



## **PLANNING APPLICATIONS COMMITTEE**

Date: **Thursday 7 November 2013**

Time: **(Members' training 9.30am to 10.15am)**  
**10.15am Pre-application presentation (see details below)**  
**11.00am Committee**

Venue: **Mancroft room, City Hall**

### **COMMITTEE MEMBERS:**

#### **Councillors:**

Bradford (chair)  
Gayton (vice chair)  
Ackroyd  
Blunt  
Brociek-Coulton  
Button  
Grahame  
Jackson  
Little  
Neale  
Sands (S)  
Storie

### **FOR FURTHER INFORMATION PLEASE CONTACT -**

Committee officer: Jackie Rodger  
Tel. No: 01603 212033  
E-mail: [jackierodger@norwich.gov.uk](mailto:jackierodger@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

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## **AGENDA**

Page No.

### **Pre-application presentation**

There will be a pre-application presentation on Wilsons Glaziers, Colegate. Residential development at 10.15 am in the Mancroft room.

Committee members, ward councillors and other interested parties are welcome to attend.

(The formal business of the committee will commence at 11.00 am).

**1. Apologies**

**2. Public questions**

To receive questions from the public (notice to be given to the committee officer by 10am on the day before the meeting.)

**3. Declarations of interest**

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

**4. Minutes** **5**

To agree the accuracy of the minutes of the meeting held on 10 October 2013.

**5. Planning applications and planning enforcement** **17**  
(Report of the head of planning services)

**Purpose** - To determine the current planning applications as summarised on pages **13-14** of this agenda.

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 5 above are required to notify the committee officer by 10am 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 11am.
- 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 1pm and 2pm if there is any remaining business.

30 October 2013



If you would like this agenda in large print, audio, Braille, alternative format or in a different language, please call Jackie Rodger, Senior committee officer on 01603 212033 or email [jackierodger@norwich.gov.uk](mailto:jackierodger@norwich.gov.uk)

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## PLANNING APPLICATIONS COMMITTEE

10.30am to 11.45am

10 October 2013

Present: Councillors Gayton (vice chair in the chair), Ackroyd, Blunt, Brociek-Coulton, Button, Grahame, Jackson, Little, Neale, Sands (S) and Storie

Apologies: Councillor Bradford (chair)

### 1. DECLARATION OF INTERESTS

Councillor Button, as ward councillor for Bowthorpe ward, said that she had spoken to the applicant regarding application no 13/01232/F 1 Buttercup Way, Norwich, NR5 9JQ, (item 3, below) but did not have a predetermined view and was approaching the item with an open mind.

Councillor Sands said that she lived in the vicinity of 1 Buttercup Way but had not been involved in the application and did not have a predetermined view.

Councillor Little, as ward councillor for Town Close ward, said that he had had some correspondence regarding item 7, applications nos 13/01314/NF3 10, 12, 18, 28, 34 and 57 Essex Street, Norwich, NR2 2BL but did not have a predetermined view.

### 2. MINUTES

#### Item 5 - Application no 13/01122/O 76 St Clements Hill Norwich NR3 4BW

Councillors Sands and Brociek-Coulton, ward councillors for Sewell Ward said that they had been contacted from a member of the public who was concerned that there had been no mention in the minutes of the planning history of 76 St Clements Hill. The committee agreed that officers should look into this, clarify what the issue was and arrange for an appropriate response to be sent on behalf of the committee.

**RESOLVED** to approve the minutes of the meeting held on 12 September 2013.

### 3. APPLICATION NO 13/01232/F 1 BUTTERCUP WAY, NORWICH, NR5 9JQ

The planner (development) presented the report with the aid of plans and slides, and referred to the supplementary report of updates to reports circulated at the meeting, which outlined a letter of support for the application from Councillor Sands (M), local member for Bowthorpe ward and division, and the officer response. In summing up

the planner said that lack of parking or highway safety had not been cited as a reason for refusal. The scale and design of the amended proposal was considered sympathetic to the original dwelling. The planner explained that the recommendation for refusal was based upon the impact the extension would have on the visual amenities of the street scene, due to its scale and position in a prominent corner plot location.

The applicant addressed the committee and explained his reasons for submitting the planning application and that the extension was to provide a dining room, additional bedroom and en-suite to meet the needs of his family, and that the house was situated on the corner of a quiet cul-de-sac. The extension would complement the property and landscaping would improve the appearance of the site. The majority of houses in the street were of different design and he disputed that the extension would dominate the street view.

Discussion ensued in which the planner, together with the planning team leader (development), answered members' questions. The planner explained that whereas an extension to the property to the rear of the application site might be acceptable, 1 Buttercup Way was in a prominent position, located on the corner, and therefore could be considered to have a greater impact on the street scene. The applicant had amended the original application. The decision of whether the extension would have a detrimental impact on the street scene was finely balanced as to whether it was acceptable or not.

Discussion ensued in which members considered that the application should have been approved because no objections had been received; would enhance the appearance of the house and the street and could not be considered to be detrimental to the street scene. The scale and mass of the extension did not result in loss of light to neighbouring properties. The proposal did not affect highway safety or parking. Extensions to other properties in the area had been permitted. Members considered that the design was proportionate to the house with its lower frontage. However members considered that the extension should not change the appearance of the gable end corbels and that materials used for the eaves and barge board should match those of the existing house.

Councillor Jackson moved and Councillor Brociek-Coulton seconded that the application be approved subject to additional conditions relating to landscaping, and prior approval of details of materials for the eaves and barge board.

**RESOLVED**, unanimously to approve application no 13/01232/F 1 Buttercup Way, Norwich, NR5 9JQ and grant planning permission subject to the following conditions:

1. Standard time limit.
2. In accordance with the approved plans.
3. Landscaping to the front of the property to be submitted and approved in writing.
4. Details of the gable end, gable end corbelling and eaves to be submitted and approved in writing and which should match the existing property.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the minutes of the planning applications committee held on 10 October 2013.

**4. APPLICATION NO 13/01300/F LAND OPPOSITE, 6 TO 8 BLAND ROAD, NORWICH**

The senior planner (development) by way of introduction explained that this and the following two items were for the provision of affordable housing on former garage sites. She pointed out that the housing association developing these three sites was Orwell Homes and that references in the reports to Orbit Housing were incorrect. All of the proposed properties would meet Code 4 Sustainable Homes standard, had private off road parking, and amenity space. All residential development was subject to the community infrastructure levy (CIL); however as this development was all affordable housing, the housing association could apply for social relief from CIL.

The senior planner then presented the report with the aid of plans and slides. She apologised for not including a full set of drawings in the papers for the agenda and said that there had been no objections to the proposals.

Councillor Storie, as ward councillor for Bowthorpe ward, said that she welcomed the scheme in that it not only provided much needed affordable houses and would bring into use the garage site which had been a target for vandalism and fly-tipping.

**RESOLVED**, unanimously, to approve application 13/01300/F land opposite 6-8 Bland Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accordance with drawings and details.
3. Details of facing and roofing materials; joinery; boundary treatments, walls and fences; external lighting;
4. Details of hard and soft landscaping, planting, biodiversity enhancements.
5. Details of tree protection measures/provision and retention.
6. Method statement for the construction of side and rear access/erection of boundary fence.
7. Development to be implemented in accordance with the recommendations set out in section 5 of the Ecological survey and pre-assessment survey ref:2013/113.
8. Details and provision of off-site car parking.
9. Details and provision of cycle parking.
10. Implementation of sustainability measure/energy efficiency measures as outlined in Design and Access Statement.
11. Site contamination conditions.
12. Control on imported materials.

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the

application subject to appropriate conditions and for the reasons outlined in the committee report.

**5. APPLICATION NO 13/01356/F GARAGES OPPOSITE MARKHAM TOWER, BOWERS AVENUE, NORWICH**

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

Discussion ensued in which the senior planner referred to the report and answered members' questions. She explained that the registered social landlord developing the site would have made an assessment as to whether there was a demand for two bedroom accommodation. All the occupiers of the garages had been offered an alternative in the locality. Members were advised that the standard of energy efficiency, code 4 sustainable homes, was a very high standard and had parity with passivhaus in terms of standards, but passivhaus construction was not proposed.

**RESOLVED** to approve application no 13/01356/F garages opposite Markham Tower, Bowers Avenue and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval.
2. Development to be in accordance with drawings and details.
3. Details of facing and roofing materials; joinery; boundary treatments, walls and fences; external lighting.
4. Details of hard and soft landscaping, planting, biodiversity enhancements.
5. Details of tree protection measures/provision and retention.
6. Method statement for the construction of fence within root protection zone.
7. Development to be implemented in accordance with the recommendations set out in section 5 of the Ecological survey and pre-assessment survey ref:2013/109.
8. Details and provision of on-site car parking.
9. Details and provision of cycle parking/bin storage.
10. Implementation of sustainability measure/energy efficiency measures as outlined in Design and Access Statement.
11. Site contamination conditions.
12. Control on imported materials.

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

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

**6. APPLICATION NO 13/01340/F GARAGES ADJACENT TO 66 WATLING ROAD, NORWICH**



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

**RESOLVED**, unanimously, to approve application no 13/0134000/F Garage site, Watling Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accordance with drawings and details;
3. Details of facing and roofing materials; joinery; boundary treatments, walls and fences; external lighting;
4. Details of hard and soft landscaping, planting, biodiversity enhancements.
5. Details of tree protection measures/provision and retention.
6. Method statement for the works adjacent to the western boundary.
7. Details and provision of car parking.
8. Details and provision of cycle parking.
9. Implementation of sustainability measure/energy efficiency measures as outlined in Design and Access Statement.
10. Site contamination conditions.
11. Control on imported materials.

Article 31(1)(cc) Statement

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

**7. APPLICATION NOS 13/01314/NF3 10, 12, 18, 28, 34 AND 57 ESSEX STREET, NORWICH, NR2 2BL**

The planner (development) presented the report with the aid of plans and slides, and together with the conservation and design officer, answered members' questions

The committee was advised that some of the windows were in poor condition and that it would be unreasonable, given that the article 4 directive sought to control the impact of the windows from the street, to require the applicant to replace single-glazed timber sash windows with secondary glazing or double glazed timber sash windows. The council sought a pragmatic and consistent approach to conserve the appearance of the original windows. In response to a question, the planner explained that the proposed glazing bars would attempt to emulate the original putty ones by using chamfered bars that were for aesthetic rather than practical reasons and were on the outside of the glass rather than between the panes.

**RESOLVED**, unanimously, to approve application no 13/01314/NF3 and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with the approved plans.
3. All proposed windows on the front elevation of each property will be white and feature run-through horns and chamfered external bars.

