

Planning applications committee

Date: Thursday, 10 May 2018

Time: 09:30

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

Committee members:

Councillors:

Driver (chair)

Maxwell (vice chair)*

Bradford

Button

Carlo

Henderson

Malik

Peek

Sands (M)

Wright*

(2 vacancies)

For further information please contact:

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Democratic services

City Hall

Norwich

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* Subject to re-election on 3 May 2018

Information for members of the public

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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

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1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

5 - 14

To approve the accuracy of the minutes of the meeting held on 12 April 2018

4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

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

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

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

Summary of planning applications (including tree

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preservation order) for consideration at committee

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Date of publication: Tuesday, 01 May 2018



Planning applications committee

09:30 to 12:30

12 April 2018

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Carlo, Henderson, Jackson, Malik, Sands (M) and Wright

Apologies: Councillors Peek and Woollard

1. Declarations of interest

Councillor Malik said that he knew the owner of no 111 Earlham Road, Norwich (item 7 (below), Enforcement Case – 111 Earlham Road, Norwich), in his capacity as Nelson ward councillor, but did not have a predetermined view on this item.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 8 March 2018.

3. Application no 18/00023/U - 6 St Matthews Road, Norwich, NR1 1SP

The senior planner referred to the supplementary report of updates to reports which was circulated at the meeting and said that the applicant had requested to withdraw this application.

RESOLVED to note that applicant has withdrawn Application no 18/00023/U - 6 St Matthews Road, Norwich, NR1 1SP.

4. Application no 18/00225/VC - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG

The senior planner presented the report with the aid of plans and slides.

During discussion, the senior planner referred to the report and answered members' questions. A member suggested that the applicant would increase the profit from the sale of units with parking spaces and therefore should make further contributions for mitigation traffic works. The senior planner said that increased revenue from the sale of the parking spaces had not been included in the planning assessment of this application. Floor space determined the amount of contribution that the developer would be required to pay for infrastructure costs. There were no grounds to require further contributions from the developer who was already making significant contributions to enhance community infrastructure. Members were advised that the council would ensure that the applicant complied with the agreed landscaping plan and would consider enforcement if necessary.

The chair moved and the vice chair seconded the recommendations as set out in the report. Councillor Carlo said that she was minded to vote against the application

because she considered that there was no justification for a further eight parking spaces. Discussion ensued in which members expressed concern that visitor parking would be displaced to the surrounding streets, in particular to Norvic Drive. Members sought clarification of the precise location of visitor parking spaces on the site. The motion to approve the application was withdrawn. Councillor Wright then moved and Councillor Maxwell seconded that consideration of the application be deferred to the next meeting of the committee for further information on parking provision for visitors, and it was:

RESOLVED, with 7 members voting in favour (Councillors Maxwell, Button, Carlo, Henderson, Jackson, Wright and Sands), 2 members voting against (Councillors Malik and Bradford) and 1 member abstaining from voting (Councillor Driver) to defer further consideration of Application no 18/00225/VC - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG, to enable the officers to seek further clarification from the applicant on the precise location of parking spaces for visitors, and to bring back a revised report to the next meeting of the committee (10 May 2018).

5. Application no 18/00261/F - Bristol House 78 - 80 Unthank Road, Norwich, NR2 2RW

The planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports, which was circulated at the meeting and contained summaries of consultation responses from Norfolk Constabulary and the city council's tree protection officer.

At the chair's discretion, the agent addressed the committee and spoke in support of the application, itemising the changes that had been made to address the committee's reasons for refusal to the applicant's previous application. These measures included removing a bedroom and opening up the communal spaces to natural daylight; external lighting and CCTV; additional management plan, increased cycle parking. The proposal would provide good standard of living for its residents and provide housing against the shortfall. The exterior of the building would be enhanced and contribute to the conservation area.

During discussion, the planner and the senior planner referred to the report and answered members' questions. Members were advised on the lighting arrangements for the communal area and the adjoining corridor. Members also noted the plan which showed the location of the CCTV cameras and external lights which would have been considered by Norfolk Constabulary when making its recommendation that the applicant applied for a Secure by Design Award for the development. The planner advised members that the council as local planning authority had no control over a developer wishing to include a gym. The planner said that as a condition of approval there were very specific references to how the site would be managed. Any breach in the conditions would be enforceable.

