accordance with noise management plan.
6. Noise limiter to be installed.
7. Outside seating shall not be used between 11 pm to 12 pm on any day.
8. Opening hours limited to 12:00 till 00:00 Monday to Thursday; 12:00 till 01:00 Friday and Saturday; 12:00 till 23:30 Sunday
9. Cooler unit is not to be used between 11pm-7am on any day

#### Informative

The proposed hanging sign shown in the drawings will require a separate advertisement consent permission. The hanging sign has not been considered in assessing this application.

CHAIR



**Committee name:** Planning applications

**Committee date:** 14/12/2023

**Report title:** Application no 23/00843/F – Site Adjacent to 99-105 Netherwood Green

**Report from:** Head of planning and regulatory services

**OPEN PUBLIC ITEM**

**Purpose:**

To determine:

**Application no:** 23/00843/F

**Site Address:** Site Adjacent to 133 Netherwood Green

**Decision due by:** 07/09/2023

**Proposal:** Proposed development of garage site into 4 No. self - contained modular flats with associated landscaping.

**Key considerations:**

- Principle of development
- Design
- Amenity
- Transport
- Flood risk
- Trees
- Landscaping and biodiversity
- Contamination

**Ward:** Lakenham

**Case Officer:** Robert Webb – [robertwebb@norwich.gov.uk](mailto:robertwebb@norwich.gov.uk)

**Applicant:** Dr. Jan Sheldon, St. Martin's Housing Trust

**Reason at Committee:** Objections

**Recommendation:** It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 88 of this report and grant planning permission.



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Planning Application No 23/00790/F  
 Site Address Garage site adjacent to  
 99-105 Netherwood Green  
 Scale 1:500

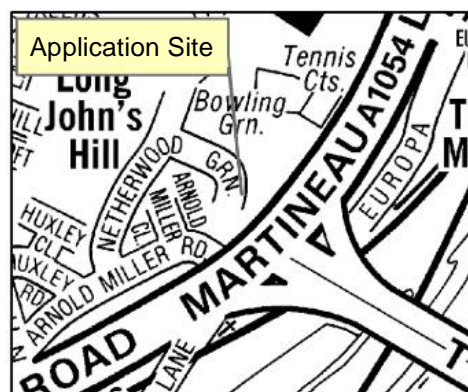


**NORWICH**  
 City Council

PLANNING SERVICES



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## **Introduction**

1. The application was previously reported to Planning Applications Committee on 9 November 2023 and it was resolved that the application should be deferred to consider measures to improve the provision of natural light to the first floor flat adjacent to the trees through the addition of sun tunnels and/or windows and to consider the relocation of the bin store. The applicant has subsequently made amendments seeking to address these matters which are described and assessed in more detail in the relevant sections below.

## **The site and surroundings**

### **Location and Context**

2. The site is occupied by two blocks of garages and areas of hardstanding within the Netherwood Green estate, to the south of the city centre. Immediately to the north east is a small green with two mature trees. Further to the north-west and to the north-east, there are rows of two storey houses which are part of Netherwood Green. To the south-west, there are properties within Arnold Miller Road which back on to the site. To the south-east, is a detached dwelling (Martineau Cottage) which sits within a relatively large plot. The site slopes gently from the north-west to the south-east.

### **Constraints**

3. The site is within 100m of a designated 'gateway' to the city (the approach of the Trowse by-pass).

### **Relevant planning history**

4. There is no planning history for this site.

### **Equalities and diversity issues**

5. There are no equality or diversity issues.

## **The proposal**

6. Permission is sought for the demolition of the existing garages and the erection of 4 no. one bedroom flats, taking the form of a single two storey block. The intention is that the flats would be occupied by local people in vulnerable situations, with the development being run by St. Martins Housing Trust, an organisation who work to prevent homelessness and to support independent living. It is anticipated that each unit would typically be occupied by 6-12 months therefore the use class is C3 residential dwellings.
7. The buildings would be of modular construction with flat roofs, chalk colour render and silver/grey composite cladding on the walls. External staircases would provide access to the flats on upper storeys. There would be separate bin and bike stores, and parking for one car. The remainder of the site would consist of pedestrian pathways and soft landscaping including lawn and planting.
8. The application was reported to planning committee on 9 November. The committee resolved to defer the application due to concerns regarding the level of

natural light for proposed occupiers and also due to concerns regarding access to the refuse store. To address these issues the applicant has added sun-tubes to the first floor flat which is closest to the mature trees. In addition, the layout has been changed to ensure unobstructed access to the refuse store.

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 29 letters of objection have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
10. No additional representations were received in response to the amended plans post the November committee meeting.

Issues raised	Response
Concerns about increased crime, fear of crime and anti-social behaviour associated with the proposed type of development	See main issue 3.
High concentration of similar facilities within NR1 postcode area and associated impacts	See main issue 3.
Concerns about increased noise nuisance	See main issue 3.
Loss of parking spaces and increased parking pressure	See main issue 4.
Overlooking of Martineau Cottage leading to loss of privacy to house and garden	See main issue 3.
Excessive height and unsympathetic design	See main issue 2.
Proposed site was not identified in the Norwich site allocations plan and therefore contravenes agreed development sites.	See main issue 1.
Loss of value to existing houses	See main issue 3.
Impacts from demolition and construction	See main issue 3.

## Consultation responses

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

### Norwich City Council - Environmental protection

12. Conditions relating to land contamination site investigation, unexpected contamination and importation of soil required. Informatives for removal of asbestos and construction working hours recommended.

### Norfolk County Council - Highways

13. The provision of additional housing of 4 flats represents a decrease in the number of potential vehicle trips to the site compared to a garage block of 17 vehicles, and that the new apartments would not be eligible for parking permits for the CPZ; for these reasons there is lesser highway impact and there is not an objection to the principle of residential use of the site.

14. The extant vehicle access and pedestrian routes to the site enable adequate means of access and the provision of an emergency vehicle route should enable adequate emergency access. The car parking provision is lower than Norfolk County Council parking guidelines, but not unacceptable.
15. The consequence of the development would be the loss of 16 garage spaces. There is a likely risk of loss of local parking amenity and nuisance parking on grassed areas. It is important for our assessment to note that the extant cul de sac road is not adopted and is in effect a privately owned road. For this reason the assessment of loss of vehicular access for extant dwellings is for the local planning authority to weigh up, and not for highway authority.
16. The highway assessment of local parking access concerns whether there is alternative parking provision available nearby, the parking survey has confirmed there is adequate capacity for additional parking on-street. Highway safety risks are mitigated as there are double yellow lines and all local junctions.
17. The overall highway view is that in principle there is no objection to proposed residential use of the site, yet that there are negative impacts on parking amenity for extant residents of dwellings near to the site. Yet there is unlikely to be highway safety impacts arising.
18. Flyparking on the grassed areas may manifest as a consequence but can be mitigated with use of bollards that can be purchased and installed by the city council housing department at their discretion.
19. For this reason, it is not considered that a recommendation of refusal can be justified on highway grounds. However, it will be necessary for conditions to be imposed to mitigate risks identified. I am able to comment that in relation to highways issues only, that Norfolk County Council does not wish to restrict the grant of consent.
20. Conditions recommended relating to off-site highway improvements, provision of bollards and cycle parking.

#### **Norwich City Council - Tree protection officer**

21. The proposal is in close proximity to existing trees. Some crown reduction will be required, but this is acceptable. There will be a need for ongoing monitoring and pruning of the trees because they have the potential to affect future occupiers. No objection subject to a condition ensuring suitable tree protection during development.

#### **Natural England**

22. No objection, subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of:

- The Broads Special Area of Conservation (SAC)
- Broadland Ramsar

- European sites designated within the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) report.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required and should be secured:

- the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS) 9.04 x £761.83 for nitrates; and 0.33 x £21,161.84 for phosphates
- a contribution of £210.84 per dwelling (index-linked) towards the Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS).

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

## **Assessment of Planning Considerations**

### **Relevant planning policies**

23. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
24. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM4 Providing for renewable and low carbon energy
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

### **Other material considerations**

25. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
  - NPPF2 Achieving sustainable development

- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

## **Case Assessment**

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

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

27. Key policies and NPPF paragraphs – JCS4, DM12, NPPF sections 2 and 5.
28. The site is within the urban area of Norwich within which new housing development is acceptable in principle in accordance with policy JCS4 and JCS12. The proposal represents the redevelopment of ‘brownfield’ land which is supported by the National Planning Policy Framework. Whilst the site is not an allocated site (as noted by an objector), there is a presumption in favour of development of previously developed land within settlements unless there is a specific policy preventing development.

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

29. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
30. Netherwood Green is characterised by two storey houses featuring hanging tiles on the frontages and shallow pitched roofs formed of sheet cladding. The new flats proposed would diverge from this character, taking the form of two storey flat roof buildings with light render and cladding materials. They would therefore have a different appearance; however the scale would be similar to existing buildings.
31. The building would read as a later addition to the estate being of a modern design but would integrate reasonably well with the existing built form, in terms of it’s scale and bulk. The materials, whilst different, would also be complimentary and not appear incongruous. The existing substation would be enclosed with a new brick building and there is space for new planting and landscaping. Overall, the design is considered acceptable within this suburban locality. A condition requiring agreement to materials is recommended.
32. The site falls within 100m of a ‘gateway’ to the city, this being the Trowse by-pass from the A47. Only distant glimpsed views of the proposed development would be

possible from this approach, and due to its relatively small scale there would be a negligible impact on the gateway.

