

Planning applications committee

Date: Thursday, 11 March 2021

Time: 09:30

Venue: Remote access

Committee members:

Councillors:

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

1 vacancy

For further information please contact:

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Information for members of the public

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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



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

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 - 6

To approve the accuracy of the minutes of the meeting held on 11 February 2021

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. Details about speaking at the committee are set out in Appendix 11 of the council's constitution.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

5 Summary of planning applications for consideration

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6 Standing duties

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7 Application no 20/01192/F – 80 Connaught Road, Norwich, NR2 3BS

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8 Application no 20/01095/F 6 Judges Drive, Norwich, NR4 7QQ

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9 Application no 20/01313/F - 418 Unthank Road, Norwich,

31 - 40

NR4 7QH

- 10 Performance of the development management service; 41 - 52**
progress on appeals against planning decisions and
updates on planning enforcement cases

Purpose - This report updates members on the performance of development management service; progress on appeals against planning decisions and progress on planning enforcement action

Date of publication: **Wednesday, 03 March 2021**



Planning applications committee

10:15 to 10:45

11 February 2021

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Huntley, Lubbock, Neale, Oliver (substitute for Councillor Peek), Sands (M), Ryan, Sarmezey and Stutely

Apologies: Councillors Peek

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 14 January 2021.

3. Application no 20/01415/F - Harford House, Tuckswood Lane, Norwich NR4 6GD

The planner (case officer) presented the report with the aid of plans and slides.

During discussion the planner and the area development manager referred to the report and presentation and answered members' questions. This included questions about the floorplans and members were advised that the applicant could decide whether the room leading off the kitchen was a utility room or guest bathroom, as this was not a planning consideration. The committee also sought further information about the planning history of the site and the refusal of an application for the sub-division of the plot and construction of a bungalow. Members were advised that officers had discussed with the applicant that this significant area would provide a spacious garden for the residents but the applicant had chosen not to do this. The area was outside the "red-line" for the application site. The committee also noted the condition relating to the provision of secure Sheffield cycle stands. The applicant would be required provide a shelter to cover them. Members were reassured that the two dormer windows, that were comparable in size to the sash windows elsewhere in the building, together with the roof lanterns would ensure sufficient natural light to the apartment.

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

During discussion, the chair commented that the building had been a former dentists and that he regretted the loss of the chimney. A member said that it was regrettable that applicant had not considered the opportunity to install solar panels on the flat roof as part of this development.

RESOLVED, unanimously, to approve application no. 20/01415/F - Harford House, Tuckswood Lane, Norwich, NR4 6GD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to be agreed;
4. Design of cycle store to be agreed and be provided prior to first occupation;
5. Landscape scheme for external amenity space to include lighting and biodiversity enhancement;
6. Water efficiency

CHAIR

Summary of planning applications for consideration**ITEM 4****11 March 2021**

Item No.	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	20/01192/F	80 Connaught Road	Jacob Revell	Conversion of part of shop/cafe to ground floor flat with garden area to front elevation, rear extension to first floor flat with external balcony area and external decking/planters to ground floor shop/cafe.	Objection	Approval
4(b)	20/01095/F	6 Judges Drive	Danni Howard	Erection of shed in woodland.	Objection	Approval
4(c)	20/01313/F	418 Unthank Road	Stephen Polley	Single storey side extension.	Called in by elected member (Councillor Lubbock)	Approval

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

11 March 2021

Report of Area Development Manager

Subject Application no 20/01192/F – 80 Connaught Road Norwich
NR2 3BS

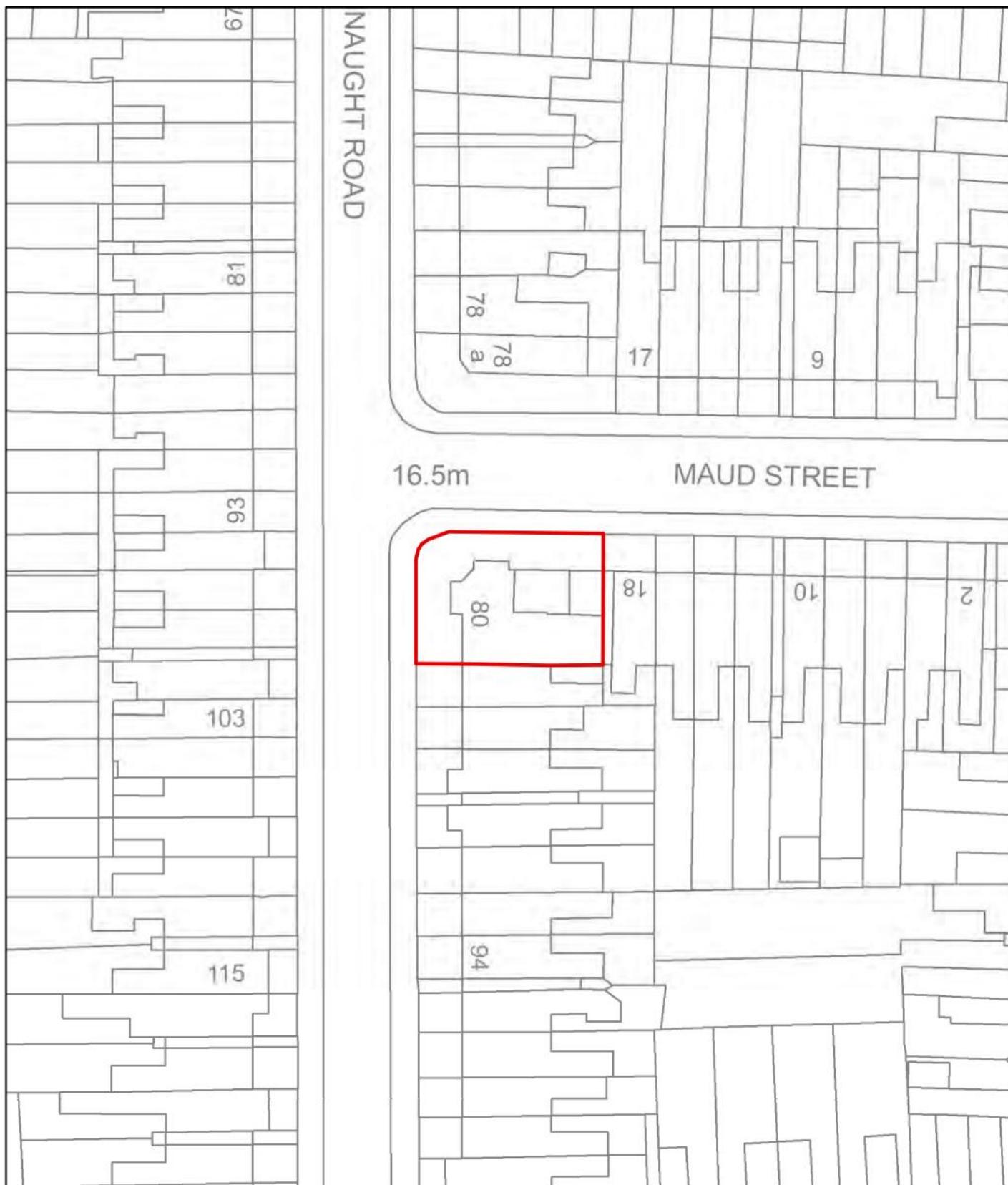
4(a)

**Reason
for referral** Objections

Ward:	Nelson
Case officer	Jacob Revell - jacobrevell@norwich.gov.uk

Development proposal		
Conversion of part of shop/cafe to ground floor flat with garden area to front elevation, rear extension to first floor flat with external balcony area and external decking/planters to ground floor shop/cafe.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1	Principle of development.
2	Design.
3	Amenity.
Expiry date	15 February 2021.
Recommendation	Approve



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Planning Application No 20/01192/F
Site Address 80 Connaught Road

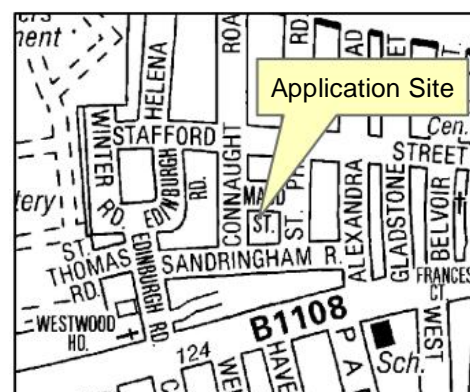
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The site and surroundings

1. The site is located on Connaught Road, on the south-eastern corner of the junction with Maud Street. The site is located approximately 1km west of the city centre, and is of a largely residential character. The properties in the area are mostly two-storey Victorian terraces of a relatively uniform character, with buff or grey brick and grey tiled roofing the predominant materials. The property has been historically in use as a shop, first as a grocers and most recently a bicycle shop.
2. The site itself is a large corner property, a former grocers with a large open shopfront that faces onto both Connaught Road and Maud Street. The property is locally listed, description as follows:

Formerly a grocer and provision merchant, which in 1911 was run by William Hazell. The wide opening on Maud Street allowed for the sale of fodder which is symbolised by the bull's head on the keystone, together with Number 78 (a former bakery) opposite which has a wheatsheaf on its keystone. These two pieces of commercial decoration were inspired by that at the Agricultural Hall(1882) on Prince of Wales Road. Included in Local List notes: "A rare survivor on the street scene, retaining both its original form and its community function, as a cycle shop."

The shopfront is set back from the street scene, with concrete parking to the front of the property. On the northern elevation facing onto Maud Street, the property features an entrance arch to the former workshop. There is a small gravelled section of land at the edge of the site where the front of the property borders the neighbour at 18 Maud Street.

3. Whilst the ground floor of the property has historically been used for commercial purposes, the top floor is in use as a residential flat. The was granted prior approval in 2020 for both the conversion of the retail unit to a restaurant (A1 to A3) and the rear part of the shop from retail to residential (A1 to C3). The prior approval for the conversion of the rear part of the shop space into residential was for a different layout no longer achievable due to proposed changes to the upstairs flat. As such, the change of use has been included as part of this application.

Constraints

- Locally listed.

Relevant planning history

4.

