

Planning Applications Committee: 10 December 2020**Updates to reports**

Applications: 20/01291/F & 20/01295/L
Address: 22-24 Elm Hill
Item no: 4(a)
Pages: 15-26

Agenda item 4(a)***Additional condition to be added to 20/01295/L***

As per the conservation officer's comments, the following condition is recommended to be added to 20/01295/L:

Prior to the commencement of relevant works, full details of the external appearance of the extract grill shall be submitted to and approved by the council as local planning authority. Such details shall include details of materials, colour and projection. The works shall be carried out in accordance with the details as agreed.

Applications: 20/00422/F **Agenda item 4(b)**
Address: Thorpe Motor Company, 32-36 Harvey Lane
Item no: 4(b)
Pages: 27-64

At their Planning Committee meeting on 2 December 2020, Broadland District Council resolved to grant planning permission for the development within their part of the site, subject to conditions and a section 106 agreement (reference 20200699).

Application: 20/01232/F **Agenda item 4(c)**
Address: Vikings Venture Scout Hut, adjacent 420 Dereham Road
Item no: 4(c)
Pages: 69-88

Additional 3rd party representation: It is understood that an objector has circulated a pack of information direct to members. This pack contains a copy of photos, plans and press cuttings sent in with the individual's representations. It also contains a copy of the petition referred to in the committee report. The covering letter refers to issues already raised by the individual, which are addressed in the committee report.

These points include:-

- Traffic and parking;
- Noise and disturbance; and



NORWICH
City Council

- Ground instability.

The correspondent states that the application should be refused in line with the previous decision of the committee.

Officer comment: As stated in the committee report at page 71, an application for essentially the same form of development was approved in 2009 (ref. 08/01322/F, committee decision). A subsequent re-submission of this application (re. 14/00618/F) was refused at committee in 2014. This decision was appealed and the appeal was allowed with planning permission being granted in January 2016. Reference to the appeal decision is made in the committee report on at pages 71 – 72. For completeness, the full version of the decision is attached.



Appeal Decision

Site visit made on 29 June 2015

by K H Child BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28/01/2016

Appeal Ref: APP/G2625/W/15/3006563

Former Scout Hut site, Adjacent to 420 Dereham Road, Norwich NR5 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Atashkadeh against the decision of Norwich City Council.
 - The application Ref 14/00618/F, dated 30 April 2014, was refused by notice dated 17 November 2014.
 - The development proposed is a new apartment building comprising eight apartments.
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Decision

1. The appeal is allowed and planning permission is granted for a new apartment building comprising eight apartments at Former Scout Hut site, Adjacent to 420 Dereham Road, Norwich NR5 8QQ in accordance with the terms of the application, Ref 14/00618/F, dated 30 April 2014, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council's Committee report and decision notice refer to policies in the emerging Norwich Local Plan Development Management Policies Plan (DM Plan) (2014). At the time the application was determined the Inspector's Report with proposed modifications had been received, but the plan had not been formally adopted. The DM Plan (2014) has since been formally adopted, and the policies have not materially changed. I have therefore referred to the adopted document within this decision letter. The DM Plan (2014) has also replaced relevant policies in the City of Norwich Replacement Local Plan (2004), which are referred to in the Council's Committee report.
3. The Council's decision notice refers to the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) adopted in 2011. However, the Council's appeal statement indicates that, in this case, the Council has had regard to the amended version of the Core Strategy which was adopted by the Council in January 2014. I have referred to the amended JCS (2014) in this decision letter.

Main Issues

4. The main issues are:
 - Whether the proposed development would be affected by land instability, or would increase the risk of land instability in the surrounding area.
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- The effect of the proposal on highway and pedestrian safety in Dell Crescent.
- Whether the proposal makes appropriate provision for affordable housing.

Reasons

5. The appeal site is located on a main road in a predominantly residential area of Norwich. The site was previously occupied by a Scout Hut but is currently vacant and overgrown. The site adjoins flatted development to the east and west, and semi-detached houses to the south on Dell Crescent.
6. The proposed development would involve the construction of a three storey building providing 8 flats, with internal ground floor parking. Vehicular access to the appeal site would be taken from the short cul-de-sac of Dell Crescent, rather than from the main road.

