

**Report to** Planning applications committee

**Item**

8 February 2018

**Report of** Head of planning services

**Subject** Application no 17/01757/F - Bennetts Retail Ltd, 35  
Barnard Road, Norwich, NR5 9JB

**Reason  
for referral** Objections

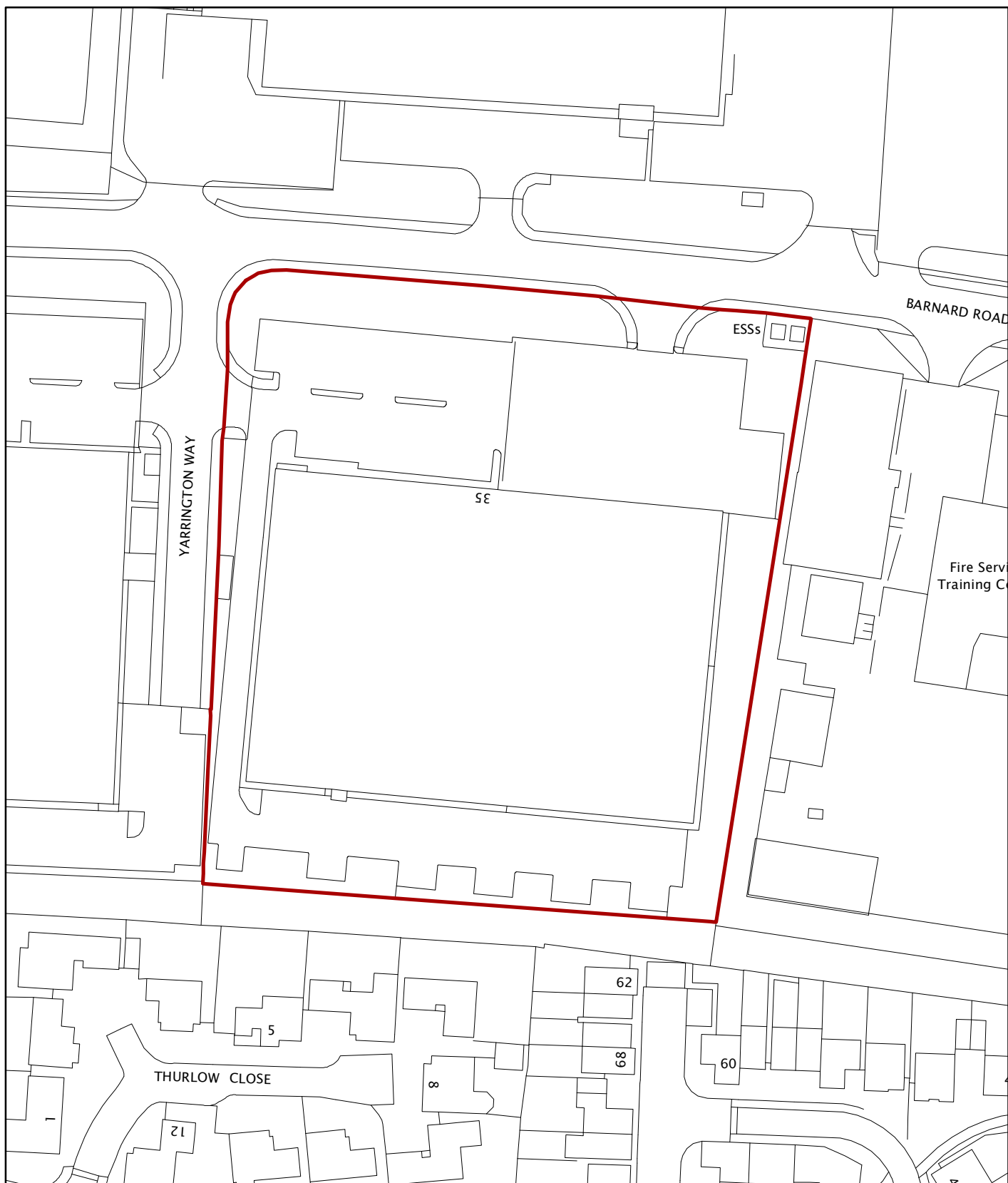
4(f)