Ref	Proposal	Decision	Date
19/01749/PA	Change of use from retail (Class A1) to cafe/restaurant (Class A3).	AEGPD	14/02/2020
19/01752/PDR	Change of use from retail storage (Class A1) to ground floor flat (Class C3).	AEGPD	13/02/2020

The proposal

5. It should be noted that this is the third revision of this proposal. The proposal differs from the original in having an altered layout to the ground floor flat, alterations to the decking and area in front of the proposed flat to the front of the property, alterations to the rear first floor elevation and the inclusion of a decked balcony at the first floor to the rear of the property.
6. The proposal can be divided into three elements: changes to the ground floor flat and exterior area, installation of decking and planters to the front of the property and the first floor rear extension and addition of the balcony.
7. Firstly, the conversion of the rear part of the ground floor to a residential unit. As noted above, prior approval for the conversion of this part of the building was previously granted under application 19/01752/PDR. This previous application included an internal courtyard space for the flat below. Due to the intention to extend the first floor flat, it is no longer possible to provide the external amenity space. In response, the applicant has provided a walled front garden area to the front elevation of the ground floor flat, retaining a level of external amenity space for future residents of the property. This space would be bordered by a dwarf brick wall and hedgerow approximately 0.65m tall. To facilitate the conversion of this part of the building to residential, the existing service entrance will be infilled with glazed panelling and a new front door fitted. Two additional ground floor windows will be inserted.
8. Secondly, the shop front of the property would feature a raised external decking area for use by the cafe, bordered by render-finished planter walls. The proposed walls are located on the curve of the hill on Maud Street, so would be approximately 1.4m at the highest point and 1m at the lowest, where the street is flat along Connaught Road. The decked area will formalise the front areas of the café unit for use associated with the unit, covering the existing concrete parking area on the front elevations of the property, approximately 8.3m along Maud Street and 10.9m along Connaught Road. The decking is to be made of a composite material.
9. Thirdly, it is proposed to extend the existing first floor flat over the existing flat roof section to the rear of the property. The proposed extension will create a new lounge area for first floor flat. This would be approximately 4.5m wide, infilling space between the existing two storey element and the neighbouring property. The length of the extension is approximately 5.5m, although the width narrows to 3.2m after a length of 2.5m, to accommodate the proposed rooflights to the ground floor flat. The flat roof extension is approximately 2.6m tall. Beyond the extension, there is a 2.7 x 2.5m balcony, built above the flat roof, with a 1m high wall. This is set back approximately 1.8m from the neighbouring boundary due to the flat roof section.

Representations

10. Advertised in writing to neighbouring properties. As a result of officer comments and alterations proposed by the applicant, this case was consulted on three times. During the second round of consultation, one letter of objection was received. During the third round of consultation, one additional letter of objection was received. Both letters of representation are summarised in the table below.

Issues raised	Response
<ul style="list-style-type: none"> - Concern about noise generated by outdoor decking area, especially if opening hours extend into evening. - Concern regarding change of use to a café with outdoor seating, as this may increase noise levels within a residential area. Limitations should be placed on the number of people seated outside and the times of days the outside area can be used. 	<ul style="list-style-type: none"> - See main issue 3.

Consultation responses

11. Consultee: Environmental Protection Officer

Comments: As with any business providing external seating, there is the potential for noise disturbance. However, due to the proposed hours, the nature of the business and the number of tables provided, noise disturbance should be minimal.

I would recommend using the following condition to prevent noise disturbance from amplified music:

No loudspeaker, amplifier, relay or other audio equipment shall be installed or used outside the building the subject of this permission.

Reason:

To ensure adequate protection between different uses takes place to avoid unacceptable noise and disturbance in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS2 Promoting good design
- JCS4 Housing delivery

13. **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
- DM12 Ensuring well-planned housing development

Other material considerations

14. Relevant sections of the National Planning Policy Framework (NPPF) (2019 Revision):

- NPPF5 Delivering a sufficient supply of homes
- NPPF11 Making effective use of land
- NPPF12 Achieving well designed places
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

15. 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

16. Key policies and NPPF paragraphs – DM12, NPPF sections 5, 11 and 15.
17. The proposal features a number of different components: the creation of a new dwelling at ground floor level, the installation of decking to the exterior of the café and the extension of the first floor flat including the creation of the balcony.
18. With regards to the creation of the new ground floor flat, some precedent for acceptability of a new dwelling in this location has already been established by the approval of application 19/01752/PDR. However, permission is required for the revised design. Policy DM12 allows for new dwellings in the city through either new build or conversion, other than in certain areas. None of these policy exclusions apply to the site. The principle of the creation of an additional flat through the conversion of the existing retail storage space is acceptable, subject to compliance with the detailed criteria of DM12, DM13 and other relevant policies considered below.
19. Regarding the other alterations to the property, the principle of alterations and extensions to the property are acceptable in principle, provided that the requirements of the relevant development management policies are met.

Main issue 2: Design & Heritage

20. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF sections 11 and 12.
21. DM3 requires that development should be designed with regard for the character and local distinctiveness of the local area. The policy also states that extensions should be designed as not to be overly dominant or incongruous, and that materials should reflect the prevailing materials of the locality. DM9 requires that any development that impacts a locally designated heritage asset should strive to retain the significance of the asset, or show that there are demonstrable public benefits associated with the loss of significance.

22. Several alterations are proposed to the northern elevation of the property in order to accommodate the conversion of the rear of the ground floor of the building to a flat. Two new windows are proposed, in line with the existing windows at first floor level. The existing service door is infilled to accommodate the front door to the flat, with the remainder of the space infilled with obscure glazed panels. A new boundary wall is proposed to the front of the property here, in order to mark the front garden of the new flat. These alterations are in line with the prevailing characteristics of the surrounding building, with the new windows aligning with the existing features of the building, the shape of the existing service door retained and the boundary wall following the general form of the front gardens of surrounding properties.
23. Regarding the rendered decking element, the built wall element of this will partially obscure the existing shopfront of the property. However, the wall of the decked area is of a sufficiently low profile that the majority of the shopfront will still be visible in views of the property. As such, the decking is not considered overly incongruous and it is not considered that this addition will impact harmfully upon the significance of the locally designated heritage asset. Given that the use of the premises as a restaurant is already established, the formalisation of the outdoor seating area will provide a vibrant outdoor amenity space for users of the café, with a positive impact on the character of the street-scene.
24. The works to extend the first floor flat will only be visible from the rear of the property, and will not be visible from any public viewpoints. The extension would have a flat roof, and will be built out above the existing flat roof extension. Due to the scale of the proposed extension to the rear, this element is considered to have a negligible impact on either the character of the local area and the significance of the individual building.
25. For the reasons outlined above, it is considered that the proposal meets the requirements of DM3 and DM9 of the local plan, in addition to NPPF sections 11, 12 and 16. Therefore the proposal is considered acceptable in design and heritage terms.

Main issue 3: Amenity

26. Key policies and NPPF paragraphs – DM2, DM3, NPPF section 12.

Amenity issues in relation to café decking

27. The amenity issues raised by objectors relate solely to concerns regarding additional noise generated by the additional seating area. It should be reiterated here that this application is not for the granting of consent for café use – this has already been established under prior approval (19/01749/PA). These concerns can therefore only be applied to any additional noise that may be generated by the formalised seating area.
28. The officers report for 19/01749/PA includes comments from Environmental Protection regarding the impact of the change of use on noise concerns for local residents, as follows:

“Due to the close proximity to residential properties, the Public Protection Team recommends that outside seating should be vacated by 22:00.”

It has already been established in the previous application that the principle of outdoor seating is acceptable. In addition, this permission was conditioned with clear opening hours:

The premises which form the subject of this permission shall not be open to the public, trading, or have members of the public, as customers or guests, on the premises between the hours of 19:00 to 08:00 on any Sunday, Monday, Tuesday or Wednesday, or 22:00 to 08:00 on any Thursday, Friday or Saturday.

Reason

To safeguard the amenity of the surrounding area, in accordance with policy DM2 and DM11 of the Development Management Policies Local Plan 2014.

These are the working hours in which the café is permitted to open, and applies to the seated area as well as the café. No objection is raised by the Environmental Protection Officer to the current proposal, and it is considered no material harm to amenity would occur, providing the opening hours continue to be conditioned.

Amenity issues for the proposed new dwelling and extended dwelling

29. Policy DM2 requires that new dwellings will only be permitted where adequate standards of amenity are met for future occupiers. Regarding the ground floor flat, the Gross Internal Area of 51m² ensures that the flat is well above the indicative minimum space standards for a one bedroom flat (39m²). The layout of the flat is relatively open, and it is considered that acceptable levels of light will be provided by the newly proposed windows and skylights. DM2 also requires that new dwellings should be provided with external amenity space wherever possible. The provision of amenity space to the front of the property amends for the internal courtyard space lost to accommodate the first floor extension. The provision of the front garden to the ground floor flat will have a positive impact on the amenity of the future occupants.
30. Policy DM2 also requires that development should only be permitted where it will not result in an unacceptable impact on the living conditions of neighbouring occupiers, particularly with regard to overlooking/loss of privacy, overshadowing or loss of light and outlook. The extension to the first floor of the property is considered of an appropriate size and form as not to cause amenity issues for the neighbouring properties. The eastwards orientation of this elevation ensures that the proposed extension will not cause material harm through loss of light or shadowing to the rear windows of number 82 Connaught Road, a fact assisted by the existing parts of the building that are much taller than the proposed extension.
31. It is not considered that the proposed balcony area will cause any significant overlooking issues – there is approximately 1.8m of flat roof between the balcony and the neighbour at number 82 and the width of the garden ensures that users of the balcony will not be able to look directly down into the neighbouring garden. The only windows visible from this point will be obscure glass windows which service the neighbouring utility room. Views into the gardens of other properties will be limited due to distance, existing mature vegetation and the orientation of the surrounding properties.

32. In light of the points made above, it is not considered that the proposal generates any unacceptable amenity concerns.

Equality and diversity issues

33. There are no significant equality or diversity issues.

Local finance considerations

34. 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.
35. 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.
36. In this case local finance considerations are not considered to be material to the case.

