Planning Applications Committee: 4 December 2014

Updates to reports

Items 4B (para. 14), 4D (para. 28), and 4E (para. 21), consider each development proposal in the context of an absence of a 5 year housing land supply.

As a 5 year supply is now available across the greater Norwich area, these paragraphs are no longer applicable to the consideration of the applications. Therefore relevant policies of the adopted development plan can be considered up to date and full weight can be afforded to them in assessing this planning application.

Application no 14/01103/F
Item 4A, page 23

Update on the position of the Broads Authority
An amended plan has been submitted to the Broads Authority which reduces the number of floating islands to four. These islands will be connected to the proposed pontoon and to the wall of the building and are considered acceptable in navigation terms.

Main matter 1

Paragraph 41- 44 of the officer report considers the development in the context of an absence of a 5 year land supply. Given this is now not the case, these paragraphs are no longer applicable to the consideration of the application. Therefore relevant policies of the adopted development plan can be considered up to date and full weight can be afforded to them in assessing this planning application.

Paragraph 34 of the officer report indicates that policy CC23 is directly relevant to considering the principle of development. This policy allocates this site for an office-led mixed use development in order to support the city centre's employment role and JCS strategic objectives of increasing the supply of new high quality space in Norwich. As stated in paragraph 34, given the proposed development is predominantly residential, the application does not comply with this policy nor DM 12 which seeks to restrict new housing on sites allocated for other purposes.

Leaving aside 5 year land supply, the matters identified in paragraph 36 of the officer report remain material in considering whether development which departs from the development plan, should none the less be approved. The impact of residential permitted development rights on the use of existing buildings and the benefit of securing a viable mix of development to allow early delivery of this site vacant since 1999, are matters that can be afforded significant weight. These material considerations are sufficient in nature and extent to justify a departure from the adopted development plan.

Corrections:

Page 32, paragraph – the end of the last sentence is missing and should read '*but it is considered that measures* have been taken to mitigate any ill-effects of that increase in height and that it is appropriate within its context.'

Page 35 – para 36 last bullet point, delete *and*

Page 41, para 63 reference to Friars Quay is incorrect – should read *Anchor* Quay

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Application no: 14/01527/F
Item 4B, page 55

Additional submission from agent
The agent has submitted a response to the objections. This covers trees, impact on conservation area, overlooking, and loss of light. The submission includes a sun study which demonstrates that the new building will not block sun light to any neighbouring properties at any time of the year. The additional document is available to view on Public Access.

Additional letter of support
A letter of support has been received from the Norwich Society. They highlight that the plot is of sufficient size for subdivision and they are "enthusiastic about the design of the proposed house". This brings the total number of representations to: 3 objecting to the scheme; and 2 supporting the scheme.

Application no: 14/01454/F
Item 4C, page 67

Additional information
The applicant has clarified the proposed use of the garage as being an ancillary workshop/storage for the residents in the main building.

Revised plans have been submitted clarifying the following:

- The position of the existing boundary fencing and application boundary
- The position of the building relative to existing boundary treatment
- The proposed floor plan of the garage

Additional letter from no.151
It appears point 32 of the report is incorrect. The houses are not detached & semi-detached they are in fact terraced houses. Would this not have been picked up when you made a site visit?

We understand the planning application is for the roof only; and from what we have read this building can only be used for storage. Can you please confirm this?

Again, can you please confirm if the owner was to develop the building to make it habitable would further Planning Permission be required?

We still believe the land highlighted in blue is the land owned by Norwich City Council (easement). How can the Revised Plans Proposed (entered on the Planning Site 24th November 2014) be correct, and why was this document not shared with all neighbouring properties?

Response

The additional information and revised plans clearly define the extent of the proposal applied for and the position of the existing building relative to adjoining features. Outbuildings can be used for various purposes as long as they are incidental to the enjoyment of the dwelling house. Regarding any future works to make the building habitable - see the informative at the end of the report.

Correction – paragraph 32 should read – The area is residential, the majority of the dwellings being two-storey terraced, detached and semi-detached. This is a minor correction and will not materially alter the assessment of the application.

Matters relating to land ownership and rights of way are not material planning considerations. Nevertheless, a neighbouring property, implied that as former owners of the site, the council has a duty to rectify or enforce unauthorised use and layout of the access. Property services responded as follows:

- The residents in question have rights of way to pass over Mr Wilkes (owner of 149 Gipsy Lane) land to access their rear garden (on foot only)
- It does look like Mr Wilkes has opened up the passageway to allow cars to be driven down it, presumably to access his rear garden. This is his land, held under title NK83289
- The Chiesa's state that the passageway could be reinstated back to 2 separate passageways. I can't see how this could be achieved, as the land belongs to Mr Wilkes. The Council has no powers to force Mr Wilkes to reinstate a footpath
- The conveyance regarding passing on foot only applies to the Chiesa's, they have a right of way on foot only to pass over Mr Wilkes land.
- The land is owned by Mr Wilkes, we are not in a position to tell him what to do with his own land, we could only have any say if he was to refuse the Chiesa's access. There is nothing in any legal paperwork to stop Mr Wilkes driving over his land
- As for the health and safety risk, I don't believe we have any powers to stop Mr Wilkes driving over his own land.

Also refer to paragraph 15 of the report.

Application no: 14/01286/F

Additional representation

- The parking in front of the existing flats (in front of no.31 onwards) has been increased from 7-8 and 9-10 spaces respectively resulting in a very tight arrangement. Such poor provision will mean that residents will have to park on the access road.
- The applicant has already been blocking existing spaces, forcing residents to park on Denmark Road
- The proposed access is in close proximity to an area used as a play area for children. Vehicular movements could endanger their safety
- Over development of the area
- A much better plan (environmentally) would be for the applicant to provide additional parking for the medical practice or the existing residents of Howard Mews.

Response

- The applicant has provided a site plan which demonstrates that there will be 51 spaces for 51 flats. It is acknowledged that the existing parking spaces in that area are already quite narrow and undefined ranging from 2 – 2.5 metres. This is illustrated in the parking plan submitted.

  Further discussions with the local highway authority indicate that the wider site is an accessible location close to shops and services. Denmark Road is also not in controlled parking zone, meaning cars can choose to park on the public highway. Taking these factors into consideration including promoting sustainable alternatives to the car including walking, public transport and cycling, less than 51 spaces would still be acceptable.

  It should be remembered that the planning inspector did not cite parking as being a reason for dismissing the previous appeal. Therefore, refusing the current application on the grounds of lack of parking could, in the event of another appeal, leave the council open to an award of costs to the applicant.

  That being said Condition 10 in the report will further define the parking arrangements for existing residents in the form of white lining. It is also recommended that further mitigation be in place to help promote cycling and the need to own a car. This could come in the form of quality covered cycle stands located to be located next to the existing parking area.
- This matter is not under the control of planning authority
- See paragraph 40 of the report
- See main issue 2

- The site is in a residential area. The principle of the dwelling and remaining parking available for the existing residents is acceptable.