---

<b>Ward:</b>	Bowthorpe
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

Development proposal		
Addition of new windows at first floor on side and rear elevations. Installation of external condenser units at ground level to rear of building.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Design	Materials and dimensions
2 Amenity	Overlooking / disturbance from internal lights
<b>Expiry date</b>	24 January 2018
<b>Recommendation</b>	Approve



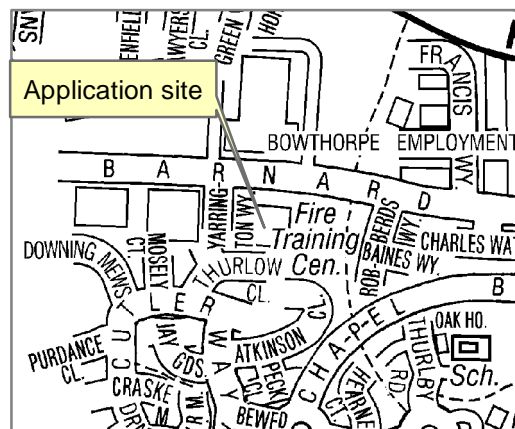
© Crown Copyright and database right 2018. Ordnance Survey 100019747.

Planning Application No 17/01757F  
 Site Address 35 Barnard Road

Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The subject site is located on the south side of Barnard Road within the Bowthorpe Employment Area, West of the city centre. The site comprises a large industrial unit which has previously been granted consent to be split into two units. At the front of the site is a large car park area surrounded by metal fencing. An access road to the West of the building leads to a further small car parking area at the rear of the building. To the South of the site is a large residential development separated from the subject site by a tree belt.
2. It was noted during the officer's site visit that works were already being undertaken.

## Constraints

3. The site is located within a designated employment area.

## Relevant planning history

- 4.

Ref	Proposal	Decision	Date
17/01496/F	Subdivision of existing industrial building to two units with associated external alterations.	APPR	09/01/2018

## The proposal

5. The proposal is for new windows within the side and rear elevations at first floor and external condenser units at ground level to the rear of the building.
6. It should be noted that a previous application 17/01496/F granted consent for the subdivision of 35 Barnard Road under delegated powers.
7. This current application is for the newly divided Western unit only.

## Summary information

Proposal	Key facts
<b>Scale</b>	
No. windows	8
Window dimensions	Approx. 0.60m x 1.90m
<b>Appearance</b>	
Materials	Grey powder coated aluminium

<b>Proposal</b>	<b>Key facts</b>
<b>Operation</b>	
Ancillary plant and equipment	9 air condenser units

## Representations

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

Issues raised	Response
Overlooking from new windows in the rear elevation. Tree coverage is not present all year round	See Main Issue 2
Light pollution from new windows	See Main Issue 2
When the unit was constructed windows were not allowed in the rear elevation	See Main Issue 2
Noise disturbance from new condenser units. Cumulative noise impacts with rest of industrial area. Condenser units should be moved to the side of the building.	See Main Issue 2
Unit is in operation between 7am and 9pm	See Main Issue 2
Tree maintenance issues	See Other Matters
Concerned that works have already been carried out	See Other Matters
Noise disturbance during construction	See Other Matters
Noise disturbance from vehicles at the rear	See Other Matters

## Consultation responses

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

## **Environmental protection**

10. I have reviewed this application and have no comments.

## **Assessment of planning considerations**

### **Relevant development plan policies**

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM7 Trees and development

### **Other material considerations**

13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design
  - NPPF8 Promoting healthy communities

### **Case Assessment**

14. 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: Design**

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. The proposed windows would be of an appropriate size and scale. The windows would be constructed of grey powder coated aluminium.
17. The proposed condenser units would be located at low level at the rear of the building and would therefore have minimal visual impact.