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

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF sections 2, 5 and 12.

#### **Impact on surrounding occupiers**

34. Concerns have been raised by an objector about the loss of privacy to the house and garden at Martineau Cottage. The distance between directly facing windows would be approximately 21m. Such a distance has long been held to be an acceptable distance between residential properties therefore it is not considered material harm would occur. The distance from the proposed building to the boundary of the garden to Martineau Cottage would be approximately 8m. This would have an increased impact compared to the current situation, but the impact is partly mitigated by vegetation in the garden and the size of the garden itself, which is substantial. The new building would be orientated so as to ensure no directly facing windows and consequent loss of privacy to existing properties on Netherwood Green or Arnold Miller Road. Overall, the impact on neighbouring properties is considered acceptable in this suburban location.
35. Concerns have been raised by an objector about increased noise nuisance, but the nature of the additional noise would be the comings and goings of the residents of the new properties within an existing residential area so there are no grounds to refuse the proposal for this reason.
36. Concerns have been raised by a number of objectors about the potential for an increase in crime, anti-social behaviour, fear of crime and safeguarding due to the fact the development is proposed to be occupied by people who may have experienced homelessness and/or are classified as vulnerable people. The design of the development provides an open layout around the building which ensures active surveillance of the surrounding area and good visibility in and around the new building. The layout and design therefore promote safety and security. The planning system is concerned with the use of land and buildings and not the identity of potential occupiers. The proposal is for C3 housing and must be treated the same as any other such application.
37. Notwithstanding this, the applicant has stated that the development will be managed by St. Martins Housing Trust who are experienced at working with vulnerable people.
38. Another issue raised is impacts on property value. This is not a planning matter and therefore cannot be taken into consideration when assessing the application. Concerns by some objectors have been raised about construction impacts on neighbours. Some impacts during the construction process are inevitable but would also not be a reason to refuse planning permission. Details of the boundary treatment with Martineau Cottage would be sought by condition.

#### **Impact on proposed occupiers**

39. In terms of amenity for proposed occupiers, at approximately 38 square metres each flat would meet the national minimum space standards for internal space, which for a 1-bedroom flat is 37 square metres. Each flat would have a satisfactory

level of outlook and privacy, and there is communal green space around the blocks which allows for some outdoor space.

40. At the previous planning applications committee concerns which were raised by members regarding inadequate natural light to the first floor dwelling closest to the trees. To address this the applicant has added two sun-tubes to the roof to provide additional light to the living room. Combined with the large window this will ensure that sufficient natural light is available for the occupier of this dwelling within the living room which is the main habitable room.
41. The possibility of adding a sun tunnel to the bedroom was considered, but it was felt this might lead to unwanted light during the early hours of the morning during summer months. Natural light is not so important in a bedroom as it is in a living room so this is considered acceptable. The applicant has chosen not to add any further windows on the end elevations due to the relationship of the new building with the existing houses.
42. It is considered that the proposal would provide a sufficient level of occupier amenity including natural light.

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

43. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
44. The application proposes the demolition of the existing garages which provides parking for 16 cars. This has resulted in concerns being raised by local residents that it will lead to increased parking pressure.
45. There would be no parking spaces provided for the new development, however the site is within a controlled parking zone within the outer ring road where car free housing is acceptable in principle. Residents of the new dwellings would not be eligible for parking permits.
46. The Highway Authority has noted what it terms the loss of parking amenity for existing residents but has not raised an objection on the grounds that the garage site is not public highway and is land owned by the City Council. The applicant has submitted parking surveys of Netherwood Green and Arnold Miller Road. The surveys were carried out on three separate occasions during March and April 2023, including during the day-time and at night-time. The surveys show that at least 31 spaces were available at the time of the surveys. When the surveys were carried out there were between 7 and 9 cars parked on the two garage sites which are the subject of planning applications. This would indicate that there is sufficient capacity to absorb the parking pressure caused by the redevelopment of the site.
47. Notwithstanding this, it is acknowledged that some harm would occur to the amenity of residents by the loss of convenient garage parking close to some of the houses. This must be weighed against the benefit of providing new housing. In this instance it is considered that the benefit of providing new housing outweighs the limited harm to parking amenity.
48. The proposal would provide sufficient and secure bike storage and a bin store which can be serviced by bin lorries. Following concerns raised at the last planning committee, the layout has been changed to ensure the refuse store would be

adjacent the roadway, with access to the store protected by bollards which would prevent parked cars causing an obstruction. This is a satisfactory layout.

#### **Main issue 5: Flood risk**

49. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.
50. The site is within flood zone 1 which is the lowest risk of flooding from rivers. It is currently very impermeable being surfaced with hardstanding and buildings. The application would improve the situation by significantly increasing the permeable surfacing, through increased areas of the site which are laid to lawn. The proposal would therefore improve the existing surface water flood risk situation. A condition is recommended to secure precise details of surface water drainage.

#### **Main issue 6: Trees**

51. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15.
52. There are no trees on the development site itself, however there are two mature Sycamore trees on the green space next to the site, which partly overhang the development area. Some pruning would be required to allow for development, the details of which have been approved by the Council's Tree Protection Officer. Tree protection measures have also been agreed and this should be conditioned.

#### **Main issue 7: Landscaping and biodiversity**

53. Key policies and NPPF paragraphs – JCS1, JCS2, DM3, DM6, DM8, NPPF section 15.
54. The existing biodiversity of the site is very low. The proposal provides opportunities for new planting to improve the appearance of the site and to provide biodiversity enhancement, the details of which will be sought by condition.

#### **Main issue 8: Contamination**

55. Key policies and NPPF paragraphs – DM11, NPPF section 15.
56. A phase 1 contamination assessment was submitted with the application which identifies a number of potential sources of pollution, including from asbestos on the existing garages. A phase 2 site investigation is therefore required to better understand the risks and to ensure appropriate remediation can take place. This will be controlled by condition.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Refuse storage/servicing	DM31	Yes subject to condition



Energy efficiency	JCS1, JCS3 & DM3	Not applicable
Water efficiency	JCS1 & JCS3	Yes subject to condition

## **Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)**

### **Nutrient Neutrality – Impact upon water quality – Broads SAC**

58. On the 16 March 2022 Natural England issued new guidance to a number of Local Authorities concerning nutrient enrichment and the role local authorities must play in preventing further adverse impacts to protected wetland habitats. The importance of achieving nutrient neutrality stems from evidence that large quantities of nitrogen and phosphorous entering water systems cause excessive growth of algae, a process called ‘eutrophication.’ This reduces the oxygen content of water impacting aquatic species; subsequently removing a food source for protected species.
59. The advice covered two catchments in Norfolk for the River Wensum SAC and the Broads SAC/Broadland Ramsar. The entirety of Norwich City Council’s administrative area is included in the Broads catchment, with a small part in the north-west covered by the Wensum catchment.
60. Based upon the identified catchment(s) that the development proposal falls within, there is potential adverse effect on the integrity of the Broads SAC by virtue of an increase in nitrate and phosphate loading.

### **Recreation Impact – Various Sites (see below)**

61. The Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) (2021) identifies that the level of growth outlined in the Local Plan is predicted to increase the recreational disturbance and pressure on Habitats Sites, disrupting the relevant protection objectives. The Norfolk GIRAMS establishes ‘Zones of Influence’ (ZOIs) representing the extent of land around Habitats Sites within which residents travel to relevant sites for recreational activities. New development that falls within any of the specified ZOIs is therefore required to mitigate against these identified resultant adverse effects.
62. Sites in Norwich City Council administrative area are within the ZOI(s) of the following Habitat Sites. There is consequently a potential adverse effect on the integrity of the Sites and an appropriate assessment of impacts is therefore necessary.

#### **Wash ZOI**

- The Wash SPA
- The Wash and North Norfolk Coast SAC
- The Wash Ramsar

#### **Norfolk Coast ZOI**

- North Norfolk Coast SAC

- North Norfolk Coast SPA
- North Norfolk Coast Ramsar

### **Valley Fens ZOI**

- Norfolk Valley Fens SAC

### **East Coast ZOI**

- Winterton – Horsey Dunes SAC
- Great Yarmouth North Denes SPA

### **Broads ZOI**

- Broadland SPA
- Broadland Ramsar
- Breydon Water SPA

63. Due to both nutrient neutrality and recreational impact, an appropriate assessment of impacts is necessary.

### **Appropriate Assessment**

64. The screening has identified that the development proposal is likely to have an adverse effect on the integrity of protected Habitats sites, when considered in-combination with other housing and tourist developments. Measures are therefore needed to mitigate these negative recreational impacts.

### **Nutrient Neutrality**

65. The impacts of the proposed development will be mitigated by the purchase of credits through the Norwich City Council Water Usage Retrofitting Mitigation Scheme (NCC WURMS). This scheme has been the subject of its own HRA, which has been reviewed separately by Natural England. Natural England has advised that planning permissions may be issued that rely on the purchase of credits from NCC WURMS.

66. In order to mitigate the impacts of the proposal, credits will need to be purchased as follows:-

- 18.09 x £761.83 for nitrates; and
- 0.65 x £21,161.84 for phosphates.

67. A Section 106 will need to be completed in order to secure the credits as set out in the plan HRA for the NCC WURMS before planning permission is granted.