The chair moved and the vice chair seconded the recommendations as set out in the report. Councillor Carlo said that she was concerned that the applicant would not comply with the management plan. Councillor Wright said that despite the agent's assertion he was not convinced that the applicant had gone far enough to address the committee's previous concerns about this scheme. Another member said that this application would prevent family homes in his ward being converted to houses in multiple-occupation.

RESOLVED, with 5 members voting in favour (Councillors Driver, Maxwell, Button, Sands and Bradford), 3 members voting against (Councillors Carlo, Henderson and Wright) and 2 members abstaining from voting (Councillors Jackson and Malik) to approve application no. 18/00261/F - Bristol House 78 - 80 Unthank Road, Norwich, NR2 2RW and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Landscaping scheme to be agreed pre-occupation (including 2 bird boxes)
4. Site to be managed as follows:
 - (a) Signs to be erected inside and outside the property to advertise management contact details
 - (b) Immediate neighbours to be provided with weekly on-site visiting hours for the Community Manager via post or a dedicated website
 - (c) The Community Manager should be available to tenants and members of the public at least one day per week. A log book should be kept as a record of all visits
 - (d) The outside areas should be inspected and cleaned at least once per week.
5. Cycle parking, refuse storage, external amenity space, window replacement works, internal communal spaces, CCTV, external lighting to be made available prior to occupation
6. Water efficiency measures to be used as set out on the plans
7. Works to take place in accordance with the recommendations within sections 5 and 6 of the ecology report
8. No development during bird nesting season without survey
9. Small mammal access - hedgehog haps in boundary treatments
10. Trees - in accordance with Arboricultural Impact Assessment (AIA)
11. Number of occupants limited to 26.

6. Application no 18/00167/O - Garages between 80 - 92 Lincoln Street, Norwich

The planner presented the report with the aid of plans and slides.

During questions, the planner referred to the report and confirmed that the width of each of the four, proposed dwellings, were comparable with the terrace houses in the street. The space and room layout would be considered at reserved matters stage. Members asked about the window of the adjacent terrace that would be obscured and were advised that it was probably a small room but the representation received in objection had not specified its use. In reply to suggestion that the houses were reoriented to avoid obscuring the window, the planner said that the extension of the terrace would insulate the walls of the adjacent houses and suited the character of the terraced street. There would be further discussion and negotiation about the layout and impact on adjoining buildings at reserved matters stage. Members were also advised that building control was a separate process which would address concerns about dampness. Members noted that the statutory time limit for implementation of the proposal after approval of the last reserved matters application was two years.

The chair moved and the vice chair seconded the recommendations as set out in the report. Members commented that under council policy the occupants of the new dwellings would not be eligible for parking permits and that this could impact on adjoining streets outside controlled parking zones. A member pointed out that there could be potential for parking spaces to be created at the rear of the property as there were a number of garages to existing properties.

RESOLVED, unanimously, to approve application no. 18/00167/O - Garages between 80 - 92 Lincoln Street, Norwich, and grant planning permission subject to the following conditions:

1. Application for reserved matters to be made within 3 years of the date of the permission, development to commence within 2 years of approval of reserved matters.
2. No development to take place without approval of reserved matters relating to appearance, landscaping, scale, layout and access.
3. No development to take place without submission and approval of a protected species survey as part of the reserved matters application(s).
4. No development to take place without submission of a construction management plan.
5. Unexpected contamination to be reported.
6. Imported topsoil/subsoil to be certified.
7. No development to take place until a scheme to mitigate the impacts of surface water flooding has been submitted for approval and approved scheme to be implemented in full.
8. Water efficiency.

Article 35(2) statement

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

7. Application no 18/00005/F - 5 Nutfield Close, Norwich, NR4 6PF

The planner presented the report with the aid of plans and slides.

Councillor Lubbock, Eaton ward councillor, addressed the committee on behalf of neighbouring residents and outlined their objections to the application which included: the splitting of a family home into two dwellings on a small close and inconsistent with the character and amenity of the area; over intensive development of the site; concern about parking; concern about the tenure of the building, loss of amenity for residents and its sense of community; concern that the applicant had created 3 bedsits previously; access to the new dwelling less than a metre from the neighbouring property and concerns about noise and loss of amenity to neighbours.

The agent addressed the committee on behalf of the applicant. The extension would be of Passivhaus standards and included rainwater harvesting. The proposal was for a two bedroom dwelling with shared bathroom and living spaces. The tenants had been given notice and no further work had been done pending this application. The

architect had confirmed that the building would meet building control requirements. The applicant was working abroad and asked for a nine month extension to complete the works.