#### **Main issue 2: Amenity**

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

19. Concerns were raised regarding the potential for overlooking from the new windows within the rear elevation. In the original consent which granted permission for the industrial unit, a condition was included to prevent any installation of windows within the rear elevation. The mezzanine floor within the building would serve an office area. This proposed use is unlikely to give rise to an excessive amount of overlooking. In addition, a distance of approximately 17m to the site boundary and approximately 25m to the boundary of adjacent residential gardens would be maintained. Whilst it is noted that the tree belt is not evergreen, the presence of these trees is still considered to mitigate impacts of overlooking.
20. Light pollution from the new windows in the rear elevation was also raised as an issue. Given the minimal size of the windows the light spill is not considered to be significant. In addition, the distance between the building and neighbouring dwellings is considered to be sufficient to minimise any impacts from light pollution.
21. Concerns were raised that the new condenser units placed at the rear of the building would result in noise disturbance and that they should be positioned at the side of the building instead. A specification of the condenser units was submitted as part of the application. The Environmental Protection officer did not raise any issues on this matter and it was later confirmed that the position of the units and distance to the residential buildings would be sufficient so as not to be significantly detrimental to neighbouring amenity.
22. Concerns were also raised that unit was in operation long hours of the day roughly between 7am and 9pm. The original consent from the building did not impose any operational hours restrictions, however it did include a condition that any plant or machinery on site should not be in operation outside of the hours 7am to 7pm. In the interests of reducing noise disturbance to the neighbouring dwellings it is recommended that this condition be re-imposed.

### **Other matters**

23. Concerns were raised regarding the condition of the trees and over how these would be maintained. There are no works proposed to the trees as part of this application and therefore the trees are not a consideration in this instance. The future maintenance of the trees would be the responsibility of the owner of the trees.
24. Concerns were raised that the works have already been undertaken prior to the granting of planning consent. The applicants have been advised that they do these works at their own risk, however undertaking works without consent is not an offence.
25. Concerns were raised regarding noise disturbance during construction. Given that the proposal is for minor development, requesting additional information regarding the control of noise pollution during works would not be proportionate. However, a considerate construction condition is recommended for any remaining works.
26. Noise disturbance at the rear of the site (particularly from vehicles) was also raised as an issue. It should be noted that a condition was included under previously approved permission 17/01496/F that prevents lorries/deliveries from using the rear car parking areas under any circumstances to reduce noise impacts on the neighbouring dwellings.

## **Equalities and diversity issues**

27. There are no significant equality or diversity issues.

## **Local finance considerations**

28. 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.
29. 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.
30. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

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

## **Recommendation**

To approve application no. 17/01757/F - Bennetts Retail Ltd 35 Barnard Road Norwich NR5 9JB and grant planning permission subject to the following conditions:

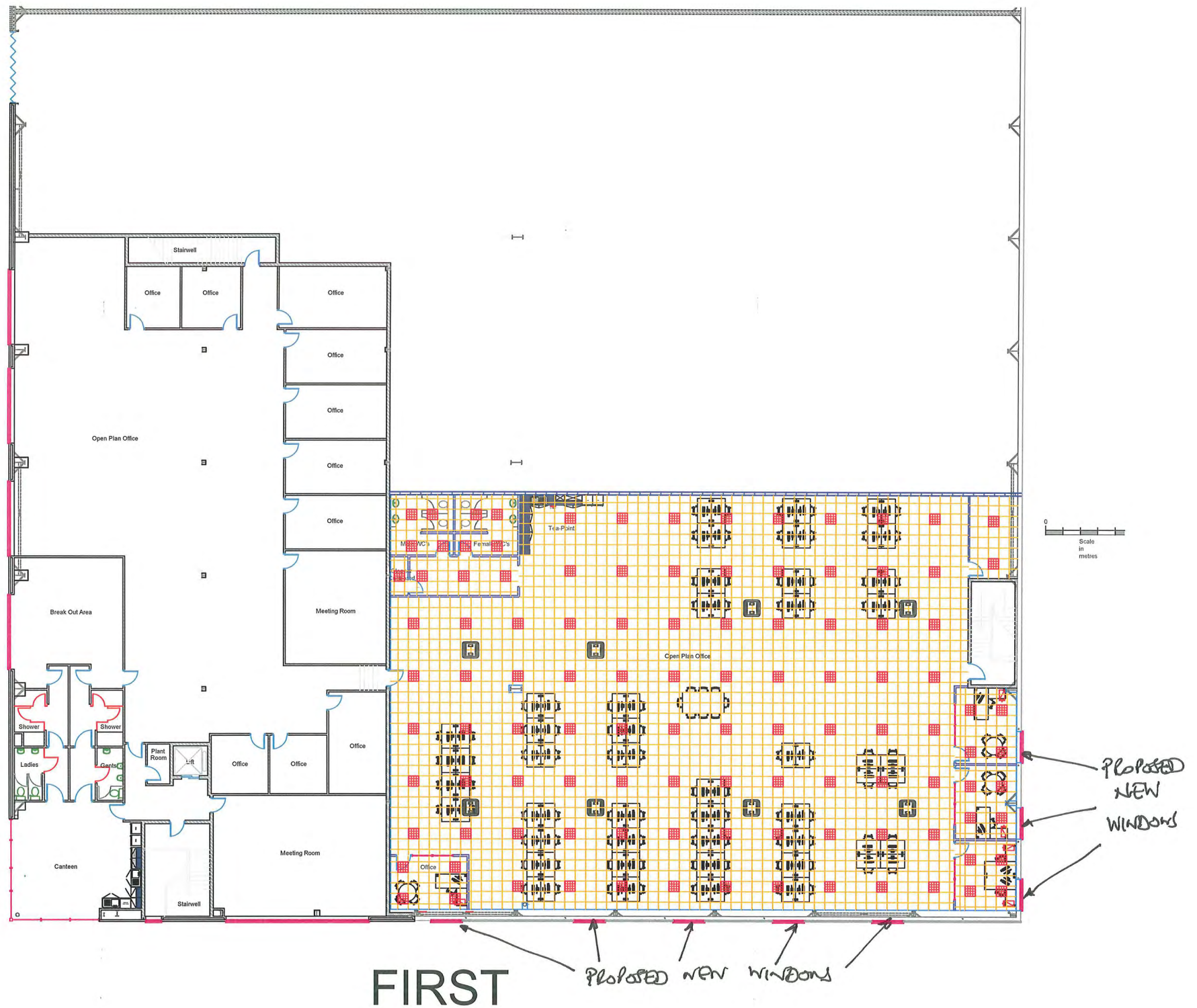
1. Standard time limit;
2. In accordance with plans;
3. Time restrictions on use of condenser units.