Conclusion

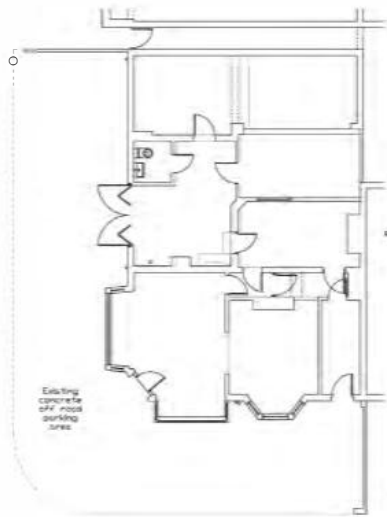
37. The proposal is of an acceptable design and it is considered that it will contribute positively to the surrounding streetscene. The proposal is not considered to cause adverse impact to the amenity of any neighbouring properties. It would deliver a new dwelling, and enhance the facilities for the café, to the benefit of the vitality of the street scene.
38. The proposal therefore meets the criteria outlined within policies DM1, DM2, DM3, DM9 and DM12 of the Norwich Development Management Policies Local Plan (2014) and sections 12 and 16 of the National Planning Policy Framework (2016).
39. 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

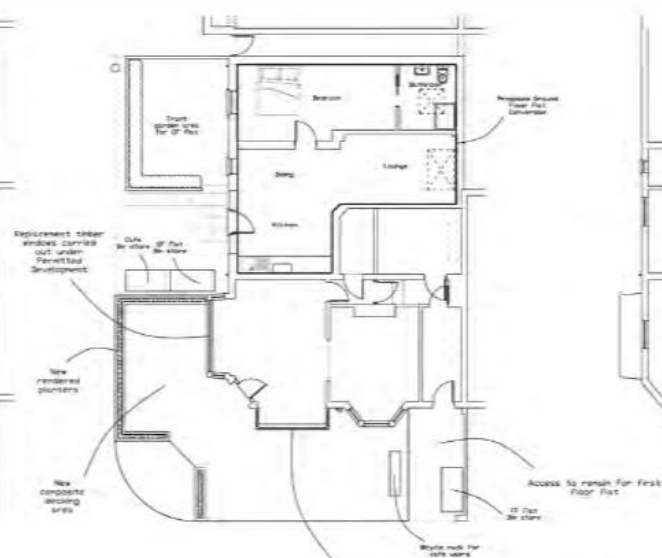
To approve application no. 20/01192/F – 80 Connaught Road Norwich NR2 3BS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No amplified music to be played outside the premises.

Existing Ground Floor Plan



Proposed Ground Floor Plan



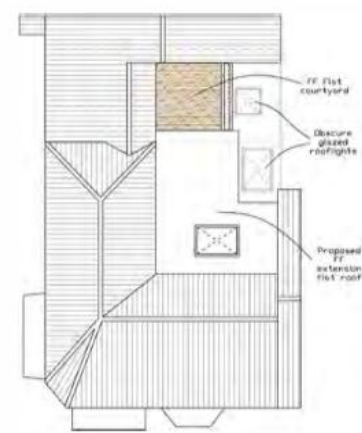
Existing First Floor Plan



Proposed First Floor Plan



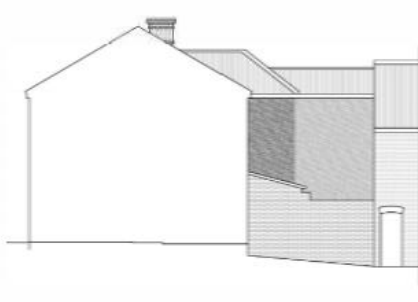
Proposed Roof Plan



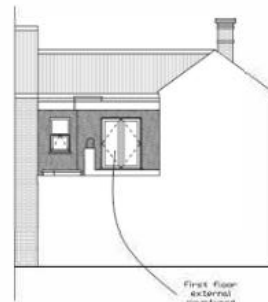
Existing East Elevation



Existing South Elevation



Proposed East Elevation



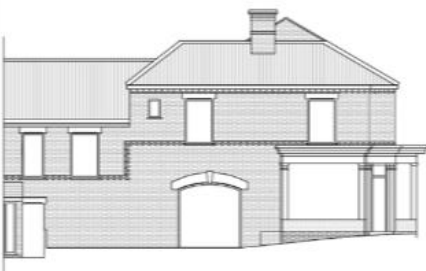
Proposed North Elevation



Proposed West Elevation



Existing North Elevation



Existing South Elevation (courtyard view)



Proposed South Elevation



10/20/20 Revision 1	Working Document
10/20/20 Revision 2	Planning Application
10/20/20 Revision 3	Planning Application
10/20/20 Revision 4	Planning Application
10/20/20 Revision 5	Planning Application
10/20/20 Revision 6	Planning Application
10/20/20 Revision 7	Planning Application
10/20/20 Revision 8	Planning Application
10/20/20 Revision 9	Planning Application
10/20/20 Revision 10	Planning Application
Duncan Whitlock Architectural Design	
10 Sample Lane 1000 1000 100	
duncanwhitlock.co.uk	
Decking & First Floor Extension	
Client	Mr. Stannard & Mrs. Goble
Address	96 Cornought Road North M6 2BT
Date	16/01/20
Scale	1:100
Drawn by	10/20/20
Check by	10/20/20
Rev	1

Report to Planning applications committee

Item

11 March 2021

Report of Area development manager

Subject Application no 20/01095/F 6 Judges Drive Norwich NR4 7QQ

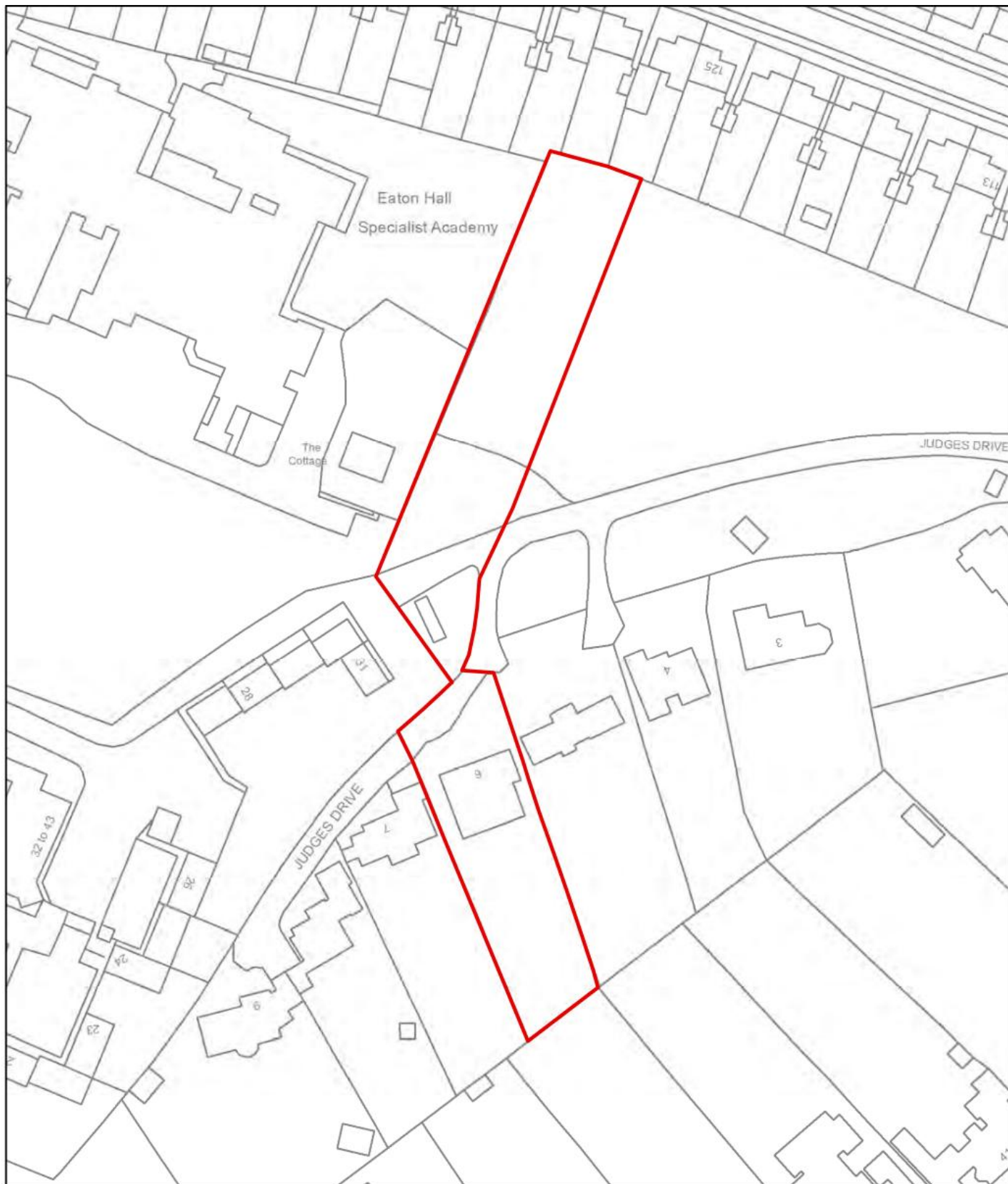
Reason for referral Objections

4(b)

Ward	Eaton
Case officer	Danni Howard dannihoward@norwich.gov.uk
Applicant	Mr Jonathan Kendal

Development proposal		
Erection of shed in woodland.		
Representations		
Object	Comment	Support
3	1	0

Main issues	Key considerations
1	Principle of Development
2	Design
3	Amenity
4	Trees
5	Biodiversity
Expiry date	11 February 2021
Recommendation	Approve



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Planning Application No 20/01095/F
 Site Address 6 Judges Drive

Scale 1:1,000

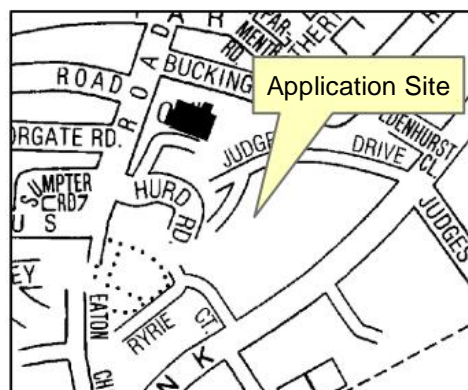


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 City Council

PLANNING SERVICES



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The site and surroundings

1. Judges Drive is a single track, private residential road leading from the north-west side of Unthank Road. The road separates nine detached dwellings on its south side, from the enclosed woodland to the north. Whilst the woodland contains no physical boundaries, the ownership of the land is apportioned accordingly to each dwelling opposite. The woodland as a whole is bordered to the west by the playing field of Eaton Hall Specialist Academy and to the north by the rear gardens of dwellings on Buckingham Road. A footpath connecting Unthank Road to Buckingham Road borders part of the woodland opposite 1 Judges Drive to the north, however there is no line of site from the footpath to the application site or vice-versa.
2. The application site is located towards the north end of the woodland section owned by 6 Judges Drive. The site contains a mix of mature trees and shrubs, with a small grassy open space in the middle where saplings have been planted. Two concrete outbuildings used for storage are located at the edge of the woodland closest to Judges Drive, obscured from view on the road by a hedging and trees.

Constraints

3. Part of the woodland, including the application site, falls within the Unthank and Christchurch Conservation Area.
4. Tree Preservation Order No. 197: This is a woodland TPO which covers the woodland area as a whole and does not list specific trees..
5. Natural & Semi-Natural Green Space: Relates to the woodland as a whole not a specific space.
6. Natural England Priority Habitat (Deciduous Woodland) as of November 2020.