### **Recreational Impact**

## **RAMS Tariff**

68. The Norfolk GIRAMS identifies a detailed programme of County-wide measures to mitigate against the adverse implications of in-combination recreational impacts on the integrity of the Habitats Sites caused by new residential development and tourist accommodation.
69. The strategy introduces a per-dwelling tariff to ensure development is compliant with the Habitats Regulations; the collected tariff will fund a combination of hard and soft mitigation measures at the designated Habitats Sites to increase their resilience to greater visitor numbers. The tariff is calculated as a proportionate sum of the full costs of the Norfolk-wide RAMS mitigation package as apportioned to the predicted growth outlined in the Local Plan.
70. This cost is identified as £210.84 per dwelling (index-linked), and per bedspace equivalents for tourist accommodation or student accommodation units, secured as a planning obligation.

## **Green Infrastructure Contribution**

71. As the RAMS tariff exists to specifically mitigate the in-combination effects of new development on protected sites, an additional Green Infrastructure contribution is also required under the Norfolk GIRAMS to deliver mitigation at a more local level by securing adequate provision to divert residents from regular visits to Habitats Sites.
72. The Norfolk GIRAMS concludes that Green Infrastructure can be delivered through existing strategic and local measures. The level of Green Infrastructure will be provided in accordance with the Council's existing Development Plan policies and subsequently in accordance with GNLP policy. This will be on-site or, if this is not appropriate, via a bespoke planning obligation commensurate with the scale of the development.
73. In this case, the need is met by the on-site provision of communal open space which is appropriate for the scale of development proposed.

## **Conclusion**

74. Measures to address the potential adverse effects on integrity of the Broads SAC caused by increased nitrate and phosphate loading and a consequent degradation in water quality have been incorporated into the NCC WURMS through the purchase of credits.
75. Measures to address the potential adverse effects on integrity of protected Habitats Sites caused by increased recreational pressure have been incorporated into the adopted Norfolk GIRAMS. This strategy requires new development to provide twofold mitigation to be legally compliant with the Habitats Regulations: payment of the RAMS tariff and provision of Green Infrastructure relevant to the scale of the proposal.

76. Subject to these mitigation measures being secured via a planning obligation and conditions, this assessment is able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation.

77. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by NCC WURMS and Norfolk GIRAMS.

### **Equalities and diversity issues**

78. There are no equality or diversity issues.

### **S106 Obligations**

79. A Section 106 agreement is required to secure nutrient neutrality credits and the GIRAMS contribution.

### **Equalities and diversity issues**

80. There are no equality or diversity issues.

### **Local finance considerations**

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

### **Human Rights Act 1998**

82. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **Section 17 of the Crime and Disorder Act 1998.**

83. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

### **Conclusion**

84. The principle of development, design, layout and impact on neighbours is acceptable in planning terms. Whilst objections have been raised regarding the

potential for an increase in crime and anti-social behaviour, the planning system is concerned with the use of land and buildings and not the identity of the occupiers. The application must therefore be treated in the same way as any other application for C3 residential dwellings.

85. The proposal would result in the loss of garages which results in the loss of some parking amenity for the existing residents. However, there is considered to be sufficient capacity within the wider estate to absorb overflow parking. On balance the benefits of the proposal in terms of delivering new housing are considered to outweigh the loss of parking. Steps have been taken by the applicant to address the matters raised by Members at the last planning committee meeting. It is now considered that the all units would receive sufficient natural light and the refuse collection arrangements are satisfactory.
86. The proposal would ensure suitable mitigation to ensure the development would be nutrient neutral.
87. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

88. To approve application 23/00843/F and grant planning permission subject to the completion of a Section 106 legal agreement to secure nutrient neutrality mitigation and GIRAMS contributions and the following conditions and informatives:

1. Standard time limit;
2. In accordance with plans;
3. Materials details
4. Landscaping details including bollards
5. Surface water drainage
6. Ecology measures
7. Cycle storage details
8. Off-site highway works details
9. Contamination – site investigation and remediation
10. Unexpected contamination
11. Imported soil
12. Water efficiency
13. Tree protection

#### **Informatives:**

1. Construction working advice
2. Asbestos removal
3. No car parking permits

**Appendices:** None

**Contact officer:** Senior Planner

**Name:** Robert Webb

**Telephone number:** 01603989620

**Email address:** robertwebb@norwich.gov.uk



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SCALE 1: 200



#### REVISION LOG

REV	DATE	DESCRIPTION
P1	13/02/23	First issue
P2	12/07/23	Cycle store added.
P3	04/10/23	Car parking space omitted and bin store amended.
P4	17/11/23	Bollards added, bin and cycle store position amendments.

#### DRAWING USE FEASIBILITY

PROJECT  
St Martins Housing Trust  
ADDRESS  
Netherwood Green, Norwich

#### STATUS S2-FOR INFORMATION

DRAWING TITLE		SIZE
Site Plan - Site 2		A3
DRAWING NO.		REVISION
0252		P4
CREATED BY	CHECKED BY	APPROVED BY
AVC	JAA	JAA

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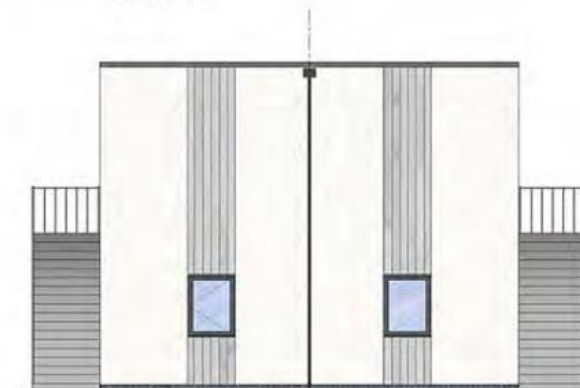
Front Elevation



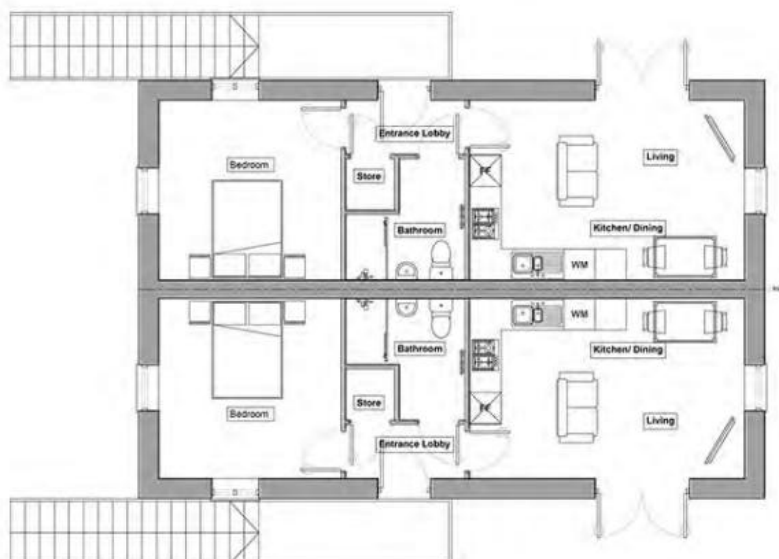
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



First Floor Plan

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Scale: 1:50  
0 5 10 15 20 25 30m

### Block 3

REVISIONS  
REV. DATE DESCRIPTION  
P1 27/07/21 First Issue  
P2 24/02/23 Amended to Public Comments

PROJECT  
DRAWING OF  
BRIEF

PROJECT  
St Martins Housing Trust  
ADDRESS  
Netherwood Green,  
Norwich

STATUS: 100%  
\$2-FOR INFORMATION

DRAWING TITLE  
BLOCK 3: One Bedroom Flat  
Floor Plans and Elevations  
DRAWING NO.  
1000

CREATED BY  
AVC

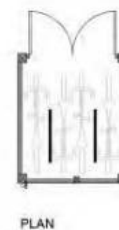
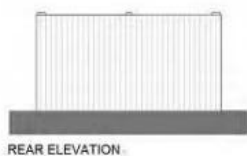
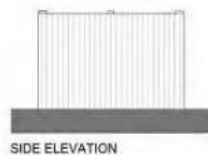
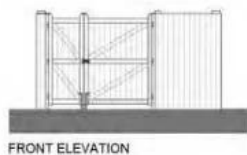
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REVISION LOG	
REV.	DESCRIPTION
P1	12/07/23 First Issue
P2	17/10/23 Amended to Public Comments

DRAWING USE  
PLANNING

PROJECT  
St Martins Housing Trust  
ADDRESS  
Netherwood Green,  
Norwich

STATUS  
A-APPROVED

DRAWING TITLE	SOS	
Bin & Cycle Store Floor Plan & Elevations	A1	
DRAWING NO.	REVISION	
5000	P2	
CREATED BY	CHECKED BY	APPROVED BY
JMF	JAA	JAA

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**Committee name:** Planning applications

**Committee date:** 14/12/2023

**Report title:** Application no 23/01176/U 7 Bowthorpe Main Centre Wendene, Norwich, NR5 9HA

**Report from:** Head of planning and regulatory services

**OPEN PUBLIC ITEM**

**Purpose:**

To determine:

Application no: 23/01176/U

Site Address: 7 Bowthorpe Main Centre Wendene Norwich NR5 9HA

Decision due by: 20/12/2023

Proposal: Change of use on the ground floor from a retail unit (Class E) to a hot food takeaway (sui generis) and installation of ventilation and extraction equipment with associated external works.