Informative

1. Considerate construction

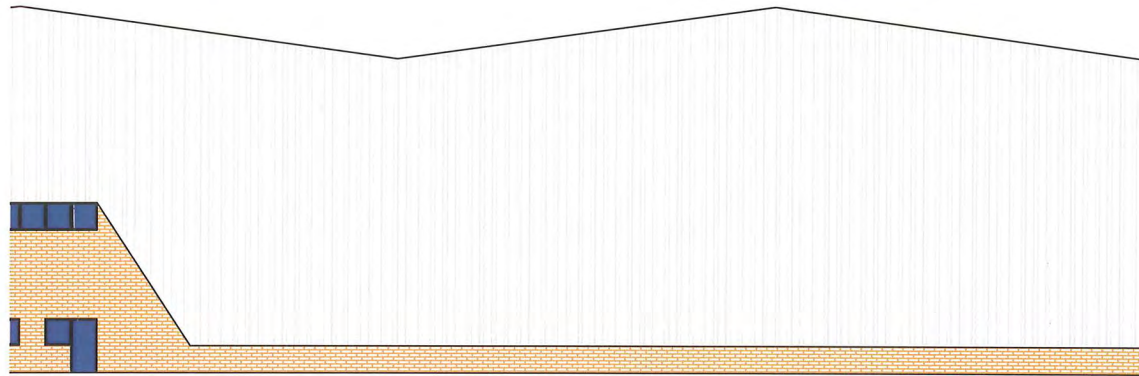
GENERAL  
LAYOUT  
FIRST  
FLOOR

SCALE  
1:200  
@ A3

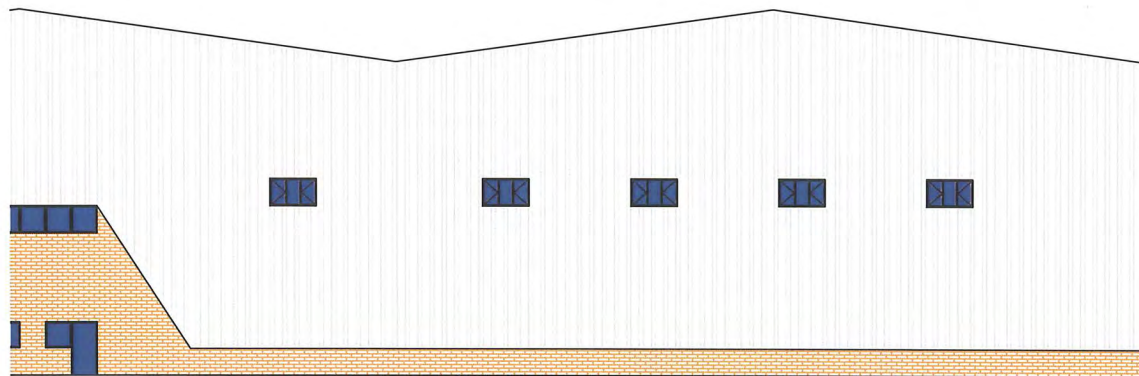




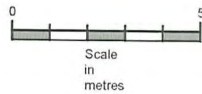
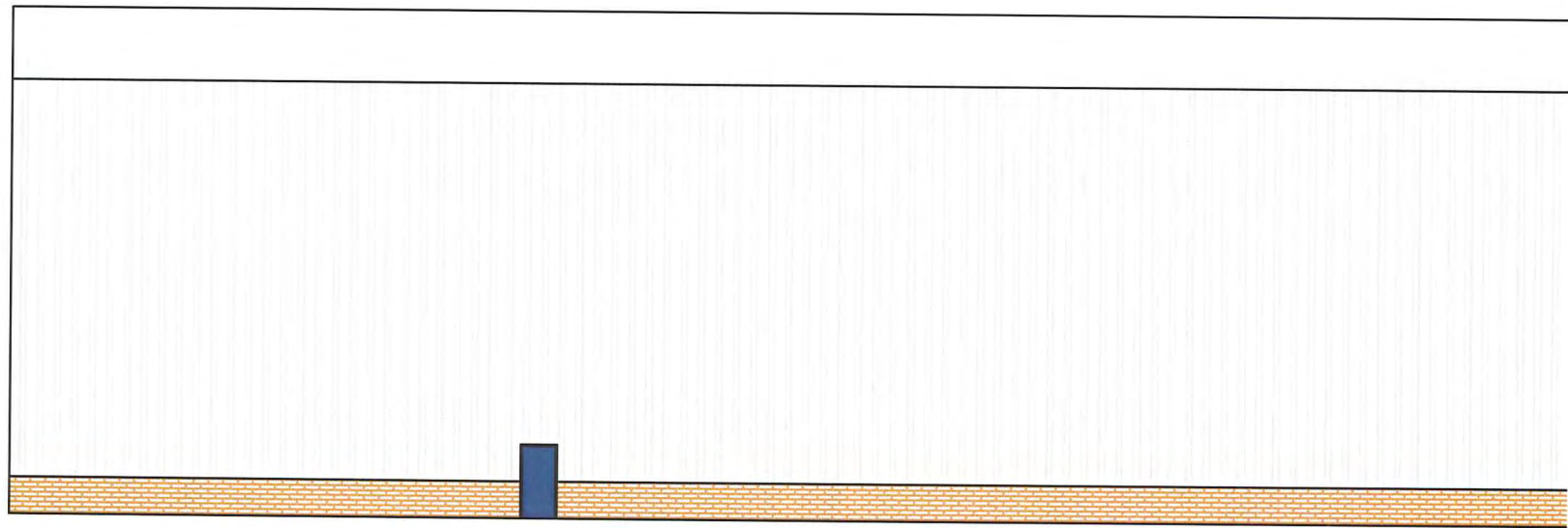
SCALE 1: 200 @ A3



