

## Planning applications committee

**Date:** Thursday, 19 December 2019

**Time:** 14:00

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

### Committee members:

#### Councillors:

Driver (chair)  
Maxwell (vice chair)  
Bogelein  
Button  
Huntley  
Lubbock  
Neale  
Ryan  
Peek  
Sands (M)  
Sarmezey  
Stutely  
Utton

#### For further information please contact:

Committee officer: Jackie Rodger  
t: (01603) 212033  
e: [jackierodger@norwich.gov.uk](mailto:jackierodger@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



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## **Agenda**

### **Page nos**

**1      Apologies**

To receive apologies for absence

**2      Declarations of interest**

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

**3      Minutes**

**5 - 14**

To approve the accuracy of the minutes of the meeting held on 14 November 2019

**4      Planning applications**

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 4 above are required to notify the committee officer by 10:00 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 9.30;
- 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 13:00 and 14:00 if there is any remaining business.

**Summary of planning applications for consideration**

**15 - 16**

**Standing duties**

**17 - 18**

<b>4(a)</b>	<b>Application no 19/01511/F - Garages adjacent to 83 Belvoir Street, Norwich</b>	<b>19 - 34</b>
<b>4(b)</b>	<b>Application no 1901475F - 213 Dereham Road, Norwich, NR2 3TE</b>	<b>35 - 44</b>
<b>4(c)</b>	<b>Application no 19/01474/F - 337A Dereham Road, Norwich, NR2 3UT</b>	<b>45 - 52</b>
<b>4(d)</b>	<b>Application no 19/01280/F - Land Rear of 32 and 33 Cattle Market Street (accessed Via Three Tuns Court), Norwich</b>	<b>53 - 66</b>

Date of publication: **Tuesday, 10 December 2019**



**Planning applications committee****09:45 to 14:25****14 November 2019**

Present: Councillors Driver (chair), Button (to end of item 6 below), Grahame (substitute for Councillor Bogelein); Neale, Oliver (substitute for Councillor Maxwell), Peek, Ryan, Sands (M), Sarmezey, Stutely and Utton

Apologies: Councillors Maxwell (vice chair), Bogelein, Huntley, Lubbock

(The supplementary report of updates to reports was circulated at the meeting and members took a few minutes to read the report before the commencement of the meeting.)

**1. Declarations of Interest**

Councillor Driver declared an other interest in item 3 (below), Application no 19/00617/F - 6 - 7 The Arches, Bracondale, Norwich NR1 2EF, because he was a member of CAMRA.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 10 October 2019, subject to item 3, Application no 19/00933/F and 19/01014/L - 5 Recorder Road, Norwich, NR1 1NR - amending the third sentence from the end of the second paragraph by deleting "purchase" and replacing with "rent" so that the sentence reads:

"A member of the church addressed the committee and said that the church had tried to rent the premises and that the proposed use would be detrimental to the church community's religious observances."

**3. Application no 19/00617/F - 6 - 7 The Arches, Bracondale, Norwich NR1 2EF**

(Councillor Driver declared an interest in this item.)

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and contained an additional consultation response from environmental protection; correction to report relating to change in ward boundaries; and, additional representations from Councillor Manning and three residents, with the officer response.

At the request of local residents objecting to the proposal, the committee officer read out the statement from Councillor Manning, Lakenham ward councillor.

Seven speakers addressed the committee outlining their concerns and objections to the proposal. Two of the speakers also acted as proxies for residents unable to attend the committee meeting. Several of the speakers also spoke on behalf of their adjacent neighbours. One speaker was a planning consultant experienced in highways safety. The issues raised by the speakers included: concerns about the impact of noise on their residential amenity from customers of the brewery drinking outside and using its other facilities; antisocial behaviour from customers and lack of awareness of the proximity of residential properties; the residents suffered from intrusive noise from Friday through to Sunday, which spoiled the enjoyment of their gardens and required windows to be kept closed in summer; children were living adjacent to the brewery and that the late hours and noise kept children awake; there was noise from people leaving and being dropped off by taxi at the premises; that there were road safety concerns about the poor visibility at the junction and that cars would back up onto the roundabout; concern that the conditions to mitigate noise and parking issues would not be enforceable and would be reliant on reports from residents; concerns that the brewery was in a semi-rural location, of mixed use light industrial and residential and that the area was suitable for a retail enterprise, selling food and drink; the warehouse did not have soft furnishings or floor coverings and therefore reflected noise; there was an existing high wall that did not prevent noise and questioning the effectiveness of the conditions to mitigate noise disturbance; that amplified music exacerbated the problem of noise; that it was a cohesive neighbourhood and residents were pleased with the success of the brewery but that its commercial need to expand the Taproom facilities was in opposition to that of residents. Events had been planned and there was a presumption that neighbours would instigate noise enforcement. Residents had expressed their concerns at a licence review of the premises.

The agent, addressed the committee on behalf of the applicant, and explained that the commercial activity on the site was a small craft brewery that had been bought out of receivership and employed 10 full time and 11 casual staff. The taproom activities comprised 30 per cent of the brewery's income stream. The applicant had worked with the council to mitigate the unintended consequences of this facility and held open meetings with residents. The proposal would ensure that customers were inside the building after 9:00 pm (21:00). Most customers did not drive to the brewery. She referred to the additional comments from environmental protection regarding music and said that the roller shutter door would contain the noise. There was inconsiderate parking on the access drive way during the day.

The planner referred to the reports and responded to the issues raised. She explained that whilst environment protection considered the condition to not allow amplified music or loud speakers on the premises was too strict, but said that this condition needed to be precise and enforceable, and that people tended to speak louder with background music. She also clarified that the proposed hours of operation on Fridays and Saturdays for the beer garden was until 9:00 pm and inside until 11:00 pm. The roller shutter door would significantly reduce noise escaping from the building.

The planner, and the area development manager (inner), referred to the reports and answered members' questions. Members were advised that there was a separate door for customers to enter the warehouse and that the roller shutter door was not kept open. Members were also advised that the use of loud speakers would not be permitted as residents had been disturbed by noise from quiz nights, attended by

100-200 people. The committee was also advised that the discharge of conditions would address the measures recommended in the acoustic report. The planner clarified to members that no amplified music would be permitted on the site. Members also were advised of the extent of licensing and planning legislation in terms of restricting hours of operations and that in planning terms, an ancillary use was assessed by its impact rather than percentage of the turnover. Members were also advised that conditions needed to be relevant to the application and that an application for change of use did not create a biodiversity deficit and therefore no biodiversity measures were required. A member suggested that planting could provide a barrier to noise.

Discussion ensued on the regulation of the taproom facilities, the use of the beer garden and the management plan required of the applicants, which would cover customers leaving the premises quietly. Members were advised of the options available to the committee in terms of the next course of action if the application was refused or the committee sought to vary the hours of operation, and that the applicant could appeal the committee's decision. Members were also referred to the comments from highways set out in paragraph 22 had been revised following the removal of the car parking and that the discharge of conditions would mitigate concerns.

The chair moved and Councillor Button seconded the recommendations in the report as amended in the supplementary report.

Discussion ensued in which members considered that this was a vibrant business that made a significant contribution to the local economy whilst considering the impact on the residents. A member suggested that the hours of operation should be reduced to 21:00 on Fridays and Saturdays. Other members considered that they were not satisfied with the acoustic mitigation and suggesting that further consideration of the application should be deferred for further information on noise mitigation measures. During discussion the chair mentioned that there had been a public house in the vicinity and that the conditions addressed concerns which could be enforced.

Councillor Stutely, chair of licensing committee, said that the premises was also subject to licensing regulations and that residents could request a review if there was a problem.

Councillor Ryan moved and Councillor Utton seconded that the hours of operation be reduced from 11:00 pm (23:00) to 9:00 pm (21:00) on a Friday and Saturday evening and from 8:00 pm (20:00) to 5:00 pm (17:00) on a Sunday. On being put to the vote with 5 members voting in favour (Councillors Grahame, Neale, Ryan, Sarmezey and Utton), 3 members voting against (Councillors Driver, Oliver and Peek) and 3 members abstaining (Councillors Button, Sands and Stutely), it was resolved to amend the hours of operation. Members were advised that condition 11 (as set out in the report) was therefore no longer required. Members were also advised that the requirements for any temporary barriers to be closed during times of operation should be added to the recommended conditions.

Discussion ensued in which Councillor Sands said that he could not support the application because he was concerned about noise mitigation measures.

The chair moved the recommendations as amended above to the vote, and it was:

**RESOLVED**, with 8 members voting in favour (Councillors Driver, Button, Grahame, Oliver, Peek, Ryan, Stutely and Utton) and 3 members voting against (Councillors Neale, Sarmezey and Sands) to approve application no. 19/00617/F - 6 – 7, The Arches, Bracondale, Norwich, NR1 2EF and grant planning permission subject to the following conditions:

1. The development hereby approved shall be carried out in accordance with the application forms, plans, drawings and details as specified below:
  - (a) Fencing Plan Ref SK5 Received 20/09/2019
  - (b) Noise Impact Assessment Ref 12178/1 Dated 23/09/2019 Received 25/09/19;
  - (c) Travel Information Plan Dated August 2019 Received 15/08/2019
2. Within 2 months of the date of this permission, full details of a replacement roller shutter door shall be submitted for approval by the council as Local Planning Authority. The details shall accord with the recommendations contained within the approved Noise Impact Assessment ref 12178/1. Within 1 month of the approval of such details, the replacement roller shutter door shall be installed as agreed, and it shall be retained as such thereafter.
3. Within 2 months of the date of this permission, full details of the fences to be erected along the eastern boundary of the site and full details of the fence, gate and other means of enclosure around the beer garden as depicted by a dashed line, a pink line and a blue line on Fencing Plan SK5 shall be submitted for approval by the council as Local Planning Authority. The details shall include material, height, location, density and product specification and in the instance of any temporary barriers, proposed times of use. Within 1 month of the approval of such details, they shall be installed as agreed, and they shall be retained as such thereafter.
4. Within 2 months of the date of this permission, a Management Plan shall be submitted for approval by the council as Local Planning Authority. The Management Plan shall include details of signage to be erected within the site and staff training requirements. Within 1 month of the approval of such details, the Management Plan shall be implemented as agreed.
5. Within 2 months of the date of this permission, full details of secure bicycle parking shall be submitted for approval for approval in writing by the council as Local Planning Authority. The approved details shall thereafter be installed within 1 month and shall be retained and maintained in this condition thereafter.
6. Within 2 months of the date of this permission, the approved Travel Information Plan shall be implemented as agreed.
7. Within 2 months of the date of this permission, a Traffic Regulation Order for waiting restrictions on the site's access track shall be promoted to Norfolk County Council.
8. No loudspeaker, amplifier, relay or other audio equipment shall be installed or used on the site which is the subject of this permission, either inside or outside the building.
9. The roller shutter door shall be kept closed at all times during the operation of A3 and A4 uses from the premises. Any other external doors to the building and any gates to the beer garden shall be kept closed at all times except for the purpose of access and egress.



10. Premises which form the subject of this permission shall not be open to the public as customers for A3 or A4 purposes except for between the hours of 12:00 and 21:00 on Fridays and Saturdays and between 12:00 and 17:00 on Sundays.

#### Informative

Further information about the promotion of Traffic Regulation Orders can be found on Norfolk County Council's website (<https://www.norfolk.gov.uk/roads-and-transport/roads/traffic-orders-notice-and-restrictions/traffic-regulation-orders>)

(The committee adjourned for a short break at this point and reconvened with all members listed present as above.)

#### **4. Application no 19/00971/F - Land North Side of Windmill Road, Norwich**

The planner presented the report with plans and slides. She referred to the supplementary report of updates to the report which was circulated at the meeting and said that an additional condition was recommended requiring agreement of a phasing plan.

During discussion the planner answered members' questions. She explained that the affordable housing had already been delivered on the adjacent site. The additional condition would control the phasing of the development. The standard time limit for the commencement of development was 3 years but members could agree a shorter time limit. The previous consent had expired because the applicant could not commence within the standard time limit due to negotiations with a third party. In response to questions, members were advised of the layout and access to the site; that further investigation was required to ensure there was no contamination on the site and that there were gaps in fencing to ensure that small mammals, lizards and grass snakes could move within the site.