Article 31(1)(cc) Statement

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

**8. APPLICATION NO 13/01283/F 25 NEVILLE STREET, NORWICH, NR2 2PR**

The planner (development) presented the report with the aid of plans and slides, including a detailed sub-section which displayed how the replacement windows would be set back in the frame, emulating the original timber framed windows.

**RESOLVED**, unanimously, to approve application no 13/01283 for 25 Neville Street and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with the approved plans.

Article 31(1)(cc) Statement

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

**9. ENFORCEMENT CASE NO 13/00148/CONSRV/ENF – 39 NEVILLE STREET, NORWICH, NR2 2PR**

The conservation and design officer presented the report with the aid of plans and slides.

In response to member's question the conservation and design officer explained that the replacement windows were casement windows which opened out, and were not set back in the storm proof casement. He explained that the replacement windows in the adjoining property had been installed prior to the article 4 directive and therefore were not required to be reinstated. About 80 to 90% of the properties in Neville Street had retained the original windows. There was demand from residents, who supported the article 4 directive, to conserve the Victorian character and appearance of the conservation area. Residents had brought this case to the attention of the council for enforcement action.

**RESOLVED**, with 9 members voting in favour (Councillors Gayton, Ackroyd, Blunt, Brociek-Coulton, Button, Jackson, Little, Neale and Storie), and 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Grahame) to authorise, in relation to enforcement case no 13/00148/CONSRV/ENF 39 Neville Street, Norwich, NR2 2PR,

- (1) enforcement action to ensure the replacement of the installed uPVC casement windows, front door and demolished garden wall; the replacement windows must be appropriately designed and such that

they are similar in appearance to the sliding sash windows that were replaced; unless the original front door can be reinstalled, a traditional c1900 door would be considered acceptable; the wall should be reinstated to its existing height;

- (2) taking of direct action, including prosecution if necessary, to ensure the windows are replaced by ones more appropriate to the setting of the locally listed building and the Heigham Grove conservation area.

#### **10. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE, 1 JULY TO 30 SEPTEMBER 2013 (QUARTER 2, 2013-14)**

The planning team leader (development) presented the report. In relation to table 2, numbers of planning applications recorded by national indicator 157, he reported that the second quarter figures for planning applications received was 190, and on hand (pending at end of quarter) 103.

During discussion the planning team leader answered questions on the government's announcement that it would take action if councils performed poorly on major applications or had a poor appeal success rate. He pointed out that it was not anticipated that the council would have any issues regarding its appeal success rate, however it was anticipated that it would be important that figures for the year 1 July 2013 to 30 June 2014 were excellent to avoid designation to the planning inspectorate.

**RESOLVED** to note the report.

#### **11. PERFORMANCE OF THE DEVELOPMENT MANAGEMENT SERVICE: APPEALS – 1 JULY 2013 TO 30 SEPTEMBER 2013 (QUARTER 2, 2013-14)**

The planning team leader (development) presented the report.

During discussion, the planning team leader (development) undertook to keep Councillor Neale aware of the progress of the appeal on 85 Grove Road, Norwich.

**RESOLVED** to note the report.

CHAIR



# Applications for submission to planning applications committee

7 November 2013

ITEM

5

Item No.	Case Number	Page	Location	Case Officer	Proposal	Reason for consideration at Committee	Recommendation
5(1)	13/01341/VC	17	Sainsbury's 1 Brazen Gate Norwich NR1 3RB	Kian Saedi	Amendment to permitted delivery hours to allow for two deliveries between the hours of 2200 and 0700 on any day, through variation of condition 4 of planning permission 10/01630/VC (a variation of permission 4870466/F:	Objections	Approve
5(2)	13/01442/VC	27	Site of proposed residential care home. Ivy Road	Lee Cook	Minor Material Amendment by variation of condition 2 to allow changes to bays, balconies, entrance, north elevation, depth of the wings facing Bowthorpe Road and size of the east and west wings of previous planning permission 12/01594/F	Objection	Approve
5(3)	13/01610/F	39	Garages adj. to 86 Rosary Road	Tracy Armitage	Demolition of garages and erection of two dwellings	Council owned garage site	Approve

## Enforcement Report:

Item No.	Case Number	Page	Location	Case Officer	Breach	Reason for consideration at Committee	Recommendation
5(4)	13/00068/EXT N/ENF	49	Heigham News 268 Heigham Street Norwich NR2 4LZ	Ali Pridmore	Unauthorised operational development; namely the siting of a shipping container	Enforcement Action recommended	Authorise enforcement and legal action

## **STANDING DUTIES**

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

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

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

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

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

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

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

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law**

#### ***Article 8 – Right to Respect for Private and Family Life***

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



**Report to** Planning applications committee  
**Date** 7 November 2013  
**Report of** Head of planning services  
**Subject** 13/01341/VC Sainsbury's 1 Brazen Gate Norwich NR1  
3RB

**Item**  
**5(1)**

## SUMMARY

<b>Description:</b>	Amendment to permitted delivery hours to allow for two deliveries between the hours of 2200 and 0700 on any day, through variation of condition 4 of planning permission 10/01630/VC (a variation of permission 4870466/F: 'Erection of retail store together with ancillary facilities including roads, service yard, car parking and landscaping').
<b>Reason for consideration at Committee:</b>	Objections
<b>Recommendation:</b>	Approve
<b>Ward:</b>	Town Close
<b>Contact Officer:</b>	Kian Saedi Planner 01603 212524
<b>Valid Date:</b>	20 August 2013
<b>Applicant:</b>	J Sainsbury
<b>Agent:</b>	Peter Dowling

## INTRODUCTION

### The Site

#### Location and Context

1. The application site comprises an established supermarket and its attached surface car park and delivery yard. The store, opened in 1989, is located on the south side of Queens Road (A147 Inner Ring Road) at its junction with Brazen Gate, on the southern edge of the City centre. Vehicular access into the site is from its south end, with separate access points into the customer car park and an adjoining servicing and delivery yard taken from the east side of Brazen Gate. The exit from the car park is located further along Brazen Gate via a slip road passing beneath the Southwell Road bridge. The car park is arranged in an L-shape along the north and east sides of the building
2. The areas to the southwest and southeast of the site are residential in character and immediately east are terraced houses along Ashby Street, which are buffered by a row of trees along the site boundary. To the south and south-west of the site are Grove Road, Langham Place and Southwell Road.
3. The site is located within a Secondary Retail Area of the city centre.

## Planning History

**4870466/F** - Erection of retail store together with ancillary facilities including roads, service yard, car parking and landscaping. Approved 6th May 1988.

**4/1998/0940** - Alterations to supermarket including relocation of customer entrance, erection of customer restaurant, relocation of loading bay and amended car park layout. (Revised proposal) (WDA - 07/05/2002)

**10/01630/VC** - Removal of Condition 2: 'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987 and any subsequent amendment thereof the premises the subject of this permission shall be used only for the sale of convenience goods as sold by the outlets detailed in Sections 101 and 311 inclusive of the 1971 Census of Distribution list of Kinds of Business and that no more than 10% of the retail floorspace shall be used for the sale of non convenience items and for no other purpose' of previous planning permission (App. No. 4870466/F) ' Erection of retail store together with ancillary facilities including roads, service yard, car parking and landscaping at coal Depot, Queens Road'. (APPR - 16/11/2010)

**10/01637/F** - Extension to existing retail store (Class A1) to provide additional retail floorspace and reconfiguration of car park. (APPR - 05/11/2010)

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

4. The application seeks an amendment to permitted delivery hours to allow for two deliveries between the hours of 2200 and 0700 hours on any day, through variation of Condition 4 of previous permission 10/01630/VC.

## Representations Received

5. Adjacent and neighbouring properties have been notified in writing. Four letters of representation have been received objecting to the proposal. A survey of local residents has also been undertaken by the Town Close Labour Community Team. Of the 40 residents included in the survey 25 have objected to the scheme. Four residents expressed support for the proposal and eleven were neither in favour or opposed to the possibility of amended delivery hours.

Issues Raised	Response
Increased noise/disturbance	Paras 13-19
Traffic	Paras 6 and 21
Light pollution	Para 21
Stepping stone to store being open on a 24 hour basis	This would be the subject of a separate planning application if proposed.

## Consultation Responses

6. The Council's Highways Officer has pointed to the fact that condition 4 of previous permission 10/01630/VC was imposed to address matters of residential amenity and not in response to issues of transportation.

7. The Council's Environmental Protection Officer has not raised any objection to the scheme subject to the measures recommended by the applicant being properly conditioned. It is not considered that the access/egress of vehicles will cause any excessive noise and the unloading area is at a sufficient distance from any sensitive noise receptors.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

Application ref. 10/01630/VC has previously been granted as a variation of original permission 4870466/F. Since the approval of 10/01630/VC both the JCS and NPPF have been adopted and are material in the assessment of this proposal.

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

Section 1 – Building a strong, competitive economy

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

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

Policy 3 – Energy and water

Policy 5 – The economy

Policy 11 – Norwich City Centre

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

EP22 - High standard of amenity for residential occupiers

### **Other Material Considerations**

#### **Emerging DM Policies (submitted for examination):**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

#### **DM2\* Ensuring satisfactory living and working conditions**

\* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight can be applied in particular instances. However, the main thrust of ensuring adequate design and amenity is held in place through the relevant Local Plan policies listed above.

## **Principle of Development**

### **Policy Considerations**

8. Since the determination of application ref.10/01630/VC, both the NPPF and JCS have been adopted and carry additional policy considerations relevant to the proposal being assessed under this application.
9. The application seeks to vary condition 4 of previous planning permission 10/01630/VC and which stipulated that no deliveries or servicing be undertaken before 0700 hours or after 2200 hours on any day in order to prevent unreasonable noise and disturbance from delivery vehicles outside these hours. This condition was imposed to protect the amenity and living conditions of adjacent and neighbouring residential occupiers and to accord with saved policy EP22 of the adopted local plan.
10. The applicant wishes to vary condition 4 to allow for no more than two deliveries between 2200 hours and 0700 hours on any day to enable fresh produce delivery overnight and the store to properly stock and display these goods before opening to the public. Enabling the store to be fully stocked before opening to the public will benefit both the operation of the business and the experience of the customer in terms of reducing aisle congestion and increasing product availability. Granting consent for the scheme would therefore be in line with NPPF guidance for building a strong economy and supporting development needs of business. However, the economic benefits of the proposal need to be carefully balanced against the potential impact upon the amenity and living conditions of adjacent and nearby residential properties and this is assessed in the following section of this report.
11. The site was previously designated as part of the Primary Retail Area, but the Brazen Gate retail area has now been redesignated as a secondary part of the city centre. In this context, the servicing and delivery requirements of the retail business should be expected in this particular area.
12. Policy 3 of the JCS requires that development proposals of a more than 1000 sq.m of non-residential floorspace to include sources of decentralised and renewable or low carbon energy providing at least 10% of the scheme's expected energy requirements. The development of the supermarket has long been completed and it is not considered reasonable or appropriate to impose requirements that have recently emerged through changes to the development plan related to energy efficiency, especially as this proposal does not involve the expansion of any supermarket floorspace.