The senior planner referred to the report and answered questions from members. He explained the changes to the layout to create a single dwelling and confirmed that there were no interconnecting doors with the original dwelling. Members sought confirmation that the access to the new dwelling would be adequate and were advised that the path was 1.2 metres and there was a patio door at the rear for larger furniture/white goods etc. The wall between the two properties would need to meet building control standards. The council would not take action provided the unauthorised occupation of the bedsits had ceased and the works were completed within the stated timeframe. The car parking provision was considered to be adequate.

The chair moved and the vice chair seconded the recommendations as set out in the report. Discussion ensued. Councillor Carlo said that she considered that this application was unacceptable in that it was over-intensification of the site and would change the character of the area. Another senior planner explained that the size of the plot was relatively large and with the addition of the new dwelling below 32 per hectare and therefore could not be considered as over-intensive. Councillor Jackson expressed concern that had this been a fresh application for planning consent would it have been granted where the existing dwelling has to be cut into to provide a bathroom. Councillor Henderson concurred with Councillor Jackson and expressed concern about the application being retrospective. Councillor Wright expressed concern that the application to split a dwelling would set a precedent. In response, the senior planner said that this plot was significantly larger than other gardens in the close and therefore little scope to set a precedent. The subdivision of this property which was set back from the street did not change the streetscene or alter the character of the plot.

The chair said that although he had some reservations he would vote in favour of this application. It did not change the character of the close. The council could take enforcement action if the applicant did not comply with the planning consent.

RESOLVED, on the chair's casting vote, with 4 members voting in favour (Councillors Driver, Maxwell, Button and Bradford), 4 members voting against (Councillors Carlo, Henderson, Jackson and Wright) and 2 members abstaining (Councillors Malik and Sands).

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

8. Enforcement Case – 111 Earlham Road, Norwich

The planner presented the report with the aid of plans and slides.

The owner of the property addressed the committee and explained that the fence and cycle shed had been erected to improve security for his family and cycle storage. Trees had been removed before the family lived at the property. The fence was no higher than the original gate, the only one remaining in the terrace, which was being retained. The family did not run a car and he cycled to work. He

considered that enforcement action would be unfair and pointed out that other properties in the area had trees, open frontages and fences (one with a lean-to). Removal of the fence and shed would make the property less secure and contrary to the National Planning Policy Framework. The shed and fence could be painted green and a green roof and ivy trained up it.

The planner, together with the senior planner, referred to the report and answered members' questions. Members were advised of the enforcement procedures and that officers investigated complaints from members of the public and then discussed with the owner of the property. In this case the harmful aspects of the unauthorised development outweighed the benefits. Sheds in front gardens were not encouraged. This property was locally listed, in a conservation area and subject to an Article 4 Direction which removed permitted development rights to retain the character of the terrace.

The chair moved and Councillor Jackson seconded the recommendations as set out in the report. During discussion Councillor Malik said that he considered enforcement action to be heavy handed as other properties (houses-in-multiple occupation) had rubbish in their gardens. This was a family trying to renovate their home and provide a safe place to live. The owner had offered to alleviate the impact of the fence by climbers on the fence and a green roof. The senior planner said that any properties in a poor state of repair should be reported and officers would investigate. If this fence and shed were to be allowed it would further spoil the character of the area and undermine the Article 4 Direction. Councillor Sands said that he supported Councillor Malik and that the fence was no higher than hedges and that he considered a green roof on the shed and ivy along the fence would not have an impact on the character of the area. Councillor Bradford queried whether the shed and fence were intended to be temporary and was advised that in planning terms these were considered to be permanent structures. Other members considered that as this terrace was locally listed, in a conservation area and subject to an Article 4 Direction it was right to take enforcement action to require the removal of the fence and shed.

RESOLVED, with 7 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Henderson, Jackson and Wright) and 3 members voting against (Councillors Malik, Sands and Bradford) to authorise enforcement action up to and including prosecution in order to secure:

1. Removal of the fence;
2. Removal of the shed.

9. Enforcement Case 15/00046/CONSRV/ENF – 13 Magdalen Street, Norwich, NR3 1LE

The planner presented the report with the aid of plans and slides.

