

**Report to** Planning applications committee

**Item**

4 December 2014

**Report of** Head of planning services

**Subject** Application ref: 14/01286/F, Land south of Howard Mews

**Reason for referral** Objection

**4D**

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<b>Site address</b>	Land south of 37 - 51 Howard Mews Norwich
<b>Ward:</b>	Sewell
<b>Case officer</b>	Mr John Dougan - johndougan@norwich.gov.uk

<b>Development proposal</b>		
Erection of 1 No. dwelling house, accessed from Howard Mews.		
<b>Representations</b>		
Object	Comment	Support
8	0	0

<b>Main matters for consideration</b>	<b>Key issues</b>
1. Principle of the development	Provision of a mix of housing types, accessibility to shops and services
2. Design	Height, position and materials.
3. Trees	Trees to be maintained
4. Landscaping	Protection of the hedge and landscape enhancements
5. Transport	Safe access and sufficient parking for the new dwelling and existing flats. Additional vehicular movements
6. Amenity	Provision of amenity space and servicing for the occupants. Outlook, privacy, overshadowing, loss of light and noise
<b>Expiry date</b>	4 December 2014
<b>Recommendation</b>	Approval

## The site and surroundings

1. The site is located to the rear of 37 – 51 Howard Mews forming part of the rear garden of those garden properties. The site would be accessed from and directly adjacent to Howard Mews which is a development of 1970's three storey flats in eight blocks (although 2 pairs are linked) with associated parking. 10 parking spaces are located immediately to the west of the site, with two proposed to be removed to enable access into the application site. Part of the west boundary of the site is also adjacent to the health centre car park.
2. The site is surrounded by a mixture of 1.8m fencing and mature hedging, the site is in a fairly poor state with dilapidated sheds. To the east of the site are two rear gardens of other properties on Lawson Road, these gardens are occupied by a number of Ash, Elder and Sycamore trees, beyond this is a four storey block of flats at The Erins.

## Constraints

3. The site has no specific development plan designations.
4. However, it is constrained in the sense that it is in close proximity to the existing flats to the north, the rear gardens being overlooked by those flats. The site is relatively flat and overgrown, there being a mature hedge to the northern boundary and various trees in surrounding properties within falling distance of the site.
5. Part of the application site is located within the northern extents of controlled parking zone 'H' as defined in the emerging development management policies document, the hours of operation being 0800 to 1830 (Monday to Saturday). However, discussions with the local highway authority have concluded that this won't apply to the application site as it will be accessed via Howard Mews which is itself not within a controlled parking zone.

## Relevant planning history

6.

Ref	Proposal	Decision	Date
41183	Outline consent granted for demolition of buildings on the site and erection of flats and garages	Approved	November 1972
43027	Outline consent granted for 47 flats with 49 parking spaces	Approved	September 1973
4/74/0404/F	Erection of 6x3 bed flats with 6 parking spaces	Approved	April 1974
4/75/0192/F	Erection of 6x2 bed flats with parking	Approved	June 1975

4/75/1486/F	Erection of two blocks of 6 flats (12 flats)	Approved	August 1975
4/76/0213/F	Erection of 26 flats and 1 shop	Approved	February 1976
4/79/1176/F	Change of use of shop to flat	Approved	October 1980
06/01023/F	Application for eight 1-bed flats within the roof space of flats to the west of Howard Mews	Refused  Subsequent appeal dismissed	January 2008
08/00315/F	Application for four 1-bed flats within the roof space of flats to the west of Howard Mews	Refused  Subsequent appeal dismissed	March 2009
09/00438/F	Similar to the above	Refused	July 2009
11/02009/F	Erection of 2 No. new dwellings with integral parking.	Refused	March 2012
13/00406/F	Erection of 1 no. dwelling with associated parking.	Refused.  Appeal dismissed	April 2013  February 2014

### Planning history – key points

7. Planning application 13/00406/F was for a two storey dwelling of 8.7 metres in height the gable end front fronting flats 37-51 Howards Mews. It was refused by officers for the following reasons:
8. *The proposals would result in a significant detrimental impact on the amenities of existing flats to the north of the site at 37-51 Howard Mews as a result of the combined impact of the loss of the external amenity space to the south of the existing flats, the impact of overlooking of existing windows within the south elevation of the flats and the loss of direct sunlight and daylight to existing windows within the south elevation of the existing flats, particularly within winter months. Whilst on balance any one of the above impacts may not be considered to be significantly detrimental, in combination it is considered that the impact would result in a significant loss of amenity to existing neighbouring properties and the proposals are therefore contrary to saved policy EP22 of the adopted City of Norwich Replacement Local Plan (2004) and paragraph 14 of the National Planning Policy Framework.*
9. An appeal was submitted to the Planning Inspectorate and dismissed. The Inspector drew the following key conclusions:

- The appeal site does not form part of the private amenity space of the flats, but is still in garden use. Whilst garden land is no longer defined in the NPPF as being previously developed the appeal proposal would nonetheless use a vacant site. It would also no harm living conditions of Lawson Road properties by virtue of their long gardens. In the absence of a deliverable five year housing land supply in the Norwich the appeal proposal would enhance the housing mix. These factors weighed in favour of the appeal proposals.
- However the dwelling would be visually prominent due to its position and scale significantly interfering with the open outlook from the flats
- The two first floor windows on the north elevation being 15 metres from the rear windows of the flats would have an adverse impact on the existing comparably high levels of privacy and seclusion currently experienced by the occupants.
- The dwellings position in an otherwise open area in front of the flats, would result in an appreciable loss of winter sunlight to those flats.

## The proposal

10. Erection of 1no. single-storey dwelling with associated parking and external amenity space. The building has a footprint of 7.2 x 10.1 metres with a flat roof, containing PV panels and areas of sedum roof.
11. The building uses a modern array of materials including cedar cladding and white render to its walls as well as 4kw mounted solar PV panels and areas sedum roof.
12. The development also includes the erection of 1.8 metre close boarded fencing to all its boundaries.
13. The application has been revised following advice from officers. The roof design has changed from a part flat, part monopitched roof, to an entirely flat sedum roof. Access and refuse / cycle storage arrangements have also been improved.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	One
Total floorspace	65 sqm
No. of storeys	One
Max. dimensions	10 metres long, 6.7 metres wide and 2.8 metres high
<b>Appearance</b>	
Materials	Cedar, render, and sedum.
Construction	Flat

Energy and resource efficiency measures	Solar PV
<b>Transport matters</b>	
Vehicular access	From Howards Mews
No of car parking spaces	Two
No of cycle parking spaces	Covered and secure area for at least 2 cycles
Servicing arrangements	Refuse storage provided

## Representations

14. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at [www.norwich.gov.uk/online-applications](http://www.norwich.gov.uk/online-applications) by entering the application number.

Issues raised	Response
Adverse impact on the character of the area	See issue 2
Poor design	See issue 2
Overdevelopment of the site	See issue 2
Loss of light to the flats	See issue 6
The building is overbearing resulting in loss of outlook for nearby residents	See issue 6
Overlooking and loss of privacy	See issue 6
Anomalies in the plans – the dwelling in the tree protection plan is further away than that indicated on the site plan.	See issue 3
The addition of a dwelling will create further burden on parking demand in the flats.	See issue 5
The development will result in increased traffic movements which will have an adverse impact on highway safety. Traffic movements are already quite high especially on the junction with Denmark Road.	See issue 5
Inadequate access to the site for cars and servicing vehicles including bin collection and	See issue 5

fire appliances	
The revised parking arrangement is impracticable	See issue 5
Loss of parking for the existing flats	See issue 5
Trees 2, 3 and 4 should be removed	See issue 3 and 4
If there is right of way for residents through the car park, the application cannot be allowed to proceed	See other matters
The land would be better used as an extension of the Lawson road medical practice car park.	The site is in a residential area. The principle of a dwelling is acceptable
How will the development connect to water and sewerage infrastructure?	See other matters
The area containing the flats is leased to residents and there is not right of way for others.	See other matters
Disturbance caused by building works	See issue 6

### **Norwich Society**

15. Whilst the design of the property is compact and contemporary, we are very concerned regarding access to and from the property as it is very tight and awkward. It would be very difficult to service the property.

### **Consultation responses**

16. Consultation responses are summarised below the full responses are available to view at [www.norwich.gov.uk/online-applications](http://www.norwich.gov.uk/online-applications) by entering the application number.

### **Highways (local)**

17. No objection on transportation grounds subject to resolution of vehicle access, cycle and bin storage.

### **Natural areas officer**

18. Nesting birds would be the primary concern, so clearance should avoid the period March – August inclusive, unless the site is first inspected by a qualified ecologist immediately before clearance takes place.
19. If clearance of undergrowth, as opposed to trees and shrubs, is undertaken during the autumn/winter months, the areas concerned should first be checked for any signs of hibernating hedgehogs. Piles of vegetation, especially dead leaves, found well within cover are often evidence that a hibernating hedgehog may be present. If

any hedgehogs are thought to be present, the area concerned should either be left uncleared until March or advice sought from a hedgehog rescue group (there are several in Norfolk).