## **Impact on Living Conditions**

### **Noise and Disturbance**

13. The supermarket site is located between the inner ring road to the north (Queens Road), Victoria House to the west and the residential streets of Grove Road and Langham Place to the south-west and Ashby Street to the east. The store service/delivery yard is located to the south of the store and is access from a dedicated and separate vehicular access from Brazen Gate.
14. It is proposed that the additional two deliveries be received away from the north-east entrance to the supermarket adjacent to the site boundary with Queens Road.

This location has been selected as being furthest away from the nearest residential property in order to minimise any potential for disturbance to residential properties. It is not proposed that the total number of deliveries to the site increase, only that two deliveries be permitted between the hours of 10pm and 7am.

15. The proposed late night/early morning delivery point is located approximately 85 metres from the nearest residential property (1 Ashby Street) and is largely shielded by the main supermarket building, which will effectively act as both a visual and acoustic buffer. It is therefore considered that of all the possible delivery points on site, this location is most appropriate. The existing delivery yard is located 35 metres from the nearest residential property (flats on Langham Place) and does not benefit from the same degree of buffering from the built environment.
16. Late night deliveries are more problematic in terms of taking place at sensitive hours where people would normally be expected to be sleeping, but also due to the fact that noise-making activities are made more apparent by ambient noise levels being much lower in the late evening/early morning.
17. The applicant has submitted a noise impact assessment based upon a 'worst-case scenario' calculation of using refrigerated and articulated vehicles for deliveries, even though the applicant has stated that smaller, fixed-axle vehicles will be used for late night deliveries and that refrigeration units will be switched off upon entering the site. Noise intrusion assessments of goods deliveries have shown that noise levels from the proposed deliveries are predicted to be around or within the BS 8233 'good' criteria at nearby sensitive receptor locations. A night time assessment has also shown that two deliveries could occur between 10pm and 7am whilst remaining well within the World Health Organisation (WHO) criteria of 40 dB at all sensitive receptors. Even so, a number of measures are proposed to help mitigate against potential noise disturbance from the late night deliveries and these are discussed in the following paragraphs.
18. The applicant is committed to a Development Management Plan (DMP), which is attached as appendix C in the noise assessment report. The DMP sets out the following measures that will be implemented in order to reduce noise levels from deliveries:
  - Before entering Norwich the driver will contact/page the store to ensure the store is ready for the arrival;
  - Refrigeration units and alarms are to be switched off before the vehicles enter Queens Road;
  - If a delivery vehicle needs to stop for any reason before entering the car park, all engines, radios and headlights must be turned off and store staff contacted;
  - Vehicle headlights and radios to be turned off in car park;
  - Lights to be used for vehicle manoeuvring only;
  - Vehicle reversing beepers to be switched off for late night deliveries;
  - Better driving practice to ensure minimal noise disturbance;
  - No salvage to be returned on delivery vehicles between 22:00 and 07:00 hours;
  - Improved signage to guide drivers once within the site;
  - General improvement to loading and unloading practices to reduce associated noise levels.

A condition will be added to any permission requiring compliance with the submitted DMP.

19. In addition to the measures and practices included within the DMP and supporting information submitted with the application, planning permission will be conditioned with the requirement for delivery vehicles to comply with a tracking diagram to first be submitted to and approved by the local planning authority. An indicative tracking diagram showing the route to be taken by the delivery vehicles has been submitted and will be shown in the presentation, but is considered unsatisfactory. The objective will be to agree a route for vehicles to enter and exit the site that minimises the potential for disturbance to neighbouring residents along Ashby Street. The tracking diagram should maximise the separating distance between the route taken by delivery vehicles and the surrounding residential properties.
20. Several letters of representation have been received objecting to the use of alarms when gates are opening/closing to admit vehicles into the site as well as the noise made by the gates opening and closing. The gates and alarms referenced in the representation are likely to pertain to the existing service yard on Brazen Gate, which features large automated security gates that are closed when the service yard is not in use
21. Other concerns raised by neighbours relate to lighting at the site and the route that vehicles will take once they leave the site. It is important to note that no lighting installations are proposed as part of this application. The DMP does state that vehicle lights will be used for manoeuvring only and headlights will be turned off before entering the site. The Council cannot control the route vehicles take upon leaving the site, but given that the proposal will only involve a maximum of two delivery vehicles operating each day between the hours of 10pm and 7am and given that smaller, non-articulated vehicles are to be used for the late night deliveries, traffic disturbance to the surrounding area is likely to be minimal.
22. The survey conducted by the Town Close Labour Community Team also polled what measures local residents regarded as being likely to reduce noise. With the exception of preventing the use of cages for carrying goods from the vehicles to the store, every other suggestion is already recommended by the applicant within the DMP and compliance will be required by condition..

## **Conclusions**

23. It is considered that two deliveries operated between 22:00 hours and 07:00 hours on any day are acceptable subject to conditions seeking to minimise noise disturbance to the surrounding area. The proposal will enable the store to ready stock before opening to the public and this improvement in operational standards will benefit the development needs of the business in accordance with the NPPF.
24. The retained conditions listed reflect those attached to the previous permission ref. 10/01630/VC F dated 16 November 2010. Conditions 1, 2 and 3 of that permission are considered to remain relevant to ensure the proper planning of the area and equivalent conditions are thus reimposed by this permission quoting the original and new condition numbers. The decision to reimpose these conditions has been taken having regard to the policies listed above and (in addition) saved policies HBE12, TRA8, TRA14 and EP22 of the City of Norwich Replacement Local Plan (adopted November 2004).

## RECOMMENDATIONS

To approve application no 13/01341/VC Sainsbury's 1 Brazen Gate Norwich NR1 3RB and grant planning permission subject to the following conditions:

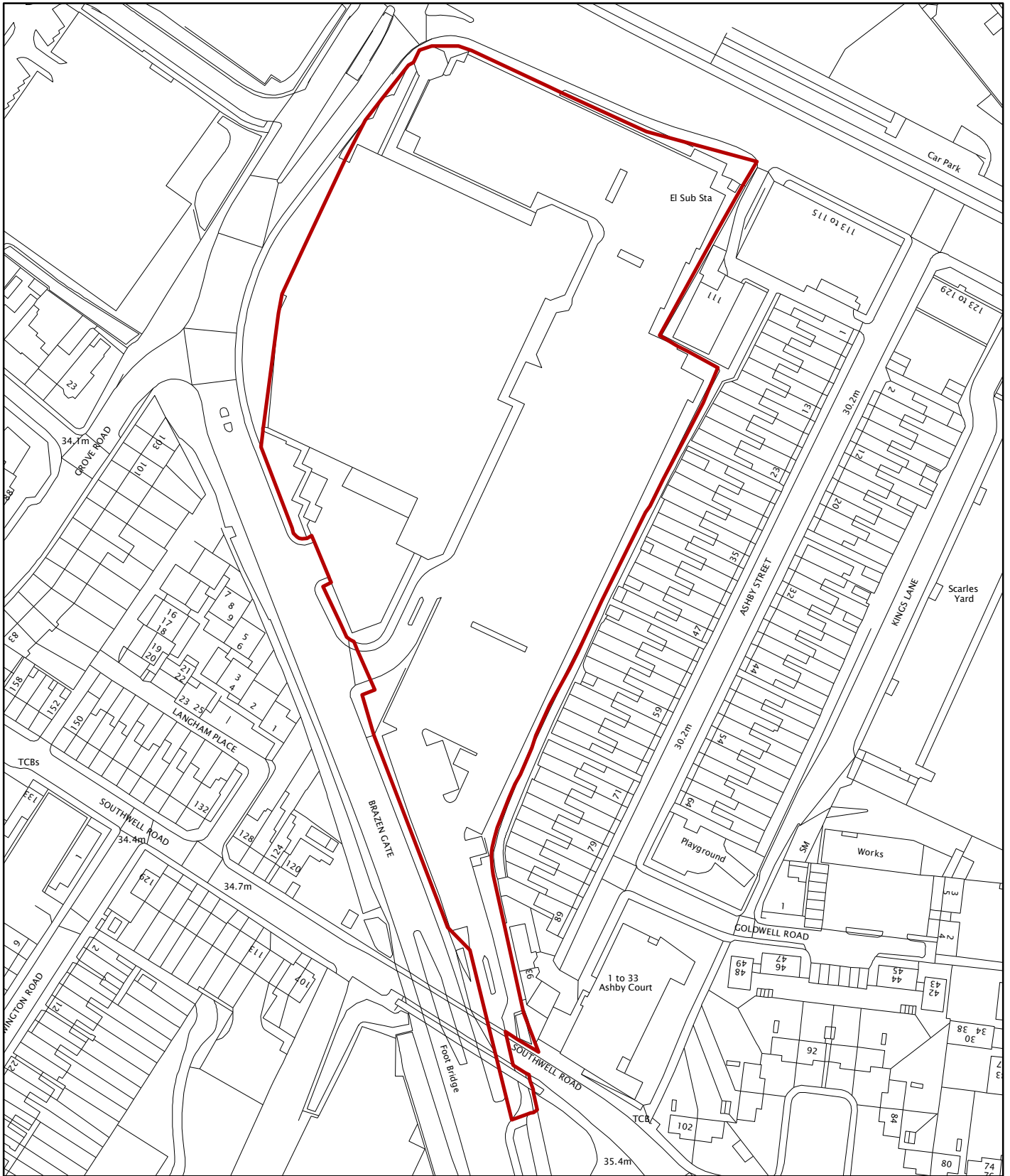
1. No goods of any description shall be sold or offered or displayed for sale outside the buildings the subject of this permission unless otherwise agreed in writing by the Council as local planning authority.
2. The pedestrian access ways within the site (which for the avoidance of doubt shall include any new or re-routed pedestrian access ways approved under permission reference 10/01637/F granted on 5th November 2010 and shown on drawing no. CHQ.10.9230-PL06 Revision A referred to in that permission) shall be kept free of all goods, articles, structures and vehicles of any description, other than those expressly approved under planning permission reference 4870466/F granted on 6th May 1988 or authorised by virtue of subsequently approved details or subsequent planning permissions pertaining to the site and premises the subject of this permission.
3. No materials, goods or refuse shall be kept, deposited or stored in the open on the site the subject of this permission other than (a) within the designated areas set aside for the storage and compaction of commercial waste within the service and delivery yard accessed from Brazen Gate and; (b) within the designated and signed customer waste recycling banks within the store car park (which for the avoidance of doubt shall include the relocated recycling banks approved by virtue of permission ref. 10/01637/F granted on 5th November 2010 and shown on drawing no. CHQ.10.9230-PL06 Revision A referred to in that permission).
4. There shall be no deliveries or servicing to the premises the subject of this permission before 7am (0700 hours) or after 10pm (2200 hours) on any day save for up to two deliveries at the north-east entrance point to the store.
5. Any deliveries between the hours of 22:00 hours and 07:00 hours as allowed by condition 4 shall be subject to the following restrictions:
  - i) Compliance with a tracking diagram that shows detail of the route delivery vehicles will take when entering and leaving the site as well as the area where goods will be delivered shall be submitted to and agreed by the local planning authority and operated in accordance with the approved details
  - ii) Audible reversing alarms shall be turned off on any delivery vehicles upon entering the site the subject of this permission and shall not be switched on again until delivery vehicles have departed.
  - iii) Only fixed axle vehicles shall be used for deliveries.
  - iv) Refrigeration units on delivery vehicles shall be switched off upon entering the site and shall not be switched on again until delivery vehicles have departed.