A representative of the owner of the property addressed the committee and outlined the reasons for the installation of the double glazed windows. He explained that the owner, to comply with the requirements of the council's private sector housing team, had installed double glazed windows in all of his managed properties. To install double glazed windows as required for this property would be costly, wasteful and

would disrupt the tenants. A condition could be placed that the windows were replaced if the property changed hands or when requiring replacement at a future date. The windows were mock sash, thermally efficient and reduced sound. The planning officers were inaccurately treating the property as a flat and it was a registered house in multiple-occupation (HMO). As a landlord replacing the windows with single glazed windows would not meet the requirements of the private sector housing team.

The planner responded to the issues raised. The landlord could have considered installing secondary double glazing to the original windows. As there was a shop at the ground floor the property was considered to be a flat and therefore did not have permitted development rights.

The planner referred to the report and answered members' questions. He explained that the opportunity to take enforcement action was time limited. The owner had been contacted by the council about the windows in 2015 and again in February 2018. The senior planner said that the replacement windows were considered to be unsuitable for the location in the City Centre Conservation Area where it was necessary to retain original features and present a positive frontage to Magdalen Street. The building was locally listed. Members also noted that disruption to tenants would be minimal.

Councillor Sands suggested that painting the UPVC windows would make a difference. He pointed out that the street light on the wall was not an original feature.

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

RESOLVED, with 9 members voting in favour (Councillors Driver, Maxwell, Button, Carlo, Henderson, Jackson, Wright, Malik and Bradford) and 1 member voting against (Councillor Sands) to authorise enforcement action to secure the removal of the unauthorised uPVC top opening casement windows and replacement with vertical sliding sash windows in keeping with the original design for the subject property and the prevailing character of the area; including the taking of direct action that may result in referring the matter for prosecution if necessary.

10. Enforcement Case – 2 Bracondale, Norwich NR1 2AF

The planner presented the report with the aid of plans and slides. (The supplementary report of updates to reports, circulated at the meeting, corrects the plan reference number.)

During discussion the planner referred to the report and answered members' questions. He confirmed that Bracondale was in a controlled parking zone and there were designated areas for parking. The parking space outside no 1 Bracondale was considered to be a negative aspect of the conservation area.

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

RESOLVED, unanimously, to authorise enforcement action up to and including prosecution in order to secure:

Removal of the access and reinstatement of the front garden, including railings of a similar height to that recently removed and of a design in keeping with the character of the conservation area.

11. Application no 18/00319/L - Norwich City Council, City Hall, St Peters Street, Norwich, NR2 1NH

The conservation and design officer presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting and explained that the reason for consideration at committee was that it was a city council application and site.

Members concurred with the chair's suggestion that there should be a condition to ensure that the defibrillator was relocated to an accessible location.

During discussion the conservation and design officer referred to the report and answered members' questions. She confirmed that the Roll of Honour was not affected by the current works. Members noted that there would be floor walkers in the lobby after the reception desk had been removed and that this was part of a different way of working for the council. The current application did not include the restoration of the original furniture of the building. Original features which had been boarded over would be retained and preserved in case one day there was ever funding to restore them. Members also commented that they feared removal of the reception desk could compromise building security but noted that the door entry system had been improved and that members of the public could no longer access the basement or office areas.

The chair moved and the vice chair seconded the recommendations as amended to include details of the arrangements for access to the defibrillator.

RESOLVED, unanimously, to approve application no. 18/00319/L - Norwich City Council City Hall, St Peters Street, Norwich, NR2 1NH and grant listed building consent subject to the following conditions:-Standard time limit;

1. In accordance with plans;
2. Details to be submitted including:-
 - (a) Any new internal doors and door furniture,
 - (b) New fire alarm system, emergency lighting and CCTV and any associated surface mounted conduit/wiring,
 - (c) Any new or relocated services in the principal entrance hallway, to include arrangements for access to the defibrillator;
 - (d) Any new fixed furniture;
 - (e) Any new internal or external signage,
 - (f) All new internal finishes (partition work, paintwork and floor coverings),
 - (g) Detailed design of works to the raised level timber floor beside the existing customer service counter in principal entrance hallway.
3. Before any work is undertaken in pursuance of this consent to demolish any part of the building, such steps shall be taken and such works carried out as

shall, during the progress of works permitted by this consent, secure the safety and stability of all parts of the building to be retained.