Land instability

7. The appeal site appears to have formerly been part of a chalk pit, with associated tunnels and underground workings. The submitted evidence indicates that problems of subsidence have occurred in the vicinity, including at Numbers 1, 2 and 3 Dell Crescent and in the highway.
8. The appellant has submitted a land stability assessment report in support of the proposal (Site Investigation Report No 9276 dated March 2007). This report was prepared in 2007 to accompany a previous planning application for residential development on the site, which gained consent in 2009. The appellant has indicated that no changes in circumstances have occurred since that time, and therefore the report is still relevant. This position was accepted by Council officers, as set out in the Committee report. There is no compelling evidence before me to indicate that circumstances have changed. Therefore on this basis I accept that the report is still relevant.
9. I recognise that local residents have strong concerns about whether the appeal site is suitable for development, and whether the proposed construction and/or vibration from additional traffic on Dell Crescent could result in subsidence damage to existing homes and walls nearby. However, the land stability assessment report indicates that development of the site could be achieved, providing that certain construction methods and mitigation measures are utilised. No compelling evidence is before me to dispute these findings. I also note that no objections to the proposed scheme were raised on the grounds of land instability by the Council's Environmental Protection Officer or Property Services Manager.
10. The Council has raised concerns that the identified mitigation measures could not be adequately provided due to their expense, and the viability of the scheme would be affected. The appellant has acknowledged that the measures would involve additional development costs associated with the proposal. However, he has indicated that the measures could be incorporated, and the scheme would still be viable. The appellant has not submitted a detailed viability assessment to support this position. However, according to Policy DM33 in the DM Plan (2014) a viability assessment is normally only sought if an applicant is seeking to negotiate reduced planning obligations or other scheme standards. In this case the appellant is not claiming issues of viability,

and has submitted a signed Unilateral Undertaking to provide an element of affordable housing on the site (as set out below). I therefore conclude that, in this case, there is no compelling reason to require the submission of a viability appraisal for the scheme. Furthermore, the mitigation measures could be secured through an appropriately worded planning condition.

11. In summary, the appellant has prepared a comprehensive land stability report which accords with the guidance in the PPG, and demonstrates that risks of land instability could be potentially mitigated. The recommended construction methods and mitigation measures could be secured through condition. I therefore conclude that, subject to securing the necessary condition, the appeal site could be developed without the risk of land instability, and would not increase the risk of land instability in the surrounding area. In this regard the proposed scheme would be in accordance with Policy DM11 in the Council's DM Plan (2014), insofar as it seeks to ensure that development addresses the risk of ground instability on-site and in the surrounding area. The proposal also accords with guidance in the Land Stability section of the Planning Practice Guidance (PPG).

Highway and pedestrian safety

12. The Council and local residents have raised concerns regarding the ability of Dell Crescent to cope with the associated increase in traffic arising from the scheme. On my site visit I observed that the road is narrow in parts due to parking on one side. Nevertheless, Dell Crescent is short and speeds are therefore relatively limited, and even accounting for parked cars I observed there was sufficient width for one car or an emergency vehicle to pass. I also note that the Council's Transportation Officer has not raised any fundamental objections to the scheme in this regard.
13. I note that the proposed vehicular access into the appeal site is situated close to the access into the adjoining flats to the west. However, the Council's Transportation Officer states that there is sufficient room to allow for vehicle manoeuvring and access at this point, and there is no compelling evidence before me to indicate otherwise. The proposed site layout would make incursion by vehicles onto the adjoining site unlikely in practice, particularly with the implementation of appropriate boundary treatment details.
14. For the above reasons, I conclude that the proposal would not cause material harm to highway and pedestrian safety in Dell Crescent. The proposal would therefore be in accordance with paragraph 32 in the National Planning Policy Framework (the Framework).
15. A number of local residents have suggested that vehicular access into the appeal site should be taken from Dereham Road rather than Dell Crescent. However, Dereham Road is a main arterial route, and therefore, in accordance with Policy DM30 in the DM Plan (2014), access should be taken from practical alternative points. As demonstrated above, it is possible to secure suitable access to the appeal site via Dell Crescent.

Affordable housing

16. Since the application was determined the appellant has submitted a signed Unilateral Undertaking (UU) which states that two affordable housing units would be provided as part of the scheme. The Council has indicated its broad

acceptance of the UU. Nevertheless, I am required to have regard to Regulation 122 of the Community Infrastructure Levy (CIL) Regulations which sets out three tests for planning obligations that must be satisfied.