- v) There shall be no return of salvage or assets to delivery vehicles
- 6. Deliveries between 22:00 hours and 07:00 hours shall take place in full accordance with the Delivery Management Plan as included as Appendix C of the approved Noise Assessment (received 19.08.2013).

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

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





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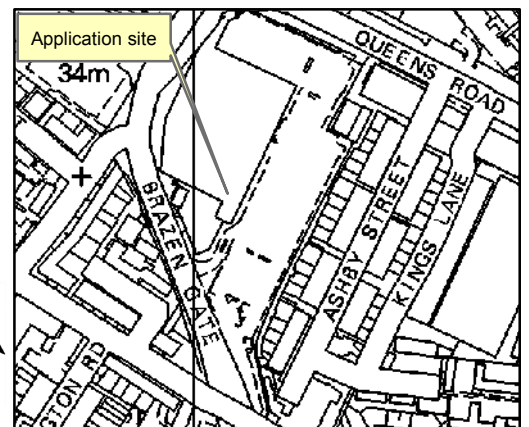
Planning Application No 12/01341/VC  
 Site Address Sainsburys  
 1 Brazen Gate

Scale 1:1,500



**NORWICH**  
 City Council

PLANNING SERVICES





**Report to** Planning applications committee  
**Date** 7 November 2013  
**Report of** Head of planning services  
**Subject** 13/01442/VC Site of Proposed Residential Care Home Ivy Road Norwich Norfolk

**Item**  
**5(2)**

## SUMMARY

<b>Description:</b>	Minor Material Amendment by variation of condition 2 to allow changes to bays, balconies, entrance, north elevation, depth of the wings facing Bowthorpe Road and size of the east and west wings of previous planning permission 12/01594/F 'Erection of two storey building to provide a 70 bedroom care home (Class C2) with associated access, parking and landscaping.'.
<b>Reason for consideration at Committee:</b>	Objection
<b>Recommendation:</b>	Approve subject to conditions
<b>Ward:</b>	Wensum
<b>Contact Officer:</b>	Lee Cook Senior Planner 01603 212536
<b>Valid Date:</b>	7 September 2013
<b>Applicant:</b>	Caring Homes Group
<b>Agent:</b>	Caring Homes Group

## INTRODUCTION

### The Site

#### Location and Context

1. The site is part of the former Bowthorpe School site which, following redevelopment, fronts on to Ivy Road - the new spine road into the site. Opposite the site is a new residential development and further along Ivy Road to the north are community facilities for fire services etc and new buildings for office and business uses at the Henderson Centre.

#### Constraints

2. The site is allocated in the Replacement Local Plan under Policy HOU11 B16. The tree to the north of the site is protected by a Tree Preservation Order and amendments to the earlier office scheme for this adjoining site were made to avoid the loss of this TPO tree.

#### Topography

3. The site is relatively level with trees within the site and along its eastern border.

#### Planning History

Outline planning permission was granted in 2002 for various developments on the overall former school site. The range of developments proposed was subsequently revised and subject of a separate outline application.

Application **09/00035/F** for the erection of a new 60 No. bedroom residential care home with associated landscaping, access and car parking was approved by committee on 23rd April 2009. Application **11/00819/ET** for an extension of time period for commencement of development for previous planning permission 09/00035/F was approved by Planning Applications Committee on 21st July 2011. Application **12/01594/F** for the erection of a two storey building to provide a 70 bedroom care home (Class C2) with associated access, parking and landscaping was approved by Planning Applications Committee on 6<sup>th</sup> December 2012.

Application **13/00579/VC** for a Minor Material Amendment by variation of condition 2 to allow changes to bays, balconies, depth of the wings facing Bowthorpe Road and size of the west wing living/dining room of planning permission 12/01594/F was approved subject to conditions in line with the 2012 permission in May 2013.

## Equality and Diversity Issues

There are no significant equality or diversity issues.

## The Proposal

4. Following previous approval of applications 12/01594/F and 13/00579/VC further assessment and site analysis has been undertaken and an issue on space size for residents has been noted. The applicant has asked for parts of the floor layout to be changed to accommodate space requirements now identified which also has a minor impact on the footprint and external appearance of the building.
5. The application seeks minor material amendments by variation of condition 2 of planning permission 12/01594/F to allow changes to bays, balconies, depth of the wings facing Bowthorpe Road, reception area, floor layout above reception and size of living/dining rooms.

## Representations Received

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received citing the issues as summarised in the table below.

Issues Raised	Response
Objects to any increase in the height of the reception roof. Building obscures skyline which is exacerbated by any increase in mass and footprint.	Para 13
There has been opposition to nearby phone mast applications and their heights, with operators claiming required mast heights to clear other surrounding clutter and building masses. Taller building designs will only encourage phone mast operators to plan taller phone masts, further adding to a cluttered skyline.	Noted and is part of assessment on telecoms applications. Future telecoms applications would be determined on their individual merits. Also para 13
The landscape strip along the spine road has defined building distances from the highway and should be protected. The building should be moved east rather than being any closer to the highway.	Paras 11, 12, 19 and 20

Balconies on north-west corner affect existing amenity and will lead to overlooking.	Paras 14 - 16
Object to any light pollution. The care home should have lighting which does not face or give off glare towards the nearby houses. Consideration should be given to minimising the impact of cars shining their headlights onto residential housing.	Paras 17 - 18
Strongly object to any rumble strip, speed bump or other noise creating traffic device. This is not considerate of residents on Ivy Road and will lead to unnecessary noise intrusion.	Paras 17 - 18
There remains an adverse impact on trees within the area.	Para 19
Would much rather look at the natural line of protected beech trees to the east, than the building.	Para 20
Request that comments are read out to the planning committee.	Full copies of representations are available to view via Public Access website and it is practice not to read out comments in full.

## **ASSESSMENT OF PLANNING CONSIDERATIONS**

### **Relevant Planning Policies**

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

- Statement 4 Promoting sustainable transport
- Statement 6 Delivering a wide choice of high quality homes
- Statement 7 Requiring good design
- Statement 8 Promoting healthy communities
- Statement 10 Meeting the challenge of climate change, flooding and coastal change
- Statement 11 Conserving and enhancing the natural environment
- Statement 12 Conserving and enhancing the historic environment

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

- 1 Addressing climate change and protecting environmental assets
- 2 Promoting good design
- 3 Energy and water
- 5 The economy
- 6 Access and transportation
- 7 Supporting communities
- 9 Growth in the Norwich policy area

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

- EP16 Water conservation and sustainable drainage systems
- EP18 High standard of energy efficiency for new development
- EP20 Sustainable use of materials
- EP22 High standard of amenity for residential occupiers

EMP1	Small scale business development
HBE12	High quality of design, with special attention to height, scale, massing and form of development
HOU11 B16	Sites allocated for housing
HOU19	Residential Institutions – criteria
NE8	Tree and habitat protection and enhancement.
NE9	Comprehensive landscaping scheme and tree planting
SR12	Green links
TRA6	Parking standards – maxima
TRA7	Cycle parking standards
TRA8	Servicing provision
TRA12	Travel plans

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

Energy Efficiency (Adopted - December 2006)

Trees and Development (Adopted - October 2007)

### **Other Material Considerations**

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Considerations

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

<b>DM1</b>	Achieving and delivering sustainable development
<b>DM2</b>	Ensuring satisfactory living and working conditions
<b>DM4</b>	Providing for renewable and low carbon energy
<b>DM6</b>	Protecting and enhancing the natural environment
<b>DM7</b>	Trees and development
<b>DM9</b>	Safeguarding Norwich's heritage
<b>DM11</b>	Protecting against environmental hazards
<b>DM12</b>	Ensuring well-planned housing development
<b>DM13</b>	Communal development and multiple occupation
<b>DM28</b>	Encouraging sustainable travel
<b>DM31</b>	Car parking and servicing

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

7. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be compliant with the NPPF with a few exceptions, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. .

### **Principle of Development**

#### **Variation of condition – design and layout**

8. The application seeks minor material amendments by variation of condition 2 of planning permission 12/01594/F for parts of the floor layout to be changed to accommodate space requirements now identified which also has a minor impact on the footprint and external appearance of the building.

## **Policy Considerations**

9. The proposal should help contribute toward the need for new elderly and dementia care provision in Norwich as identified in policy 7 of the Joint Core Strategy. It has previously been shown that the development, subject to conditions, is an acceptable use on this site. The proposed development accords with other policy and material considerations which arise from this nature of development and with changes in policy since the earlier grant of permission.