**Key considerations:**

- Loss of Class E floorspace, creation of hot food takeaway
- Impact of the proposal on the neighbouring residential amenity
- The impact the proposal will have on the character and appearance of the building.
- The acceptability of the proposed change of use in regard to accessibility and refuse storage.

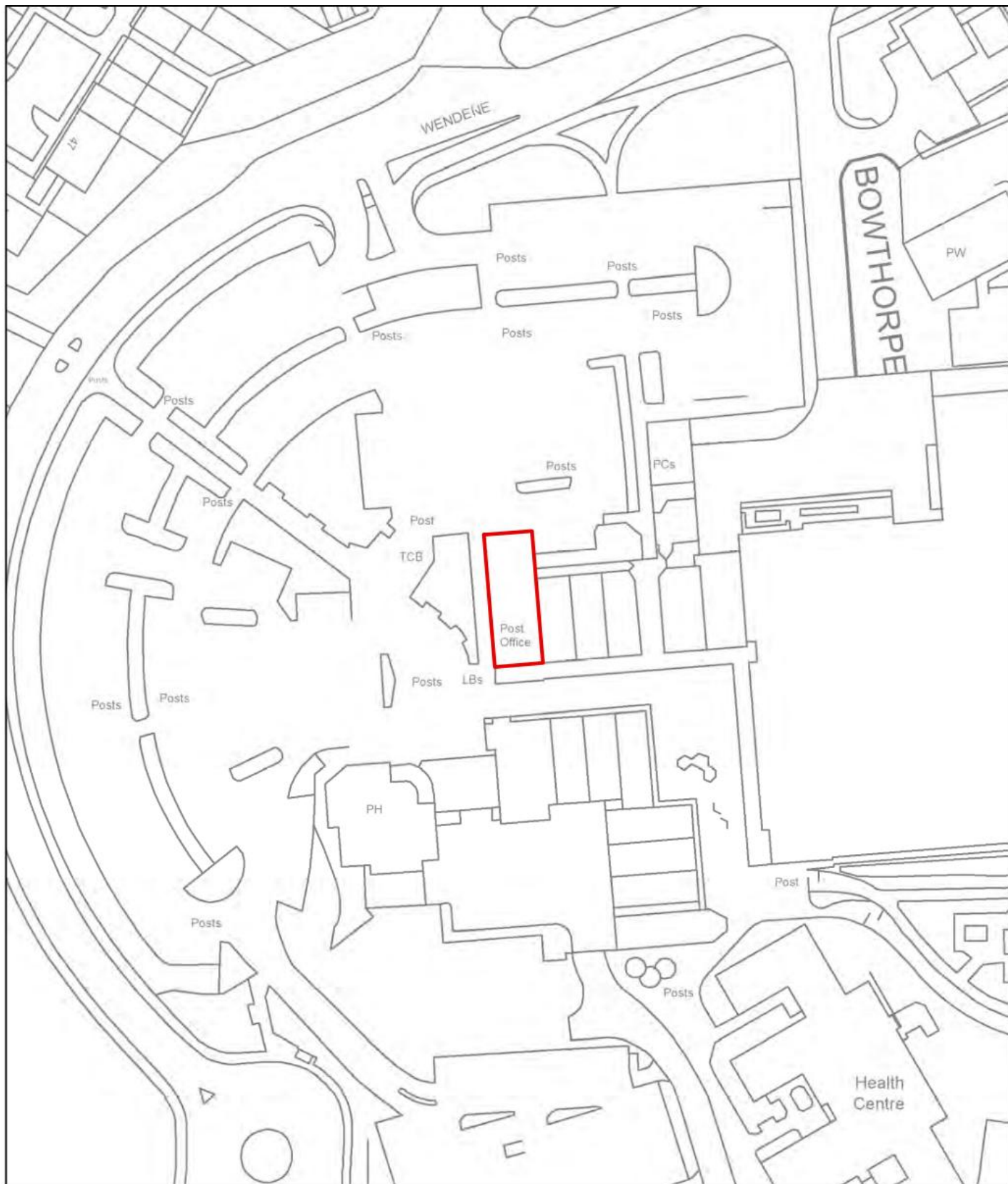
**Ward:** Bowthorpe

**Case Officer:** Nyasha Dzwowa

**Applicant/agent:** Fergus Sykes

**Reason at Committee:** Objections

**Recommendation:** It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 54 of this report, and grant planning permission.



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Planning Application No 23/01176/U

Site Address 7 Bowthorpe Main Centre, Wendene.

Scale 1:1,000

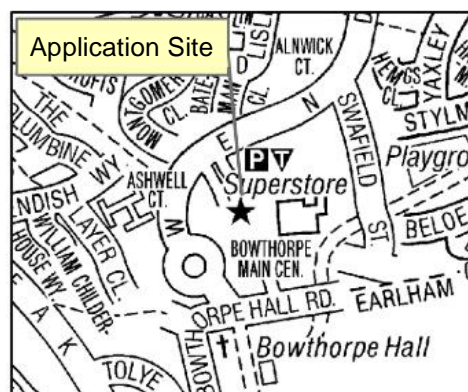


**NORWICH**  
City Council

PLANNING SERVICES



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## **The site and surroundings**

1. The application site is set within the Bowthorpe retail centre, a complex constructed in red brick with many of the units having shop fronts of varying design and colour. The main building faces Wendene is a single storey building, which has some similarities in shape and form to that of the residential dwellings in the surrounding area. The site is 1 of 17 modest single storey units within the Bowthorpe retail centre which also includes the larger anchor Roys store, a public house and health centre. These are set out in a courtyard arrangement and surrounded by a large surface car park.
2. To the east of Bowthorpe retail centre is Swafeld Street which is a residential street with two storey residential properties with gardens backing on to the retail centre. The dwellings along Swafeld are a mix of semi-detached and terraced properties mostly two storeys. The tree belt along Wendene is identified as an area of woodland within the Local Plan.
3. The site itself lies outside of the Bowthorpe Conservation Area

## **Constraints**

4. District Retail Centre

## **Relevant Planning History**

5. There are no relevant records held by the city council.

## **The Proposal**

6. The application seeks for planning permission for change of use from a retail (Class E) to a hot food takeaway (Sui Generis). The change of use also includes associated works including installing ventilation and extraction system and associated external works.
7. The proposed extraction and ventilation system will be mostly installed internally within the building. The system comprises of fans, attenuator, fresh air intake system, air conditioning unit, air handling unit, cold room compressor which are all connected through a system of ductwork.
8. The associated external works include extraction outlet and fresh air intake on the rear elevation, an air conditioning unit and cold room compressor would be located on the side elevation. A water heater flue would also be located on the side elevation.
9. Repairs to the shopfront including the entrance door and paint in RAL 7043. Infilling an existing blocked doorway and opening up and repair the obscured windows.

## **Summary of Proposal – Key facts:**

10. The key facts of the proposal is summarised in the tables below:

<b>Operation</b>	<b>Key Facts</b>
Opening hours	11:00 till 23:00 on every day of the week
Ancillary plant and equipment	1 Flue 1 Air conditioning unit 1 Cold room compressor 1 Air handling unit 1 Oven extraction fan

<b>Transport Matters</b>	<b>Key Facts</b>
Vehicular access	The site can be accessed via Wendene
No of car parking spaces	400 (within the car park serving the whole centre)
No of cycle parking spaces	20 (within the car park serving the whole centre)
Servicing arrangements	Bin store is located internally at the rear of the premises and bins will be put out on collection day. Deliveries can be carried out using the rear access to the car park.

## **Representations**

11. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below:

<b>Issues raised</b>	<b>Response</b>
Hot food takeaway is not needed	Main issue 1
Out of scale development	Main issue 2
Smell disturbance	Main issue 3
Highways	Main issue 4
Business competition	Other matters

## **Statutory and non-statutory consultees**

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

### **Environmental Protection (Norwich City Council)**

13. Due to the location, I have no objections to the application, as long as they ensure to carry out the works as proposed in their application. So the installation of carbon filters and methods for odour control and that the extractions system is maintained regularly.

### **Highways (local highways authority) (Norfolk County Council)**

14. The Bowthorpe main centre is designed as a district centre as part of a planned community, whilst the centre and its car park is private land, it has adequate means of vehicular access to the local highway network and is accessible on foot, cycle and bus. For these reasons there are no objections on highway grounds and no recommended conditions.