4. No works shall take place on the site in pursuance of this consent until a detailed scheme of work outlining the proposed measures of protection for the following features, which shall enable them to remain undisturbed in their existing position and fully protected during the course of the work on the site, has been submitted to and approved in writing by the local planning authority:
 - (a) Tiled floor in rates hall (area 2A);
 - (b) Original lighting x 3 in rates hall (area 2A);
 - (c) Marble wall, emblem sculptures and clock (area 2A);
 - (d) Decorative plasterwork (area 2A);
 - (e) Top light (area 2A and beyond).
5. Any damage caused to the building by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within 12 months of the approval of the scheme.

Reason for approval:

The proposed works will not result in harm to the surviving special architectural and historic interest of the building. The removal of non-original fabric will alter the internal appearance of the interior; however conditions have been added to ensure that the resulting appearance will preserve the surviving period character and appearance. All items of special architectural and historic interest will be retained. Therefore, subject to compliance with the suggested conditions, the works are considered to comply with the requirements of relevant national and local planning policy and guidance including Chapter 12 of the NPPF and Local Plan policy DM9.

12. Councillor Jackson

The chair paid tribute to Councillor Jackson who was stepping down as a councillor for his contribution to the work of the committee as a long standing, knowledgeable and experienced committee member.

RESOLVED to record the gratitude of Councillor Jackson for his contribution to the work of the committee.

CHAIR

Summary of planning applications (including TPO) for consideration

ITEM 4

10 May 2018

Item No.	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	18/00225/VC	Bartram Mowers Ltd	Robert Webb	Variation of Condition 2 and Condition 4 of previous permission 15/01646/F to add 8 new parking spaces and changes to landscaping plan	Objections	Approve
4(b)	18/00289/F	Land And Garages Rear Of 9 To 23 Newmarket Road	Robert Webb	Demolition of garages and construction of 4no. dwelling houses.	Objections and Council owned site	Approve
4(c)	17/01555/O	Land opposite 153 Holt Road	Robert Webb	Outline application including matters of access for vehicle hire business.	Objections	Approval
4(d)	18/00058/F	41 - 43 St Augustines Street	Robert Webb	Demolition of existing building. Erection of 9 No. flats with 1 No. retail unit on ground floor level.	Objections	Approve
4(e)	18/00077/F	The Del Ballroom, Waggon and Horses Lane	Joy Brown	Demolition of single storey dance studio and erection of 7no. flats.	Objections	Approve
4(f)	18/00325/F	Land Adjacent To 25 - 27 Quebec Road	Lara Emerson	Construction of 2 No. semi-detached houses.	Objections	Approve

Item No.	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(g)	12/01598/VC	Civil Service Sports Ground Wentworth Green	Mark Brown	<p>Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'.</p> <p>Variations concern tree felling strategy, tree works and landscaping and maintenance thereof, and drainage systems construction and ongoing management thereof.</p>	To gain clarity on former committee resolutions	Approve subject to S106 agreement
4(h)	18/00485/F	24 Judges Walk	Stephen Little	First floor dormer and minor alterations.	Objections	Approve
4(i)	TPO 533	Churchyard, The Close, Norwich	Mark Dunthorne	To confirm Tree Preservation Order 2018 Number 533, without modifications.	Objections	Confirm TPO

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

10 May 2018

Report of Head of planning services

Subject Application no 18/00225/VC - Bartram Mowers Ltd,
Bluebell Road, Norwich, NR4 7LG