## **Design**

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

10. The floor area of the previous scheme was 3342m<sup>2</sup> and that now proposed increases it by 126m<sup>2</sup> in total over two floors. Bedroom numbers are also increased to 71. The majority of the bedrooms in the consented scheme were 13.6m<sup>2</sup>. The minimum size of bedrooms has increased to 14m<sup>2</sup> and a proportion of the rooms are now between 15.5m<sup>2</sup> and 17m<sup>2</sup> which assists with occupancy of the building and family accessibility. There are other changes in terms of sizes of kitchen and plant room and living and dining areas. The internal layout has also been tweaked to revise the layout of the reception area, living/dining rooms and floor position of facilities such as activity rooms, family rooms and cinema room.
11. The rationalisation of the footprint has limited impact on the north wing but with the two side wings of the courtyard has the effect of making these slightly wider but shorter in projection. The building is brought closer to Ivy Road in one small part by the width of a wall and the east wing brought closer to the boundary with residential properties by 1 metre. Separation distance of the east wing from the boundary on the east side is shown as averaging 20.9 metres and the service area on the north wing remains at the same distance from the boundary as that approved.
12. Although the central courtyard is narrowed the spaces left around the building are largely unaffected in terms of potential landscaping and in terms of impacts on neighbouring properties. Pushing the building further east would start to have other impacts on adjacent trees and potentially on amenities within the area. The revised footprint provides a suitable balance between design, landscaping and residential amenity.
13. The care home building remains two storeys in height and although the building still has a relatively large footprint, it is still split down in form and elevational treatment to help to reduce the apparent building size and height. Although now again a slightly bigger building than the last approved scheme it is still designed to make best use of the site. The building is also designed with a reasonably low roof pitch and the façade to Ivy Road is split into smaller elements to mirror the domestic scale of other building blocks in the area. No increase in height is shown to the reception roof and following discussions with the agent the lowering of the roof pitch has also sought to ensure that there will not be an overall increase in height of the buildings wings either.

## **Impact on Living Conditions**

### **Loss of Privacy, Overlooking**

14. There has been a reduction/removal of private balconies previously proposed and four of those remaining have been widened to allow access to two rooms rather than one but have also been reduced in depth. The balcony on the east elevation has been removed and there is no amenity impact on the east boundary. Two of the widened balconies are within the courtyard and the others are placed on the north elevation facing the vacant site and fire station and west elevation facing Ivy Road.

15. The previous scheme had deeper balconies on these elevations. That facing Ivy Road is now moved along the building to face the road junction opposite. The other is brought closer to the corner of the building. The layout of residential properties directly opposite this area are angled to the road junction and do not face directly towards Ivy Road those properties that do are themselves at an angle to the position of the new balconies.
16. As with the earlier approved scheme the balconies are some distance from the boundary and properties opposite. They will also now be mostly at an angle to the nearest properties and these suggested changes to balconies should not create any significant amenity impacts on existing residents.

### **Noise, Lighting and Disturbance**

17. The location and principle of design of the access is as previously agreed for this site which is positioned to be at the safest location and to enable development of the site in an appropriate manner. Concerns about vehicle lights illuminating houses opposite and also questioning the use of a rumble strip at the entrance point due to concerns about traffic noise were raised with the previous 2012 application.
18. Given the houses opposite are located behind landscape and access spaces and that change in surface materials can be as successful as any raised feature for the design of road entrances in terms of access and safety this was not considered a significant issue in terms of amenity. A condition is still suggested for the submission of surface materials to ensure a suitable design of such features on site. Light spill from commercial type buildings can sometimes be an issue. To also reduce impacts on amenity and design a condition is still suggested requiring submission of the details and location of external lighting.

## **Trees and Landscaping**

### **Impact on Trees and Replacement Planting**

19. The loss of existing trees within the central areas of the site was discussed at the time of earlier applications and given their nature, position and that an alternative replacement landscape scheme was proposed increasing tree numbers on site, it was decided that the loss of these trees was acceptable. The previous conclusion that the development, requiring a newly detailed landscape scheme thereby complying with Policies NE3, NE8 and NE9 of the Local Plan still stands.
20. The application submission detail still indicates space for several replacement trees along both the Ivy Road and southern boundaries which would provide an avenue effect to site edges and adequately make up for any loss on site in terms of tree and shrub replacement. Other important tree features are being retained and it is recommended that the trees are re-inspected so that any retained trees are in as good a condition as possible. Details of the landscaping and maintenance and tree protection measures/works should be required by condition.

### **Biodiversity**

21. The site remains of limited biodiversity interest, so the main concern would be to ensure that there is no disturbance to breeding birds during construction works. This and the slight possibility that reptiles might be encountered on site during construction works have been adequately addressed in the ecological appraisal. An informative is suggested on this point. A condition for details of site lighting is still proposed which should also encourage the applicants to seek advice on whether the external lighting they propose to use is 'bat friendly' and is not likely to disrupt bat foraging behaviour.
22. From a biodiversity viewpoint, the proposed replacement trees would partially compensate for those to be removed. The proposal also has scope to provide a



wider range of biodiversity enhancements, e.g. bird and bat boxes, that could also add to the residents' enjoyment of the development. Again conditions are suggested for details of biodiversity enhancements to be made on site.

## **Transport and Access**

### **Car Parking and Cycling Parking, Access and Servicing**

23. Parking, servicing design and internal site layout reflect the Council's maximum car parking standards, service routes and cycle parking requirements. Turning shown for a service vehicle is appropriate to both service the building and to access bin areas at the rear of the site. A space for an ambulance bay for the Care home is provided and as these vehicles can often need to wait some considerable period of time outside it is suitably located out of the way of other allocated parking spaces.
24. Cycle parking provision is with covered and secure cycle parking provision for staff and 'Sheffield' type stands close to the entrances for visitors. Refuse storage and collection are next to the staff cycle parking and located in an accessible area next to the parking court. These still appear to make suitable provision for the development.
25. Pedestrian movement minimises conflict between pedestrians and vehicles. The access road and entry point position onto Ivy Road remain as shown on the previous approval and in transport terms there is no objection to the principle of development. Conditions are suggested for provision of parking and servicing requirements and for hard surface materials within this access space.

### **Travel Plan**

26. The Local Plan policy also requires a travel plan, but given the relatively low transport demand of the site a full travel plan is not appropriate in this instance. A condition for the provision of a Travel Information Plan in line with Council guidance is still considered to be sufficient.

## **Environmental Issues**

### **Site Contamination and Remediation**

27. It was previously noted that there are some elevated levels of contaminants in some parts of the site and made ground on the site is to be removed and levels made up with imported material. Therefore conditions are recommended for remediation being carried out and also standard conditions to ensure site contamination monitoring and certification of materials given the sensitive end use of the site.

### **Noise, Plant and Machinery**

28. In order to ensure that extract flues, ventilation and any external plant/machinery do not become sources of nuisance conditions are recommended to require approval of suitable details for their installation.

### **Archaeology**

29. The Historic Environment Service identified some areas of archaeological interest in the wider area. They therefore requested an informative note on any permission to advise the applicant that there were possible flint and chalk workings in this area.

### **Energy Efficiency and Renewable Energy**

30. The commitment to use improved building insulation to walls and floors and using high efficiency heating systems to reduce energy demand remains in place as does building orientation and layout of spaces to increase solar gain and natural daylight.
31. The preferred option for decentralised renewable or low-carbon energy production is suggested as being a mini CHP unit with combined exhaust heat and electricity generated being sent into the building to share heating load and supplement the electricity supply. The system is suggested as providing in excess of 10% energy

requirement and would aim to meet a 19.76% energy production on site. A condition is suggested to cover energy requirements for the development.

### **Water Conservation**

32. As previously it would appear that the development is capable of meeting requirements for both energy and water as required by JCS policy 3.

### **Local Finance Considerations**

33. Under section 143 of the Localism Act the council is required to consider the impact of new development proposals on local finance. The proposal would, if approved, have an impact on Council Tax revenue for the Council but in this instance would deliver a scheme which at present is exempt from payment. It also remains important to take into account other material considerations in assessing the merits of proposals, which in this case include the provision of communal residential care development to serve the locality, impacts on residential amenities, design, transport and environmental considerations, amongst other things.
34. The scheme would also be assessed against community infrastructure levy (CIL) requirements and it is noted that the scheme increases the footprint by over 100m<sup>2</sup> and this element becomes liable. However current CIL liability would be £0 per m<sup>2</sup>.

### **Conclusions**

35. The proposal should help contribute toward the need for new elderly and dementia care provision in Norwich as identified in policy 7 of the Joint Core Strategy. It has been shown that the development, subject to conditions, is an acceptable use on this site. The proposed development also accords with other policy and material considerations which arise from this nature of development and with changes in policy since the previous grant of permission first in 2007, 2009, 2011 and recently in 2012/13.
36. The development would relate well to and builds on the ongoing regeneration and character of the surrounding area. The care home building would be set back from the Ivy Road frontage. The set back from the roadway, layout and landscaping will still provide a reasonable openness to site. The proposed changes are minor in design impact and should not make any significant changes to the final appearance or impression of the building or impact on issues such as amenity, highway safety, servicing etc and as such the amended scheme is considered to be acceptable.
37. The applicant has confirmed that there are no other material changes and documents submitted with the 2012 application remain relevant. As such those conditions imposed on the previous permission are to be replicated on this new permission for the site to ensure that matters requiring further detail or control remain in force.

## RECOMMENDATIONS

To approve application No 13/01442/VC site of proposed residential care home Ivy Road Norwich and grant planning permission, subject to the following conditions:-