## **Assessment of Planning Considerations**

### **Relevant Development Plan Policies**

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

- JCS2 Promoting good design
- JCS5 The economy
- JCS6 Access and transportation
- JCS19 The hierarchy of centres

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM21 Protecting and supporting district and local centres
- DM24 Managing the impacts of hot food takeaways
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing

#### **17. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF6 Building a strong, competitive economy
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places

### **Case Assessment**

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

## **Main Issue 1. Principle of development**

19. Key policies and NPPF paragraphs –DM18, DM21, DM24, JCS5, JCS19, NPPF paragraphs 86-91.
20. The site is in the Bowthorpe District Centre and the proposal results in the loss of a retail unit so policy DM21 applies. The criteria set out within policy DM21 are dealt with in turn below.
21. a) The scale and function of the proposed is consistent with the uses in district centres.
22. b) The proposed use will attract some additional footfall to the district centre therefore this will have additional benefit on the vitality and viability of the centre. Although there are already some takeaway uses at the centre it is considered that the proposed results in additional benefit to the centre by improving the offering at the centre and also consideration has been given to the fact that the unit has been empty for 3 years. Therefore it is considered that having the unit brought back into use is more beneficial compared to the unit remaining empty. The unit would be open daily and available to the public during normal hours.
23. c) The proposed is unlikely to result in harmful impact on residential amenity, traffic and the environment due to its location within a dedicated retail centre.
24. d) The proposed use is not necessarily providing a community benefit or addressing a deficiency in provision however the use does have benefits of employment opportunities for local residents. It is acknowledged that in the letters of representation it was noted that the proposed takeaway use is not needed in the area. The proposed use would result in the creation of 10 full time and 15 part time employment opportunities, and this also benefits the local economy and weighs in favour of the proposal in this case.
25. e) Policy DM21 criterion e) states that proposals should not result in the proportion of A1 retail uses at ground floor level falling below 60% (in the case of district centres). The site is in Class E use (former A1 use (Shop)) and the proposed change of use would therefore result in the loss of a retail unit. Bowthorpe district centre has a total of 17 units of which 6 are non retail. The proposed change of use would result in 41.2% of the district centre being used for non-retail units, which would result in the proportion of retail units falling just below the 60% policy target. It is acknowledged that there have been updates to the Use Class Order since DM21 policy was adopted and this Class E unit could change use to other non-retail units without the need for planning consent. Nevertheless, criterion e) is not strictly complied with and the benefits of the proposal need to be weighed against this policy conflict.
26. f) The proposed change of use will not have an impact on the retail floorspace within a main food store serving the centre.
27. Overall, it should be acknowledged that the change of use would result in the Bowthorpe District Centre falling below the 60% minimum policy target for retail use. In this case it is considered that although the change of use does not satisfy criterion e) of policy DM21 it is considered that the benefits of bringing a vacant unit back into use outweigh the requirement of criterion e). Furthermore, there is no significant harm resulting from the change of use and changes to



the Use Class Order mean that the unit could change to many other non-retail uses without the need for planning permission. Therefore, overall when considered on balance the proposed is considered to be acceptable.

28. Policy DM24 of the Development Management Policies Plan seeks to manage the impacts of hot food takeaway. The policy permits hot food takeaways where criterion a and b have been complied with.
29. Criterion (a) of DM24 permits hot food takeaways where they do not give rise to unacceptable environmental effects which cannot be overcome by imposing a condition. In this case, it is considered that the environmental effects of the proposed change of use will be acceptable, as set out below.
30. Criterion (b) of DM24 requires the proposal to have a safe and convenient access and not be detrimental to highway or pedestrian safety. The site is located in a designated local centre with direct access through Wendene and provision for parking. The site also benefits from a separate access for deliveries which is at the rear of the site. These matters are assessed further in the transport section, below.
31. Overall it is considered the proposed change of use complies with policies DM21 and DM24.

## **Main Issue 2. Design**

32. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
33. The change of use does not require changes to the floor area.
34. The proposal will result in minor external changes including works to repair the existing shopfront and entrance door and frame and this would be painted in colour RAL 7043 which is dark grey. On the rear elevation the changes to the appearance of the building will include installing two louvres, an extract outlet and fresh air intake which are connected to the extraction and ventilation system. Furthermore, equipment will be installed on the east side elevation, an air conditioning unit and cold room compressor. The works to the east side elevation also include installing a water heater flue. On the west side elevation, physical changes are proposed including bricking up a blocked doorway to match the existing building and opening up and repairing two obscured windows.
35. There will be no increase in the scale of the building therefore the scale is considered to be acceptable.
36. Overall the design of the building will not be significantly changing as a result of the proposed works.

## **Main Issue 3. Amenity**

37. Key policies and NPPF paragraphs – DM2, DM11, DM24 NPPF paragraphs 8 and 127.
38. Previously the unit was used as a newsagent, and it is considered that the change of use to a hot food takeaway is unlikely to result in significant harm to the amenity of occupants of nearby properties.

39. The business will be open between the hours of 11:00 till 23:00 everyday of the week. The proposed opening hours are considered to be acceptable given the site is within a district centre where it is considered acceptable to have late opening businesses. Furthermore, it is considered that the site is reasonably distanced from residential properties and there are no residential properties within the centre. It is considered the proposed opening hours are acceptable within a district centre as this is consistent with the other uses within the centre.
40. It is considered unlikely that the change of use would result in harmful levels of noise which cannot be mitigated. Colleagues in Environmental Protection were consulted, and no objections have been raised. It is considered that as long as the works are carried out accordance with the details submitted in regard to odour control, carbon filtration system and extraction system then there will be no significant harm to amenity. It is therefore considered necessary to attach a condition to ensure the works are carried out and maintained as shown in the details submitted in Annex B document.
41. One of the concerns raised in the objections is the smell disturbance, the proposed ventilation and extraction system includes odour control. The proposed Corona Ozone units reduce cooking odours by injecting ozone into the extraction system and reacting with the particles causing odours and neutralising them which removes the odour. The units are specifically designed for commercial kitchens and it is considered that the units are appropriate for removing odour. Colleagues in Environmental Protection have advised that a condition is attached requiring the system to be operated and maintained as per the manufacturers guidance to ensure the system functions effectively.

#### **Main Issue 4. Transport**

42. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
43. The change of use is unlikely to result in increased need for cycle or car parking. The existing on-site car park is considered adequate for the proposed new use. The existing car park serving the centre has 400 car parking spaces which adequately serves all the visitors to the centre.
44. The site can be easily accessed by public and other means of sustainable transport as it is located within a district centre which is well connected to the highway network by foot, cycling and bus. It is noted that Wendene is a well-served bus route. The centre has bike parking space which accommodates 12 bikes.
45. It is unlikely that the proposed use would result in highways concerns, the site can be accessed through Wendene into the retail centre with sufficient provision for parking and servicing.

#### **Main Issue 5. Nutrient Neutrality**

#### **Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)**

- Site Affected:
- (a) Broads SAC/Broadland Ramsar
  - (b) River Wensum SAC

- Potential effect:
- (a) Increased nitrogen and phosphorus loading
  - (b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16 March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC

- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

### **Other matters**

46. In the letters of representation concerns on increased business competition have been raised. The concerns are not material planning considerations therefore have not been considered in the assessment of this application. Planning decisions can only be made on planning grounds and do not seek to prevent competition between businesses.

### **Equalities and diversity issues**

47. There are no equality or diversity issues.

### **Local finance considerations**

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

### **Human Rights Act 1998**

49. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **Section 17 of the Crime and Disorder Act 1998.**

50. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

## **Planning Balance and Conclusion**

51. The development does not comply with criterion e of local policy DM21 however when considered on balance it is considered that the proposed development complies with the other planning material considerations as outlined in criterion a,b,c,d and f of DM21 and criterion a and b of DM24 which outweighs the lack of compliance with policy criterion e of DM21. The economic benefit of the proposal and of bringing this vacant unit back into use has also been considered and it is concluded that this weighs in favour of the proposed development.
52. Consideration is also given to the fact that the development complies with policy DM1 which seeks to enhance and extend the accessible opportunities for employment and support businesses whilst enabling balanced sustainable economic growth.
53. Overall the proposal complies with requirements of the NPPF and Local Plan therefore is recommended for approval subject to the conditions set out below.

## **Recommendation**

54. To approve application 23/01176/U, 7 Bowthorpe Main Centre, Wendene, Norwich NR5 9HA and grant planning permission subject to the following conditions:

- (1) Standard time limit;
- (2) In accordance with plans;
- (3) Opening hours limited to 11:00 till 23:00 daily.
- (4) Works in accordance with details provided in Annex B document and manufacturers guidance.

And subject to the following informatives:

- (1) The applicant is reminded that external signage would require a separate advertisement consent.
- (2) The applicant is reminded that prior to first use of the site the new food business operating will need to register with the Food Standards Agency to be added to Norwich City Council's food hygiene rating scheme.

**Appendices:** None

**Contact officer:** Planner

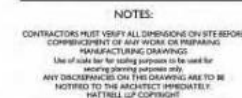
**Name:** Nyasha Dzwowa

**Telephone number:** 01603987998

**Email address:** [nyashadzwowa@norwich.gov.uk](mailto:nyashadzwowa@norwich.gov.uk)



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.