The chair moved and Councillor Button seconded the recommendations in the report.

Councillor Stutely moved and Councillor Button seconded that the time limit was set at 1 year and on being put to the vote it was resolved unanimously.

The chair moved the recommendations as amended, and it was:

**RESOLVED**, unanimously, to approve application no. 19/00971/F - Land North Side of Windmill Road, Norwich and grant planning permission subject to the following conditions:

1. Time limit for commencement of development within 1 year;
2. In accordance with plans;
3. Materials
4. Landscape scheme, including details of crossing over Windmill Road
5. Cycle storage details to be agreed
6. Bins stores to be provided prior to occupation
7. Scheme to deal with risks associated with contamination of the site
8. Previously unidentified contamination

9. Imported material
10. Biodiversity mitigation and enhancement programme
11. Bird Nesting Season
12. Small mammal access
13. Construction method statement
14. Details of solar panels
15. Drainage strategy – implementation and management
16. Works to be carried out in accordance with submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement
17. Arboricultural Supervision
18. Phasing plan to be agreed.

**5. Application no 19/01009/F - East Anglian Air Ambulance Hangar, 14 Gambling Close, Norwich, NR6 6EG**

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report which summarised the applicant's request that the condition requiring the noise mitigation strategy to be implemented applied to the hours of 23:00 to 06:00, and a summary of an additional representation and the officer response.

In reply to a member's question, the planner confirmed that the noise impact strategy addressed the issue of ground pre-flight checks and taxiing from outside the hangar to the departure point. Members noted that there would be approximately one flight a night.

The chair moved and Councillor Button seconded the recommendations as set out in the report.

During discussion members expressed some sympathy for the residents of adjacent streets but said that in terms of wider public interest and taking into account that the air ambulance service served the counties of Norfolk, Suffolk and Cambridgeshire, the application was acceptable. A member thanked the planner for the clarity of her presentation in particular the explanation of the parking provision being more generous because of employees working unsociable hours.

**RESOLVED**, unanimously, to approve application no. 19/01009/F - East Anglian Air Ambulance Hangar 14 Gambling Close, Norwich, NR6 6EG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Ecological mitigation measures;
5. Landscaping to include tree protection and biodiversity enhancement planting;
6. Drainage strategy to demonstrate there is no unacceptable risk to controlled waters;
7. Drainage strategy implemented prior to occupation and maintenance thereafter;
8. Energy efficiency – air source heat pump details;
9. Water efficiency;
10. Travel information plan;

11. Details of bin and cycle stores;
12. Parking and servicing to be provided prior to occupation;
13. Scheme to deal with the risks associated with contamination;
14. Contamination not previously identified;
15. Imported soil;
16. No use of the building between 23:00 and 06:00 other than in accordance with the Noise Mitigation Strategy and details of flights from EAAA database to be provided to LPA on request for monitoring and enforcement purposes.
17. No use as a passenger terminal.

## **6. Application no 18/01552/F - Car Park Rear of Premier Travel Inn Duke Street Norwich**

The area development manager (inner) presented the report with the aid of plans and slides.

Ten residents, including one proxy speaking on behalf of a resident, and Councillor Schmierer, Mancroft ward councillor, addressed the committee and outlined their objections to the proposal. This included: the proposal was contrary to local development management policies and the council's Purpose Built Student Accommodation guidance; that it did not address the reasons for refusal which were upheld at appeal by the Planning Inspectorate; the revised footprint and height of the building did not address the canyoning effect along the river and would create a wind tunnel; the development would blight views of historic buildings in the conservation area; the proposed development was detrimental to the amenity of residents of Duke's Palace Wharf because of overshadowing and loss of light, outlook and privacy; that statutory consultees, including the Broads Authority, had expressed concern about the scheme and that the Norwich Society had not commented on the revised application; the scheme would lead to an overconcentration or ghettoising of student accommodation in a small area; the site had one of the few natural riverbanks in the city centre and was the habitat of otters, swans, bats and other wildlife which should be protected from the development; concerns that the proposal would destroy biodiversity on the site and was contrary to policy; and that there was overwhelming opposition from local residents to the proposal.

The agent spoke in support of the application and said that the applicants had sought to overcome the reasons for the refusal of the last application and had met with the Jane Austen College and Norwich Society to discuss the proposal. She referred to the reduced footprint and height, and the design of the building; management arrangements for the building and riverside walk; daylight/sunlight analysis; that there were no objections from Historic England or other statutory consultees; and that there were providers interested in operating the student accommodation on the site.

The area development manager (inner) referred to the supplementary report of updates to reports, which was circulated at the meeting containing confirmation that cabinet had approved the practice advice note on purpose built student accommodation; summarising one further and one additional representation; amending a typographical error in paragraph 223 to correct the reference to the site being in Flood Zone 2, and recommending an additional condition relating to the details of the artwork on the eastern gable. He then referred to the main report and commented on the reasons for refusal for the previous application and that members

at the time had not considered that this site was inappropriate for student accommodation. The reduced footprint reduced the canyon effect along the river between Duke's Palace Wharf and the proposed building. This proposal had the same impact on the biodiversity as the previous application. He pointed out that the guidance note on purpose built student accommodation suggested that larger student accommodation blocks were more viable in terms of management but this did not mean that smaller blocks would not be considered. The applicant had said that there were operators interested in this scheme.

The area development manager (inner) then referred to the report and answered members' questions on the arrangements for the riverside walk, the height of the proposed building; confirmation that no windows from the proposed building would overlook the play area of the Jane Austen Academy and that artwork was proposed to break up the expanse of brickwork. Members were also advised that the accommodation complied with space standards and that ground floor communal areas were accessible for wheelchair users.

The chair moved and Councillor Button seconded the recommendations as set out in the report and amended in the supplementary report.

Discussion ensued. Some members speaking in support of the application listed the benefits of purpose built student accommodation in reducing pressure on private sector rented properties in wards surrounding the University of East Anglia and that students were important to the economy of the city. The location of this site in the city centre was near the Norwich University of the Arts and it was considered that some students would prefer living in the city centre. A member suggested that the development would improve the appearance of Duke Street and its height was similar to Mary Chapman Court. Members also commented that the concerns about the student accommodation overlooking the school play area had been addressed. The design of the building addressed the concerns about the canyoning effect and in terms of overlooking, there was a large distance between the proposed building and Dukes Palace Wharf. Other members considered that it was a finely balanced application. One member expressed concern about the cumulative impact of Mary Chapman Court and this new development of student accommodation in a small area. Other members expressed concern about the loss of light and that the impact on residential amenity for residents at Dukes Palace Wharf was unacceptable. A member suggested that the footprint was over large for the site and did not address the concerns of the previous application. Other members were concerned about the impact on biodiversity on the site.

**RESOLVED**, on the chair's casting vote, with 5 members voting in favour (Councillors Driver, Button, Peek, Ryan and Utton) and 5 members voting (Councillors Graham, Neale, Oliver, Sands and Stutely) and 1 member abstaining (Councillor Sarmezey) to approve application no. 17/01078/F - Car Park rear of Premier Travel Inn, Duke Street, Norwich and grant planning permission and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials including glazing;
4. Drainage details;
5. Compliance with submitted energy statement;

6. Submission and compliance with a construction management plan;
7. Submission of landscaping details;
8. Submission of ecological mitigation details including details of location of bat and nest boxes;
9. Details of external lighting;
10. Archaeological assessment;
11. Reporting of contamination;
12. Imported material (topsoil)
13. No pilling or similar without EA consent
14. Used Water Sewerage Network (AW)
15. Compliance with flood risk assessment re: floor levels etc.;
16. Completion and retention of car parking, cycle parking, motorcycle parking and refuse storage in accordance with approved plans;
17. Compliance with submitted noise attenuation report;
18. Submission of details for off-site highway improvement works to Duke Street Toucan crossing and completion of said works;
19. Submission of details of street trees; and
20. Submission of management arrangements for the building;
21. Submission of arrangements for start and end of term (Travel Information Plan).
22. Riverside Walk
23. Repaving and raising kerb height (Prior to occupation);
24. Details of the artwork on the eastern gable end to be submitted and agreed.

(Councillor Button left the meeting at this point.)

## **7. Application no 19/01012/F - 40 Fishergate, Norwich, NR3 1SE**

The area manager development (inner) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, which was circulated at the meeting and contained a correction to paragraph 11, insertion of date, 22 May 2019) and amending condition 4, in the recommendations, to 10 weeks.

During discussion the area manager development (inner) referred to the report and answered members' questions about the noise mitigation of the air cooling system and that the cladding would reduce the effect of the sound. He explained that the unit was in an urban environment and that planting had not been considered necessary.

The chair moved and Councillor Neale seconded the recommendations as set out in the report and as amended above.

**RESOLVED**, unanimously, to approve application no. 19/01012/F - 40 Fishergate Norwich, NR3 1SE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restriction of hours of use;
4. Installed within certain timeframe (10 weeks)
5. Require noise levels are attained.

## **8. Application no 19/01374/NF3 - 185 Drayton Road, Norwich, NR3 2PG**

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of an additional representation in support of the proposal.

During discussion the planner referred to the report and answered members' questions. He explained that the retail unit was council owned and that there was a council flat above the premises. He also explained that the purpose of the change of use was to improve the marketing of the property and that although it was proposed to change the use class to A3 the use could revert down to A1 if necessary. Members were reassured that the premises was in a conservation area and that the frontage would not be altered except for the use of toughened glass to comply with current safety standards.

The chair moved and Councillor Neale seconded the recommendations as set out in the report.

**RESOLVED**, unanimously, to approve application no. 19/01374/NF3 - 185 Drayton Road Norwich NR3 2PG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No installation of extraction equipment / ventilation unless details are first agreed.

## **9. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases.**

A member thanked the officers for the performance report. He said that whilst Sentinel House had been allowed at appeal, all other appeals had been dismissed by the Planning Inspectorate, which demonstrated the robustness of decisions on planning applications by the committee or delegated to officers.

**RESOLVED** to note the report.

## **10. Date of next meeting**

**RESOLVED**, that due to the Parliamentary elections on 12 December 2019, to reschedule the next meeting of the committee to 14:00 on Thursday, 19 December 2019.

CHAIR

**Summary of planning applications for consideration**

**ITEM 4**

**19 December 2019**

<b>Item No.</b>	<b>Case number</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
4(a)	19/01511/F	Garages Adjacent 83 Belvoir Street	Maria Hammond	Demolition of 8 garages. Construction of 2No. dwellings with associated works.	Objections	Approve
4(b)	19/01475/F	213 Dereham Road	Stephen Little	Single storey side and two storey rear extensions.	Objections	Approve
4(c)	19/01474/F	337A Dereham Road	Stephen Little	Demolition of carport and extension of garden space over existing parking space.	Cllr application	Approve
4(d)	19/01280/F	Rear of 32 & 33 Cattlemarket St	Katherine Brumpton	Construction of single storey office	Objections	Approve





## **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

**Item**

19 December 2019

**Report of** Area development manager

**Subject** Application no 19/01511/F - Garages adjacent to 83  
Belvoir Street, Norwich

**Reason for  
referral** Objections

4(a)

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<b>Ward:</b>	Nelson
<b>Case officer</b>	Maria Hammond - <a href="mailto:mariahammond@norwich.gov.uk">mariahammond@norwich.gov.uk</a>

Development proposal		
Demolition of 8 garages. Construction of 2 No. dwellings with associated works.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1	Principle of demolishing garages and constructing dwellings
2	Design
3	Amenity
4	Trees
5	Transportation
6	Biodiversity
7	Flood risk
<b>Expiry date</b>	24 December 2019
<b>Recommendation</b>	Approve



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Planning Application No 19/01511/F  
 Site Address Garages adjacent  
 83 Belvoir Street  
 Scale 1:1,000

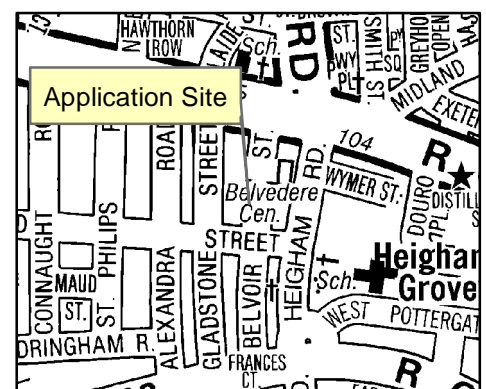


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The application site is located on Belvoir Street, off Stafford Street, west of the city centre. It occupies land to the west of the road at the dead end of this part of Belvoir Street. The site is occupied by eight garages, a small communal amenity area, an access route to the rear of the adjacent terrace and an area of grass verge.
2. Along the northern boundary there are mature trees within a strip of grass that separate the site from adjacent sports courts. A footpath runs along the eastern side of these courts providing pedestrian access from this part of Belvoir Street towards the Belvedere Community Centre and Dereham Road.
3. The terrace of two storey dwellings to the south dates from the 1960s and is distinct in character from the largely Victorian terraces in the surrounding area. On the opposite side of the road, there is a recently built terrace designed to reflect the local Victorian architecture and a car park serving these dwellings.