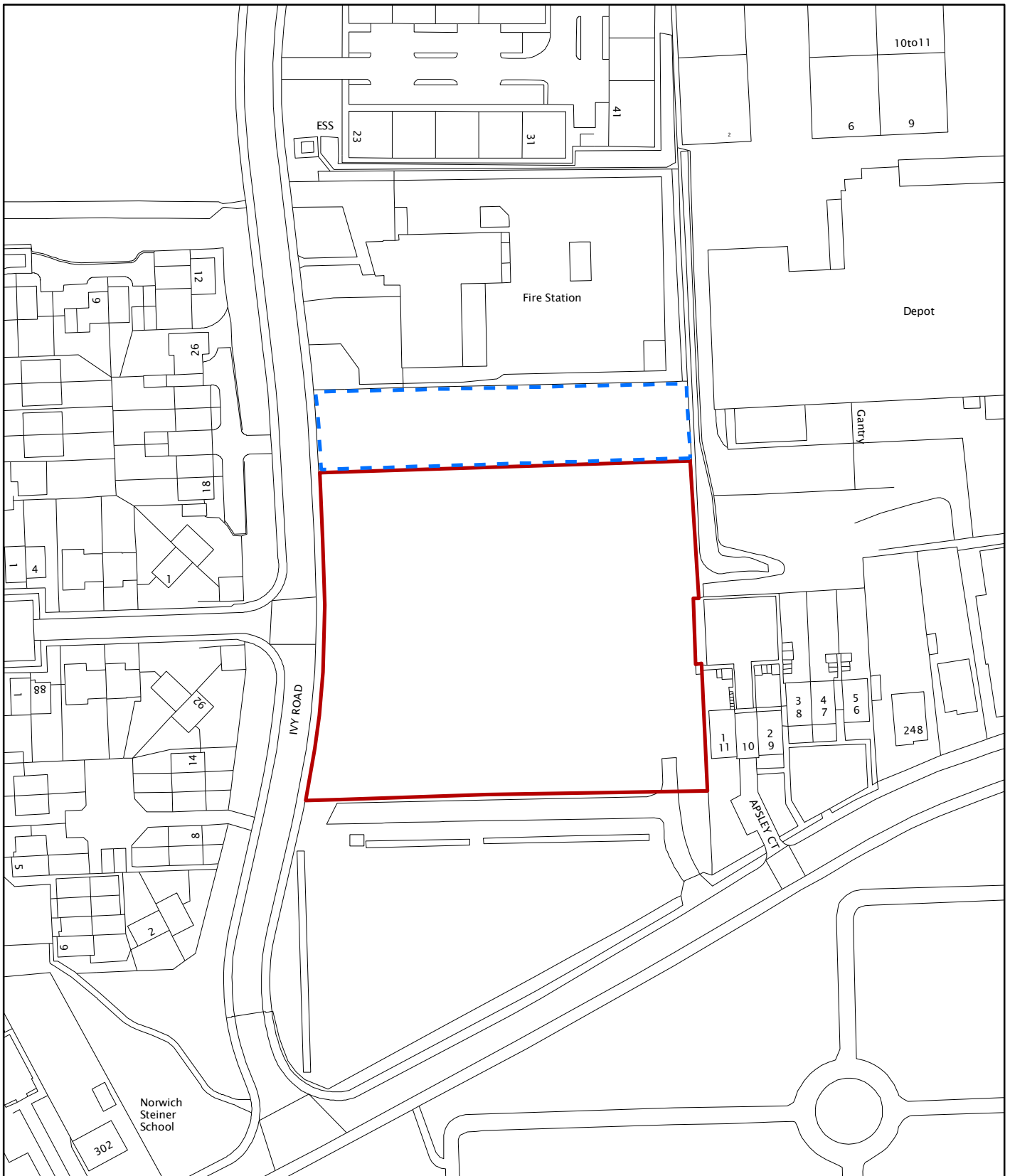
1. Commencement of development
2. Development in accordance with drawings and details listed
3. Details of sample materials; external lighting; joinery (windows and doors)
4. Details of access road, site links, car parking, cycle storage, bin stores
5. Parking and service areas available before use commences
6. Details of Travel Plan
7. Details of landscaping, biodiversity enhancements, planting, boundary treatment, walls and fences and site treatment works. Landscape maintenance
8. Details tree works and protection
9. Implementation of tree works and protection
10. Areas to be undisturbed within tree protection areas
11. Details, installation and maintenance to ensure that at least 10% of its energy requirement is achieved through decentralised and renewable or low-carbon sources
12. Details of water efficiency measures
13. Submission of contamination verification plan
14. Cessation of site works if further contamination found
15. Control of imported topsoil
16. Details of plant and machinery
17. Details of fume and flue
18. Provision of fire hydrant
19. Restriction on use to care home only

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

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

### Informatives

1. Historic Environment Service advise that there are possible flint and chalk workings in this area.
2. Work to have regard to wildlife and bird breeding season (1 March – 31 August)
3. Considerate constructors' scheme (to avoid noise and disturbance)
4. Vehicle crossovers for site access road will be expected to meet the Highway Authority's specification and to be constructed at the applicant's cost



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Planning Application No 13/01442/VC

Site Address

Site of proposed residential care home  
Ivy Road

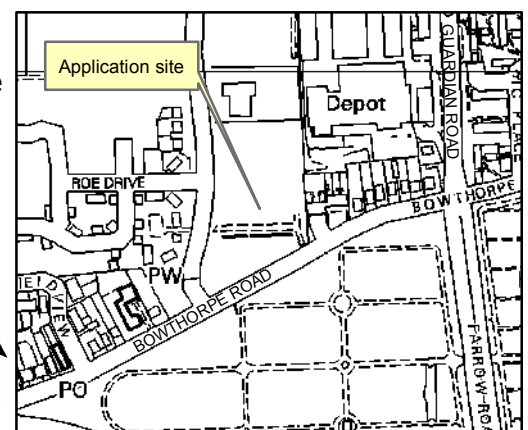
Scale

1:1,250



**NORWICH**  
City Council

PLANNING SERVICES





**INVESTOR IN PEOPLE**

HEALTH AND SAFETY RISK ASSESSMENT CONSEQUENCE TABLE

		Consequence			
		Insignificant	Minor	Substantial	Catastrophic
Likelihood	Almost Certain 5	1	2	3	4
	Likely 4	2	3	4	5
	Occasional 3	3	4	5	
	Unlikely 2	4	5		
Rare 1		5			

No Health and Safety Risks identified on this drawing



1 (E) Front Elevation (North)  
1 : 100

**Notes**

Movement joints generally to be concealed behind RWPs where possible. Refer to Structural Engineers drawings for locations

External Lighting including bollards/uplighters etc as per Service Engineers drawings

Refer to Window Schedule drawings for all window opening sizes, glazing notes etc.

Refer to External Door Schedule drawings for door sizing, notes etc

The location of all other roof vents and extracts (i.e kitchen, plant room, laundry, lift shaft and combined ensuite extracts/vents etc) to be confirmed in due course. All extracts/vents are to be fully coordinated between the Service Engineer, Contractor and Architect to ensure that the locations are as discreet as possible and comply with current Building Regulations

- Finishes Key**

**Roof Finishes**

  - 1 Slate Grey Redland mini stone/old plain concrete tile

**External Wall Finishes**

  - 2 Sandstone weathered buff facing brick
  - 4 Horizontal Marley Cordral Weatherboard 502 Beige
  - 5 Horizontal Marley Cordral Weatherboard S16 Cevennes Green

**Flat Roofing**  
Samfri (coloured grey)

**Doors**  
White uPVC

**Curtain Walling**  
(including the main entrance door. Note all curtain walling is prefabricated with reference CW on the drawings)  
All curtain walling to be painted with powder coated aluminium and coloured light grey. RAL colour to be by the Architect. Opening vents within screen as indicated on elevations. Prefabricated powder coated aluminium slip clips to all curtain wall panels.

**Windows**  
White uPVC

**Fascias and Soffits**  
White uPVC

**Gutters and Downpipes**  
Black uPVC

**Window Cills**  
Reconstituted Stone Cills

**Balustrade Juliet Balcony**  
Glass with stainless steel fixings/supports and treated timber hand rail



2 (E) Side Elevation (West)  
1 : 100

E	Roof pitch reduced to 12° slope. Ridge height reduced 400mm. Windows to External Extracts reduced in size. Additional windows to be added to roofline.	Rev	08/10/13
D	Roof pitch increased to 12° slope. Ridge height increased 400mm. Windows to External Extracts increased in size. Additional windows to be added to roofline.	Rev	08/10/13
C	Roof pitch increased to 12° slope. Ridge height increased 400mm. Windows to External Extracts increased in size. Additional windows to be added to roofline.	Rev	08/10/13
B	Roof pitch increased to 12° slope. Ridge height increased 400mm. Windows to External Extracts increased in size. Additional windows to be added to roofline.	Rev	08/10/13
A	Roof pitch increased to 12° slope. Ridge height increased 400mm. Windows to External Extracts increased in size. Additional windows to be added to roofline.	Rev	08/10/13

REVISION

STAMP

PROJECT STATUS

DESIGN

DRAWING TITLE

PROPOSED NORTH AND WEST ELEVATION

PROJECT

PROPOSED RESIDENTIAL CARE HOME at IVY ROAD, NORWICH for CARING HOMES

DATE CREATED

31/01/13

DESIGNER

RMcl

SCALE @ A1

1 : 100

DRAWING NUMBER

4926 D EL001

REVISION

E

oliver + robb architects

Pineapple Drive, Dunfermline KY11 5UH

T: 01383 621621

W: www.oliverandrobb.co.uk

Members: Brian A. Robb David M. Todd Campbell G. Reid

**Report to** Planning applications committee  
**Date** 7 Nov 2013  
**Report of** Head of planning services  
**Subject** 13/01610/F Garages Adjacent to 86 Rosary Road Norwich

**Item**  
**5(3)**

## SUMMARY

<b>Description:</b>	Demolition of garages and erection of 2 No. two bedroom dwellings.	
<b>Reason for consideration at Committee:</b>	City council development.	
<b>Recommendation:</b>	Approve with conditions	
<b>Ward:</b>	Thorpe Hamlet	
<b>Contact Officer:</b>	Tracy Armitage	Senior Planner - Development 01603 212502
<b>Valid Date:</b>	8 October 2013	
<b>Applicant</b>	Orwell Housing Association	
<b>Agent:</b>	Rees Pryer Architects LLP	

## INTRODUCTION

### The Site

#### Location and Context

1. The site comprises a group of eight garages accessed via a shared access onto Rosary Road. The garage court bounds existing residential properties to the west and commercial premises to the east and south. The local area is characterised by a mix of development including two storey dwellings and 1980s three storey office buildings.

#### Constraints

2. A semi-mature sycamore tree is located within the site, immediately adjacent to the access onto Rosary Lane.
3. The site is adjacent to the St Matthews conservation area boundary.

#### Topography

4. The site is level but slopes away from the road boundary. There is an abrupt drop in levels at the eastern boundary with ground level of the office site being approximately 3m lower.

### Equality and Diversity Issues

There are no significant equality or diversity issues.



## **The Proposal**

5. The proposal consists of the re-development of the site for affordable housing, following the demolition of the existing garages. A pair of semi-detached 2 bedroom properties is proposed with private gardens to the rear.
6. Three parking spaces are proposed to serve the two new dwellings and the adjacent property, no 86 Rosary Road.

## **Representations Received**

7. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

## **Consultation Responses**

8. Environmental Health – A desk top investigation has been carried out to assess the risk of contamination of this garage site. The risk is considered low but further precautionary testing is recommended – this can be addressed through the imposition of a suitable planning condition.