REV	AMENDMENT	DATE	CH



HATTRELL LLP

See: KINGS COURT BALYNT STREET ALTRINGHAM CHESHIRE WA14 3BC  
TELEPHONE 0141 620 4067  
e-mail: [design@barnak.co.uk](mailto:design@barnak.co.uk) / [www.barnak.co.uk](http://www.barnak.co.uk)

CLIENT  
DPSK Ltd

PROJECT  
Unit 7, Bowthorpe Shopping Centre,  
Wendene,  
Norwich.  
NR5 9HA

DRAWING TITLE

Existing Elevations

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DRAWING No.  
C5358-A5-02

Change Of Use to Hot Food Takeaway



# SURVEY SOLUTIONS

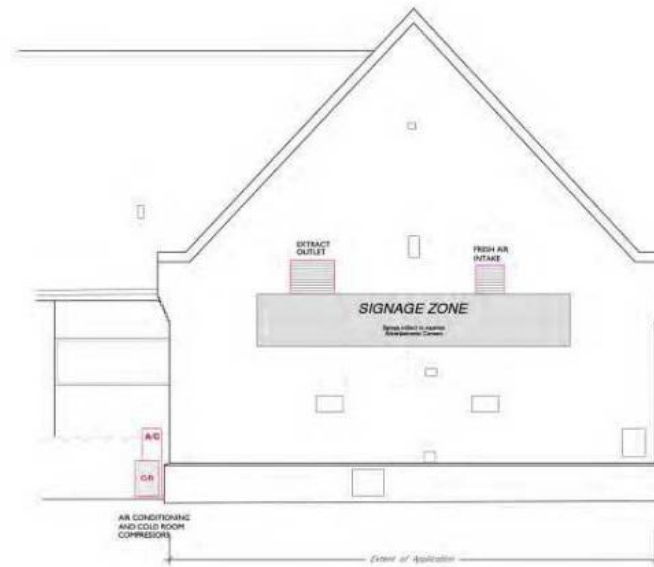
LAND SURVEYING  
BUILDING SURVEYING  
CONSTRUCTION SURVEYING  
SITE ENGINEERING  
WATERWAYS

0845 040 5569  
survey-solutions.co.uk

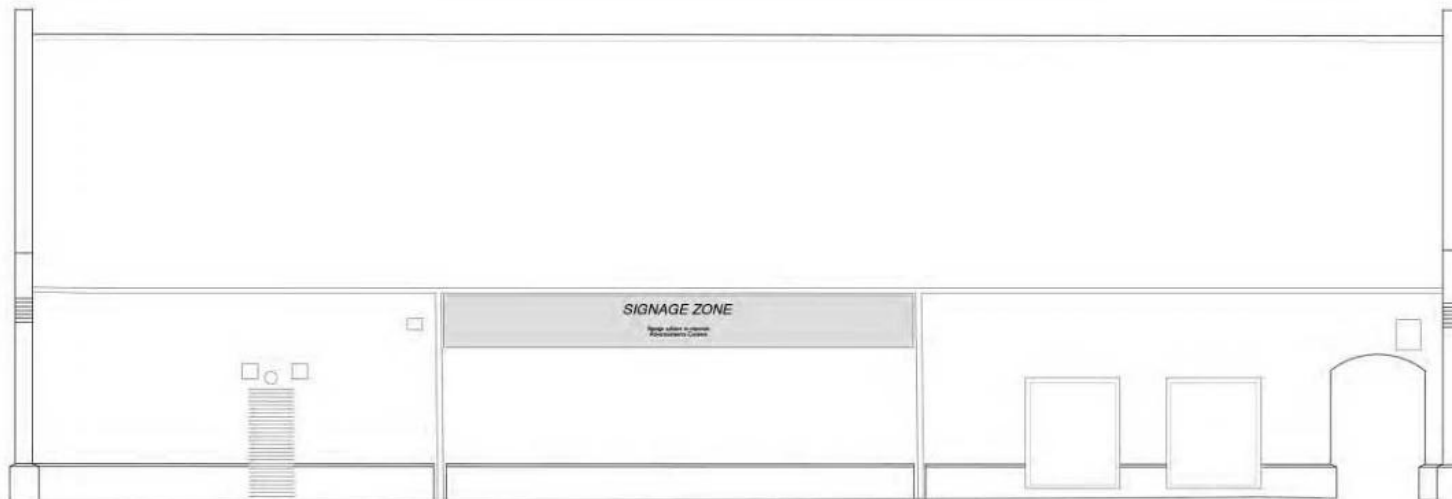
BRISTOL BIRMINGHAM CLYDE GLENKILDE GLOUCESTER LONDON  
NOTTINGHAM SHEFFIELD



FRONT ELEVATION (South)



REAR ELEVATION (North)



SIDE ELEVATION (West)

**NOTES:**

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCEMENT OF ANY WORK OR PREPARING MANUFACTURING DRAWINGS.

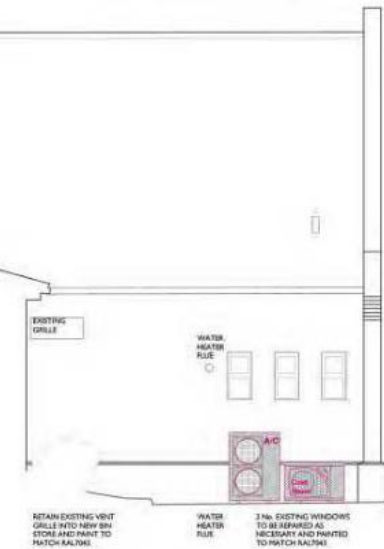
Use of scale bar for setting out purposes is to be used for setting out purposes only.

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REV	AMENDMENT	DATE	CHKD

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PARTIAL SIDE ELEVATION (East)

## HATTRELL LLP

Unit 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

CLIENT  
DPSK Ltd.

PROJECT  
Unit 7, Bowthorpe Shopping Centre,  
Wendene,  
Norwich,  
NR5 9HA

DRAWING TITLE  
Proposed Elevations

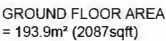
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DATE: June 23

DRAWING No:  
C3358-A5-06

Change Of Use to Hot Food Takeaway









**Committee name:** Planning applications

**Committee date:** 14/12/2023

**Report title:** Application no. 23/01166/F 1 Fernhill, Norwich, NR1 4AQ

**Report from:** Head of planning and regulatory services

**OPEN PUBLIC ITEM**

**Purpose:**

To determine:

<b>Application no:</b>	23/01166/F
<b>Site Address:</b>	1 Fernhill, Norwich, NR1 4AQ
<b>Decision due by:</b>	27/11/2023
<b>Proposal:</b>	External insulation and replacement render (retrospective).
<b>Key considerations:</b>	The impact of the proposal upon the character of the Conservation Area
<b>Ward:</b>	Thorpe Hamlet
<b>Case Officer:</b>	Holly Lusher-Chamberlain
<b>Applicant/agent:</b>	Mr Christopher and Ms Sarah Elston
<b>Reason at Committee:</b>	Councillor Call In

**Recommendation:**

It is recommended to refuse the application for the reasons given in the report.



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Planning Application No 23/01166/F  
Site Address 1 Fernhill

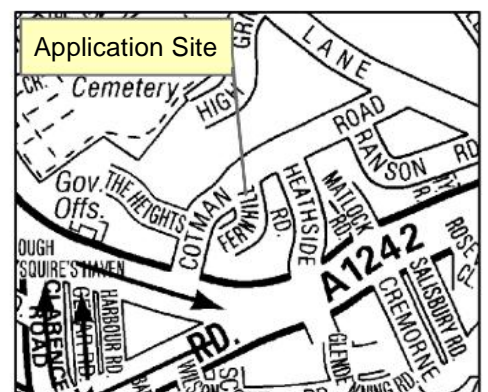
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**NORWICH**  
City Council  
PLANNING SERVICES



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## The site and surroundings

1. The site is a semi-detached dwelling and is one half of four semi-detached properties. All of the properties have a consistent coarse render and flat roof construction, no. 1 now has a smooth render finish.
2. The property sits within the Thorpe Ridge Conservation Area. The site was originally the location of the Fernhill estate built by the influential I.B. 'Bugg' Coaks in 1865. The land was disposed of in 1930 and a builder called Southgate built the properties on Fernhill, now nos. 1-8.

## Constraints

3. Thorpe Ridge Conservation Area

## Relevant Planning History

4. The records held by the city council show the following planning history for the site.

Case no	Proposal	Decision	Date
12/01397/CLP	Certificate of Lawfulness for proposed rear conservatory	APPR	27 September 2012

## The Proposal

5. External insulation and replacement render (retrospective).
6. The property has installed external insulation and have re-rendered resulting in a smooth finish. This required planning permission as permitted development specifically excludes the rendering of the exterior of a dwellinghouse in a Conservation Area (General Permitted Development Order 2015, Article 3, Schedule 2, Part 1, Class A, Paragraph A.2(a).)
7. The reason given for replacing the render is that the original render was failing due to its age and was cracking which resulted in increased areas of dampness on the internal walls.

## Summary of Proposal – Key facts:

8. The key facts of the proposal is summarised in the tables below:

Appearance	Key Facts
Materials	Installed a layer of thermal insulation which uses a modern, coloured silicon render that is rain repellant, algae and grime resistant and is also flexible and less likely to crack.

## Consultation responses

9. No consultations are required for this application. The case officer is a Conservation and Design officer.

## Representations

10. Adjacent and neighbouring properties have been notified in writing. 7 letters of representation have been received in total, 2 of which objected the proposal and 5 of which supported the proposal. The letters of objection and support citing the issues as summarised in the table below:

Issues raised	Response
<b>Objections</b>	
There is a consistent coarse render finish with the other properties.	See main issue 2
The proposal sets a precedent for other householders to modify their properties leading to a wide variety of finishes and out of context with the conservation area.	See main issue 2
It is out of context for the conservation area and creates a negative impact.	See main issue 2
Generally similar colour with the other properties with a coarse finish.	
The insulation has changed the architectural style of the property with altering the window details and no longer sitting flush with its adjoining neighbour.	See main issue 2
Object to the current finish not the insulation of insulation cladding.	See main issue 1
The property now looks like a new build on an estate and is completely at odds with the other seven properties.	See main issue 2
<b>Support</b>	
Enhances the entrance to Fernhill.	See main issue 2
There is no consistency in the visible appearance of the properties.	See main issue 2
Improved thermal performance.	See main issue 3
Rendering colour is appropriate and there is not a uniform colour on the other properties.	
Improved the living conditions.	See main issue 3
Eco-improvements should be encouraged.	See main issue 1
Visually appealing.	See main issue 2

## Statutory and non-statutory consultees

11. No consultations have been undertaken.

## Assessment of Planning Considerations

### Relevant Development Plan Policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design



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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage

Other material considerations

### **14. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF16 Conserving and enhancing the historic environment

### **Case Assessment**

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

#### **Main Issue 1. Principle of development**

16. Key policies and NPPF paragraphs – JCS4, DM12, NPPF section 16.

17. The principle of the development of installing external insulation is acceptable, however, the detail of the render is the main issue of this refusal.

