Planning Applications Committee: 2 October 2014

Updates to reports

Application no: 14/01288/VC – 293 - 293A Aylsham Road

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Additional letter of representation
Additional objection from a landlord of a property to the south of the site, objecting to 24hour deliveries because: the noise assessment makes assumptions and does not account for possible environmental / weather factors which could affect noise travel distance; noise becomes more noticeable at night and there were previous noise complaints from Aylsham Road takeaway deliveries; no assessment / prediction is made for the noise from vehicle refrigeration units or metal trolleys manoeuvring goods into the store, and legislation may not allow HGV reversing alarms to be turned off. Deliveries should be prevented between 2300 and 0700.

Officer response:
These are already addressed at paragraphs 21-37. Existing site use noise levels could already exceed those expected for the supermarket, and other conditions remaining in place will maintain the residential amenity to acceptable levels. The existing noise complaints arise from a character of noise a lot closer to the residents and of a very different noise character to that experienced in this proposal.

Environmental Health Officers have confirmed there are no requirements to use reversing alarms at all times, only to ensure safe practices are in place for making deliveries. Similar concerns arose at the Aldi store at Sprowston Road, and these were addressed by the use of condition 28 of permission 1300208/F requiring feasible alternatives to reversing alarms. Consequently the Aldi store has implemented a programme of not using alarms and instead using banksmen, turning off the refrigeration units when vehicles are stationary, turning off vehicle engines when stationary, installing signs to remind drivers of this, using trolleys only inside the delivery building and only then with doors closed, and there is a possibility of also using an extending tunnel/canopy. Some of these are covered by existing / proposed conditions.

For context, the Aldi only has two deliveries per day and are keen to comply with all their conditions to ensure the best interests of public relations and community spirit; it is considered likely that the operators of this application site would also have the same intentions.

Application no: 14/01134/F – 1 The Moorings

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Additional letter of representation

Additional objection from 2 The Moorings following revised description of side rather than front extension.

- It is still felt there is a negative effect on character and appearance of conservation area and frontage onto river.
- Issues regarding exacerbation of crime and antisocial behaviour.
- Passage between 1 The Moorings and 19 Indigo Yard is an important emergency exit in the event of a fire and provides an important gap between the buildings for the spread of fire.

Officer response

- Design issues addressed in paragraphs 24-34.
- Crime/ASB behaviour issues addressed in paragraphs 19-23.
- Exits are available into Unicorn Yard and onto Riverside Walk to the north of 8 The Moorings. Access on the affected path should still be available for those who require it and will be a civil matter. A gap will remain between the buildings, there is no minimum distance required between buildings and fire regulations will be assessed by Building Control.

Additional information from applicant

Visualisations have been provided showing the relationship between the proposed extension and 19 Indigo Yard from the south and the east. Also provided is a further explanation of the overlap with No.19 and the effect on the view. A suggestion is made that the Thermowood could be finished in grey and the visualisations show this alongside photographs of where grey is used elsewhere on the building.

Officer response

Changing the colour of the material, although dealt with through condition, would affect the assessment of the extension in paragraph 26 particularly. The grey structure would be less 'softened' but its colour would take reference from other parts of the building such as the windows, doors, timber boarding and roof covering.

Change to report

Paragraph 10:

'**Supplementary Planning Documents and Guidance**
Northern Area Action Plan (March 2010)'

To be amended to read:

Northern City Centre Area Action Plan (March 2010)
TU1 - Enhancement of the historic environment, and re-establishment of historic street pattern.