# **ASSESSMENT OF PLANNING CONSIDERATIONS**

## **Relevant Planning Policies**

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

Statement 4 - Promoting sustainable transport

Statement 6 - Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 11 – Conserving and enhancing the historic environment

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

Policy 2 Promoting good design

Policy 3 Energy and Water

Policy 4 Housing delivery

Policy 12 The remainder of the Norwich urban area, including the fringe parishes

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

HBE 12 High quality of design in new development

EP1 Contaminated land and former landfill sites

EP16 Water conservation and sustainable drainage systems

EP18 Energy Efficiency in development

EP22 High standard of amenity for residential occupiers

HOU5 Accessible housing

HOU6 Development Requirements for Housing Proposals

HOU 13 Proposals for new housing development on other sites

TRA6 Parking standards

TRA7 Cycle parking standards

TRA8 Service provision

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



DM1 Sustainable development principles for Norwich  
DM2 Ensuring satisfactory living and working conditions  
DM3 Delivering high quality design  
DM4 Providing for renewable and low carbon energy  
DM9 Safeguarding Norwich's heritage  
DM12 Ensuring well-planned housing development  
DM28 Encouraging sustainable travel  
DM 30 Access and highway safety  
DM31 car parking and serving

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

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

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

In the light of the recent appeal decision on part of the former Lakenham Cricket Club it has been established that the Norwich Policy Area (NPA) is the relevant area over which the housing land supply should be judged.

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

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

The lack of an adequate housing land supply is potentially a significant material consideration in the determination of the proposals for housing. This is likely to considerably reduce the level of weight that can be attributed to existing and emerging Local Plan policies which restrict housing land supply, unless these are clearly in accordance with specific restrictive policies in the NPPF. In this case there are no such policies that restrict housing land supply.

### **Key matters for consideration**

- Principle of residential development of this site
- Suitability of the site for residential development
- Design considerations
- Amenity considerations: future and adjoining residents
- Loss of the tree

### **Principle of Development - Policy Considerations**

9. Five of the garages on the site are currently tenanted. Alternative garages available within the locality have been reserved for these tenants. The site has had no prior commercial use and is located within a primarily residential area, subject to no specific policy designations.
10. This previously developed site is in an accessible location, within the urban area and in an area of existing housing. The principle of development is therefore in accordance with the objectives of national and local policy which promote sustainable housing growth and JCS Policy 12 which encourages neighbourhood based renewal. The proposal will deliver two family homes, contribute towards meeting identified affordable housing need and assist in addressing the existing deficit in the five year land supply for the Norwich policy area

### **Design and amenity**

11. The site is considered suitable for the pair of semi-detached dwellings proposed. The layout provides small but adequate space for private gardens and reasonable levels of outlook and amenity. The property immediately to the south of the rear boundary is in commercial use and first floor office windows are conspicuous. However, given the separation distance and the retention of the existing boundary wall, the relationship is not considered adverse. In addition, the development will have minimal impact on the amenities of existing residents living close by, given the proposed siting and the orientation of windows.
12. The semi-detached built form makes efficient use of the space available and creates a sympathetic addition to the street scene. The proposed dwellings are of similar height and scale to adjacent properties and have a simple contemporary appearance, with large windows to maximise opportunities for natural day light. The design of the properties is such that they will positively contribute to the residential character of the area.

### **Loss of tree**

13. The semi-mature sycamore tree at the existing site access is proposed to be removed. A tree survey submitted with the application identifies that multiple trenching has occurred within the root protection zone in connection with telephone and water/gas electricity supplies. In addition hard surfacing in the area is extensive which has limited surface water penetration in this zone. These environmental factors have limited the vigour of this category C tree. It is proposed to remove the tree and compensate for the loss in biodiversity through a landscaping scheme incorporating native tree planting, climbers and under storey plant species. The council's tree officer has no objection on this basis.

### **Sustainability matters**

14. The design approach has been guided by sustainable development principles and seeks to minimise energy needs both during construction and by residents, long term. The dwellings have been sited to take advantage of the southerly aspect maximising natural day light and solar gain. In addition the dwellings have been designed to meet level 4 of the Code for Sustainable Homes and will be highly insulated. The approach ensures that materials and construction methods used are A/A+ rated by the Green Guide and that future energy and water needs are minimised.

### **Affordable housing**

15. On residential schemes of this scale, adopted policy does not require the provision of affordable housing units. This scheme exceeds policy requirements and both of the proposed dwellings will be made available by a registered provider at an affordable rent. The Norwich area has an identified need for new affordable housing with 677 affordable homes needing to be developed in Norwich each year and this development will contribute towards meeting this target. The promotion of this council owned site has been discussed with Orwell Housing Association who have committed to the whole site being affordable housing in perpetuity secured through a covenant in the contract for the sale.

### **Parking and servicing**

16. Parking is proposed to the front of the development within a shared driveway/parking area. One parking space is proposed for each dwelling along with an additional space for the occupier of the adjacent dwelling. Secure cycle parking is proposed in the rear garden of each dwelling. The local Highway Authority is satisfied with this provision.

17. Bin storage is proposed within the rear garden area of each dwelling. The location and access arrangements are considered satisfactory.

### **Local Finance Considerations**

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

<b>Financial Liability</b>	<b>Liable?</b>	<b>Amount</b>
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years + affordable housing premium
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes	Social Housing Relief available
Business Rates	No	-

### **Conclusions**

19. It is considered that the garaging is not currently providing an effective use of land and that the proposed development will deliver significant benefit in terms of delivering new affordable homes and urban renewal. The design layout is considered acceptable with a good relationship between public and private realm. Access, parking and servicing arrangements are also considered to be appropriate, as are the amenity standards for existing and proposed dwellings. Subject to the conditions listed the proposals are considered to be acceptable and in accordance with the NPPF and relevant policies of the development plan.

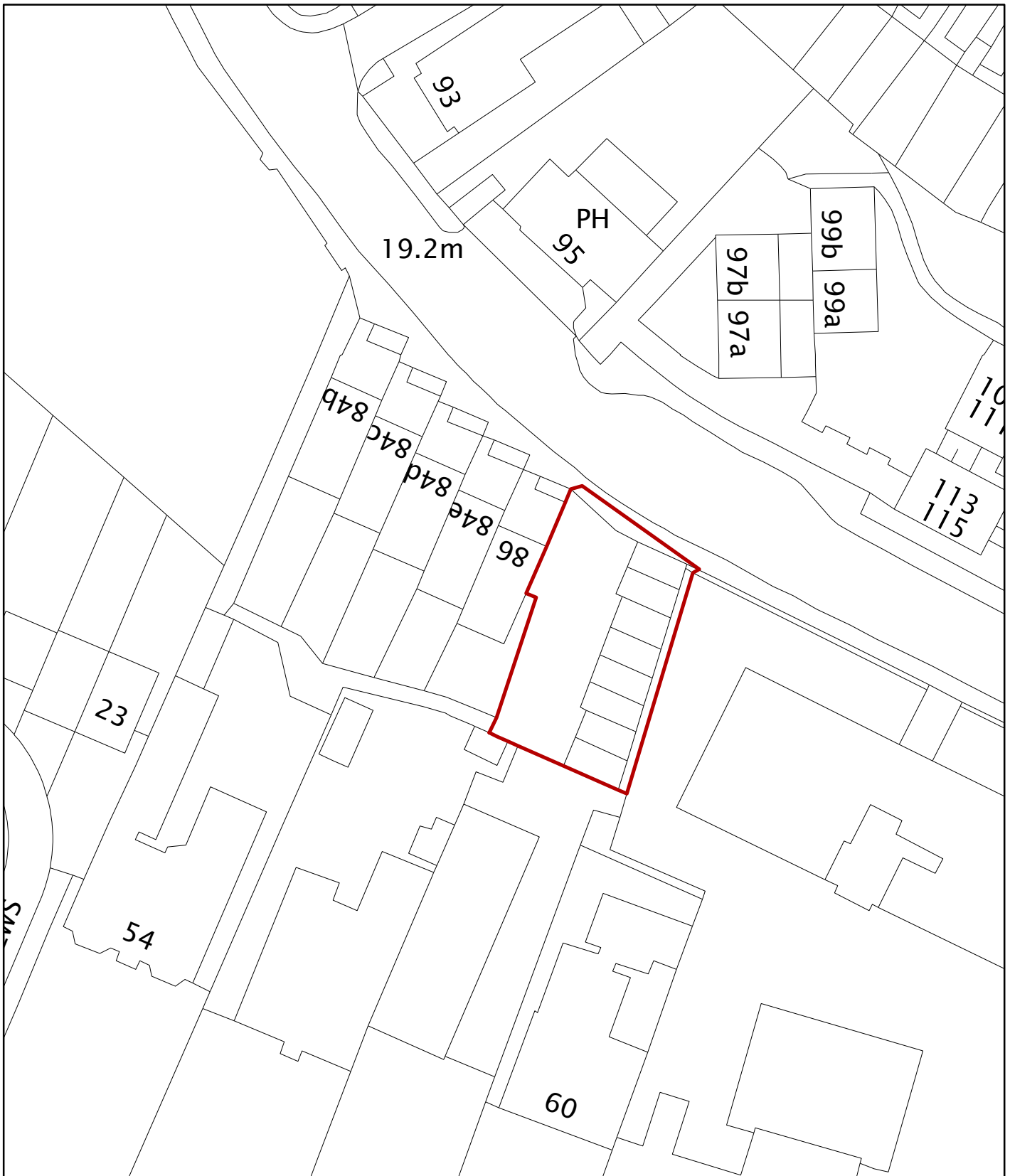
## **RECOMMENDATIONS**

To approve application 13/01610/F Garage site, at Rosary Road and grant planning permission, subject to the following conditions:-

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accordance with drawings and details
3. Details of facing and roofing materials; joinery; boundary treatments, walls and fences; external lighting;
4. Details of hard and soft landscaping, planting, biodiversity enhancements.
5. Details and provision of car parking
6. Details and provision of cycle parking
7. Implementation of sustainability measure/energy efficiency measures as outlined in Design and Access Statement
8. Site contamination conditions
9. Control on imported materials

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

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



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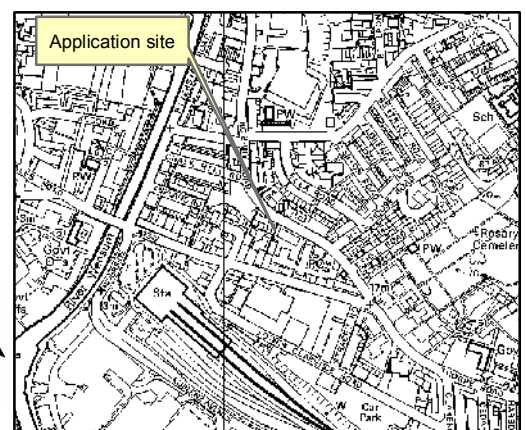
Planning Application No 13/01610/F  
 Site Address Garages adjacent to  
 86 Rosary Road

Scale 1:500

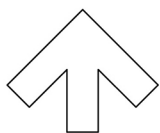


**NORWICH**  
 City Council

PLANNING SERVICES



north



Notes:  
1800mm high close boarded fencing, or 1500mm high with 300mm trellis over where shown, to be provided with gravel board & secured to concrete posts. All timber to be pressure treated to achieve 5 years protection. Garden gates to be 1.8m high (min. 850mm clear opening) close boarded, framed & ledged with rim lock.