18. The detail is not acceptable as Section 16 of the NPPF, specifically paragraph 199 states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

19. In addition, section 72 of the Planning (Listed Building and Conservation Areas) Act, 1990 states the 'General duty as respects conservation areas in exercise of planning functions'.

20. Therefore, it is considered that the impact of the smooth render applied to the house as non-designated heritage asset causes harm to its significance and group value of nos. 1-8 and consequently fails to either preserve or enhance the character of the Thorpe Ridge Conservation Area.

#### **Main Issue 2. Design and Heritage**

21. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 126-136 and 189-208.

22. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.
23. No.1 has very high evidential and historic values. The location of Fernhill was the site of the former manor house 'Fernhill House' which was constructed by the influential Thorpe Ridge figure I.B 'Bugg' Coaks. The Fernhill estate was developed leaving behind the street pattern that exists today. In the 1930s the properties were built opposite Fernhill House and the street of Fernhill was established. These properties would have been read in conjunction with Fernhill House before it was demolished in the 1960s, creating high evidential value of this historic setting of Thorpe Ridge.
24. The buildings are mentioned in the Thorpe Ridge Conservation Area Appraisal as influenced by the interwar art deco and modernist movement with the flat roofs forming an unusual combination with the typical form of an interwar suburban semi. The application of smooth render has damaged the group value that contributes to the special character and appearance of the Thorpe Ridge Conservation Area.
25. Currently, the property is not on either the National or Local List. The scoring system from Appendix 7 of the Development Management Policies Plan have been applied to the house to assess whether or not it is of sufficiently high value to be added to the local list. It has been calculated under the assessments of Townscape Value; Architectural Value; History; Archaeology; Community; and Condition. Using these scoring criteria, it has been determined that 1 Fernhill could be considered for the Local List and become a non-designated heritage asset along with the other semi-detached properties of nos. 2-8.
26. The smooth coloured render is visually detrimental to the group value of nos.1-8 Fernhill. The coarse render is one of the only remaining features that creates a cohesive appearance to these properties. All have had their windows replaced from, most likely, Crittall style to uPVC and some have inserted porch doors. Thereby replacing no. 1 with a smooth render has broken this cohesive look of the properties and sets an unwelcome precedent for others to follow.
27. No. 1 is the first property encountered when entering Fernhill; the new cladding is instantly visible from Cotman Road on the approach to Fernhill. This causes a conflicting appearance to the distinctive and homogenous group of properties on the northern side of the cul-de-sac.
28. The colour of the installed render has yellow tones which are also not in keeping with the other properties within the group. They have an off-white/cream colouring which are not consistent in shade but have a harmonious tone of colour with each other. The yellow tones of no. 1 are very prominent within the streetscape and highly contrast against the adjoining neighbouring property.



29. The principal of installing insulation is acceptable however there is a better solution available to allow the appearance of no. 1 to remain homogeneous to the remaining properties on Fernhill. The three options open to the homeowner are:

- Insulate the property internally (this will reduce the size of the rooms) and reapply the coarse render.
- Remove the smooth render and apply a coarse render over the insulation that is already applied to the exterior.
- Apply a coarse render that has insulating capabilities (there are local providers that can undertake the work).

30. Given that there are alternative, less damaging options for insulating the property, the benefits of the insulation are not considered to out-weigh the harm caused to the property and the character of the Conservation Area in an assessment of the harm against benefits required by paragraph 202 of the NPPF.

### **Main Issue 3.       Amenity**

31. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

32. The proposal has no impact on the neighbouring occupiers by means of overlooking and overshadowing.

33. It does have an impact on the outlook of the neighbouring occupiers as it disrupts the visual appearance of the street scape.

34. The installation of insulation has improved the thermal capabilities of the property and has improved the occupants' living conditions.

### **Equalities and diversity issues**

35. There are no equality or diversity issues.

### **Local finance considerations**

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

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

### **Human Rights Act 1998**

38. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

### **Section 17 of the Crime and Disorder Act 1998.**

39. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

### **Planning Balance and Conclusion**

40. The development has been assessed against the policies of the National Planning Policy Framework and the Development Plan. Whilst it is acknowledged that there are some benefits to both the owner and to the wider environment of providing the insulation to the building, these are not considered to outweigh the harm caused to the house as a non-designated heritage asset and to the character of the wider Conservation Area. It should also be noted that there are other, less harmful ways of achieving the benefits of the insulation that could have been pursued. Accordingly, the proposal is contrary to Local Plan policy DM9, the policies in chapter 16 of the NPPF and in particular paragraph 202 and fails to preserve the character of the Conservation Area, contrary to the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Recommendation**

41. **REFUSE** application no. 23/01166/F, 1 Fernhill, Norwich, NR1 4AQ for the following reason:

- The external render negatively impacts upon the character and appearance of no. 1 Fernhill and upon the group of four pairs of semi-detached properties of nos. 1-8 Fernhill, and thereby causes harm to the special character and appearance of the Thorpe Ridge Conservation Area. Said harm is not considered to be outweighed by the benefits of providing insulation to the property. Consequently, the proposal is contrary to Local Plan policy DM9, Chapter 16 of the NPPF (in particular paragraph 202) and also fails to preserve the character of the Conservation Area in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act, 1990.

**Appendices:** None

**Contact officer:** Conservation and Design Officer

**Name:** Holly Lusher-Chamberlain

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## 1 Fernhill before new rendering (2014)

Front and side elevation



Rear elevation





## 1 Fernhill after new insulation and render

Front and side elevation



Rear elevation







**Committee name:** Planning Applications

**Committee date:** 14/12/2023

**Report title:** Variation of Condition 3: Opening hours of permission 20/00497/F to allow the premises to operate 08:00-00:30 Monday-Thursday and Sunday, and 08:00-01:00 Friday and Saturday

**Report from:** Head of planning and regulatory services

**OPEN PUBLIC ITEM**

**Purpose:**

To determine:

**Application no:** 23/01074/VC

**Site Address:** 6 Aylsham Crescent, Norwich, NR3 2RZ

**Decision due by:** 03/01/2024

**Proposal:** 'Variation of Condition 3: Opening hours of permission 20/00497/F to allow the premises to operate 08:00-00:30 Monday-Thursday and Sunday, and 08:00-01:00 Friday and Saturday'

**Key considerations:** Amenity and Transport Impacts

**Ward:** Catton Grove

**Case Officer:** Sophie Buckingham

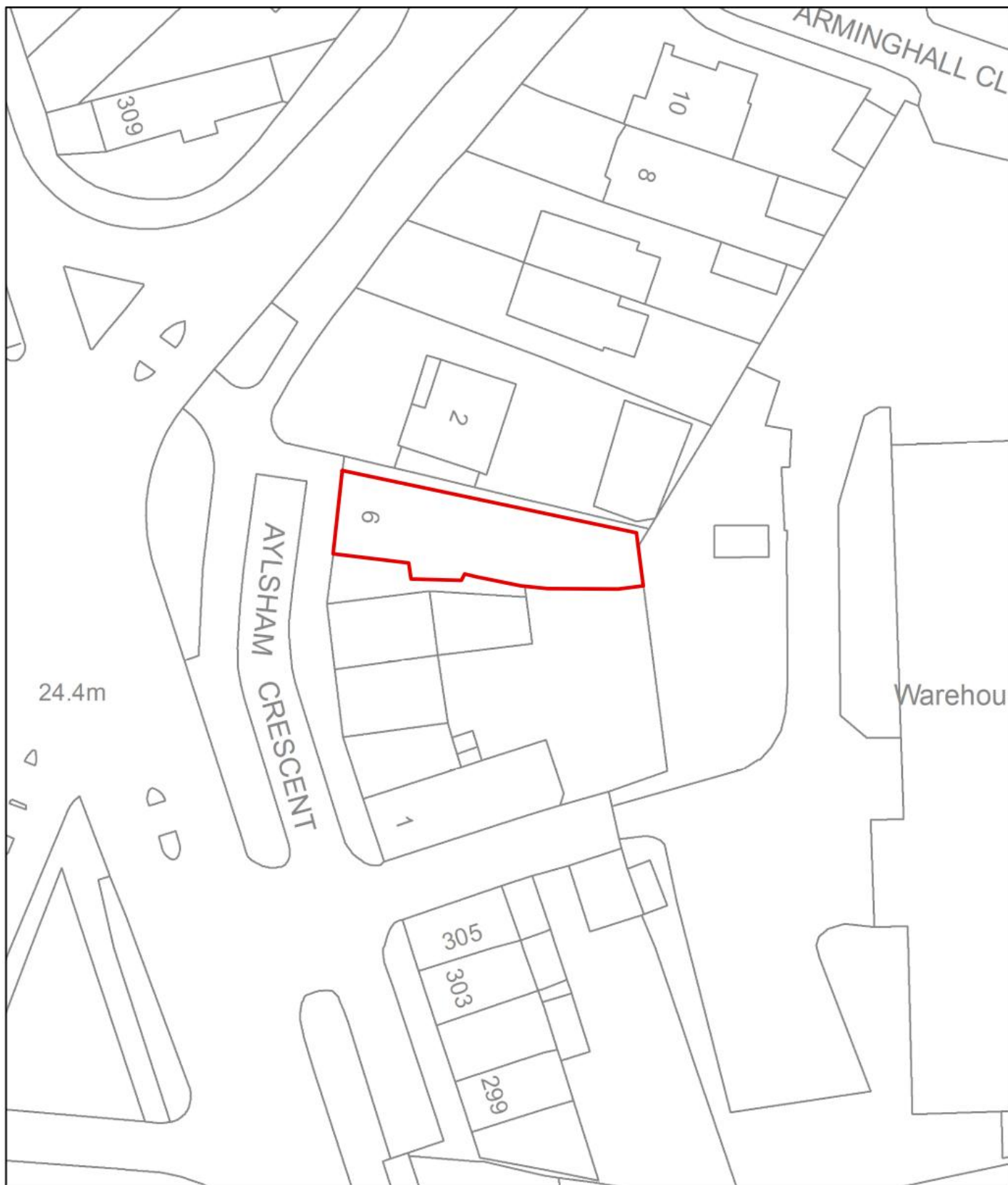
**Applicant/agent:** Mr Gokulan Jegatheeswaran (Dessert Lounge)