20. Consideration should be given to incorporating some small biodiversity enhancements into this proposal, for example trees or shrubs to provide berries and/or cover for nesting birds, and planting attractive to pollinating insects.

#### **Tree protection officer**

21. No objection, subject to a condition requiring a detailed arboricultural method statement and tree protection plan.

## **Assessment of planning considerations**

### **Relevant development plan policies**

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS20 Implementation
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM4 Providing for renewable and low carbon energy
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

### **Other material considerations**

24. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF0 Achieving sustainable development
  - NPPF1 Building a strong, competitive economy
  - NPPF4 Promoting sustainable transport
  - NPPF6 Delivering a wide choice of high quality homes
  - NPPF7 Requiring good design
  - NPPF10 Meeting the challenge of climate change, flooding and coastal change

- NPPF11 Conserving and enhancing the natural environment

## **Case Assessment**

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

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

26. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
27. Housing applications should be considered in the context of the presumption of sustainable development.
28. 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. The Norwich Policy Area does not currently have a 5 year land supply and therefore Local Plan policies for housing supply cannot be considered up-to-date. As a result the NPPF requires planning permission to be granted for sustainable development unless:
  - a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or
  - b) Specific policies in the NPPF indicate development should be restricted.
29. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM 3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
30. Paragraph 50 of the NPPF states that local authorities should deliver a wider choice of quality homes. A dwelling of this scale is considered to form part of the mix of residential accommodation, contributing to the City housing stock. In addition it is noted that the site is situated within an established residential area with easy access to public transport and services such as the health centre on Lawson road or the local retail centre on Magdalen Road.
31. When assessing the merits of the proposal against the following issues, significant weight must be considered to the comments of the Planning Inspectorate as part of the previously refused scheme. The Inspector in this case noted that despite the site being within garden use, the site would bring vacant land back into use, and the



Council could not demonstrate a 5 year housing land supply. These factors would weigh in favour of residential development proposals.

32. Given the above considerations it is considered that the principle of redevelopment of this site is accepted subject to other planning issues set out below.

## **Main issue 2: Design**

33. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
34. The size of the development site reflects the mixed density / character evident in the area comprising flats and terraced properties with long gardens.
35. The overall height, scale, mass, form, choice of modern materials and design details are modern and considered appropriate. A modern approach is consistent with the NPPF's drive to seek high quality design and not impose architectural designs or tastes. That being said, the modern design should also be sympathetic to local character.
36. In this instance, the architectural styles are varied comprising the rather conventionally designed flats to the north and red brick terraced properties to the south along Lawson Road.
37. The proposed dwelling to some degree would appear in isolation to the surrounding development, but there is no strong urban form characteristic of the area that would lead to this alone being a sufficient reason to refuse the scheme. In fact, the site's relative isolation is an opportunity to deliver a dwelling which is distinctive in its own right. The site is screened from views from the public highway by existing buildings and fences, and the adoption of a contrasting design approach is considered appropriate in this instance.
38. The appearance of the proposed dwelling does not significantly detract from the overall scale, form and appearance of development in the surrounding area. In fact the revised proposal is of a considerably reduced scale and profile compared to the previously refused proposals. The site is not highly visible to from the public highways in the surrounding area which also limits the visual impact to the wider area.
39. The introduction of the a green / living roof is also considered to be a positive design statement, as this would soften the appearance of the application site when viewed from above from neighbouring buildings. The proposed photovoltaic panels are also considered to complement the contemporary appearance of the proposed building.
40. The revised layout of the site is adequate providing a parking area to the front which has the capacity to accommodate two cars. Although, the access between between the two existing parking spaces (within the application site) was too narrow and amended accordingly to also include bin storage. The revised area in question is under the applicant's ownership providing a safe and more defined arrangement for the users of the site.

41. The occupants would have access to a sizable private amenity area to the rear of the property for the purposes of relaxation and clothes drying. The revised plans also confirm the position of secure and covered cycle storage.

### **Main issue 3: Trees**

42. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
43. It is acknowledged that the footprint of the dwelling indicated on the tree protection plan is further from the northern boundary than what is indicated on the site plan. Nevertheless, the council's tree officer has confirmed that the protection of all trees and hedges and hedges to be retained is feasible subject to a condition requiring the submission of an arboricultural implications assessment, method statement and tree protection plan.