Sheds to be min. 2.4 x 1.8m (2 cycles) stained timber with pitched roof to each rear garden, including concrete slab base, and cylinder lockable door.

Provide steel securing frame, concreted into ground within sheds suitable for 2 cycles.

Rainwater butt 200 litre capacity with child safe lid and draw-off tap, located on paving, with pipe diverter to be provided to each property. Provide external tap to each property, located adjacent to rainwater butt (rainwater pipe to discharge to open grated gully).

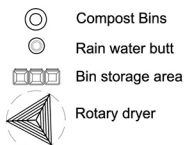
Composting bin to be provided within the rear garden of each property, sited in accordance with manufacturers recommendations. An information leaflet is to be provided explaining how the composter works, what materials can be composted and trouble shooting - i.e what to do if compost gets too dry or too wet. Paved turning circle to be provided

'Natural' colour paving 600mmx600mm to rear paths/patios. Patios min 9m<sup>2</sup> paths min 1m wide. Bound gravel generally to footpaths.

All external access doors to dwellings to be level access. 1200x1200 level platform with max 1:40 crossfall. All private spaces to have level access entrance.

1no. car parking space to be capable of enlargement to 3300mm wide to satisfy Lifetime Homes requirements

Individual bin storage positions within gardens with paved turning circles to be provided where indicated.



## ACCOMMODATION

2no. 2 bed 4 person houses at 74m<sup>2</sup>

Total 2no. dwellings

2no. parking spaces + 1no space for 86 Rosary Road

Total 3no. parking spaces

Site Area : 0.032ha

## Site Plan

Project:

Proposed Housing  
Rosary Road, Norwich

Client:

Orwell Homes Ltd

Dwg: 12 1344 Ros 01

Revision: .

Date: July 2013

Scale: 1:200 @A3

The Studio  
Drinkstone Office Park  
Kempson Way  
Bury St Edmunds  
Suffolk IP32 7AR

Tel: 01284 756166  
Fax: 01284 702615

**Rees  
Pryer**  
ARCHITECTS

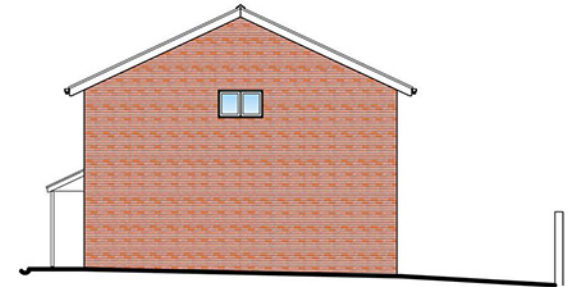
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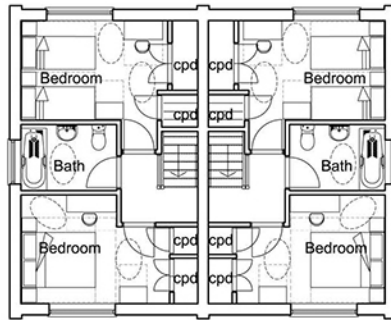
front (north) elevation



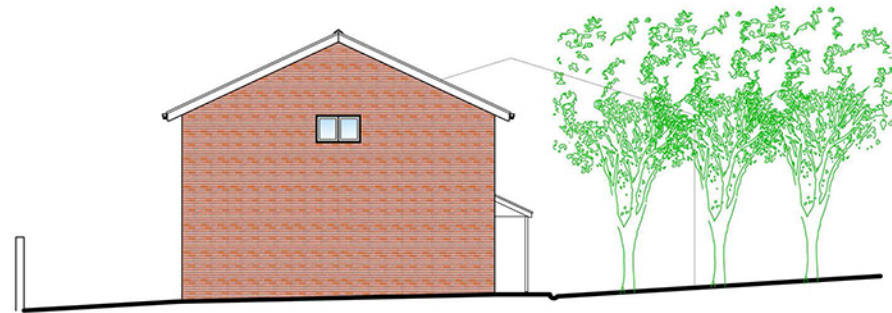
rear (south) elevation



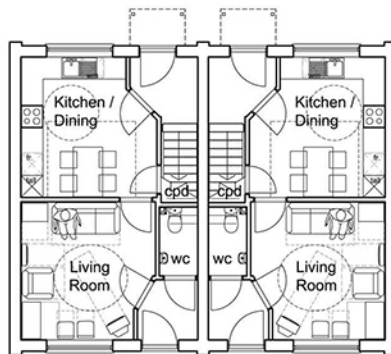
side (west) elevation



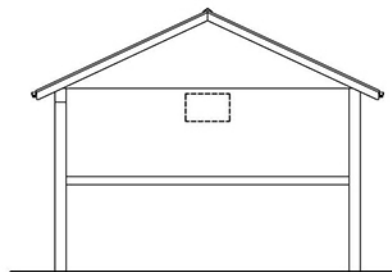
first floor plans



side (east) elevation



ground floor plans



typical section

**Project:** Proposed Housing  
**Client:** Rosary Road, Norwich  
 Orwell Homes Ltd  
 Drwg: 12 1344 Ros 02  
 Date: June 2013

The Studio  
 Drinkstone Office Park  
 Kempson Way  
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 Fax: 01284 702615

**Rees  
 Pryer**  
 ARCHITECTS

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**Report to** Planning applications committee

**Item**

7 November 2013

**Report of** Head of planning services

**5(4)**

**Subject** Enforcement Case 13/00068/EXTEN/ENF – Heigham  
News 268 Heigham Street, Norwich, NR2 4LZ

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## **SUMMARY**

**Description:** Unauthorised operational development; namely the siting of a shipping container at 268 Heigham Street, Norwich, NR2 4LZ

**Reason for consideration at Committee:** Enforcement Action recommended.

**Recommendation:** Authorise enforcement action up to and including prosecution and direct action in order to secure the removal of the unauthorised development (shipping container on land).

**Ward:** Mancroft

**Contact Officer:** Ali A N J Pridmore

## **INTRODUCTION**

### **The Site**

1. The site is located at 268 Heigham Street. It is within Mancroft Ward and is currently trading as Heigham News which is operating as a convenience store. The area is predominantly residential in character typified by two-storey brick built terrace properties. 268 Heigham Street is an end terrace property on the corner of Heigham Street and Horsford Street.
2. The property at 268 Heigham Street has a small rear yard which has in the last 12 months had a steel shipping container sited within it. The shipping container is being used by the owners of Heigham News as additional storage for their shop.
3. A narrow access pathway, which provides rear access to the neighbouring residential property at 270 Heigham Street, crosses the rear yard of 268 Heigham Street from Horsford Street. The site does not fall within a conservation area and the property is not nationally or locally listed.

### **Planning History**

4. Advertisement Consent (App. No. 08/00765/A) was refused for 'Erection of 1 No. internally illuminated wall mounted advertisement display unit.' in 2008 on the grounds that the sign, location close to the roadside edge would represent an intrusive element in the street scene, creating a significant impact on

Heigham Street and Horsford Street, to the detriment of the visual amenities of the locality.

## **Purpose**

5. This report relates to the unauthorised siting of a steel shipping container at 268 Heigham Street, Norwich, NR2 4LZ
6. As the current unauthorised structure described above does not have planning permission and has occurred within the last four years and is therefore not immune from enforcement action the change of use is classed as operational development for which planning permission would be required under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). Therefore the placing and continued use of the container represents a breach of planning control and is unlawful.
7. The owner of Heigham News of 268 Heigham Street has been informed in writing the development is unauthorised and he was asked to remove the unauthorised shipping container from the land. The owner was advised a retrospective planning application would not be supported. The unauthorised structure has not yet been removed by the owner and there is no expectation the owner will voluntarily remove the shipping container.
8. Authority is sought from the Planning Applications Committee for enforcement action to secure the removal of the shipping container from the land at 268 Heigham Street. Enforcement action is to include direct action and prosecution if necessary.

## **Breach**

9. The siting of a metal shipping container is considered operational development for which planning permission would be required under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). No such planning permission has been granted by the local planning authority and therefore the development is unauthorised and therefore a breach of planning control.
10. It appears to Norwich City Council that the above breach of planning control has occurred within the last four years and is not therefore immune from enforcement action. The current unauthorised development is an incongruous feature, out of place with its surroundings and is therefore considered detrimental to the local amenity. The Council do not consider that planning permission should be given because planning conditions could not overcome these objections.

## **Policies and Planning Assessment**

### **Relevant Planning Policies**

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

7 – Requiring Good Design

- 8 – Promoting Healthy Communities
- 12 – Conserving and Enhancing the Historic Environment

**Relevant policies in the Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)**

Policy 2 – Promoting good design

**Relevant policies in the City of Norwich Replacement Local Plan – saved policies (Adopted November 2004)**

EP22 – High standard of amenity for residential occupiers

HBE12 – High quality of design in new developments

**Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):**

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

DM2 – Ensuring satisfactory living and working conditions

DM3 – Delivering High Quality Design

DM12 – Ensuring well planned housing development

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

11. The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2011 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, the policies, referred to in this case, are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF.

**Justification for Enforcement**

12. The shipping container is an incongruous feature, out of place with its surroundings and is therefore considered detrimental to the local amenity.
13. An attempt has been made in negotiating with the owner of business but without any success. Norwich City Council has not invited a planning application because the Council do not consider that planning permission should be given because the application would not be supported and the matter recommended for refusal.

**Equality and Diversity Issues**

14. The Human Rights Act 1998 came into effect on 2 October 2000. In so far as its provisions are relevant:
  - a. Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the

removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.

- b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the committee as necessary. This could be in person, through a representative or in writing.

## **Conclusions**

- 15. The current unauthorised development is an incongruous feature, out of place with its surroundings and is therefore considered detrimental to the local amenity and is not considered acceptable. The impact of this structure on the residential amenity is considerable and could not be made acceptable by conditioning of any planning permission for the structure.
- 16. It is therefore necessary to ask for authorisation from the planning applications committee to ensure the removal of the unauthorised structure and therefore remedy the breach of planning control.

## **Recommendations**

- 17. Authorise enforcement action to secure the removal of the shipping container including the taking of direct action including prosecution if necessary.

## **Background Documents**

Relevant correspondence: See Enforcement File 13/00068/EXTN/ENF



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Planning Application No 13/00068/EXTN/ENF  
Site Address Heigham News  
268 Heigham Street

Scale 1:500



**NORWICH**  
City Council

## PLANNING SERVICES