**Reason at Committee:**

At the discretion of the Head of Planning & Regulatory Services

**Recommendation:**

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 28 of this report, and grant planning permission. **Note that a condition is proposed which restricts the opening hours further than the applicant requests.**



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Planning Application No 23/01074/VC  
 Site Address 6 Aylsham Crescent

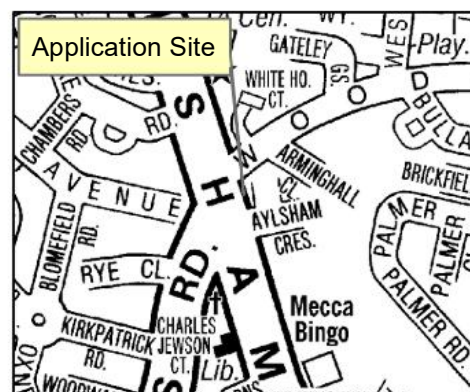
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**NORWICH**  
 City Council  
 PLANNING SERVICES



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## The site and surroundings

1. The site is an existing takeaway trading as 'Dessert Lounge' on Aylsham Crescent, which consists of a row of brick-built, flat-roofed commercial units.
2. To the north-east of the site is a residential street consisting of twentieth-century semi-detached two-storey housing and bungalows, with 2 Woodcock Road lying directly adjacent to the takeaway.
3. There is a small pull-in area for cars to the west of 6 Aylsham Crescent which is accessible from Aylsham Road, and shared by businesses in the immediate vicinity.

## Constraints

4. Critical Drainage Catchment Area (DM3, DM5)
5. District Retail Centre (DM18, DM21)

## Relevant Planning History

6. The records held by the city council show the following planning history for the site:

Ref	Proposal	Decision	Date
4/1996/0136	Internally illuminated sign to front of shop	APPR	18/04/1996
07/00781/U	Change of use from shop (A1 use) to financial services (A2 use)	APPR	10/08/2007
08/00498/A	2 x non-illuminated high-level signs; 1 x internally illuminated fascia sign and 1 x double-sided internally illuminated projecting sign	PART	11/07/2008
20/00497/F	Change of use from financial services (Class A2) to cafe/takeaway (Class A3/A5) including external ventilation equipment	APPR	20/08/2020

## The Proposal

7. See previous decision (reference 20/00497/F, Appendix 1) for details of the former consent. The conditions and details in question are:

### Existing Condition 3:

'The uses hereby approved shall not take place outside of the following hours: before 08:00 hours and after 22:00 hours Mondays - Sunday and Bank Holidays'

Reason: To safeguard the amenity of the surrounding area, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

### Proposed Variation of Condition 3:

'Opening hours of permission 20/00497/F to allow the premises to operate 08:00-00:30 Monday-Thursday and Sunday, and 08:00-01:00 Friday and Saturday'

8. It should be noted that the takeaway has currently been opening outside of permitted hours and this is the subject of an enforcement investigation.

## **Representations**

9. Neighbours have been consulted. 3 x letters of representation have been received (for clarity, two representations arrived separately but from the same email address, making total independent letters received three, not four) citing the issues as summarised in the table below:

<b>Issues raised</b>	<b>Response</b>
<ul style="list-style-type: none"><li>• Vermin;</li></ul>	This is not a material planning consideration, but is a matter that can be dealt with by Norwich City Council's Environmental Health team who are aware.
<ul style="list-style-type: none"><li>• Extensive litter not kept under control by owner;</li></ul>	See Main Issue 1: Amenity
<ul style="list-style-type: none"><li>• Unsavoury smells/grease caused by 'no external ventilation as described in the original plan';</li></ul>	See Main Issue 1: Amenity
<ul style="list-style-type: none"><li>• Congestion from deliveries;</li></ul>	See Main Issue 2: Transport
<ul style="list-style-type: none"><li>• Pollution from commercial business;</li></ul>	See Main Issue 1: Amenity
<ul style="list-style-type: none"><li>• Unsociable loitering of individuals outside takeaway - noise;</li></ul>	See Main Issue 1: Amenity
<ul style="list-style-type: none"><li>• Wellbeing issues;</li></ul>	See Main Issue 1: Amenity
<ul style="list-style-type: none"><li>• Proximity of takeaway to residential housing - too close</li></ul>	See Main Issue 1: Amenity

## **Statutory and non-statutory consultees**

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

11. Environmental Protection (Norwich City Council):

'We have discussed this premises with the Enforcement Team. Due to the issues with the extraction system and the noise from delivery drivers along with their proximity to a residential property we would recommend they do not open later than 11pm Monday to Saturday and 10pm on Sunday.

It should also be noted that if the premises was to open after 11pm they would require a later night refreshment licence to operate after this time.'

12. Highways (Norfolk County Council):

'As this premises has an extant consent for its business use, and the unit is within an established local centre with adequate means of access to the highway network and on-street parking provision, it would be difficult to

substantiate an objection. For these reasons there is no objection and no recommended conditions.'

## **Assessment of Planning Considerations**

### **Relevant Development Plan Policies**

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

- DM2 Ensuring satisfactory living and working conditions
- DM11 Protecting against environmental hazards
- DM24 Managing the impacts of hot food takeaways

#### **14. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF15 Conserving and enhancing the natural environment

### **Case Assessment**

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

#### **Main Issue 1.        Amenity**

16. Key policies and NPPF paragraphs – DM2, DM11, NPPF Paragraphs 8 and 127.

17. The proposal would encourage more trade on site 7 days a week and by implication would cause increased cumulative impacts of such trade, for instance, noise, traffic, and refuse/litter.

18. The application's proposed opening hours would extend past midnight 7 days a week, which is not considered appropriate in terms of potential noise disturbance to neighbouring residential dwellings. The proximity of the neighbour directly adjacent at 2 Woodcock Road is such that any extension of opening hours would increase the number of delivery vehicles collecting from the premises throughout the late evening into early morning, and could legitimately cause additional pollutants close to occupants of a residential dwellinghouse. An increase in trade, producing more refuse would lead to greater potential for littering from customers of the business, which could affect wellbeing of surrounding residents and encourage pests and vermin.

19. For the reasons listed above, it is considered appropriate to approve the application for extended opening hours up to 11pm on Monday-Saturday, and

up to 10pm on Sunday/Bank Holidays. This allows just 1 extra hour of trading Monday-Saturday beyond the current opening hours condition.

20. Note that existing conditions relating to air conditioning units and extraction ventilation systems are to be reapplied in order to protect residents from noise and odour.

## **Main Issue 2. Transport**

21. Key policies and NPPF paragraphs – DM30, DM31, NPPF Paragraphs 110-112.
22. Consultation from Highways Norfolk County Council has stated in assessment of this case, 'As this premises has an extant consent for its business use, and the unit is within an established local centre with adequate means of access to the highway network and on-street parking provision, it would be difficult to substantiate an objection. For these reasons there is no objection and no recommended conditions.'
23. As such, the application for varying opening hours would be considered acceptable in terms of retaining the parking offering currently on site. Access would not be affected by the proposed variation in opening hours. There is concern that delivery-driver congestion will be caused by the increase in opening hours, however there is adequate parking space on site to accommodate the row of businesses at Aylsham Crescent.

## **Equalities and diversity issues**

24. There are no equality or diversity issues.

## **Local finance considerations**

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

## **Human Rights Act 1998**

27. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of their property in this way is in accordance with the general interest.

## Planning Balance and Conclusion

28. The proposed variation of condition is currently not in accordance with the requirements of the National Planning Policy Framework and the Development Plan, however, it has been concluded that there are reduced opening hours that would be acceptable.

## Recommendation

29. To: approve Application 23/01074/VC, 6 Aylsham Crescent Norwich NR3 2RZ subject to the following conditions:

1. In accordance with plans
2. That opening hours will be restricted to 8am until 11pm on Monday-Saturdays and from 8am until 10pm on Sundays and Bank Holidays.
3. No air conditioning units to be installed without prior consent.
4. Extract ventilation to be agreed within 3 months of the date of this consent.

**Appendices:** Appendix 1: Previous Decision Notice (20/00497/F)

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