## Constraints

4. The site is in a critical drainage catchment and at risk of surface water flooding.
5. A small portion of the site (approximately 36 square metres) is identified as open space protected by Policy DM8.

## Relevant planning history

6.

Ref	Proposal	Decision	Date
33167	The erection of eight type 111 houses, eight garages, play space and layby	Approved	06/09/1967
19/00845/F	Demolition of 8 garages. Construction of 2No. dwellings with associated works.	WITHDN	16/09/2019

## The proposal

7. It is proposed to demolish the existing garages and build two new dwellings on the site. This pair of two storey semi-detached dwellings would each have two bedrooms. Three parking spaces would be provided at the front of the site with a small front garden between these and the dwellings. In appearance they would be similar to the recently built terrace on the opposite side of the road which has the proportions and features of local Victorian terraces.
8. Rear access to the existing terrace would be retained and a new gate would be provided to secure this.
9. This application follows a previously withdrawn application and includes amendments to the layout and design with revised supporting information.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	Two
No. of affordable dwellings	There is no policy requirement for affordable housing in a development of this scale, however it is proposed to offer both dwellings for shared ownership.
Total floorspace	158 sqm (79 sqm each dwelling)
No. of storeys	Two
Max. dimensions	8.8m high by 9.6m wide and 10m deep
Density	41dph
<b>Appearance</b>	
Materials	Brick, plain tiles, stone cills and heads, UPVC windows and composite doors.
<b>Transport matters</b>	
Vehicular access	As existing
No of car parking spaces	Three
No of cycle parking spaces	Sheds proposed in each garden for secure cycle storage
Servicing arrangements	Bin storage identified in each garden

## Representations

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

Issues raised	Response
<p>Number of parking spaces has increased from 3 to 4 (from previous withdrawn application). Consider this number to be in excess of City's parking standards in an area which is within easy walking and cycling distance of the city centre and close to two major bus routes.</p>	<p>See main issue 4 - since consultation the proposal has been amended and reverted to three spaces</p>
<p>Would it be possible for the new occupants to use the existing off-road parking site (opposite) if they need extra parking over and above 1 car parking space per dwelling.</p>	<p>See main issue 4</p>
<p>More car parking means less land for soft landscaping and biodiversity. The front gardens to the existing properties opposite have been provided with longer front gardens planted with hedging and a small tree per front garden.</p>	<p>See main issues 4 and 6</p>
<p>Proposed ecological mitigation is wholly inadequate. Also object to the rear garden and site boundary treatments as a lost opportunity for enhancing biodiversity.</p>	<p>See main issue 6</p>
<p>The ecology report is dismissive about hedgehogs. There are opportunities to provide better biodiversity enhancements and to link in with the surrounding small areas of green space and trees. Irrespective of whether there are gaps in the current boundaries to facilitate movement of hedgehogs and amphibians, the proposed development ought to make provision through the boundary treatments and landscaping to encourage biodiversity.</p>	<p>See main issue 6</p>
<p>The new ecological survey makes reference to the ponds in the locality. It also states that as the proposed development site is bounded by a brick wall there is no ingress or egress points for amphibians. The survey seems to have looked only at the site and not the immediate surroundings as there is a nearby chainlink fence (permeable to amphibians) which allows access into the development area and should be considered.</p>	<p>See main issue 6</p>

Issues raised	Response
Still states that there will be limited overlooking of all adjacent property which is incorrect. Nothing new has been proposed to mitigate this. There will be a direct impact onto existing surrounding properties which again has not been taken into account. A similar design to a recent nearby development on Stafford Street (09/00401/F) should be considered here.	See main issue 3
The proposed development still does not follow the strong building line, with the proposed new houses still being dropped back from the existing line. The proposed roof line of the new dwellings is also out of keeping with the existing properties on the same side of the street, instead being vastly elevated by comparison. This is alleged to match the design on the opposite side of the street - why not be in keeping with the same side instead?	See main issue 2

## Consultation responses

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

### Environmental protection

12. The Desk Study produced by Rossi Long indicates that there is the potential for contamination to exist and that additional site investigation is required. Therefore I recommend conditions and informatives.

### Highways (local)

13. No objection on highway grounds. Informative: These dwellings will not be entitled to on-street parking permits

### Landscape

14. No objection to the proposal in landscape terms.
15. I am in agreement with the approach to drainage as set out within the supporting documents, paving should be permeable where possible and this should be conditioned as part of any approval if given. I would suggest water butts are also provided for the properties.



16. Although the front gardens shown are small, these are consistent with the size of other on Belvoir Street. However as these are not sufficiently large to plant trees in, I would suggest that small trees are included within the rear gardens. Landscape details can be conditioned as part of any approval if given.

## **Ecology**

17. The Ecology report meets guidelines and is acceptable. The revised report considers the ponds in the gardens of the terrace of seven houses on Gladstone Street to the west of the application site. It concludes that as the site is separated from these gardens by a high wall, which is to be retained, the ponds are not a major constraint.
18. Mitigation - The recommendations of 7.2 Best practice measures are supported and could be included in an ecological condition.
19. Enhancement - The provision of one bird box and one bat box would be acceptable. It would be preferable for these to be integrated into the building design rather than fixed onto the structure afterwards.
20. Planting as suggested by the report would also represent enhancement.
21. If there are any opportunities for making openings in the existing boundary walls or proposed boundary treatments this would cater for movement of wildlife particularly amphibians and hedgehogs.
22. I suggest use of conditions: Mitigation Programme, Bird Nesting Season and Small mammal access. A Landscape condition could remind of the need for inclusion of wildlife-friendly plant species.

## **Tree protection officer**

23. No objections, however, retained trees could be vulnerable to damage during demolition/construction. In addition to the recommendations contained within the AIA and method statement, I would like to suggest that an Arboricultural Supervision condition is applied, to ensure that the CEZ is respected, and the trees remain unaffected by the project.

## **Local Lead Flood Authority**

24. I can confirm that the County Council as Lead Local Flood Authority has no comment to make.

## **Assessment of planning considerations**

### **Relevant development plan policies**

25. **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
  - JCS6 Access and transportation

**26. 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
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

**Other material considerations**

**27. Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF9 Promoting sustainable transport
- NPPF5 Delivering a sufficient supply of homes
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

**28. Supplementary Planning Documents (SPD)**

- Trees, development and landscape SPD adopted June 2016

**Case Assessment**

29. 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**

30. Key policies and NPPF paragraphs – DM8, DM12, NPPF section 5.
31. The existing Council garages on the site are largely vacant and three remaining tenants have been reserved alternative garages in the next street. There is permit controlled on-street parking along one side of Belvoir Street for existing residents so it is not considered there would be a significant loss of parking and replacing the

garages with two new dwellings is considered to have benefits which outweighs their loss.

32. At the rear of the existing garages there is a communal amenity space which is accessible by neighbouring dwellings. It is currently neglected and underused, but offers little more than a space to sit and it is not considered that its loss as a result of the development would unacceptably affect the amenity of existing residents who have the benefit of private gardens and the public amenity space adjacent to the Belvedere Centre.
33. The communal amenity space is not protected by any policy. However, a small area of grass verge between the road and garages is included within the boundary of the defined open space which covers the courts and play space to the north. Whilst Policy DM8 seeks to resist the loss of open space, other than in exceptional circumstances, the fact that the existing area offers nothing more than a grass verge, only 7 square metres would be lost and the remainder would be provided with shrub planting offering visual amenity and biodiversity benefits, this loss is immaterial and not unacceptable.
34. The site is appropriate for residential development in accordance with Policy DM12, subject to the proposal satisfying the policy criteria as considered below.

### **Main issue 2: Design**

35. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
36. The proposal seeks to replicate the form and design of the terrace on the opposite side of the road which has been constructed for the same applicant in the last ten years. This takes inspiration from the local Victorian terraces and includes high quality details such as stone heads and cills to windows and doors. It is acknowledged that this would be taller than and contrast with the adjacent 1960s terrace, however the proposed dwellings would be set behind the building line of this so appear less dominant in the streetscene and the design is considered to reinforce the positive characteristics of the area in accordance with Policy DM3.

### **Main issue 3: Amenity**

37. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 127.
38. Each dwelling would comply with minimum space standards and have gardens of a size consistent with those in the surrounding area. The northernmost dwelling has a larger garden and much of it would be overshadowed or overhung by surrounding trees, but it is considered there would be sufficient space to provide an acceptable standard of amenity.
39. There would be a distance of 23 metres to the rear of the terraced dwellings on Gladstone Street. First floor windows in the rear elevation would be to bedrooms and it is considered the nature of the use of these rooms and the distance to the neighbouring properties mean there would be no unacceptable overlooking or loss of privacy. The rear gardens would be overlooked to a greater extent than accommodation, however these are bisected gardens to terraced dwellings which are overlooked by existing neighbouring properties. Whilst there are existing properties on Gladstone Street which currently enjoy open views across the application site framed by trees and have no dwellings or windows immediately to

their rear, it is not considered the introduction of two storey dwellings on the site would unacceptably affect their amenity.

40. There would also be views to the gardens of the dwellings to the south, however these would be at an oblique angle and not overlook the gardens any more than existing dwellings in the terrace. The existing end of terrace dwelling south of the site has no windows in the end elevation so the windows in the proposed dwelling facing this would not overlook it. The siting of the dwellings north of the existing terrace and at a sufficient distance to neighbouring dwellings to the west means there would be no significant overshadowing or loss of light.

#### **Main issue 4: Trees**

41. Key policies and NPPF paragraphs – DM7, NPPF paragraph 170.
42. There are four trees to the north and one to the west just outside the boundaries of the site. Existing boundary walls to the west and partway along the northern boundary will be retained and this will offer some protection to the trees during construction work. Further protection measures are also proposed and these plus arboricultural supervision should be secured by condition.

#### **Main issue 5: Landscaping**

43. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraph 170.
44. The site is currently almost entirely built over and the design incorporates areas for soft landscaping to the front of each dwelling and rear gardens. Therefore there will be a considerable increase in soft landscaping and permeable surfaces across the site. The provision of trees in the rear gardens has been added to the proposal.
45. The amendment which has been made since consultation increases the area of shrub planting to the frontage which will enhance the appearance of the site, the streetscene and, subject to agreeing appropriate species and management by condition, biodiversity.

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

46. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
47. There is no highway objection to the proposal.
48. The proposed three parking spaces would provide one dedicated space to each dwelling, plus a visitor space. Previously two spaces per dwelling were proposed but the application was amended to reduce this, retain the designated open space and provide additional shrub planting. Maximum standards for this area would allow 1.33 spaces per dwelling so the proposed provision is broadly in line with this and considered acceptable.
49. There is dedicated space within each site for cycle and bin storage and this should be secured by condition.

#### **Main issue 6: Biodiversity**

50. Key policies and NPPF paragraphs – JCS1, DM6, NPPF section 15.

51. Representations have queried the submitted ecology survey. This is however considered to have been carried out correctly and its content is acceptable.
52. Specific concerns have been raised about hedgehogs and amphibians which may be able to move through the site at present. Existing boundary walls to the north and west will be retained, with new closeboard fences proposed to complete the boundaries of each dwelling. The provision of gaps at regular intervals to allow for small mammal and amphibian access can be secured by condition to retain permeability through the site and soft landscaping of the gardens and frontage will provide more habitat than currently exists on site.
53. The inclusion of integrated bat and bird boxes is considered an appropriate enhancement as is soft landscaping with species to attract wildlife to further enhance biodiversity opportunities. These can be secured by condition.