Relevant planning history

7. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
13/01427/TPO	Tree A Sycamore: fell as tree appears to be unstable and could fall in high wind towards garden and shed of 127 Buckingham Road. Plant replacement Sycamore at same location.	APPR	03/04/2014
14/01688/F	Two storey rear extension.	APPR	04/02/2015
20/00533/TPO	Holly x 4 (H): Fell; Sycamore x 3 (S): Fell.	APPR	01/07/2020

The proposal

8. The proposal is to erect a timber outbuilding within the woodland owned by 6 Judges Drive, to be used as a shed for storing maintenance equipment.
9. The proposed shed will have a dual-pitched roof measuring 2.2m at the highest point and 1.67m at the eaves. The shed will be 1.98m wide and 2.06m in length, with an 84cm verandah to the front, giving a total length of 2.9m. The total area of the proposal is 4.06m².

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received, 3 of which are objections 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
Impact on trees.	See Main Issue 4
Impact on biodiversity.	See Main Issue 5
Design of the shed indicates potential for recreational/leisure use.	See Main Issue 2
Loss of residential amenity.	See Main Issue 3
Loss of character and amenity of the woodland.	See Main Issue 4
Validity of the application	Concerns regarding the application type were addressed by way of re-consulting with neighbours and receipt of a revised application form.

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.

Design and conservation

12. No response received.

Natural England

13. Natural England does not hold local species data for Priority Habitats and such data should be collected when impacts on priority habitats or species is likely. The impact on any local wildlife or geodiversity can be considered at a local level in line with any relevant planning policy.

Natural areas officer

14. Deciduous Woodland is classed as a priority habitat by Natural England under the Natural Environment and Rural Communities Act 2006 (NERC Act). The land has value both as a priority habitat and as part of the wider green infrastructure in this part

of the city. Any harm would be relatively minimal, and the proposed mitigation and enhancement measures are anticipated to result in an actual enhancement for biodiversity at the site. The relevant policies would be complied with, but advised the enhancements should be conditioned.

Tree protection officer

15. Proposal will not have a significant detrimental impact on the woodland. No objections.

Assessment of planning considerations

Relevant development plan policies

16. **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
17. **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
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM8 Planning effectively for open space and recreation
 - DM9 Safeguarding Norwich's heritage

Other material considerations

18. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
- NPPF12 Achieving well-designed places
 - NPPF15 Conserving and enhancing the natural environment
 - NPPF16 Conserving and enhancing the historic environment
19. **Supplementary Planning Documents (SPD)**
- Landscape and trees SPD adopted June 2016

Case Assessment

20. 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

21. Key policies and NPPF paragraphs – JCS2, DM3, DM8, NPPF paragraphs 8, 91, 96-101, 127
22. The principle of development here is largely in relation to the woodland as a natural and semi-natural green space and it is important to note that the space is a privately owned, enclosed woodland with no public access. Policy DM8 seeks to protect existing open spaces by restricting development that leads to the loss of open green space where possible. In this case, the amount of floorspace proposed as a result of the development is very small and isn't considered to result in a material loss of open space. The shed is a small ancillary structure and would not affect the primary character of space as a woodland area. In this instance it is therefore considered that policy DM8 cannot be reasonably applied to the proposal, as a material loss of open space would not be caused. The principle of development in the proposed location is therefore acceptable.

Main issue 2: Design

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
24. The proposed shed is small in scale and will be constructed from pre-fabricated timber panels. In the context of the woodland as a whole, the size of the structure is not overly dominating as part of the landscape and the use of natural materials lends itself to blending in with the natural surroundings, particularly as it weathers with age. The overall impact of the building on the distinctiveness and character of the area is minimal and not considered to be unacceptable.
25. Concerns were raised in an objection regarding the design of the shed, which is typical of a building to be used as a summerhouse, implying that the design indicates a recreational/leisure use rather than storage of maintenance tools as stated in the application. The applicant has indicated that the storage of such equipment within the curtilage of the dwelling is not practical due to health concerns which make transporting equipment through the woodland difficult. Whilst it is unusual for a shed to have windows and a verandah such as the proposed, the scale of the proposed building would be unlikely to result in a level of recreational use that would harm the character of the woodland or residential amenity. The use of the building whether for storage or recreation is considered ancillary to the land and the occupiers have the right to the enjoyment of their land where this does not cause a breach of planning control.
26. The application site sits at the edge of the boundary of the conservation area, and as the site cannot be seen outside of the immediate woodland area, the design is considered to cause no harm to the conservation area.

Main issue 3: Amenity

27. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.

28. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook and the prevention of disturbance from noise, odour, vibration, air or artificial light pollution.
29. The proposed location of the shed will have very little impact on the residential amenity of properties on Judges Drive as it is obscured from view of the properties by the woodland itself and its natural border as well as hedging bordering the curtilage of no. 5 and 6 Judges Drive. There may be a partial view of the shed from No.4 Judges Drive during the winter months when tree coverage and vegetation is at its sparsest, however, the impact on outlook is considered minimal and there is little risk for loss of privacy to the occupiers of No. 4. Some properties on Buckingham Road to the rear of the shed location may have some view of the shed from the first floor. There is sufficient distance between the development and the properties that it is unlikely to cause any harm to their amenity.
30. Overall, the proposal would not cause material harm to local amenity.

Main issue 4: Trees

31. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
32. No existing trees are to be removed to accommodate the proposed development. Neighbouring trees close to the shed's proposed location have been surveyed and the development is unlikely to cause any significant harm to their health or future maintenance. No groundworks are proposed to accommodate the development thus minimising any potential harm to root protection areas. Slabs are to be placed on the ground to ensure the weight of the shed is spread evenly across the ground, mitigating the potential for pressure points that might affect tree roots. Sufficient regard for protection of the trees has been demonstrated in accordance with policy DM7.
33. There has been recent arboricultural work within the woodland owned by no.6, which were applied for historically under separate application for works to trees 20/00533/TPO. Any replanting conditioned by that application is to be agreed with the Tree Officer and managed under the works to trees application. It is therefore not appropriate for the effect of a previous decision to be considered as part of this proposal.

Main issue 5: Biodiversity

34. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 8, 170, 175-177.
35. Policy DM6 advises that proposals should “take all reasonable opportunities to avoid harm to and protect and enhance the natural environment”. Furthermore NPPF para 170 advises that decisions should provide a net gain for biodiversity.
36. No formal ecological assessment has been requested due to the small scale of the application but a statement detailing enhancement and mitigation measures has been received from the applicant. The proposal is to be located on clear ground, and due to the small area of floorspace being covered is considered to have a low impact on the area as a priority habitat. The applicant has stated an intention to make enhancements to the natural area such as the seeding of garlic and wildflowers and planting of fruit trees in the surrounding area that would assist in mitigating against

any possible harm. It has also been stated that wood from previously authorised tree works will also be used to create a hedgehog habitat.

37. Further protection of the habitat can be ensured in line with policy DM6 by a condition restricting the installation of any external lighting to the structure without consent from the local planning authority.

Equalities and diversity issues

38. There are no equality or diversity issues.

Local finance considerations

39. 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. 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. In this case local finance considerations are not considered to be material to the case.

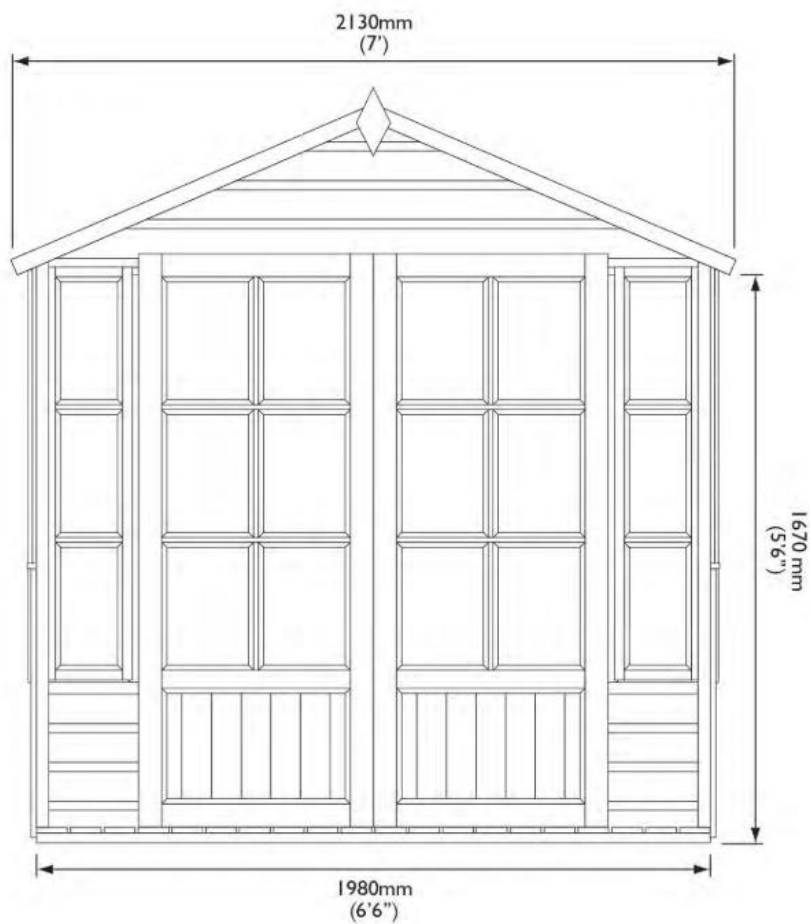
Conclusion

40. The proposal will have no significant impact on the use and character of the woodland as a whole, with no direct harm to the surrounding protected trees. The proposed location of the shed would not cause material harm to the character of the conservation area.
41. There would be no material loss of open space as a result of the proposed development and very minimal harm to the area as a priority habitat. Sufficient enhancements to the biodiversity of the area have been demonstrated.
42. 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 20/01095/F at 6 Judges Drive, Norwich, NR4 7QQ and grant planning permission subject to the following conditions:

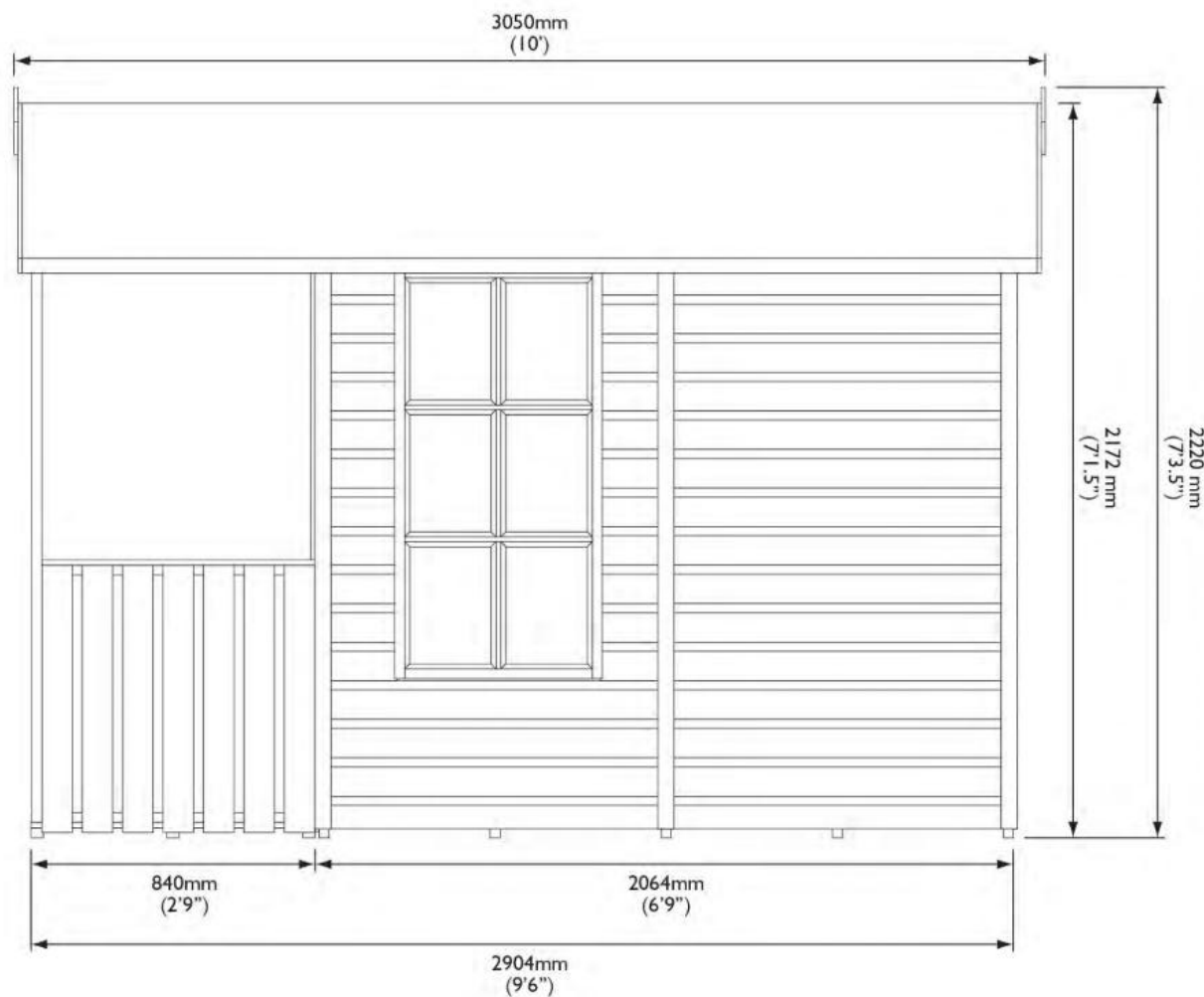
1. Standard time limit;
2. In accordance with plans;
3. No installation of external lighting without permission.

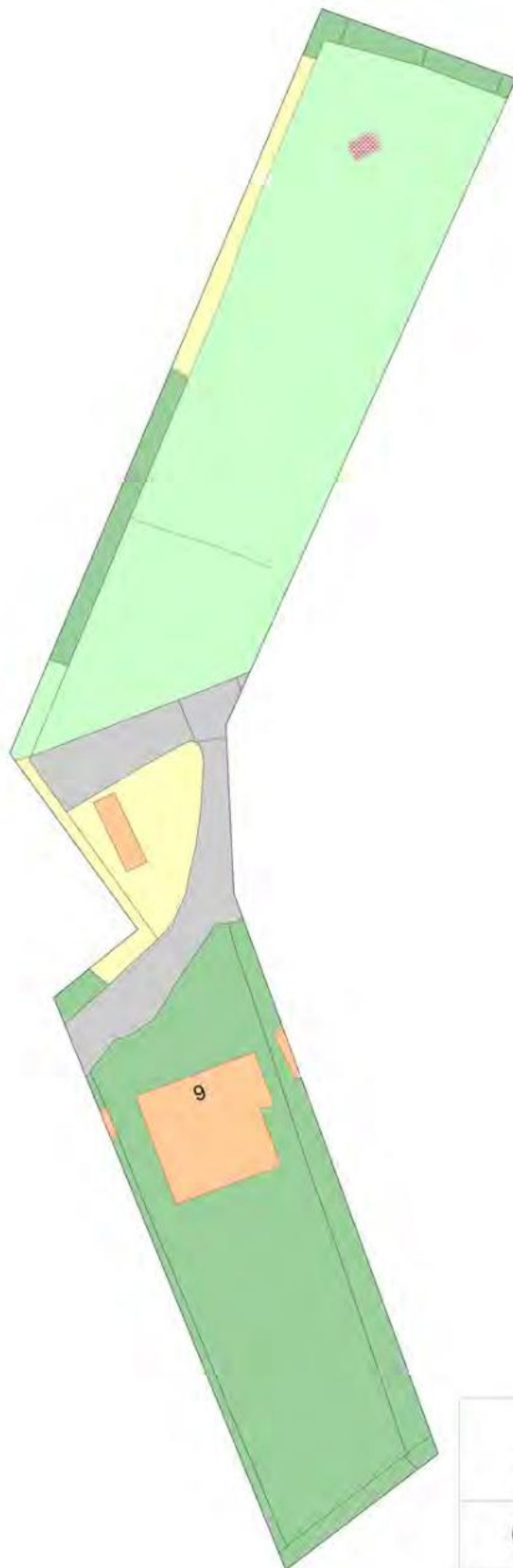


Door Opening:

Height: 1670mm (5'6")

Width: 1364mm (5'6")





Location of Shed

Target Trees

79 Stalham Road, Hoveton, NR12 8EF
E: info@targettrees.com T: 01603 916154

6 Judges Drive - Plot

SCALE : 1 : 750 @ A4 DATE : 16/12/2020

MAP FILENAME :
Plotlayout



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Report to Planning applications committee

Item

11 March 2021

Report of Area development manager

Subject Application no 20/01313/F - 418 Unthank Road
Norwich NR4 7QH

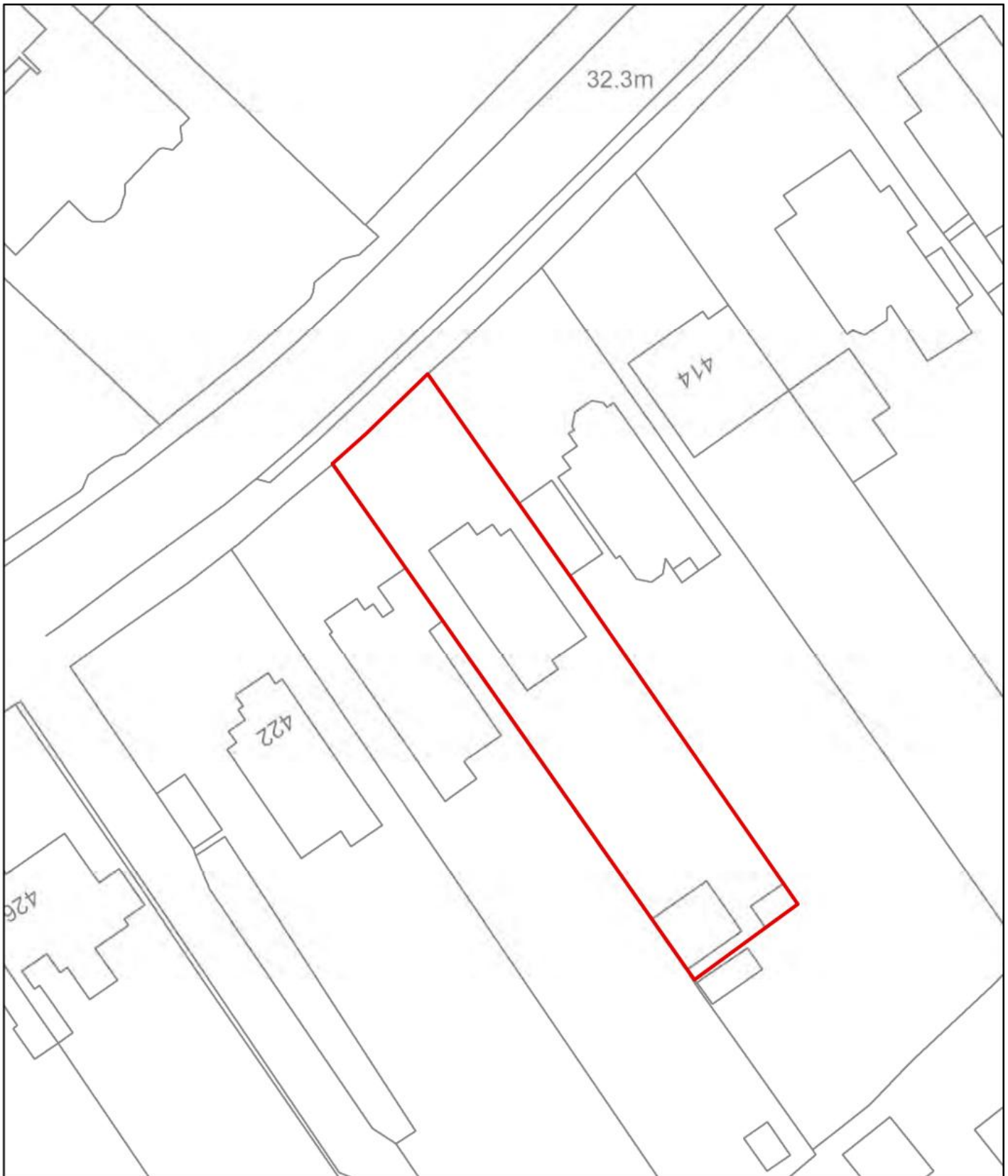
Reason for referral Called in by an elected member

4(c)

Ward:	Eaton
Case officer	Stephen Polley - 07771 934596 - stephenpolley@norwich.gov.uk

Development proposal		
Single storey side extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Scale, Design & Heritage	The impact of the proposed development within the context of the original design / surrounding conservation area
2 Residential Amenity	The impact of the proposed development on the neighbouring properties; light, overshadowing, outlook, overbearingness
Expiry date	23 December 2020
Recommendation	Approve



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Planning Application No 20/01313/F
 Site Address 418 Unthank Road

Scale 1:500

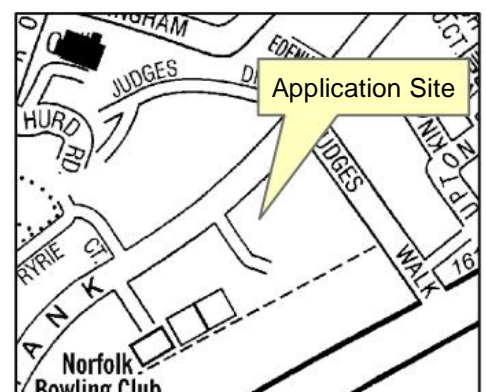


NORWICH
 City Council

PLANNING SERVICES



Page 32 of 52



The site and surroundings

1. The site is located to the south side of Unthank Road, to the southwest of the city. The subject property is a large two and a half storey detached dwelling constructed during the early C20. The ground floor has been finished using red coloured bricks, the first a white coloured render and the roof in clay coloured plain tiles. The design includes projecting gables to the front and rear. It has been extended previously by way of a single-storey rear extension. The site features a driveway / parking area to the front, access to the side and a large rear garden which includes a garden room.
2. The site is bordered by similar detached dwellings to the east and the west, nos. 416 and 420 Unthank Road respectively. Beyond the site to the rear are smaller properties located on Wentworth Green, the closest of which being no. 22. The boundaries are marked by close boarded fencing, brick wall and sections of mature planting. The prevailing character of the surrounding area is residential, with most properties being of a similar age and appearance.