17. Policy 4 in the JCS (2014) states that a target of 20% affordable housing should be provided in developments of between 5 to 9 dwellings. On the basis that 20% of the proposed units would equate to two dwellings rounded up, the provision in the UU would meet the target in Policy 4. The proposed affordable housing contribution would therefore be fairly related in scale and kind to the development. Because the contribution would help meet identified housing needs in the city, it would be necessary to make it acceptable in planning terms and would be directly related to the development. In this regard the scheme would be in accordance with the broad requirements in Policy DM33 in the DM Plan (2014) and Policy 20 in the JCS (2014) relating to planning obligations.
18. Overall, the obligation would therefore meet the tests in Regulation 122 and paragraph 204 of the Framework. Accordingly, I have taken it into account in my decision on this appeal.

Other Matters

19. Having regard to the modest size of the scheme and the distance of existing properties on Dell Crescent from the road, I am satisfied that any increase in noise and disturbance arising from additional traffic on Dell Crescent is unlikely to cause material harm to nearby occupants. I also note that the Council's Environmental Health Officer has not raised concerns in relation to this matter.
20. Local residents have raised concerns that the proposed off-street parking provision of 1 space per flat would not be sufficient, and that additional parking would occur on Dell Crescent. Nevertheless, the Council has confirmed that the proposed parking levels in the development accord with the Council's adopted parking standards, as set out in the DM Plan (2014). In addition, whilst there were no free parking spaces on Dell Crescent at the time of my visit, I observed some available places in other side streets in the vicinity. I also note that the site is located in a sustainable urban location, and close to a main bus route into the city centre. I am therefore satisfied that suitable parking levels are proposed as part of the scheme.

Conclusions and Conditions

21. For the reasons given above I conclude that the appeal should be allowed.
22. The Council submitted a list of suggested conditions, which I have considered, having regard to the advice in the Framework and the PPG. In addition to the standard time limitation condition, the Council has suggested conditions requiring that development shall be carried out in accordance with approved plans, and that further details of materials, boundary treatment, landscaping, tree protection, are submitted and approved by the Council. I consider the former condition to be appropriate, for the avoidance of doubt and in the interest of proper planning. I consider the other conditions to be appropriate in the interests of the character and appearance of the area.
23. Conditions requiring the submission of details relating to vehicle parking and turning, cycle storage and parking, highway works and bin storage and collection would be necessary in the interests of highway and pedestrian

safety. For the same reason, the occupation of dwellings would be restricted by condition until the access is completed.

24. Conditions requiring the submission of details relating to contamination and noise attenuation would be necessary in the interests of the living conditions of future occupants and nearby residents. For the same reason, conditions would be necessary to ensure that works are carried out in accordance with measures identified in the Land Stability Site Assessment Report and land contamination reports, and that suitable noise attenuation standards are achieved.
25. The Council has proposed a condition seeking achievement of standards of water efficiency equivalent to Level 4 of the Code for Sustainable Homes (CSH), as identified in Policy 3 in the JCS (2014). However, from 1 October 2015, the new Building Regulations Optional Requirements are in force. As there is a relevant plan policy requiring water efficiency, I have revised the condition to require compliance with the new Building Regulations Optional Requirement with regard to water efficiency.

KH Child

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Location Plan (12/26/01); Floor Plans (12/26/02); Elevations (12/26/03); Site Plan Proposed (12/26/04).
- 3) No development shall take place until a schedule and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected and enclosures to be used as bin stores has been submitted to and approved in writing by the local planning authority. The boundary treatment and bin stores shall be completed before the building is occupied, and following completion, they shall be retained as such thereafter. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of the following provisions have been submitted to and agreed in writing by the local planning authority. The building shall not be occupied until these provisions have been constructed in accordance with the approved plans, and made available for use in accordance with the details as agreed, and once provided, they shall be retained thereafter:

- a) On-site car and motorcycle parking
 - b) On-site vehicle turning
 - c) On-site cycle storage and parking for users and visitors to the site
 - d) Works within the highway arising from works to the access points; and
 - e) Servicing, including waste and recycling bin storage and collection facilities.
- 6) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
- Existing details:
- a. Location, spread and levels of existing trees, hedgerows and other significant areas of vegetation on or adjoining the site;
 - b. Details of existing boundary treatments and forms of enclosure;
- Hard landscape details:
- c. Details of materials for paved areas, including manufacturer, produce type and colour;
 - d. Proposed and existing functional services above and below ground;
 - e. Proposed finished levels or contours;
- Soft landscape details:
- f. Planting plans showing the location, species and numbers of new trees, hedging, shrubs and other planting;
 - g. Planting schedules, noting species, planting sizes and proposed numbers and densities where appropriate;
 - h. Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - i. An implementation programme clearly indicating a timescale for the completion of all landscaping works;
 - j. A landscape management plan, including management responsibilities and a schedule of maintenance operations for all landscaped areas for a minimum period of five years following implementation.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved details and implementation programme, and the landscaped areas of the site shall be made available for the enjoyment of residents of the development hereby permitted. Management of the landscaping shall commence immediately after planting in accordance with the agreed details. All hard and soft landscaping works shall thereafter be retained as such.
- 8) If within a period of five years from the date of the planting, any tree or plant (or any tree or plant planted in replacement for it) is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant

of the same species and size as that originally planted shall be planted at the same place no later than the end of the first available planting season (October – March inclusive), unless the local planning authority gives its written consent to any variation.

- 9) The dwellings shall not be occupied until the vehicular/pedestrian/cyclist access shown on the approved plans has been constructed and made available for use in accordance with the approved plans. Once provided this access shall thereafter be so retained.
- 10) No development shall take place on site, including any site clearance works, in pursuance of this permission until a supplementary Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. This supplementary AMS shall provide full details of the methods proposed for the protection of trees within the highway adjacent to the existing site access to be used for construction purposes.
- 11) Operations on site shall take place in accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) as amended by the supplementary AMS. No other operations shall commence on site in connection with the hereby approved development until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP at appendix 4 of the AIA. The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.

Within the root protection areas as shown on the TPP no changes in existing ground level are to be permitted, no storage of materials or machinery, deposit of soil or rubble, lighting of fires, disposal of liquids or mixing of cement or concrete is to take place and the areas are to be left undisturbed for the duration of the development, unless the prior written approval of the local planning authority has first been sought and obtained.

- 12) Groundworks for the development hereby approved shall be carried out in accordance with the advice given in the submitted Site Investigation Report No 9276 (SIC East Anglia Ltd dated March 2007). Within three months of the completion of the development a report shall be submitted to the local planning authority showing how the treatment of the site has implemented the advice contained in the Site Investigation Report.
- 13) Not less than 3 months before the commencement of development a protocol shall be submitted to the local planning authority for its approval, detailing the means by which neighbours will be protected from excessive disturbance during the construction period. Development shall take place in accordance with the approved protocol.
- 14) The building envelope of plot numbers 1, 2, 3, 5, 6 and 8 shall be constructed so as to provide sound attenuation against external noise and ensure internal sound levels no greater than 35 dB LAeq (16 hour) in

the main living rooms of the dwellings (for daytime and evening use), and 30dB LAeq (8 hour)/45 dB LA max (fast) in the bedrooms of the dwellings (for night time use), in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.

- 15) No development shall take place until the following components dealing with contamination of the site have been submitted to and approved in writing by the local planning authority:
- a) A Preliminary Risk Assessment (PRA) which identifies all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
 - b) If the PRA identifies a potentially unacceptable risk from contamination, a site investigation scheme, based on the PRA, providing information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A written report containing the site investigation results and the detailed risk assessment, and based on these, if required, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any works on site shall be in accordance with the scheme as approved. The development shall not be occupied until a verification plan and a proposed Monitoring, Maintenance and Contingency Plan (MMCP) have been submitted to and agreed in writing by the local planning authority. The verification plan shall provide details of the data that has been collected in order to demonstrate that the works set out in the approved remediation strategy are complete, and shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The proposed MMCP shall identify how these requirements will be met, and should thereafter be adhered to.

- 16) If, during development, contamination not previously identified is found to be present, then no further development shall be carried out in pursuance of this permission until a scheme has been submitted to and approved by the local planning authority detailing how this contamination shall be dealt with in accordance with the remediation scheme as set out above. Development shall only continue when evidence is provided to confirm that the contamination no longer presents an unacceptable risk.
- 17) All imported topsoil and subsoil for use on the site shall either (a) be certified to confirm its source and that it is appropriate for its intended use or (b) in the absence of suitable certification, analysis of the imported material will be required along with evaluation against the derived assessment criteria for this site. No occupation of the development shall take place until a copy of the certification has been submitted to the local planning authority.
- 18) The dwellings shall not be occupied until the Building Regulations Optional requirement for water efficiency of 110 litres per person per day has been complied with.