### **Main issue 4: Landscaping**

44. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
45. The applicant has identified the position of the mature hedge along the northern boundary of the site which provides screening value for both the new occupants and neighbouring properties.
46. In order to ensure that this screening be retained, it is recommended that a condition be imposed clarifying the extent of the hedge and its aftercare. Indeed, this condition could also confirm any other landscape enhancements on the site which will help soften the appearance of the new built form. Further boundary treatment will also be needed along the east boundary to reduce any overlooking from the new bedroom window to the neighbours rear amenity area.

### **Main issue 5: Transport**

47. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
48. The key considerations are whether or not the existing area has the capacity to accommodate the additional traffic movements generated by the development and would not result in any burden on existing parking demand in the area.
49. Council parking policy states that car parking is provided within the limits prescribed (at least the minimum, and not more than the maximum).
50. Car parking has been provided at a maximum level for the size and location of the dwelling proposed. It is noted that on the basis of the revised site plan, the parking spaces indicated to the front of the dwelling are quite narrow at 2.1 metres, 0.4 metres short of the council standard. However, this part of the site is 5.4 metres at its narrowest, meaning it can theoretically accommodate 2 standard spaces. The occupants may choose to only own a single car, providing them with more space to the frontage and still be in accordance with the council's minimum parking standard of one space.
51. The deletion of one of the existing spaces within the application boundary, will enable easier access to the parking / servicing area to the front of the dwelling.

Refuse, delivery vehicles and fire appliances would utilise the extant access that serves the existing parking spaces that serve the flats.

52. The revised access arrangement would result in the loss of two parking spaces serving the flats. This replicates the arrangement in the previous application, which was not cited as a reason for refusal by the Council, and was considered an acceptable arrangement by the Inspector's decision.
53. As the area in question is within the applicant's ownership, they were invited to clarify the state of parking availability for the wider flatted development at Howard's Mews in terms of those allocated to tenants and free spaces.
54. Although two parking space is proposed to be lost to the existing flats on Howard Mews, 51 parking spaces would be retained. These would lead to a one to one provision for each flat. There are also a couple of non-defined spaces on the entrance road that are informally used. Therefore the loss of two parking spaces is not considered to be a reasonable ground to refuse the planning application.
55. However, to ensure that appropriate parking could be provided across the whole site, a condition could be recommended if the application were recommended for approval for the re-lining of the existing parking spaces on site to ensure adequate provision of car parking for existing and future tenants.
56. Bin storage and secure / covered cycle storage has been identified in the revised plans and is deemed acceptable. Although, no details have been provided on where the bins are to be collected. This matter can be secured by condition.
57. A resident has stated that the wider area including the junction Howard Mews / Denmark Road is already subject to a high level of vehicle movements that has an adverse impact on highway safety. There may well be incidences whereby unauthorised parking may result in some instances of vehicular and pedestrian conflict in the area. However, the development site is some 40 metres from this area, so it would be unreasonable to conclude that a relatively small scale development would result in additional traffic movements which would deliver demonstrable impacts on highway safety of the wider area.
58. In conclusion, the local highway authority has confirmed that the parking and access arrangement are acceptable for a development of this scale. The addition of one dwelling along is not considered to significantly increase traffic or reduce safety around the site.

### **Main issue 6: Amenity**

59. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
60. The proposed dwelling requires consideration in terms of impact on the amenity of existing residents around the site and the amenity of future residents of the proposed dwelling.
61. Specifically, does the current proposal address the conclusions raised by the planning inspector in the recently dismissed appeal?

Existing residents

### *Amenity space*

62. In the previous application concern was raised that part of the application site should have been allocated as parking and external amenity space for the flats. As the Inspector' report did not cite this matter as being an issue of concern, officers consider that the principle of residential development of the site is acceptable and this issue would not represent a reason for refusal of the application.

### *Privacy*

63. The proposed dwelling would be around 8m from the south facing windows on the block of flats forming 37 to 51 Howard Mews. This is in close proximity to main habitable windows that have previously not been overlooked and look out onto a more private area to the rear of existing dwellings. However, due to their only being a single window at ground floor level (serving a bedroom) and 3 no. roof lights serving a non-habitable space, all of which is set behind existing boundary screening no significant overlooking of the opposing properties would result.
64. In light of the dwelling being single storey set behind new boundary treatment in the form of a 1.8 metre high close boarded fence, no other loss of privacy of any other adjoining property will result. The new bedroom window to the east elevation will partially overlook the rear amenity area of the adjoining property. This minor impact can be overcome by imposing a condition requiring additional screening at this point.