Application no. 14/00683/O – 36 Broadhurst Road

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Additional letters

- 4 additional letters submitted in response to the revised plans stating that the development is out of character with the area, overdevelopment of the site, lack of parking, adverse impact on highway safety and adverse impact on neighbour amenity
- The occupant of no.87 Welsford Road also emailed the members of the planning committee stating that the revised submission has moved the red line only 0.5 metres rather than the 2.0 metres suggested. The impact on us remains life changing and we have concerns about the minutes of the August meeting and the latest planning officer's report. We request that members visit the site prior to the meeting.
- Regarding the latest Head of Planning report on the above application, i would like to know why in paragraph 40 it is stated that covenants in deeds are not considered to be material planning considerations. I believe deeds relevant to the property above may have a similar restriction on property development to mine and that the contract was made with Norwich City Council. It seems odd to me that this is not a material consideration for a Norwich City Council planning committee.
- As a resident of Eaton Rise estate could I ask one of you to raise this point at Thursday's meeting. An extra property at this location would set a precedent for approximately 20 other sites on the estate that have similarly oriented rear gardens. I believe that agreeing for any dwelling to be built here would encourage other infill type of development, to the detriment of the whole estate. In fact the papers state it is not the type and style of property but whether:- *Item 4E, point 3. "the issue under consideration is whether or not a dwelling in feasible in this location."* I would ask you to refuse permission for an additional dwelling here. (Cllr Richard Bearman)

Response

- The points raised have already been addressed in the report.
- The report addresses the point relating to the revised site extents / indicative footprint within the relevant paragraphs – 2, 51, 56 - 57, 66, 71, 75, 79 - 80 and 102. In regards to the request for a site visit, see paragraphs 27 – 30.
- Restrictive covenants are not material planning considerations. Planning applications need to be assessed against relevant adopted and emerging planning policies, the National Planning Policy Framework (NPPF) and associated guidance and other relevant material planning considerations. Planning applications can only be refused where the reason for refusal relates to relevant planning policies or the NPPF. The issue of covenants is a civil legal matter between landowners. Planning legislation is clear that civil legal matters including other issues such as boundary, land ownership or rights of way disputes are not material planning considerations, as they are dealt with through separate legal and court processes, and cannot

therefore represent a reason for refusal of the application. If the applicant were to gain planning permission for the development, but this conflicted with restrictive covenants on the site, then it would be up to the applicant to negotiate with the Council as landowner for release from the covenant, or for the Council as landowner o take civil legal action in relation to the breach of the covenant.

- Paragraphs 32 – 40 focus on establishing if the principle of the development is acceptable. Whilst the application is only outline (with all matters reserved), the report also analyses if those matters reserved are feasible at the reserved matters stage. Any other applications in the area will be assessed on a case by case basis against current and emerging policy and material planning considerations.

Application no. 14/00801/O – 498-500 Earlham Road

Recommended additional condition:

Condition 7:

Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order, with or without modification), the dwelling houses hereby permitted shall be used for C3 dwelling houses and for no other purpose (including any other purpose in Class C4 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To ensure that a high standard of amenity and living conditions are provided for future residents and that the development hereby approved does not result in an unacceptable impact upon the living conditions of neighbouring occupiers in accordance with saved policy EP22 of the adopted Local Plan, policies DM2, DM12 and DM13 of the Norwich Development Management Policies development plan document – regulation 22 submission and paragraph 9 of the National Planning Policy Framework.

Supporting text:

As stated in paragraph 18 of the committee report, the indicative drawings illustrate a size of property insufficient in terms of internal living space to support more than two bedrooms. Should a greater number of bedrooms be proposed then it is unlikely that the proposal would provide for adequate living conditions to ensure residents could live comfortably and conveniently.

Granting planning permission for unrestricted C3 use would allow for potential conversion to a small House in Multiple Occupation (class C4) with the potential for between three and six unrelated individuals living in each of the houses. As well as the dwellings being unsuitable for occupation by a larger number of residents, such an intensification of the use of the land spread across the four dwellings, and considered in conjunction with the existing HMOs at 498 and 500 Earlham Road could result in implications for noise and disturbance to those properties neighbouring the application site, as well as a significant change to the character of the surrounding area. It is therefore considered appropriate to restrict the dwellings to the C3 use class and remove permitted development rights for change of use to class C4, which would allow the properties to be occupied by a single person or family, but not by more than two unrelated persons.