Existing West Elevation

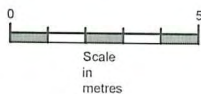
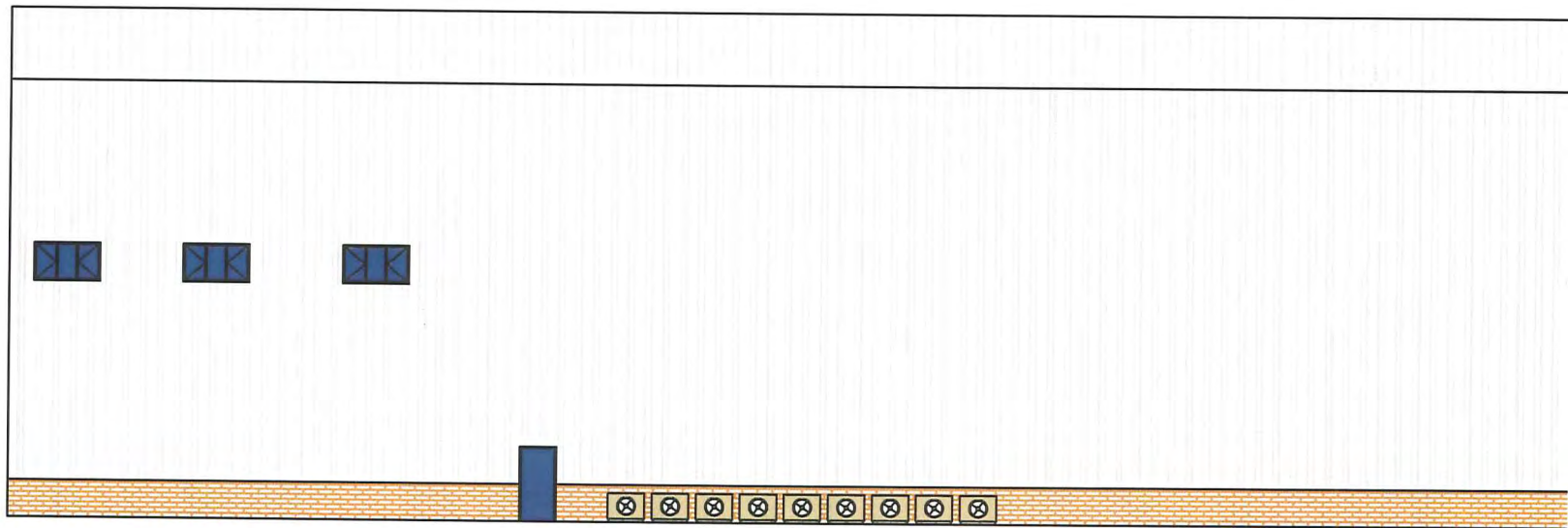


Proposed West Elevation



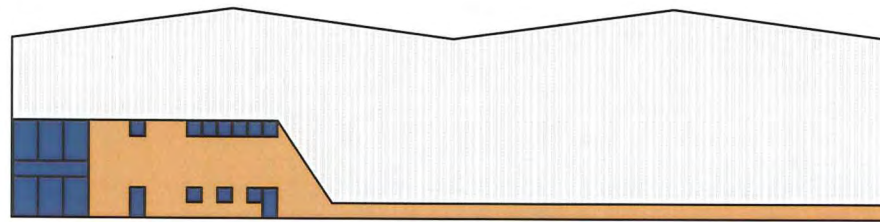
Existing South Elevation

SCALE 1:200 @ A4

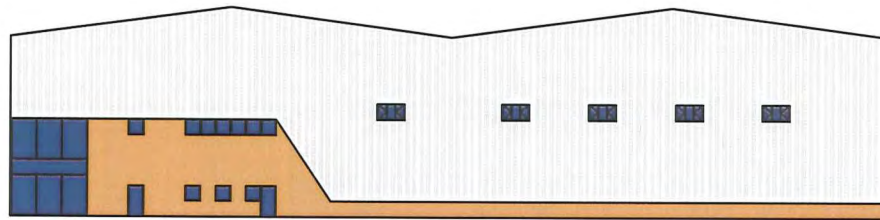


Proposed South Elevation

SCALE 1:500 @ A4



Existing West Elevation



Proposed West Elevation

SCALE 1:500 @ A3