Constraints

3. Conservation Area: Unthank and Christchurch

Relevant planning history

4.

Ref	Proposal	Decision	Date
12/00053/TCA	Wind damaged Silver Birch in back garden to be taken down and stump ground out.	NTPOS	20/02/2012
16/01750/F	Erection of pitched roof with rooflights to outbuilding.	APPR	13/03/2017
17/00558/D	Details of condition 4: rooflights of planning permission 16/01750/F.	APPR	31/05/2017

The proposal

5. The proposal is for the construction of a single-storey extension to the side to the west side of the property. The 2.3m x 10.6m extension has been designed with a mono-pitched roof sloping up from an eaves height of approximately 2.67m to a maximum height of 3.6m tall. The extension incorporates a section of the existing rear elevation to include a new set of bi-folding doors. The extension is set back from the front elevation by 5.7m and is to be constructed a minimum of 0.2m from the neighbouring boundary.
6. It should be noted that the proposal has been revised from the original flat roof design, with a mono-pitched design which has a lower eaves height now proposed.

7. The extension is to be constructed using a matching red coloured brick and Flemish bond.
8. It should be noted that following concerns raised by the neighbour and discussions with the applicant, the plans have been revised during the determination of the application. The revised design features a mono-pitched roof instead of a flat roof and has been reduced in height at the eaves level next to the boundary.

Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation (in relation to the original plans) 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
Loss of light to neighbouring property	See main issue 2
Overbearing impact on residential amenity of neighbouring property	See main issue 2
Proximity to neighbouring boundary will result in loss of privacy	See main issue 2
The proposed extension will be harmful to the character of the conservation area	See main issue 1

Consultation responses

10. 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

11. 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.

Assessment of planning considerations

Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
13. **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

Other material considerations

14. Relevant sections of the National Planning Policy Framework (NPPF) (2019 revision):

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design

Case Assessment

15. 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 and Heritage

16. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
17. The proposed side extension is to be set back from the main front elevation by a significant distance – 5.7m – and is similar in terms of form, siting and scale to a number of extensions in situ at neighbouring properties. Only partial, limited views of the extension will be visible from the public realm. An existing front / side extension in situ at no. 420, mature planting on boundaries and the significant distance from the highway will all assist in ensuring that views of the proposed extension are limited. The revised mono-pitched roof design is in keeping with the form and appearance of number of existing extensions within the area. Its siting, design and use of matching materials will ensure that it has a limited impact on the appearance of the subject property, and the wider conservation area.
18. The proposed extension will have a more significant impact on the appearance of the subject property when viewed from the rear. It has been designed to include a new section of rear elevation serving the rear gable corner of the ground floor. The use of a matching red brick Flemish Bond assists in ensuring that the extension blends well with the original dwelling.
19. The proposed development is considered to be of an appropriate scale, siting, form, appearance and is therefore acceptable in design and heritage terms.

Main issue 2: Amenity

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
21. The proposed development will result in a noticeable change to the current situation as the side extension is to be constructed along the boundary shared with no. 420 to the west. It should be noted that the objections set out above were made in

relation to the original scheme, which showed a flat roof extension with a higher eaves level next to the boundary. As described earlier, this has been revised to a mono-pitch with a reduced eaves height from 3.4m and the front and 3.6m at the rear (due to the sloping site) being reduced to 2.5m at the front and 2.6m at the rear.

22. Policy DM2 seeks to protect the amenities of the neighbouring occupiers with particular regard given to overlooking, overshadowing, loss of light/outlook.
23. With regard to light and overshadowing, it is acknowledged that the proximity of the proposed extension to the shared boundary will result in some loss of light and overshadowing to the area to the side of no. 420. It is not however considered that the proposed extension will cause significant harm to the primary living spaces of the neighbouring property. It is noted that no. 420 has previously been extended by a single-storey rear extension that extends noticeably beyond the proposed rear building line. The extension includes a large side facing window, patio doors to the rear and roof lights. The side facing window currently looks directly onto the boundary fence and wall and as such does not provide a significant amount of light or provide any particular outlook.
24. The neighbouring property will continue to benefit from a good standard of residential amenity with light provided by the patio doors and roof lights. The loss of light and outlook from the side-facing window caused by the proposed extension will therefore be limited.
25. A second smaller window is located on the side elevation of the ground floor of no. 420 that similarly faces directly onto the boundary fence. This window is the primary source of light to a music room / study. The revised mono-pitched design lessens the impact of the proposed extension on the room, allowing for a greater amount of light to reach the room than the original flat roof design. The revised design also ensures that the extension is not overly overbearing. The impact on this room is considered acceptable.
26. With regard to the proposed extension being overbearing, it is acknowledged that the height of the extension and the proximity to the boundary shared with no. 420 will result in the extension being a prominent feature along the shared boundary. It will also be visible from the side-facing window of the property. The proposed extension will however not have a significant impact on the primary living spaces or main outdoor amenity space of the neighbouring property, with the majority of the extension affecting the area to the side of the property only.
27. With regard to privacy, the proposed development does not include any side facing windows, with only a small window to the front serving a WC and the bi-folding doors to the rear. The doors to the rear, although partially visible above the boundary shared with no. 420, will not provide for any significant views over the neighbouring property. The relationship between the proposed development and the neighbouring property is considered typical of the area. The proposed extension will therefore not result in significant overlooking or a loss of privacy.
28. The siting of the proposed extension will ensure that it does not have any impacts on the amenity of any other neighbouring residential occupiers.
29. The proposed development will assist in enhancing the residential amenity of the occupiers of the subject property as the internal living space is enlarged without

significant loss of external amenity space. The proposed development is therefore considered acceptable in amenity terms.

Equalities and diversity issues

30. There are no significant equality or diversity issues.

Local finance considerations

31. 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.
32. 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.
33. In this case local finance considerations are not considered to be material to the case.

Conclusion

34. The proposed development will result in an enlarged dwelling which, following the revisions to the plans, is considered to be of an acceptable scale and design, which does not cause significant harm to the character and appearance of the subject property or surrounding conservation area.
35. The proposed development will have a limited impact upon the residential amenities of neighbouring properties with no material harm being caused by way of overshadowing, overlooking, outlook or by being overbearing.
36. 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. 20/01313/F - 418 Unthank Road Norwich NR4 7QH and grant planning permission subject to the following conditions:

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



South West Elevation - Proposed
Scale 1:30 @ A1



North West Elevation - Proposed
Scale 1:30 @ A1



South East Elevation - Proposed
Scale 1:30 @ A1

- Notes:**
1. Do not scale from the drawing. Where dimensions are shown these are to be verified against site dimensions prior to any setting out, ordering of materials or fabrication.
 2. All dimensions in millimetres unless otherwise stated.
 3. This document should not be relied on or used in circumstances other than those for which it was originally prepared and for which WOODS DESIGN was commissioned. WOODS DESIGN accepts no responsibility for this document to any other party other than the person by whom it was commissioned.

Proposed Construction:

Walls	Red facing brick in Flemish bond & pointed in lime rich mortar
Roof	Domestic felt, biterglass or single ply membrane
Downs	Dark grey aluminum or steel
Window	White painted timber
Roof windows	Dark grey aluminum
Parapet cladding	Dark grey aluminum
Rainwater Gutter	Black aluminum or cast iron
Drainage	Surface water to soakway (assumed) & foul water to main

NOT FOR CONSTRUCTION

This drawing is preliminary and not approved for construction. Do not order materials, manufacture components or set out any part of the building from the information contained in this drawing.

OB	Roof re-designed	17.02.21
OA	Heights reduced	14.12.20
O	Issued for LPA approval	22.10.20
P2	Minor changes	03.09.20
P1	Preliminary for discussion	23.07.20

Rev	Details	Date
-----	---------	------

Client:
Mr & Mrs R Hughes
41B Unthank Road
NORWICH
Norfolk, NR4 7QH

Project:
Extension to
41B Unthank Road
NORWICH
Norfolk, NR4 7QH

Drawing title:
Elevations & Site Plan
as Proposed
Pitched roof design

Date: Jul 20 Scale: As Shown

Preliminary ☐ Approval ☒
Tender ☐ Construction ☐

WOODS DESIGN
architectural services

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Norfolk, NR15 2AD
T/F: 01508 499802
E: mail@woodsdesign.co.uk
W: www.woodsdesign.co.uk