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

54. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.
55. The site is in a critical drainage catchment and within a wider area at risk of surface water flooding. At present there is 77% impermeable site coverage which drains direct to the public sewer. The proposal would reduce the impermeable area to 19.6% and water butts on the rear roof slope would attenuate the flow to the sewer. Overall, the proposal would result in a significant reduction in the impermeable area and therefore have a positive impact on the management of surface water and risk of flooding.
56. As the risk of flooding from water flowing across the site cannot be avoided, measures are proposed to mitigate the risk of the dwellings flooding internally. Standing advice from the Local Lead Flood Authority suggests that floor levels should be set 300mm above the anticipated flood level. This would result in a floor level 1.2 metres above ground level which would have practical and aesthetic implications. Therefore, the floor levels are proposed to be raised 300mm above the external ground level and flood resistant and resilient measures would be incorporated for the 900mm above this. It is considered necessary to condition the details of these measures and also a flood warning plan to alert and prepare occupants to the risk.

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

57. 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>
Water efficiency	JCS 1 & 3	Yes subject to condition
Contamination	DM11	A Desk Study has indicated there is a risk of contamination on site so further site investigation should be secured by condition.

## **Equalities and diversity issues**

58. There are no significant equality or diversity issues.

## **Local finance considerations**

59. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
60. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
61. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

62. The proposal would replace existing largely vacant garages and a small amenity space with two new houses. Alternative facilities are available and the benefits of the housing are considered to outweigh their loss and that of a small area of designated open space.
63. The dwellings have been designed to reinforce the positive characteristics of the local area and it is not considered there would be any unacceptable impacts on the amenity of neighbouring occupiers. Subject to appropriate conditions, the proposal is acceptable with regards contamination, trees, biodiversity, landscape, drainage and flood risk.
64. 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. 19/01511/F - Garages Adjacent 83 Belvoir Street, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Contamination site investigation;
4. Previously unidentified contamination;
5. Compliance with AIA;
6. Arboricultural supervision;
7. Materials;
8. Landscaping;
9. Imported material;
10. Small mammal access in boundary treatments;
11. Biodiversity enhancement;
12. Drainage scheme;

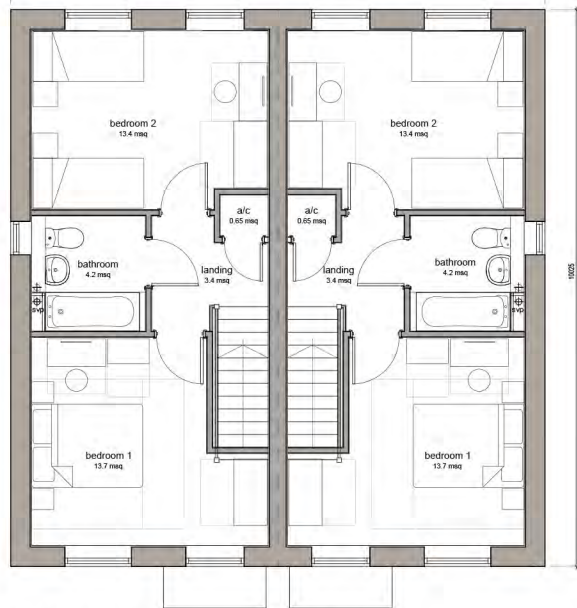
- 13. Flood resilience/resistance measures;
- 14. Flood warning notices;
- 15. Water efficiency

**Article 31(1)(cc) statement**

The local planning authority in making its decision has had due regard to paragraph 38 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 to the layout and flood resilient design, the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.







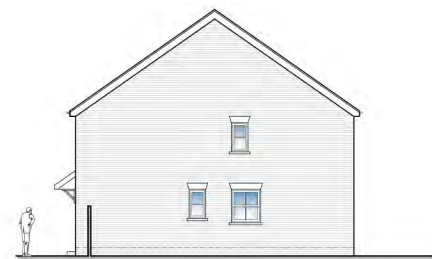
Plot 1 First Floor Plan Plot 2 First Floor Plan



Plot 1 Ground Floor Plan 2b4p House 79m² GIA Plot 2 Ground Floor Plan 2b4p House 79m² GIA



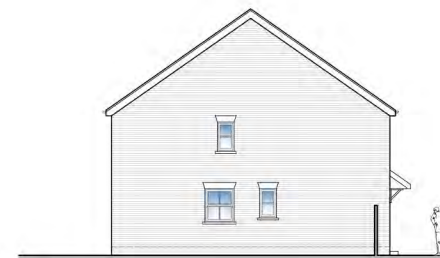
proposed east elevation 1:100



proposed north elevation 1:100

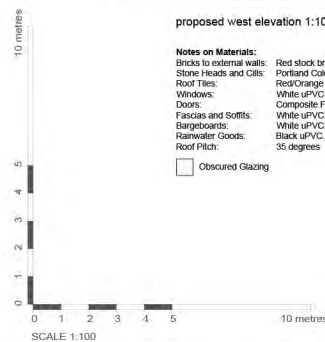


proposed west elevation 1:100



proposed south elevation 1:100

- Notes on Materials:**
- Bricks to external walls: Red stock bricks.
  - Stone / Heads and Cills: Portland Colour Cast Stone.
  - Roof Tiles: Red/Orange concrete interlocking plain format roof tiles.
  - Windows: White uPVC Double Glazed Units.
  - Doors: Composite Front Doors and White uPVC Rear Doors.
  - Fascias and Soffits: White uPVC.
  - Bargeboards: White uPVC.
  - Rainwater Goods: Black uPVC.
  - Roof Pitch: 35 degrees.
  - Obscured Glazing



04.12.19	D	Ground floor raised 300mm above external ground level, as a flood resilient measure.	add	PW
20.06.19	C	Updated to planning comments.	add	PW
20.06.19	B	Updated to planning comments.	add	PW
15.05.19	A	Updated to planning application submission.	add	PW
Date	Revised	Description	Drawn	Checked

**peterwellsarchitects**  
r/fine, firm, kitchen, gym, wood, bridge, w/folk, ip13 7BA - 01729 346356 - info@peterwellsarchitects.co.uk

Project:	NCC Garage Site, Belvoir Street, NR2 3AZ			
Dwg Title:	Proposed Plans & Elevations			
Client:	Orwell Housing	Dwg Status:	Planning	
Date:	May 2019	Scale:	1:50 / 1:100 @ A1	Dwg No.: PW763_PL03 Revision: D

DISCLAIMER: This drawing is prepared for the Client. It is not to be used for any other purpose without the prior written consent of Peter Wells Architects. The Client agrees to indemnify Peter Wells Architects from and against all claims, damages, costs and expenses, including reasonable legal fees, in connection with the use of this drawing for any purpose other than that for which it was prepared.



**Report to** Planning applications committee

**Item**

19 December 2019

**Report of** Area development manager

**Subject** Application no 19/01475/F; 213 Dereham Road, Norwich,  
NR2 3TE

**Reason for  
referral** Objections

4(b)

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<b>Ward:</b>	Wensum
<b>Case officer</b>	Stephen Little - <a href="mailto:stephenlittle@norwich.gov.uk">stephenlittle@norwich.gov.uk</a>

Development proposal		
Single storey side and two storey rear extensions.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Design, scale and form	The visual impact on the property and character of the area
2 Residential Amenity	Overlooking and/or overshadowing/loss of light to neighbouring properties
<b>Expiry date</b>	10 January 2020
<b>Recommendation</b>	Approve subject to conditions



## The site and surroundings

1. The subject property is situated on the north side of Dereham Road, 1km west of the city centre (opposite the junction with Connaught Road). This part of Dereham Road is characterised by a mix of residential properties, with detached and semi-detached properties dating from mid to late 20<sup>th</sup> century to the west, and generously proportioned Victorian semis and terraces to the east.
2. No.213 is a two-storey detached property, constructed in the post-war period and distinctive in form from the rest of the street, with both the dwelling and plot significantly wider than neighbouring properties. It is largely red brick and red-tiled roof, with a double-bay frontage (the bays are white-rendered) and hip roof porch. The house is a family home (in the C3/dwellinghouse use class).
3. A two-storey gable-roof section, original to the house and matching its height, projects from the west side of the rear of the dwelling and this has since been added to in the late 70s with a single-storey gable roof extension projecting further to the rear and side. Other additions are a smaller lean-to utility room on the rear of the main dwelling opening onto a raised patio area, and a large flat roof garage on the east of the dwelling, which projects 3.6m further to the rear than the utility room.
4. The front garden is approx 13m front to back, though the dwelling is set approx. 4m further forward than its neighbours. The garden projects approx 6m to the side and 5m further to the rear (as measured from the rear of the current single storey extension). There is a drop in ground level toward the rear/northeast of the garden, making that part of the garden approx 0.65m lower than the front and west side.
5. To the east is 205 Dereham Road (house numbers are missing) with the dwelling just over 2m from the subject dwelling's garage at its closest point. The boundary fence, approx 2.4m in height, runs very close to the garage at a slight angle so that the subject dwelling's garden slightly narrows toward the rear. The rear of no.205, which has also been extended, projects over 11m further to the rear than the subject dwelling's garage. To the side of no.205, 3m from the boundary and 2m further back than the subject property's garage, are a set of side-facing glazed doors which open onto a side patio area and service a main living room.
6. To the west is no.215, with the dwellings 7m apart at their closest point. There is a 1.75m wall and small shed on the boundary. Only minor windows look toward the subject property.
7. To the rear are garages and the rear garden of no.87 West End Street, the dwelling itself of which is 60m from the subject dwelling.

## Constraints

8. The site is in a Critical Drainage Area. The area of street outside the property is identified as having a 0.1% (1 in 1000) risk of flooding from surface water (SFRA Floodmap Datasets), with the nearest area of higher risk (1%) over 60m away.

## Relevant planning history

Ref	Proposal	Decision	Date
4760583/F	Single storey extensions to house and dwelling.	APPR	19/5/1976
840004/F	Single storey extension at side of dwelling.	APPR	26/1/1984
07/01160/F	Erection of 1.8m garden wall to front of property to include vehicular access gate.	REF	19/03/2008

## The proposal

1. The proposal includes infilling the area, between the two-storey rear section and the garage, with a two-storey gable roofed rear extension. Its ridge would be 0.2m lower than the main house, and its eaves and the extent of its outer walls would align with those of the original dwelling. Glazing would include a first floor window facing to the rear (note: this was amended from the originally proposed juliet balcony). No windows will face to the side.
2. A flat roof single storey extension will be constructed to the west of the dwelling, set 4m further back than the front of the house and 2.2m from the side boundary with no.215. It will have a roof lantern and no side-facing windows.

Proposal	Key facts
<b>Scale</b>	
Total floorspace	Two-storey extension: 24.7m <sup>2</sup> (increase in floorspace) Single storey extension: 16.4m <sup>2</sup>
Max. dimensions	Two-storey extension: 4m front to back; 4.8m wide; 7.45m high as measured from raised patio (8.1m from lower garden ground level). Single storey extension: 5.1m front to back; 4m wide; 3.25m high.
<b>Appearance</b>	
Materials	Walls – render (existing is mostly red facing brickwork, but with white render on front gables); roof – interlocking tiles to match existing on two-storey extension; white UPVC windows & doors to match existing.

## Representations Received

3. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received responding to the original plans (which proposed a rear-facing juliet balcony) citing the following issues:

4.

Issues Raised	Response
Overshadowing/loss of light to main family room & decked area of neighbouring property. Additional roof would block sun from the west. (Survey requested)	See main issue 2
Loss of privacy. Overlooking into family room, decked area and rear garden of neighbouring property. (Survey requested)	See main issue 2
Loss of outlook for two upstairs bedrooms & family room at neighbouring property.	See main issue 2
Proposed design will increase bulk and dominance of the building, presenting a large flat wall/dominating roof & gable end when viewed from the rear. Proposed hip roof instead.	See main issue 1
Render not in keeping with the rest of the building – proposed brick instead.	See main issue 1
Loss of sunlight to garden to the rear.	See main issue 2
Overlooking to garden to the rear – proposed replacing Juliet balcony with window of same size as existing on rear elevation.	See main issue 2

## Consultation responses

5. None.

# Assessment of planning considerations

## Relevant development plan policies

6. **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
7. **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
  - DM5 Planning effectively for flood resilience

## Other material considerations

8. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
  - NPPF2 Achieving sustainable development
  - NPPF12 Achieving well-designed places

## Case Assessment

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

### Main issue 1: Design, scale and form

10. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 8, 127-131.
11. The two-storey extension, while relatively large in form, works well with the host property, reflecting its rear gable and window pattern while, by infilling this area, giving the house a more integrated and cohesive form. The lower roof ridge line helps to maintain an element of subservience to the main house.
12. While the side extension is more functional in appearance and not so visually integrated with the house, the design approach is appropriate for the context and the roof lantern provides some visual distinctiveness.
13. The use of render for both extensions provides a fitting contrast with the existing red brick, allowing the original house to be read while providing visual variation which softens any potentially over-dominant or monolithic impression. It also reflects the use of render to the front.