### *Outlook, daylight and overshadowing*

65. The existing occupants of the flats to the north and users of nearby rear amenity spaces of adjoining properties would currently experience an unrestricted view towards the landscaped rear gardens of the properties along Lawson and to the west. The originally proposed design with a higher part of the roof (5.4 metres) still delivered a level of massing which was still considered oppressive, especially from the perspective of the flats to the north.
66. The applicant's willingness, to adopt a low profile roof and sensitive sedum roof will mean that the dwelling is significantly improved over what was originally proposed and would also result in a significant reduction in overbearing impact, or overshadowing in comparison to the appeal scheme.
67. The development in the context of the existing boundary treatment and landscaping would not result in any significant overshadowing or loss of daylight of surrounding flats or external amenity areas. This is primarily due to the adoption of a flat roofed form (3.0 metres at its highest point).
68. The reduction in scale of the development to a single storey in height will also ensure that the proposals will result in only minimal overshadowing of no. 71 Lawson Road in the late afternoon. Given that the amount of overshadowing is minimal over the course of a day, the impact is not considered to be significant.
69. The applicant' willingness, to further reduce the massing of the building is commended. The deletion of the higher part of the roof and replacing it with a flat roof has in significantly cancelled out any of the concerns relating to loss of outlook and overshadowing. Indeed, the use of a sedum roof will further enhance the visual experience for those viewing the development from the existing flats.

## *Noise disturbance*

70. The potential impact of an additional residential dwelling upon the amenity of neighbouring occupiers in terms of noise nuisance has also been considered. The likely noise from one additional dwelling is of a scale and intensity of use which could not be considered significant in the context of the existing residential environment in terms of extent and type of noise generated is not alien in a residential environment.
71. It is acknowledged that there may be some disturbance to nearby residents during the construction. However, in light of the small scale nature of the development such impacts are likely to be temporary and not untypical of construction activities that are experienced in an urban environment.

## *Summary*

72. The revised proposal represents a considerable reduction in the scale and height of the dwelling. Such a change results in a development which cannot be reasonably viewed as delivering significant impacts on the amenities of neighbouring properties.

## *Future residents*

73. The proposed unit at 70sqm would fall marginally below the space standards specified for three bedroom units by policy DM3 (74sqm). However the proposed unit would meet the minimum standards for one or two bed units and if one of the smaller bedrooms were considered to be a study space rather than a bedroom, then the proposals would meet required space standards for this level of occupation. In addition the proposals would provide adequate private outdoor amenity space, cycle storage and refuse storage space and therefore when all these factors are considered in the round it is considered that the proposals would provide a good standard of amenity for future occupiers.
74. The issues raised above in relation to overlooking would be relevant to the future occupiers of the new dwelling. That being said, this should be considered in the context that the site is already a rear garden which was already overlooked by adjoining properties.
75. Whilst the privacy of users of the bedroom on the northern side of the dwelling is broadly acceptable, the outlook for what is the principle bedroom is not ideal as it will face towards car parking. Nevertheless, such an arrangement is not considered untypical in a relatively dense residential location.
76. Whilst the bedroom window next to the east side of the site will not be directly overlooked, it will have a low quality of outlook in the form of a 1.8 metre close boarded fence. However, the 3<sup>rd</sup> bedroom will benefit from its south facing aspect.
77. The primary asset of the new dwelling is that the new south facing lounge and kitchen / dining area will benefit from sunlight for a large part of the day, delivering a high level of amenity for the occupants.
78. It is acknowledged, that the new amenity area to the south of the dwelling will be visible from some flats with the Howard Mews development. However, as the area in question is already an overlooked rear garden is considered acceptable. Indeed, should the new occupants choose to do so, the garden is of a size which has the

capacity to accommodate additional planting and screening within the site to improve their sense of privacy.

79. The new rear garden is also of an adequate size providing the occupants with ample space for servicing and enjoyment of the site.

#### **Main issue 7: Energy and water**

80. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
81. Under local policy the only requirement would be for the new dwellings to meet Code for Sustainable Homes Level 4 for water, which is water usage of only 105 litres per person per day. A condition is recommended to ensure this is achieved.
82. The placement of solar panels on the roof is not a policy requirement for a development of this scale. That being said, it is considered to be a positive statement in promoting renewable forms of energy production which will help reduce energy consumption and carbon emissions.