Drawing No:	W0568/002	Rev:	OB
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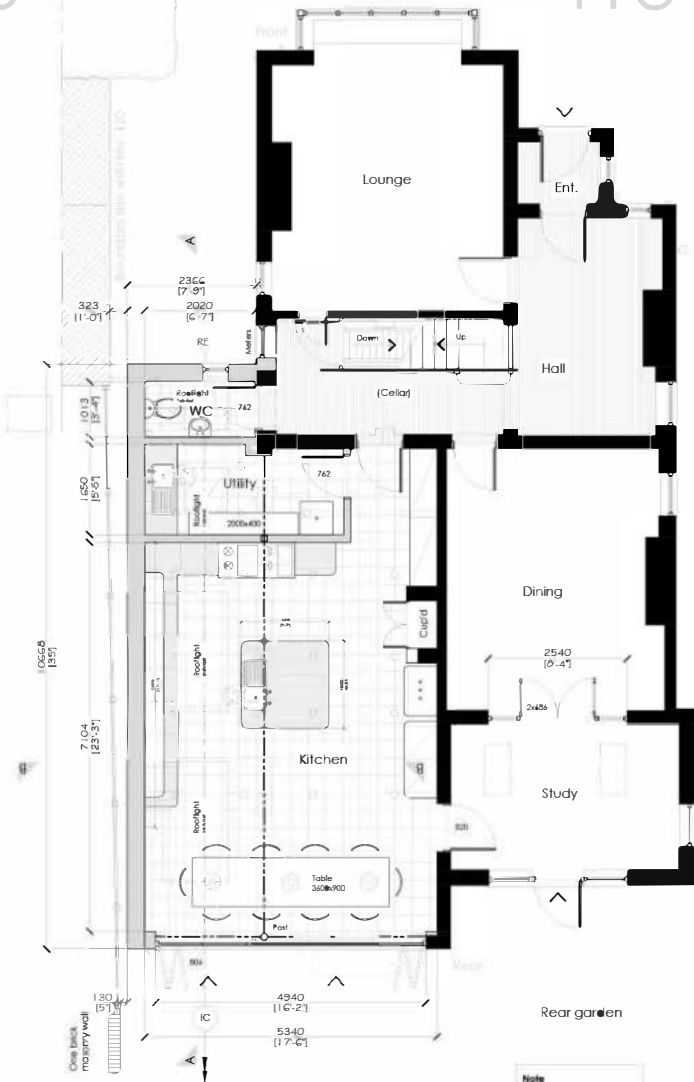
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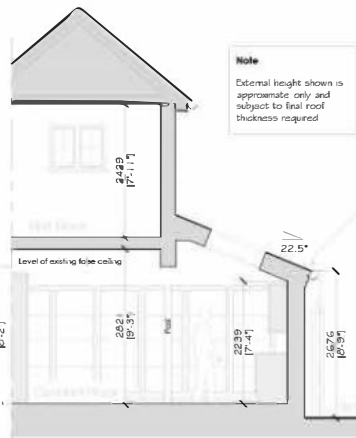
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418

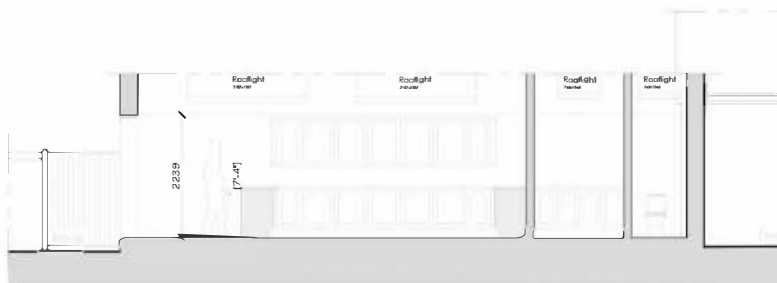
416



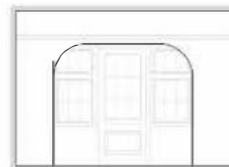
Ground Floor Plan - Proposed
Scale 1:50 @ A1



Cross Section B-B Proposed
Scale 1:50 @ A1



Cross Section A-A Proposed
Scale 1:50 @ A1



Dining room arch
Scale 1:50 @ A1



- Notes:
1. Do not scale from this drawing. Where dimensions are shown these are to be verified against site dimensions prior to any setting out, ordering of materials or fabrication.
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Key (on Plan):

- Existing walls
- Proposed walls

NOT FOR CONSTRUCTION

This drawing is preliminary and not approved for construction. Do not order materials, manufacture components or set out any part of the building from the information contained on this drawing.

OD	Roof re-designed	17.02.21
OA	Height reduced	14.12.20
O	Issued for LPA approval	22.10.20
P2	Minor changes	03.09.20
P1	Preliminary for discussion	23.07.20

Rev: Details Date

Client:
Mr & Mrs R Hughes
418 Unthank Road
NORWICH
Norfolk, NR4 7QH

Project:
Extension to
418 Unthank Road
NORWICH
Norfolk, NR4 7QH

Drawing Title:
Plan & Sections
as Proposed
Pitched roof design

Date: Jul 20 Scale: As Shown

Preliminary ☐ Approval ☒
Tender ☐ Construction ☐

WOODS
DESIGN
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Norfolk, NR15 2AD
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W: www.woods-design.co.uk

Drawing No: W0568/003 Rev: OB

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Report to Planning applications committee
11 March 2021

Item

Report of Area Development Manager

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

5

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and progress on planning enforcement action.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities people living well, great neighbourhoods, housing and environment and inclusive economy.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard

Contact officers

David Parkin, Area Development Manager

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Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.
3. The last performance report was presented to committee in November 2019.
4. In between times, the COVID19 pandemic has affected the pattern of the department's workload and changes to the scheme of delegation in April and July 2020 have affected the proportion of applications being dealt with at committee.

Performance of the development management service

5. The cabinet considers quarterly reports which measure the council's key performance targets against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
6. This report covers the first 3 quarters of the year 2020/21 and only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
7. In Q1 of 2020-21, following amendments to the scheme of delegation in April, all decisions (164) were made at officer level.
8. For Q2 of 2020-21, 124 decisions out of 135 were dealt with by officers (a delegation rate of 92 per cent) and 11 decisions were dealt with by committee.
9. For Q3 of 2020-21, 175 decisions out of 186 were dealt with by officers (a delegation rate of 94 per cent) and 11 decisions were dealt with by committee.
10. For the year 2019-20, the delegation rate was 91%: this compares to a delegation rate of 90% in 2018-19; 91.4% in 2017-18, 86.4% in 2016-17 and 90.6% in 2015-16. The delegation rate for 2020/21 is expected to be higher given the rates set out above for Q1, Q2 and Q3.
11. It is also worth noting that the number of applications received by the department has altered, reflecting the disruption cause by the pandemic. The table below shows the number of applications received for Q1, Q2 and Q3 for 2020-21 against the same time frames for 2019-20.

Financial year	Quarter
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	Q1	Q2	Q3
2020/21	153	157	202
2019/20	218	190	188

Appeals

12. There are currently 5 pending planning appeals as listed within Appendix 1 to this report.

13. Appendix 2 shows the appeals determined in the first 3 quarters of 2020/21. A total of 14 appeals were determined: 10 appeals have been dismissed; 1 was partly allowed and partly dismissed; 2 were allowed. The final 'appeal' was the Anglia Square call-in, which was refused by the Secretary of State against the Inspector's recommendation. This equates to a success rate of 77 or 85% for the first 3 quarters, depending on how one counts the partial dismissal.

14. Some headlines from the appeal decisions are as follows:-

19/00007/CALLIN – Anglia Square – Refused by Secretary of State

15. The council resolved to approve the redevelopment of Anglia Square in December 2018. The decision was called-in for determination by the Secretary of State at the request of Historic England. A public inquiry was held in January and February 2020.

16. In a nutshell, the issues revolved around the level of harm caused by the proposed development, in particular to heritage assets, and how this should be weighed against the various benefits of the scheme.

17. The Inspector submitted his recommendation to the Secretary of State in June 2020, but the details of this were not revealed (as is normal practice) until the Secretary of State issued his decision in November 2021.

18. The Inspector's consideration of the proposal ran to some 207 pages. At the end of a lengthy summary, the Inspector concluded:

“Having found that the proposal would accord with the development plan as a whole, it is necessary to consider whether there are other considerations that indicate a decision other than in accordance with the development plan.

The proposal would cause harm to a number of listed buildings through development in their settings. In all cases this would be less than substantial harm in the terms of the Framework. Nevertheless, in each case that is a matter of considerable importance and weight. It should be noted that there would be harm that I would characterise as moderate to the Grade I listed Church of St Augustine and the Grade II listed Nos 2 – 12 Gildencroft. In respect of the other assets, there would be harm that I would characterise as minor. Even so, a number of highly graded assets would be affected, including the Cathedral, the Church of St Simon and St Jude, the Church of St Clement, the Church

of St George, St Helen's Church and St Andrew's Church (All Grade I) and Bacon's House and Nos 11 to 13 Fye Bridge Street (Grade II).*

Having carried out the balancing exercise required by paragraph 196 of the Framework I have found that the public benefits of the proposal would outweigh the harm. I have not identified any other considerations which indicate an outcome other than in accordance with the development plan. I shall therefore recommend that planning permission is granted".

19. Notwithstanding this recommendation, the Secretary of State disagreed and concluded:

"The Secretary of State recognises that the regeneration of Anglia Square is an important strategic objective, and he is supportive of the benefits in terms of economic development and housing that such a regeneration could bring. However, for the reasons given above, and given the importance of the affected heritage assets and the nature of the design flaws he has identified, the Secretary of State considers that the application is not in accordance with Policies JCS1 and DM1 in relation to the preservation and enhancement of heritage assets nor with DM9. Nor is it in accordance with JCS2 and DM3(a)(c) and (f) concerning design, DM12(b) in relation to heritage impacts, DM18 as it relates to DM1, and DM2 and DM13 in relation to residential amenity. The Secretary of State concludes that the proposal is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

The proposal would secure the regeneration of a strategic brownfield site, make a significant contribution to meeting housing need in Norwich, make a significant contribution to meeting the need for affordable housing in Norwich, provide a significant net gain in employment, helping to create the conditions in which businesses can invest, expand and adapt, and insofar as the current condition of the site is a barrier to investment, that barrier would be removed, and support the role that Anglia Square plays in the hierarchy of centres, promoting the long term vitality and viability of the LDC. Each of these benefits carry significant weight in favour of the proposal. The proposal has a neutral impact on the character and appearance of the NCCCA. There would be minor benefits to the setting of some listed and non-designated assets, which carry limited weight, as do the air quality benefits identified.

Although less-than-substantial in all cases, there would be harm to the setting of a number of listed buildings, in two cases towards the upper end of the scale. In accordance with the s.66 duty, the Secretary of State attributes considerable weight to the harm. In addition, there would be harm to the setting of some non-designated assets, and a non-designated building would be demolished and lost entirely.

The Secretary of State has concluded in paragraphs 62 and 63 of this Decision Letter that the identified 'less than substantial' harm to the significance of the designated heritage assets identified at IR536-537 is not outweighed by the public benefits of the proposal.

Overall, the Secretary of State concludes that the benefits of the scheme are not sufficient to outbalance the identified 'less than substantial' harm to the significance of the designated heritage assets identified at IR536-537 and in paragraphs 27-59 above.

He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.

Overall, the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan. The Secretary of State therefore concludes that the application should be refused planning permission”.

20. The decision is currently the subject of a legal challenge by Weston Homes, seeking a judicial review of the refusal.