14. There will be very limited visibility of the extensions from Dereham Road and certainly no notable impact on the street scene. The two-storey extension will be visible from houses to the north on West End Street though, given the length of gardens, they are far too distant to consider any impression to be over-dominant.
15. Overall, the design of the extensions are considered sympathetic, and in appropriate proportion, to the property and are acceptable in terms of design, scale and form.

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

16. Key policies and NPPF paragraphs – DM2, NPPF paragraph 127.
17. The key issues to consider relate to potential impacts for the side-facing living room and patio area at no.205, the neighbouring property to the east.
18. First, in respect of overshadowing, there is likely to be some loss of direct sunlight at mid to late afternoon for certain times of year. However, for much of the year, the existing house, along with the relatively high boundary fence, will already be causing overshadowing whereas during summer months the sun will be high enough to clear the extension. Between these times, the extension will cause some reduction of direct sunlight though this is likely to be for no more than a few weeks during the year. So while there is some identified impact, it is considered to be of an acceptable level.
19. In consideration of potential loss of diffuse daylight and/or outlook, while the drop in ground level would increase the visual dominance of the structure, the nearest corner of the extension will be 8m from the centre of the neighbouring patio doors, which is too great a distance for this impact to be significant.
20. In terms of overlooking, there is some potential for a viewer from the first floor window to look sideways toward the neighbouring patio and living area. However, the revised proposals, which replace the formerly proposed juliet balcony with a standard window, will reduce the potential for overlooking given that the viewer is less likely to lean forward and that a side-opening window discourages acute-angled views to the side. For residents of the neighbouring property, it will also reduce any potential impression of being overlooked. Additionally, the parapet on the end of the garage does provide screening for a small part of the potential view. Given the benefits and well-considered design of the scheme, and that a rear-facing first floor window with some potential for overlooking is far from an unusual scenario, it is not considered proportionate for this to form an objection to the scheme. It perhaps should also be mentioned that the neighbouring property has a side-facing first floor window on its rear extension which potentially provides a more direct view into the subject property.
21. The acceptability of the degree of both overshadowing and overlooking is not considered sufficiently borderline to warrant the undertaking of a detailed survey or sunlight assessment.
22. The single storey extension is set well back from the boundary with no.215 to the west and, particularly with no living room windows facing the property, there will be no notable impact on neighbouring amenity.

23. Overall, the potential impacts from overshadowing and overlooking are not significant enough to warrant objection, and the extension is acceptable in terms of amenity.

### **Other issues**

24. The two-storey extension will have no notable impact on the risk of flooding from surface water, as it is being built over hard-standing (a raised patio area). The side extension has too small a footprint to warrant conditioning of sustainable drainage measures (SuDS), particularly as it is largely surrounded by grass and also as there are no areas at high risk of flooding within the immediate vicinity.

### **Equalities and diversity issues**

25. There are no significant equality or diversity issues.

### **Local finance considerations**

26. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
27. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
28. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

29. This is a well-considered proposal with a design approach appropriate for the property and area. While there is some potential impact on neighbouring amenity in terms of overshadowing and overlooking, this is not considered to be significant enough to warrant refusal or to outweigh the positive aspects of the scheme. Given this, and for other reasons outlined above, the proposals are acceptable.
30. The development is sufficiently 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.

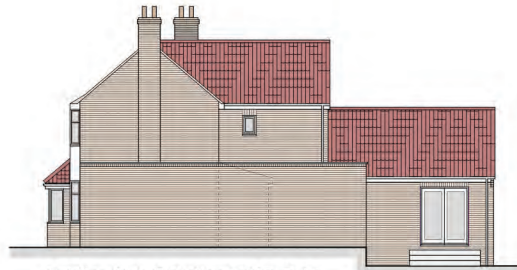
## **Recommendation**

To approve application no. 19/01475/F – 213 Dereham Road, Norwich, NR2 3TE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.



Existing Front Elevation 1:100 @ A1



Existing Side Elevation 1:100 @ A1



Existing Side Elevation 1:100 @ A1



Existing Rear Elevation 1:100 @ A1



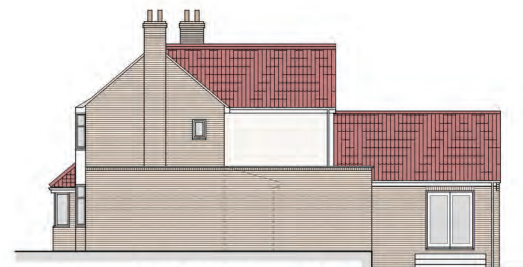
Proposed Side Elevation 1:100 @ A1



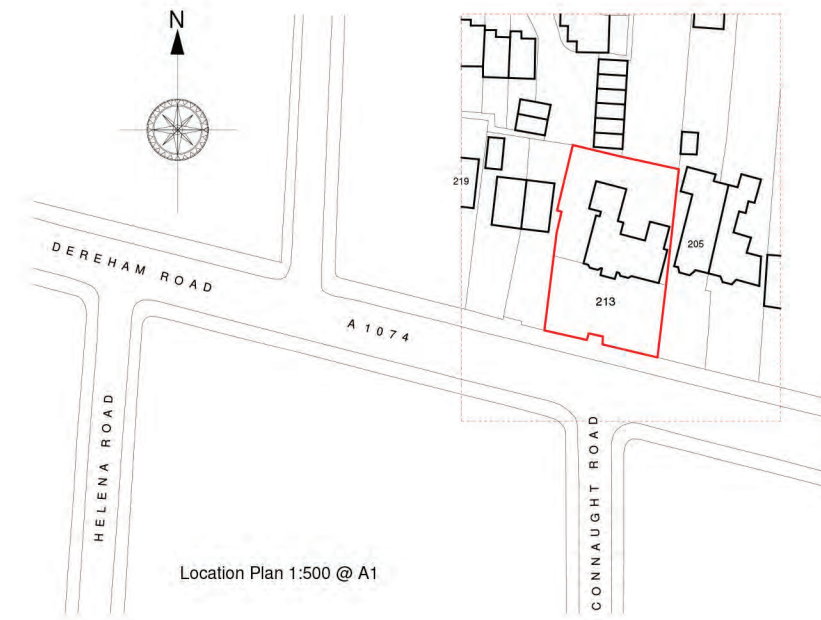
Proposed Rear Elevation 1:100 @ A1



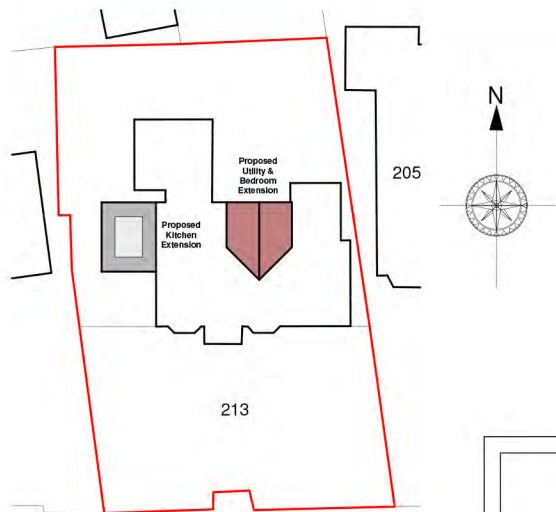
Proposed Front Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Location Plan 1:500 @ A1

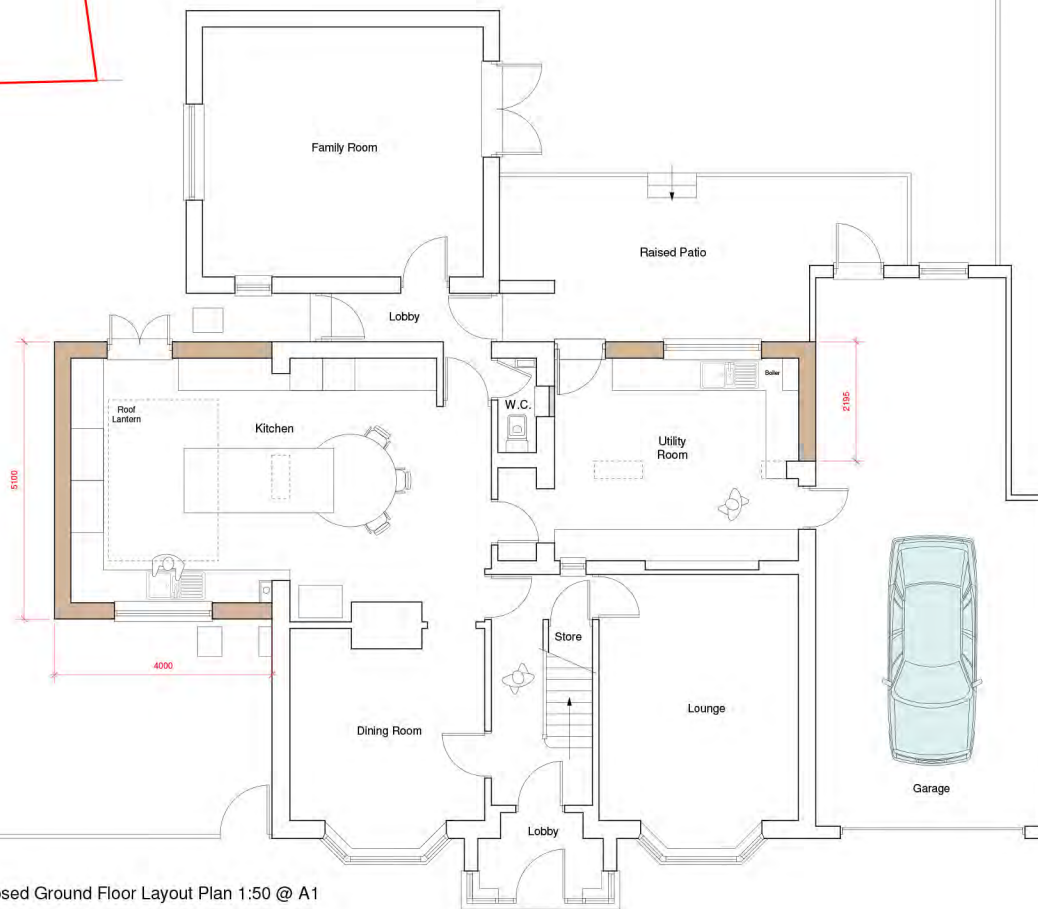


Site Layout Plan 1:200 @ A1

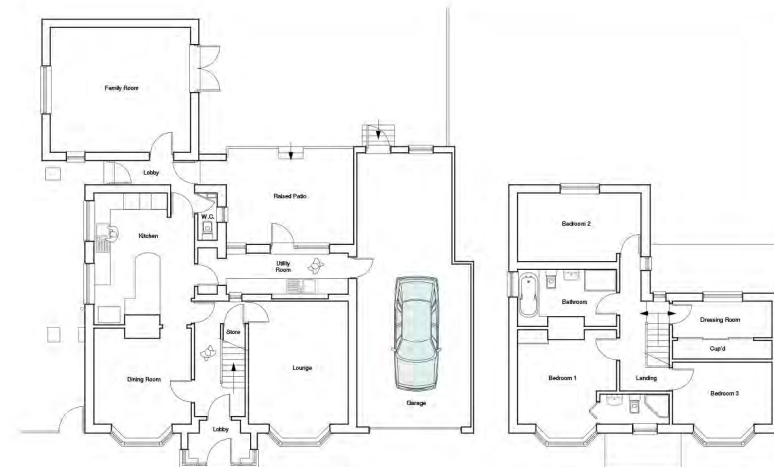
213

205

N



Proposed Ground Floor Layout Plan 1:50 @ A1



Existing Ground Floor Layout Plan 1:100 @ A1

Existing First Floor Layout Plan 1:100 @ A1



Proposed First Floor Layout Plan 1:50 @ A1

**Anglia Design**  
architects surveyors LTD  
mail@angliadesign.co.uk www.angliadesign.co.uk

London Office: 30 Rosh House, Newcourt Street, 9 John's Wood, London, N6 7AD  
tel: 020 7522 9059 fax: 020 731 3654  
Norwich Office: 11 Chipping Cross, Norwich, Norfolk, NR2 4AX  
tel: 01603 665316 fax: 01603 746337