#### **Main issue 8: Flood risk**

83. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
84. The site is located in a critical drainage area as defined in the development management policy document. The plan is at an advanced stage so significant weight can be applied.
85. The revised plans indicate that the majority of the site will be laid to permeable surfaces including the rear garden being laid to grass and the roof being laid to sedum. Although, the plan do not indicate the surface material for the parking area to the front of the dwelling.
86. The above measures are considered to be appropriate for a development of this scale ensuring that no significant surface water run-off will result. Although, the type of surface material for the parking area can be secured by condition.

#### **Main issue 9: Biodiversity**

87. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
88. The existing site is considered to be of low biodiversity interest due to its isolation from key sites of nature interest by surrounding built form and through the absence of mature trees or vacant buildings that could form habitat for protected bat species. That being said, it is overgrown, potentially providing habitat such as hedgehogs or nesting birds
89. With the above in mind, it is reasonable to impose a condition restricting any site clearance necessary to implement the development between September to February (inclusive), unless first inspected by a qualified ecologist before clearance takes place. Furthermore, small biodiversity enhancements could be implemented in the form of small trees and shrubs within the site for nesting birds and pollinating insects, replacing the loss biomass evident in the existing garden. This matter can be also be secured by condition.

90. In order to guide the developer in terms of good practice, it is recommended that an informative be added guiding the developer on good practice relating to site clearance, excavation and wildlife.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable (but included in the proposal)
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

### **Other matters**

92. The positioning of existing parking bays in relation to a dwelling is a civil matter outside of planning. The relocation of a parking bay for a leaseholder is a matter that should be discussed with the freeholder of the land in this instance.
93. Access across private land in the ownership of the applicant as the freeholder is also a civil matter to be agreed outside of planning legislation under land ownership rights. The connection of new development to the main sewer and other services would also be a civil matter outside of planning, and subject to consents under other legislation. Therefore it is not reasonable to request this information through a planning application.

### **Equalities and diversity issues**

94. The site is flat meaning that there is easy access to the front door by wheelchair users. Although, it is noted that based on the indicative parking spaces within the forecourt area, the access to the front door would be quite narrow for wheel chair users.
95. Whilst the above arrangement is not ideal, the width of the forecourt can easily accommodate the required parking standard of 1 space meaning, that any less mobile occupants can easily gain access to the front door of the dwelling.

96. There are no other significant equality or diversity issues.

### **Local finance considerations**

97. Under Section 143 of the Localism Act the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

98. This development would generate the payment of Community Infrastructure Levy to a sum of £5157.92 (unless self build exemption applies). In this case the financial considerations are relatively limited and therefore limited weight should be given to them.

### **Conclusion**

99. The principle of a dwelling in location close to shops and services is acceptable.

100. The development is of a scale, design and layout which is sympathetic to the character of the area.

101. The provision of a flat roof dwelling will not result in any significant adverse impacts on the amenities of neighbouring properties.

102. The layout of the site provides is appropriate for the new occupants, providing adequate levels of private amenity space, parking and servicing without compromising the facilities available to the existing flats.

103. Other matters relating to biodiversity, tree protection, landscaping and surface water management can be secured by condition.

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

### **Recommendation**

To approve application no 14/01286/F land rear of 63-71 Lawson Road. and grant planning permission, subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Cycle and bin storage to be implemented prior to occupation
4. Location and details of bin collection area
5. Submission of Arboricultural Impact Assessment, method statement and tree protection plan
6. Details of existing soft landscaping to be retained and new hard / soft landscaping
7. No site clearance between March and September
8. Biodiversity enhancements
9. Implementation of boundary treatment
10. Further details of the white lining of existing parking spaces for existing residents within the development area
11. Details of water conservation measures