20/00005/REF - Change of use of Tattoo Studio (Sui-Generis) to Temporary/Serviced Accommodation Flat (Class C1) (Retrospective) at 2 Lower Goat Lane – Allowed

21. The council refused planning permission for the change of use, arguing that, as an isolated unit within the building, the proposal was indistinguishable from a flat for normal residential accommodation. As a flat, the unit did not provide sufficient space for permanent occupation. The appellant argued that the use of the unit for holiday accommodation could be controlled by condition. The Inspector agreed and allowed the appeal, granting permission subject to conditions requiring that a register of occupants should be kept; that the unit should not be used as a permanent residence; and that the length of stay by any one person(s) should be limited to a maximum of 28 days.

20/00003/REF – Appeal against variation of Condition 3 of previous permission 16/01927/F (allowed on appeal) to allow 8 residents to occupy an HMO at 12A Old Palace Road – Dismissed

22. Permission for the HMO was granted on appeal with a condition limiting occupancy to 7 residents. The appellant argued that the building met the HMO licensing standards for 8 residents. The inspector concluded that the planning and licensing regimes were separate, and that the council was entitled to take a different view as the local planning authority.

20/00009/REF & 20/00010/REF – Appeals against refusal of permission for telecommunications equipment at two different sites on Newmarket Road – Dismissed

23. The Inspector concluded that the harm caused by the masts (one of which was in the conservation area) was not outweighed by the benefits of improved mobile phone coverage. Part of the reason for this was that the masts only provided coverage for the users of one network.

Enforcement action

24. At the beginning of April 2020, the number of enforcement cases being dealt with by the department stood at 171. At the end of Q3, that number had increased by 76 to 247. During the period, 114 new cases were opened and 41 cases were closed.

25. The reasons for closing the 41 cases are as follows:-

- Notice complied with - 3 (7%)

- Not expedient to pursue action - 12 (29%)
- No breach has occurred - 21 (51%)
- Informal action taken to resolve - 2 (5%)
- Not a planning issue - 1 (2%)
- Planning application approved - 2 (5%)

26. Notices issued (enforcement, breach of condition and planning contravention) are shown in the table at Appendix 3 for the first 3 quarters of 2020/21.

Appendix 1 – Pending Planning Appeals

Pending Planning Appeals and Recent Appeal Decisions								
Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
19/00016/ENFPLA Application No. n/a	APP/G2625/C/ 19/3233542	8 Marston Lane	Appel against enforcement notice 18/00149/ENF No.1 for the erection of a fence of more than 1m in height	Written Reps	27.05.2020	Pending site visit	Delegated	Stephen Little
20/00007/TA1 Application No. 20/00240/TPO	APP/TPO/G262 5/7874	The Plantation, Christchurch Road	Corsica Pine (G1): fell and replant replacement tree(s).	Fast Track Appeal	28.09.2020	Pending decision	Delegated	Mark Dunthorne
20/00011/REF App No 19/01735/FT	APP/G2625/W/ 20/3254990	Epic, 110-116 Magdalen St	The installation of 6 No. antenna apertures and 4 No. 600mm dishes on new support poles, and 7 No. equipment cabinets and ancillary development.	Written Reps	09.09.2020	Pending decision	Delegated	Jacob Revell
20/00012/REF App No 20/00241/T	APP/G2625/W/ 20/3256408	Daniels Road	Installation of 1no. 20m streetworks pole, 1no. equipment cabinet, 1no. meter cabinet and associated ancillary development.	Written Reps	09.09.2020	Pending decision	Delegated	Maria Hammond
20/00015/REF App No 20/00557/F	APP/G2625/W/ 20/3260691	Land to rear of 196 Earlham Road	Construction of double garage.	Written Reps	13.01.2021	Pending decision	Delegated	Stephen Polley

Appendix 2 – Determined Planning Appeals

Appeal Decisions

Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
19/00007/CALLIN Application No. 18/00330/F	APP/G2625/V/ 19/3225505	Anglia Square	Part Full/Outline application for the comprehensive redevelopment of Anglia Square and adjacent land on Edward Street for: up to 1250 dwellings, hotel, ground floor retail and commercial floorspace, cinema, multi-storey car parks, place of worship and associated works to the highway and public realm areas	Public inquiry	21.03.2019	Approved	Committee	Tracy Armitage
19/0013/TA1 Application No. 19/00268/TPO	APP/TPO/G262 5/7430	31 Roe Drive	2no. Lime (G7): Reduce height from 70ft to 50ft or reduce by 3m.	Fast Track Appeal	21.02.2019	Dismissed	Delegated	Mark Dunthorne
19/00015/REF App No 19/00307/L	APP/G2625/W/ 20/3254990	APP/G2625/Y/1 9/3232169	Internal alterations to living space and kitchen including removal of separating wall.	Written Reps	12.08.2019	Part allowed, part dismissed	Delegated	Chris Brownhill
19/00021/TA1 App No 19/00853/TPO	APP/TPO/G262 5/7568	380C Unthank Road	Deodar Cedar (G1): Remove.	Fast Track Appeal	27.08.2019	Dismissed	Delegated	Mark Dunthorne
19/00025/TA1 App No 19/01140/TPO	APP/TPO/G262 5/7638	67 Mill Hill Road	2no. Lime (T1 & T2): Fell and remove additional 1m stump, replace with 1no. tree of smaller species.	Fast Track Appeal	09.10.2019	Dismissed	Delegated	Mark Dunthorne
19/00028/REF App No. 19/01318/VC	APP/G2625/W/ 19/3241227	The Bungalow, Eaton Chase	Variation of Condition 10 of previous permission 18/01190/O to remove the restriction on the use of construction access via Ryrie Court.	Written Reps	13.01.2020	Dismissed	Delegated	Lee Cook
20/00001/REF App No. 19/00043/L	APP/G2625/Y/1 9/3243738	79 Newmarket Road	Internal alterations to ground floor to facilitate conversion to two bedroom flat.	Written Reps	02.03.2020	Dismissed	Delegated	Jacob Revell

20/00002/REF App. No. 19/01254/F	APP/G2625/W/ 20/3244919	9A Poplar Avenue	Sub-division of plot and new dwelling.	Written Reps	06.02.2020	Dismissed	Delegated	Maria Hammond
20/00003/REF App. No. 19/01455/VC	APP/G2625/W/ 20/3246507	12A Old Palace Road	Variation of Condition 3 of previous permission 16/01927/F (allowed on appeal) to allow 8 residents.	Written Reps	06.03.2020	Dismissed	Delegated	Jacob Revell
20/00005/REF App. No. 19/01633/U	APP/G2625/W/ 20/3248391	Suite 2, First Floor, 2 Lower Goat Lane	Change of use of Tattoo Studio (Sui- Generis) to Temporary/Serviced Accommodation Flat (Class C1) (Retrospective).	Written Reps	11.06.2020	Allowed	Delegated	Lara Emerson
20/00006/REF App. No. 20/00072/F	APP/G2625/D/ 20/3249948	44 Nasmith Road	Two storey side extension	Written reps	11.06.2020	Dismissed	Delegated	Stephen Little
20/00008/REF App. No. 20/00318/U	APP/G2625/W/ 20/3252026	36 Primula Drive	Change of use from 6 bed HMO to 7 bed HMO.	Written Reps	06.07.2020	Allowed	Delegated	Maria Hammond
20/00009/REF App. No. 20/00347/T	APP/G2625/W/ 20/3254501	47-49 Newmarket Road	Installation of 1no. 20m streetworks pole, 1no. equipment cabinet, 1no. meter cabinet and associated ancillary development.	Written Reps	10.07.2020	Dismissed	Delegated	Maria Hammond
20/00010/REF App. No. 20/00243/T	APP/G2625/W/ 20/3254712	221-223 Newmarket Road	Installation of 1no. 20m streetworks pole, 1no. equipment cabinet, 1no. meter cabinet and associated ancillary equipment.	Written Reps	16.07.2020	Dismissed	Delegated	Maria Hammond

Appendix 3 – Enforcement Action Update

Enforcement Update				
Case Ref.	Location	Development	Current Status	Lead Officer
18/00140/ENF	118 Cambridge Street	Conversion of garage to residential. Potential increase in HMO occupancy.	Enforcement Notice (EN) served 01.05.20 requiring the use to cease back to it's lawful use as a house or C4 HMO occupied by a maximum of 6 persons. Notice effective on 1 st June. Notice complied with – awaiting final cross checking with other departments (e.g. Council Tax) before final closure.	Stephen Little
18/00167/ENF	547 Earlam Road	Change of use to bed and breakfast and restaurant and display of illuminated sign	<p>Planning Contravention Notice (PCN) served 23rd December 2020. Response to PCN insufficient to determine a breach in relation to the change of use to restaurant. Additional PCN drafted and served February 2021 to cross check evidence against complaints of activity from 3rd parties.</p> <p>Re: sign – change of use to B&B having been implemented, the sign benefits from deemed consent. Action under way to secure removal.</p>	Maria Hammond
18/00156/ENF	11 Baltic Wharf	Property being used as short-term/holiday let for up to 12 people.	PCN served 04.09.20. Subsequent EN served 25.09.20. Following the service of the notice, the level of use reduced to such a degree that the breach has been remedied. Notice complied with.	Stephen Little
19/00105/ENF	6 St James' Meadow	Use of residential property for commercial food preparation.	PCN served 27.11.20. On the basis of the information received following the PCN, it has been determined that the property has been sold and the current resident is using it lawfully as a residence. Case closed.	Stephen Little
19/00104/ENF	39A Newmarket Rd	Breach of Condition 3 of planning permission 18/01528/F re: employee travel plan & cycle parking	Breach of Condition Notice (BCN) served 27.11.20 requiring submission of travel plan within 2 months (i.e. by 27.01.20).	Stephen Little

19/00110/ENF	101 Hotblack Rd	Unauthorised HMO.	PCN served 09.09.20. Information from the PCN, cross checked against other records, indicates that the use is lawful due to the passage of time. Case closed as not expedient to take action.	Stephen Little
20/00088/ENF	48 & 50 St Philips Rd	Unauthorised use as short term lets.	PCN served 07.10.20. Response received 07.01.21. On the basis of the information received, it has been determined that the alleged breach has occurred and the operator has been requested to cease the use by 28.02.21. Compliance with this request will be checked shortly.	Stephen Little
20/00126/ENF	3A Unthank Rd	Breach of Conditions 5, 6, 7 and 8 of 18/01874/F for change of use from Class D1 to dwellinghouse (Class C3) and external alterations	BCN served 08.10.20. Various timescales given for compliance with the conditions ranging from one month to 5 months. A discharge of conditions application has been received in response to the notice securing the detail it required. Implementation of the details still required in accordance with the notice. Compliance is being monitored.	Maria Hammond
20/00127/ENF	3A Unthank Rd	Breach of Conditions 3 and 5 of 19/00402/MA for amendment to previous permission 18/00252/F	BCN served 08.10.20. See above. Compliance is being monitored.	Maria Hammond