# **PROPOSED EXTENSIONS TO 213 DEREHAM ROAD, NORWICH.** **EXISTING & PROPOSED LAYOUT PLANS**

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**Proposed Residential Extensions to**  
**213 Dereham Road, Norwich,**  
**Norfolk, NR2 3TE.**  
**For Mr. & Mrs. J. Haywood**  
Date: Oct. 2019 Scale: 1:100, 1:50 Dwg No. TL-4902-19-1A  
**Existing & Proposed Layout Plans**

**Report to** Planning applications committee

**Item**

19 December 2019

**Report of** Area development manager

**Subject** Application no 19/01474/F - 337A Dereham Road, Norwich, NR2 3UT

**Reason for referral** Member application

4(c)

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<b>Ward:</b>	Wensum
<b>Case officer</b>	Stephen Little - <a href="mailto:stephenlittle@norwich.gov.uk">stephenlittle@norwich.gov.uk</a>

Development proposal		
Single storey side and two storey rear extensions.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1 Design, scale and form	No notable issues
2 Residential amenity	No notable issues
<b>Expiry date</b>	1 January 2020
<b>Recommendation</b>	Approve subject to conditions





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Planning Application No 19/01474/F  
Site Address 337A Dereham Road

Scale 1:500

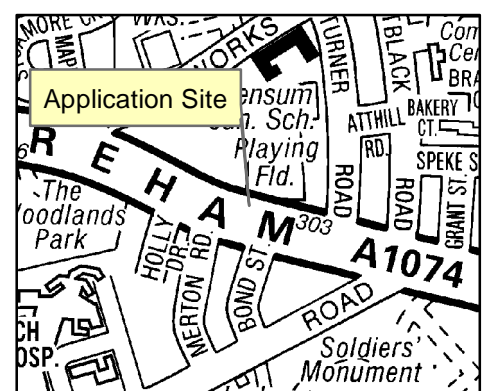


**NORWICH**  
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## The site and surroundings

1. The subject site is situated on the north side of Dereham Road, approx 200m west of its junction with Bowthorpe Road. The site, 30m from front to back and 13.5m at its widest, includes only the driveway and parking area, alongside and to the rear of the house at 337A. The house, in the same ownership and situated to the east of the site, has been recently constructed on land formerly let to no.337. Nos.337 and 335 retain access rights over part of the land to access their properties to the rear.
2. There is currently a car port on the land situated to the rear of the garden of no.337A. Access to no.335 is provided further to the rear of the car port, while access to no.337 is on the opposite (northwest) corner of the site.
3. No.337, a mid-C20 detached property, is to the west of the site. To the east of 337A is no.335, the first in a line of mid-C20 terraces. The plots of both properties roughly match the length of the subject site.
4. The playground and sports field of Wensum Junior School are located to the rear of the site to the north.
5. The existing garden of no.337A is bounded by a 1.8m fence.

## Constraints

6. None notable.

## Relevant planning history

Ref	Proposal	Decision	Date
14/00613/O	Outline application for the erection of 1 No. three bedroom dwelling.	APPR	09/07/2014
15/00429/RM	Details of condition 1: appearance, landscaping, layout and scale of previous permission 14/00613/O.	APPR	10/06/2015
15/00941/D	Submission of details pursuant to condition 3(materials) 4(landscaping) of permission 15/00429/RM.	APPR	21/08/2015

## The proposal

7. It is proposed to demolish the car port, retaining one parking space and extending the garden area of no.337A. The 1.8m fence will be extended round the expanded garden to include the retained parking space, to which a new gated access will be provided. No existing rights of way will be affected.
8. The proposals are a divergence from the landscaping proposals as agreed, and

implemented, as part of application 15/00941/D.

Proposal	Key facts
<b>Scale</b>	
Max. dimensions	Car port to be demolished is 4.6m x 4.6m in area and 2.4m in height. Garden area to be extended by is 4.3m x 8m.
<b>Appearance</b>	
Materials	Close boarded wood fence as existing; retained gravel parking space.

## Representations received

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

## Consultation responses

10. None.

## Assessment of planning considerations

### Relevant development plan policies

11. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
12. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design

### Other material considerations

13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF12 Achieving well-designed places

### Case Assessment

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are



detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Main issue 1: Design, scale and form**

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 8, 127-131.
16. The car port makes no visual contribution to the area and its demolition, along with the extension of the garden area and fence, will represent an overall visual improvement for the rear of these properties.

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

17. Key policies and NPPF paragraphs – DM2, NPPF paragraph 127.
18. Most significantly, for current and future occupants of 337A, the extension of the garden will represent a significant amenity improvement. With no material impacts on neighbouring properties, and rights of access for those properties being retained, there are no amenity concerns relating to this application.

### **Equalities and diversity issues**

19. There are no significant equality or diversity issues.

### **Local finance considerations**

20. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
21. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
22. In this case local finance considerations are not considered to be material to the case.

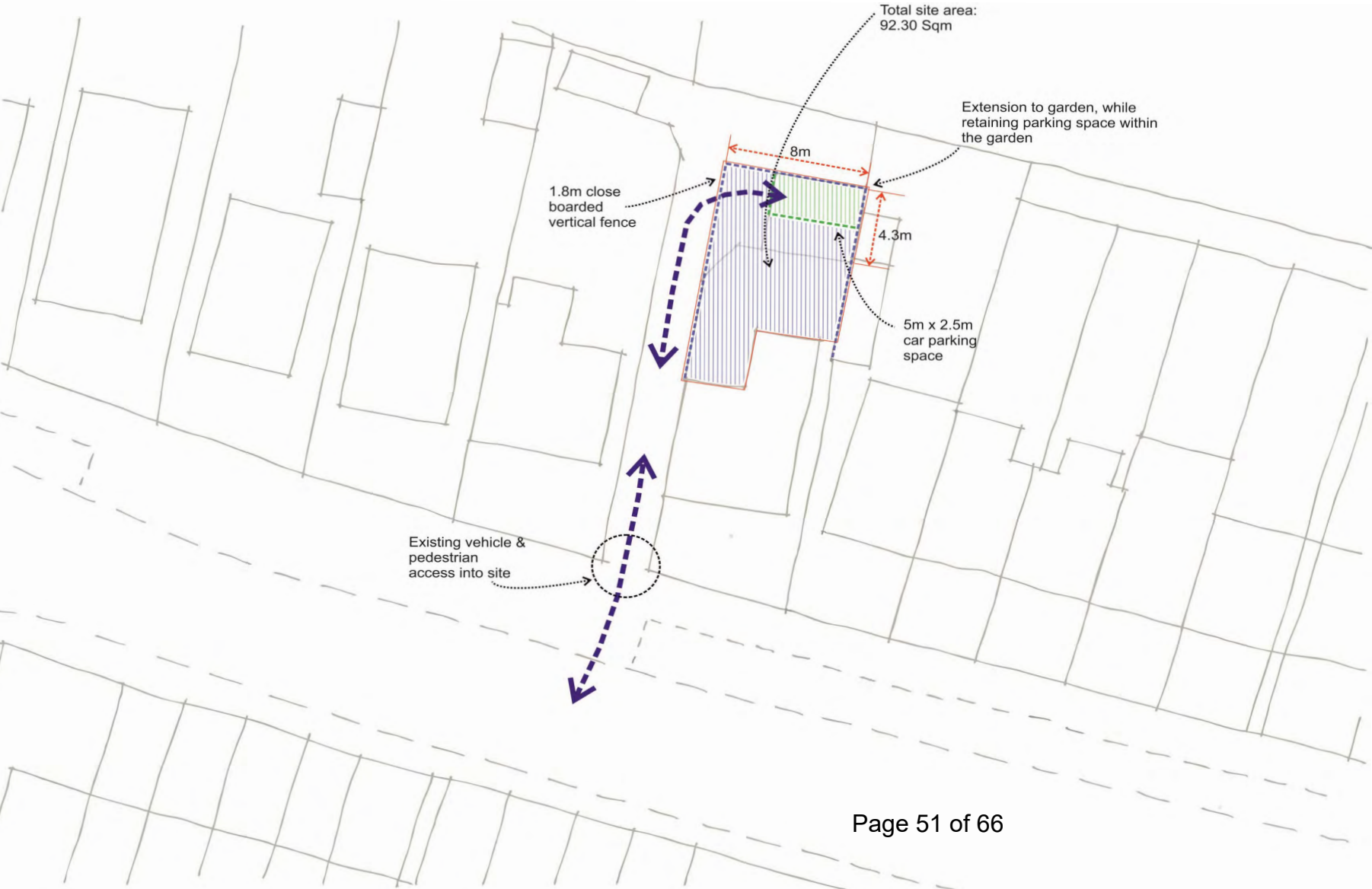
### **Conclusion**

23. With no concerns relating to design or amenity, and with the plans representing an overall improvement for the rear of these properties, the proposal is acceptable.
24. The development is sufficiently 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. 19/01474/F – 337A Dereham Road, Norwich NR2 3UT and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans.



## 4. PROPOSED DEVELOPMENT

**4.1** The applicant is proposing the demolition of a carport for 1 covered parking space to extend the property's garden. 1 parking space will be retained for future amenity. It must be noted that right of way for the adjoining properties won't be impeded.



Figure 2– Proposed alteration to property (Source: Paul Clarke)

**Report to** Planning applications committee

**Item**

19 December 2019

**Report of** Area Development Manager

**Subject** Application no 19/01280/F - Land Rear of 32 and 33  
Cattle Market Street (accessed Via Three Tuns Court),  
Norwich

**Reason for  
referral** Objection

4(d)