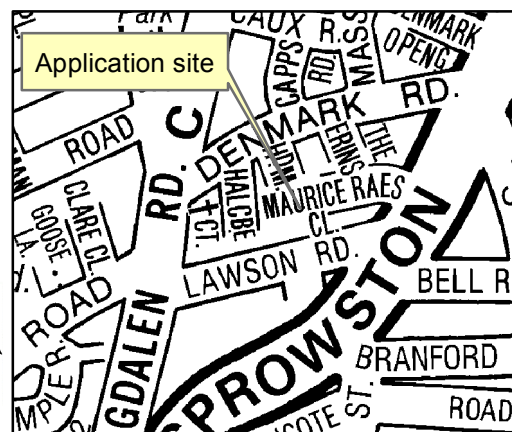


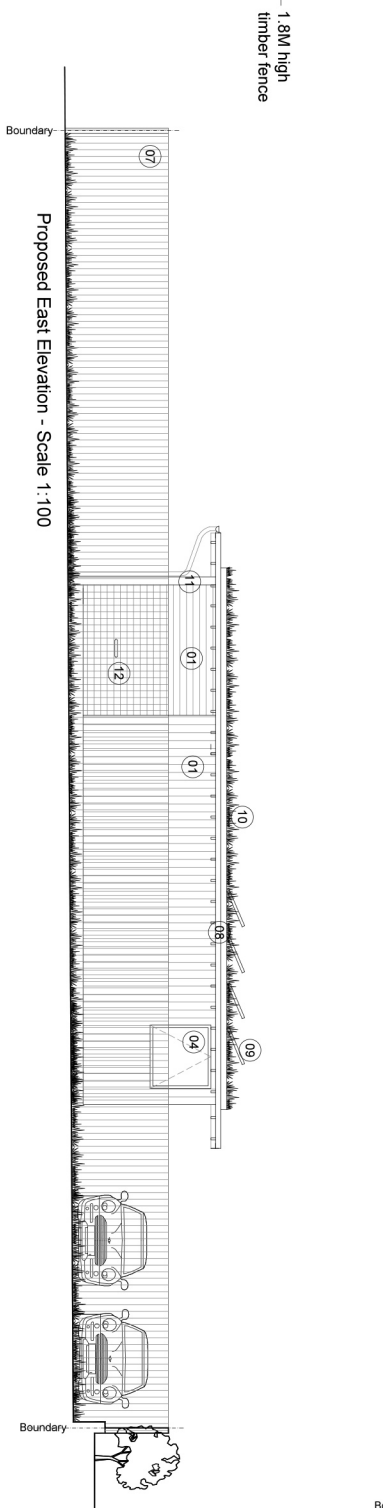
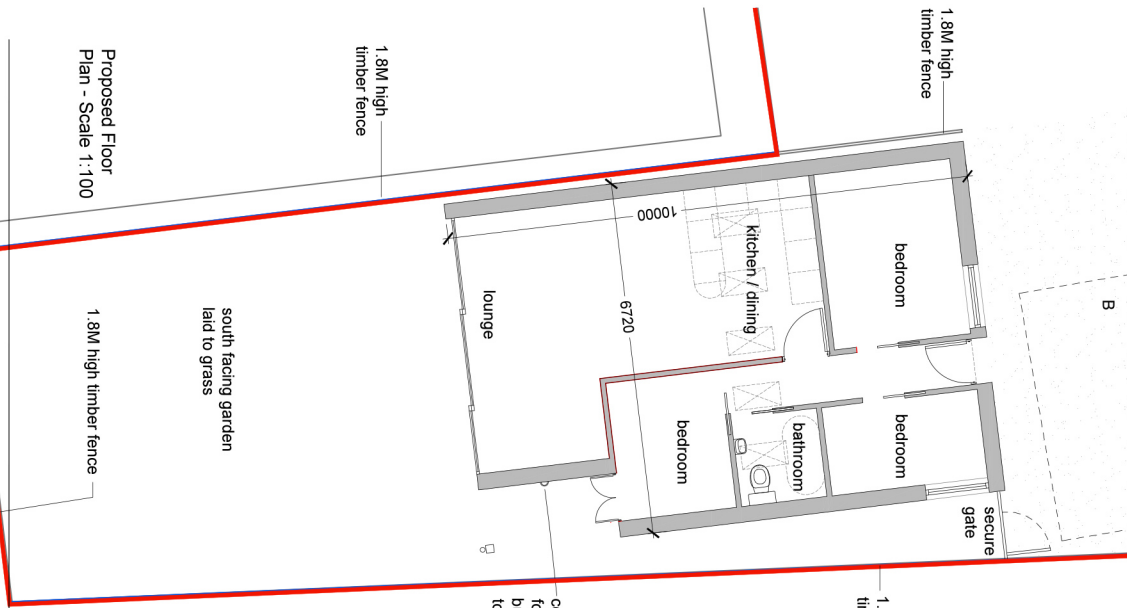
## Informatives

- Bins to be purchased prior to occupation
- Street naming
- Site clearance and works good practice (biodiversity)

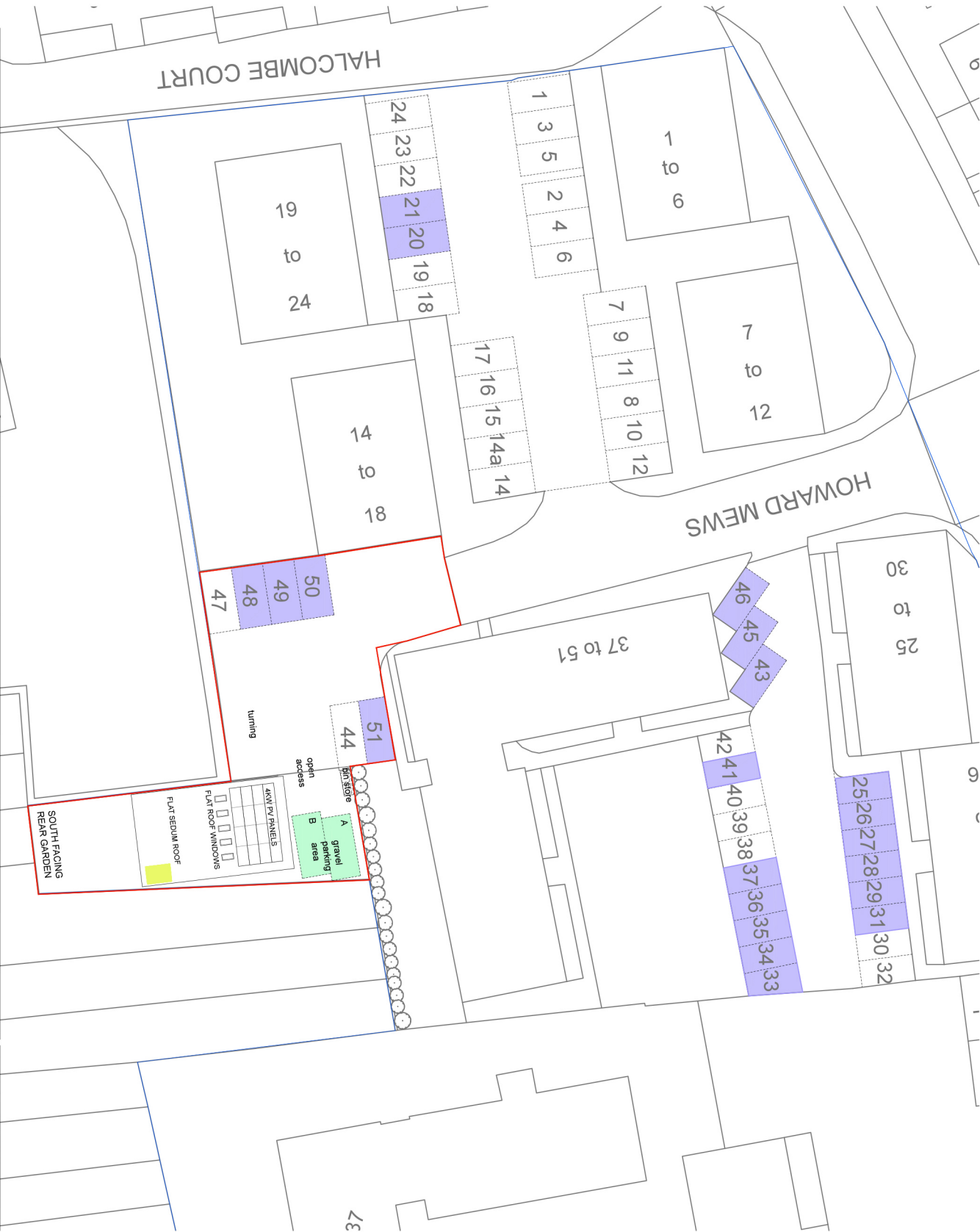
## **Article 31(1)(cc)**

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



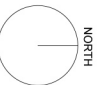


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PLANNING



Proposed Site Plan WITH PARKING ANALYSIS

- PROPOSED NEW SPACES
- SPACES ALLOCATED BY LEASE
- REMAINING SPACES
- BICYCLE STORAGE AREA

FOR APPROVAL

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PARKING DETAILS

client	P. Todd
Proposed New House on land Adjacent	Howard Mews, Northwich
Scale	1:500
Drawing No.	0103
Revision No.	003
Date	OCTOBER 2017
Drawn By	AW
Checked By	AW
Approved By	AW