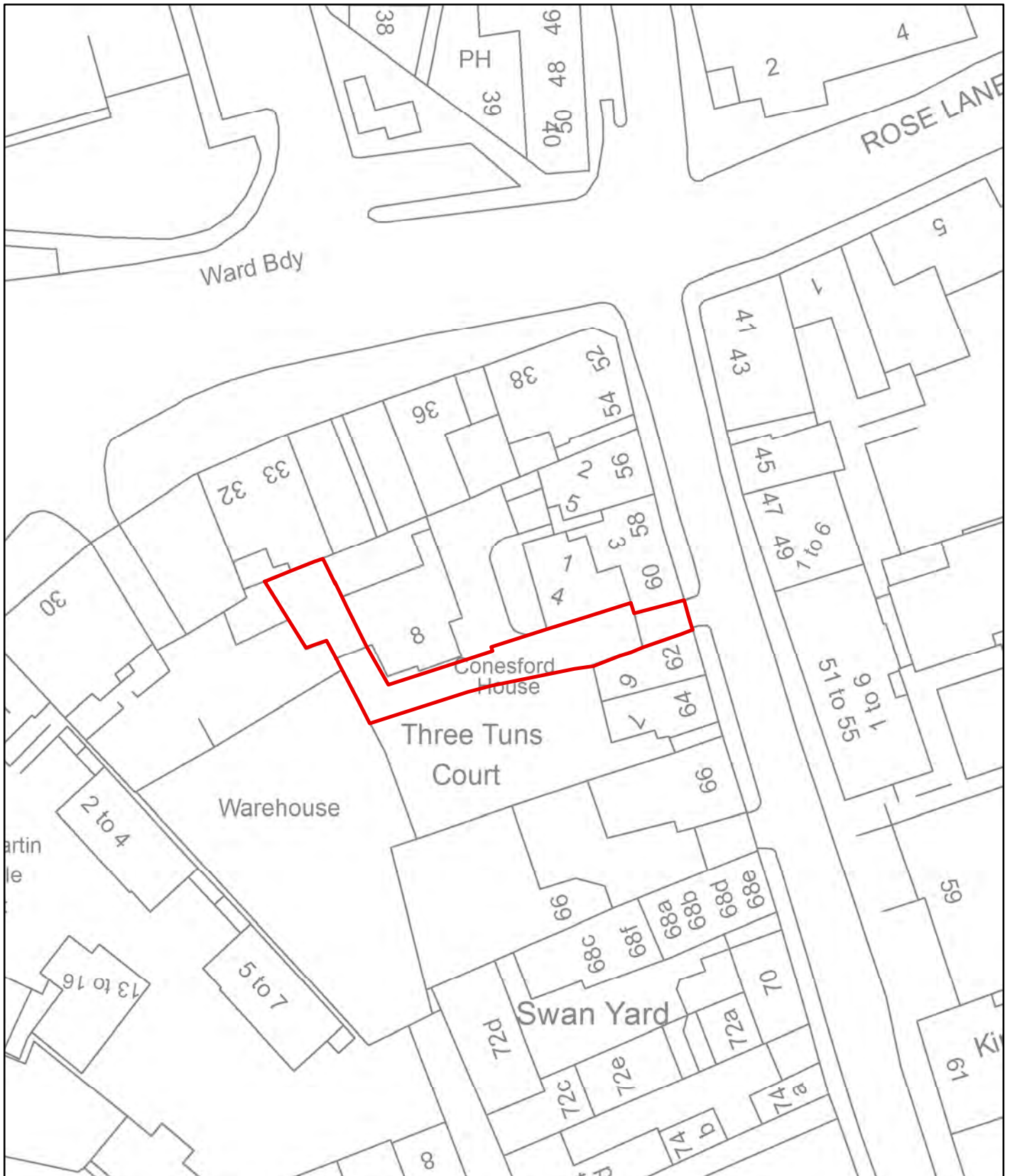
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<b>Ward:</b>	Mancroft
<b>Case officer</b>	Katherine Brumpton - <a href="mailto:katherinebrumpton@norwich.gov.uk">katherinebrumpton@norwich.gov.uk</a>

Development proposal		
Construction of single storey office.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle of development	Suitability of office at the site
2 Design and Heritage	Impact upon Conservation Area
3 Transport	Suitability of access and parking
4 Amenity	Impact upon adjacent neighbours and amenity of future residents
<b>Expiry date</b>	5 November 2019
<b>Recommendation</b>	Approve





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Planning Application No 19/01280/F  
 Site Address Rear of 32 and 33 Cattle Market Street

Scale 1:500

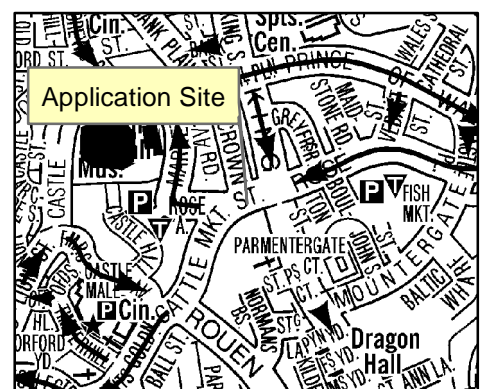


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## The site and surroundings

1. The site is currently unused, except for some low scale storage. Access is gained from the south east, via Three Tuns Court.
2. It borders the rear of 32/33 Cattle Market Street to the NW; this property has a ground floor window and pedestrian door facing the site, in addition to windows on higher storeys. Due to the design of 32/33 Cattle Market Street the ground floor immediately abuts the site, with the first floor set further back and the second floor further again.
3. To the northeast lies Conesford House; part of the site borders its rear garden, and the rest the dwelling itself.
4. The southwest borders a historic wall, which partially serves an adjacent warehouse, it measures approx. 4m high.
5. At the time of the site visit it was unclear what use 32/33 Cattle Market is in as it appeared unused. However its planning history suggests that its last active use was either as offices or residential.
6. The submitted location plan shows most of Three Tuns Court falls within the ownership of the application site.

## Constraints

7. Conservation Area: City Centre Conservation. King Street Character Area
8. Neighbouring buildings to the north are locally listed (nos. 32-38). 32/33 Listing: *Early C19. 3 storeys, white brick. Pantiles. 3 sashes. Later shopfront.*
9. The majority of buildings within Three Tuns Court are statutory listed (56-64 [evens] King Street)
10. Area of Main Archaeological Interest
11. City Centre Leisure Area
12. City Centre Parking

## Relevant planning history

13.

Ref	Proposal	Decision	Date
18/01839/F	Construction of single storey dwelling with basement.	REF	07/05/2019
19/00717/F	Single storey dwelling with basement.	REF	17/07/2019

## The proposal

14. The proposal is for the erection of a single storey single unit office. It would have a flat roof served with a lantern and be accessed via bi-fold doors in the northeast elevation. A toilet would be served with a window on the southeast elevation, facing Three Tuns Court.
15. The office would be constructed from brick, although no details have been provided. The fenestration would be either timber or aluminium.
16. Following discussions with the agent amended plans have been received which would reduce the height of the walls by 0.3m and include an area of obscure glazing. Due to the limited level of these changes neighbours have been re-consulted for 7 days, but no further re-consultations or re-publications have been undertaken.
17. At the time of writing the report the additional 7 day consultation period is underway. Any additional responses from neighbours will be provided to the Committee via the update sheet.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	22 square metres
No. of storeys	1
Max. dimensions	Footprint: 4.8m by 7.7m (note: proposal does not have a rectangular footprint)  Height: 2.7m
<b>Appearance</b>	
Materials	Brick and aluminium or timber fenestration
<b>Operation</b>	
Opening hours	None stated
<b>Transport matters</b>	
Vehicular access	Via Three Tuns Court
No of car parking spaces	0
No of cycle parking spaces	No details provided



Proposal	Key facts
Servicing arrangements	Within an existing area in Three Tuns Court

## Representations

18. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Future users would have virtually no natural light and no outlook.	See main issue 4.
Another office is not needed; Norwich already has an excess of office space	See main issue 1.
Poor access to site, via a security gate, with limited car parking. Difficult to undertake building work.  May need to undertake significant foundation and/or piling work as part of the construction.	See main issue 3.  Details of foundations are not considered to be a material planning consideration in this case and will be a matter for building control.
An increase in the number of people with access to the gate will decrease overall security.	The increase in the number of visitors and people working within Three Tuns Yard is not considered to be significant as a result of this application. The impact upon the security is therefore also not considered to be significant.
Neighbours rights of access may be impacted by the development: <ul style="list-style-type: none"> <li>could lead to inappropriate parking across the right of access along the south of the site;</li> <li>not permit adequate access to the garden; and</li> <li>during the development areas are likely to be obstructed.</li> </ul>	The proposal does not include any parking on the site.  The neighbours rights of access are largely a civil matter, however it is considered that the proposed development would not prevent the area to the south of the site being kept clear or access being maintained to the gate to the neighbour's rear garden.
Would overshadow and overlook neighbours and therefore conflict with policy DM2 and DM16. No improvement on previous application, which was refused for	See main issue 4.

Issues raised	Response
overshadowing. Building would sit 3.7m above adjacent garden.	
Impact upon the adjacent neighbours' amenity from the noise of people visiting and using the office and potential overlooking into adjacent garden.	See main issue 4.
Potential for office to be converted into a dwelling in the future; the site is not suitable for a dwelling.	Agree that the building would not be suitable for use as a dwelling due to the site restrictions such as the size of the plot and relationship to neighbours. A change of use to a dwelling from an office is currently allowed under permitted development in some circumstances. As such a condition would be added to prevent a change of use under permitted development.

## Consultation responses

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

### Design and conservation

20. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

### Highways (local)

21. No objection. A Construction Management Plan is requested as the site is constrained. No on-site parking permits would be provided.
22. Provision of bins and cycle storage needs to be established.

### Norfolk historic environment service

23. No objection. Standard condition needs applying. Monitoring may be enough but a programme of works needs to be prepared anyway.

# Assessment of planning considerations

## Relevant development plan policies

24. **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
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS11 Norwich city centre
25. **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
  - DM9 Safeguarding Norwich's heritage
  - DM16 Supporting the needs of business
  - DM17 Supporting small business
  - DM23 Supporting and managing the evening and late night economy
  - DM28 Encouraging sustainable travel
  - DM29 Managing car parking demand in the city centre
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

## Other material considerations

26. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF6 Building a strong, competitive economy
  - NPPF7 Ensuring the vitality of town centres
  - NPPF9 Promoting sustainable transport
  - NPPF11 Making effective use of land
  - NPPF12 Achieving well-designed places
  - NPPF16 Conserving and enhancing the historic environment

## Case Assessment

27. 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**

28. Key policies and NPPF paragraphs – DM18, DM23 and NPPF section 11.
29. The site is located within a City Centre Leisure Area. The immediate area is mixed use, with offices and residential dwellings dominating in the immediate area. Within the wider setting there are takeaways, cafes, financial and professional services and taxi offices. An additional office is considered to be an acceptable use within this part of the city and would not prejudice the use of any neighbours.
30. NPPF section 11 provides advice on making effective use of land. It states that decision making should support the development of under-utilised land and buildings. The site is currently not in any significant use, and so this proposal would bring forward the development of a brownfield site, which is supported in principle under section 11.

## **Main issue 2: Design and Heritage**

31. Key policies and NPPF paragraphs – JCS2, DM3, DM9 and NPPF sections 12 and 16
32. Policy DM3 states that proposals should respect, enhance and respond to the character and local distinctiveness of the area. Furthermore Policy DM9 requires developments to preserve, enhance or better reveal the significance of designated heritage assets. The NPPF requires great weight to be placed upon heritage's asset's conservation.
33. In this case the heritage assets directly impacted are the Conservation Area and the adjacent 32/33 Cattle Market Street. The Statutory Listed buildings within Three Tuns Court are all sited some distance from the site and are screened by Conesford House.
34. The proposal is for a flat roof brick built office, with a lantern in the roof. Due to the size and nature of the site the design has responded to the constraints by being an unusual shape. This shape enables a section to be pulled away from the window to the north on 32/33 Cattle Market Street and partially away from the rear garden of Conesford House. It also extends further towards the courtyard to take advantage of the "L" shaped plot. It would be alongside the wall to the southwest but stepped away from the boundary on the other elevations.
35. The site itself is not readily visible from any public vantage point. Three Tuns Court is served with an electronic gate which is normally locked. The boundary wall along the south western elevation is approximately 4m high and extends along the whole of the court. 32/33 Cattle Market Street is an early C19 3 storey terraced building fronting Cattle Market Street, which drops down to 2 and then 1 storey to the rear. Conesford House, to the north east, was approved in 2006 and is a detached 3 storey dwelling of a relatively contemporary design.
36. The proposed building would be set back from the front of the plot, and only be readily visible from the immediate neighbours and from directly inside Three Tuns Court. Whilst there are no existing flat roof buildings in the immediate area, features such as a brick wall around a balcony on Conesford House would allow the proposal to tie in with the character of the area. Due to the scale and design the

proposed office would be viewed as an outbuilding/extension and be a relatively subordinate feature within the wider Conservation Area. The proposed materials (red brick and either aluminium or timber fenestration) are considered to respond to the local character. The details of the materials would be conditioned.

37. The proposal would have some impact upon the adjacent locally listed building, 32/33 Cattle Market Street as it would partially screen views from Three Tuns Court. Policy DM9 requires that where developments would impact upon locally listed buildings their significance should be retained wherever reasonably practicable. The rear elevation is clearly the subordinate elevation and has already been largely screened from wider views by Conesford House. At a single storey height the impact would be largely upon the ground floor only, with the rest of the rear elevation still visible. The ground floor is a later addition. The more historically significant part of the rear elevation is in this case the first and second floor. Furthermore the historic interest in this property is largely to the front. The proposal is therefore considered not to have an unacceptable impact upon the significance of the locally listed building, as whilst part of the rear would be partially screened, the impact would be largely felt on the new ground floor section only.
38. The impact upon the wider Conservation Area is considered to be relatively minimal. As discussed above it would not be readily visible from any public vantage point. Furthermore it would be enclosed on 3 of the 4 sides by higher buildings/walls. From Three Tuns Court it would appear as a recessive single storey building sat alongside Three Tuns Court.
39. The impact upon the Conservation Area and the adjacent Locally Listed building is considered to constitute a low degree of less than substantial harm. Para 196 of the NPPF requires that where developments would result in less than substantial harm to the significance of a designated heritage asset this harm needs to be weighed against the public benefits of the proposal. The development would provide for an additional office unit for the city and serve to better utilise this space, which was used for informal storage and did not enhance either the Conservation Area or Locally Listed building. The proposal is considered to be acceptable in terms of the impact upon heritage assets as the benefits would outweigh the limited harm.
40. With suitable conditions the proposal is considered to be suitably designed for the site and to comply with both policies DM3 and DM9.

### **Main Issue 3: Transport**

41. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
42. The site is located in an area in the city where car parking spaces are not required for new offices. The applicant has indicated that refuse can be stored elsewhere within Three Tuns Court, although no details have been provided. No details of cycle storage have been provided either, but there is room within the site to accommodate storage. As such with a condition requesting these details the proposal could provide satisfactory refuse and cycle storage.
43. The site is relatively constrained, and as such the Highways Officer has recommended that a Construction Management Plan is requested. This is considered to be justified at this site and so would be conditioned.

## Main issue 4: Amenity

44. Key policies and NPPF paragraphs – DM2, DM11, NPPF section 12
45. The proposal would directly impact two neighbouring properties; 32/33 Cattle Market Street and Conesford House. Wider neighbours would be able to see the site but are considered unlikely to have anything more than a negligible impact.
46. The rear of 32/33 Cattle Market Street is served with a pedestrian fully timbered door, and a window. As mentioned above the current use is uncertain, although there is no clear sign that the building is in use at all. The boundary of the site runs immediately alongside, and so this neighbour has no rear land associated with their building. It has however been assumed that there is a right to access, and the proposal would allow that. The building has been designed to be set back further from the window than from the door, at 2.3m. Whilst there would still be some loss of light, this set back would allow light to still reach the inside of the building here.
47. The side elevation of Conesford House facing the site is blank except for one first floor bedroom window. This window would overlook the office but would not be directly impacted by it in terms of overlooking or overshadowing. The proposal would also sit partially opposite the neighbour's rear garden. This garden is set lower than the site, by approximately 0.7m. The existing garden wall is 1.7m high; as such the proposed office would measure some 3.4m above the garden, and 1m above the wall. The existing 4m wall on the south-western boundary creates some overshadowing into the garden. The proposal is stepped away from the garden by 1.3m-2.7m. The furthest away section should not create any additional overshadowing, and the closest section will only create a relatively minor increase. Whilst it is acknowledged that this garden is relatively overshadowed already and therefore any increase would be more noticeable, the increase anticipated is considered to be minimal and therefore acceptable.
48. There will be some impact upon neighbours from the general comings and goings to the office. However, given that the nature of an office is that of usage during the day and week only, the impact upon neighbour's residential amenity is not considered to be significant.
49. The future amenity of the users of the office is considered to be acceptable. Although there is minimal outlook, the large roof lantern combined with the bi-fold doors would allow for sufficient sunlight to reach the office and provide satisfactory working conditions.

## Compliance with other relevant development plan policies

50. 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.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Not applicable</b>

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>

### **Other matters**

51. The following matter has been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

No details of the Landscaping have been shown on the plans except for indicative paving around the office building. A condition is proposed which would require these details. The introduction of some soft landscaping would be encouraged, to provide some biodiversity benefit at the site.

### **Equalities and diversity issues**

52. There are no significant equality or diversity issues.

### **Local finance considerations**

53. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
54. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
55. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

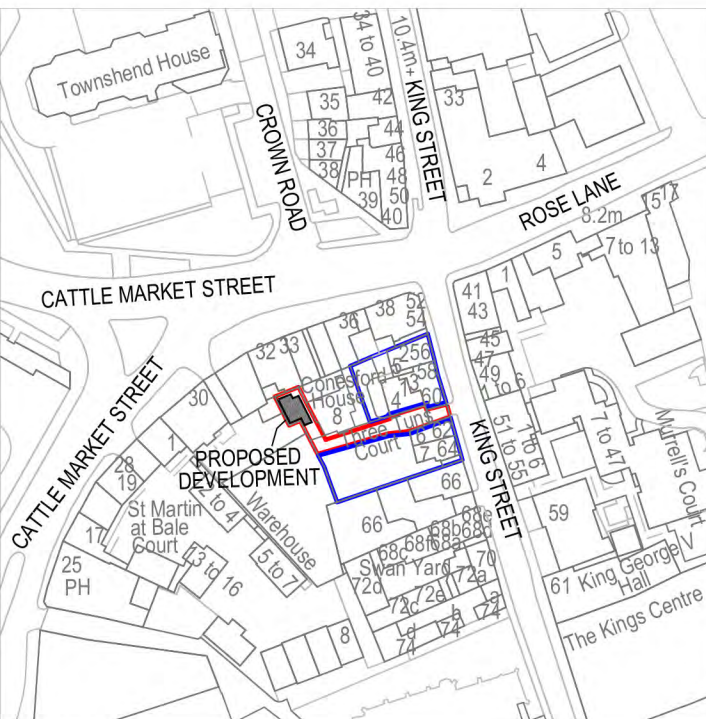
56. The proposed office would be constructed in an area that is considered to be brownfield land. The proposed building would have an acceptable impact upon the heritage assets and amenity of adjacent neighbours. The amenity of future users of the office is considered to be acceptable.
57. There would be some limited impact upon the heritage assets, notably the Conservation Area and Locally Listed Building 32/33 Cattle Market Street. However this less than substantial harm is considered to be outweighed by the benefits of the development, which includes making better use of an underutilised site and providing an office unit.
58. With suitable conditions the proposal is considered to comply with the requirements of the National Planning Policy Framework and the Development Plan

## Recommendation

To approve application no. 19/01280/F - Land Rear of 32 and 33 Cattle Market Street (accessed Via Three Tuns Court) Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Submission cycle and bin storage details
4. Specified use only (removing permitted development rights)
5. Materials
6. Construction Management Plan
7. Landscape





LOCATION PLAN  
1:1250



LOCATION PLAN  
Google

The total Freehold that Mark Tombs Limited owns on King Street includes all of the following:

**5 Offices (4 as two have been knocked to 1):**

56 King Street, Norwich, NR1 1PG (let out)

58&60 King Street, Norwich NR1 1PG (these two offices are as one) (let out)

62 King Street, Norwich NR1 1PG (let out)

64 King Street, Norwich NR1 1PG (let out)

**External:**

Car Park (7 spaces for leaseholders and 2 spaces current tied to 56 & 58&60 offices)

Communal patio area which is allocated to the leaseholders

The Area In Question which is asking for permission to be developed

**7 Leasehold (which are above the offices)**

Flat 1 Three Tuns Court, King Street, NR1 1XD (owned by third party)

Flat 2 Three Tuns Court, King Street, NR1 1XD (owned by third party)

Flat 3 Three Tuns Court, King Street, NR1 1XD (owned by third party)

Flat 4 Three Tuns Court, King Street, NR1 1XD (owned by third party)

Flat 5 Three Tuns Court, King Street, NR1 1XD (owned by third party)


Flat 6 Three Tuns Court, King Street, NR1 1XD (owned by third party)


Flat 7 Three Tuns Court, King Street, NR1 1XD (owned and lived in by Mark Tombs personally (not Mark Tombs Ltd)


**Notes:**

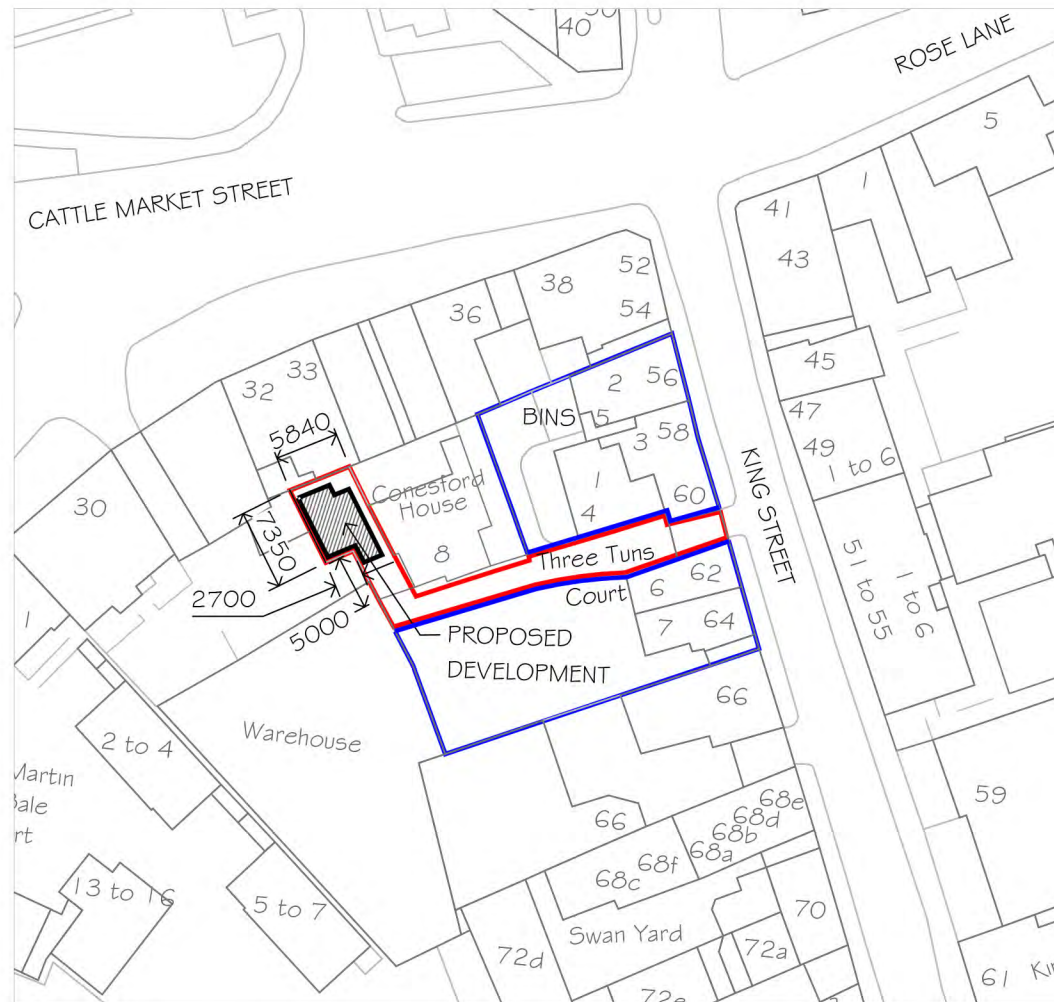
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IF IN DOUBT PLEASE ASK

 PROPOSED DEVELOPMENT

 EXISTING BOUNDARY

 EXISTING PROPERTY/ LAND BOUNDARY OWNED BY THE APPLICANT ADJACENT TO THE PROPOSED DEVELOPMENT



SITE PLAN  
1:500

LAND REAR OF 56-64 KING STREET ACCESSED VIA THREE TUNS COURT

Page 65 of 66



THIS DRAWINGS ARE INDICATIVE ONLY AND  
REQUIRED PLANNING PERMISSIONS.

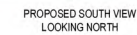
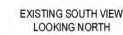
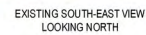
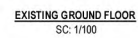
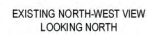
Rev	Date	By	Amendment Description	CHK
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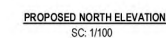
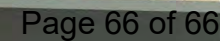
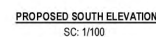
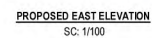
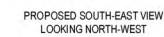
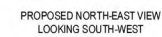
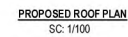
Teck Group Limited  
700 King Street, Norwich, NR1 1PG  
Tel: 01603 - 622995

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Client		MARK TOMBS Ltd	
Project Title		56-64 KING STREET NORWICH, NR1 1PG	
Drawing Title		LOCATION & SITE PLAN	
Scale	1:500 & 1:1250	Date Created	JUL 19
Paper Size	A3	Drawn By	MN
		Checked By	RR
Drawing No.		Revision	
J0108- 100			





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