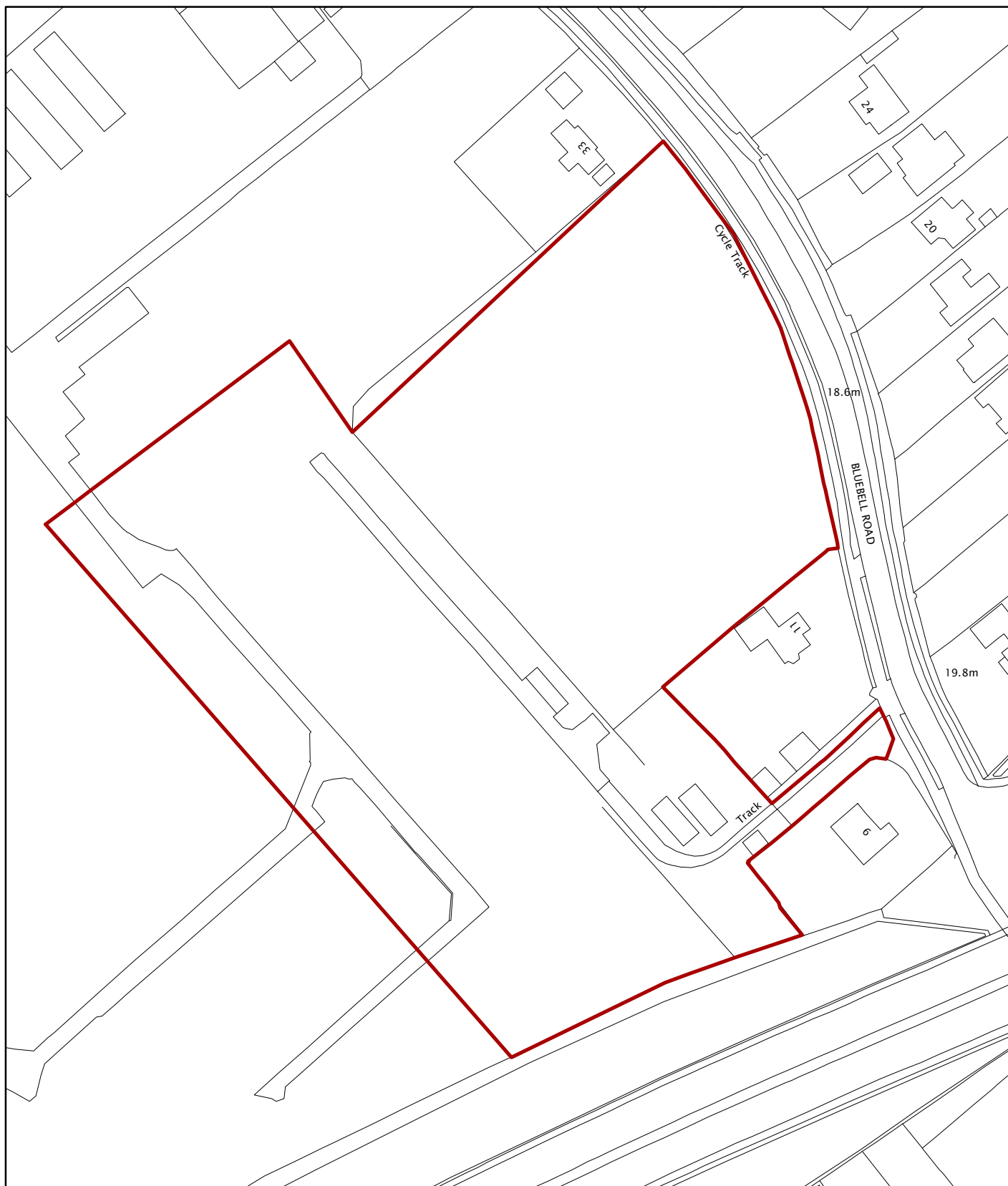
**Reason
for referral** Objection

4(a)

Ward:	Eaton
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Variation of Condition 2 and Condition 4 of previous permission 15/01646/F to add 8 new parking spaces and changes to landscaping plan.		
Representations		
Object	Comment	Support
8	0	0

Main issues	Key considerations
1	Principle of development
2	Transport impact
3	Visual impact and landscaping
Expiry date	10 May 2018
Recommendation	Approval



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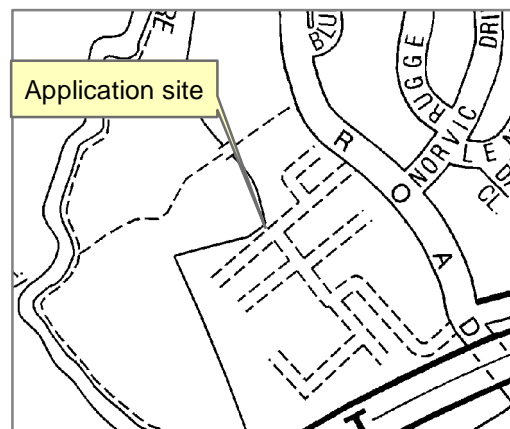
Planning Application No 18/00225/VC
 Site Address Bartram Mowers Ltd

Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



Update following decision at previous committee meeting

1. This application was deferred at the committee meeting on 12 April to clarify the purpose of the additional parking. It has since been confirmed by the applicant that the additional parking is for staff and visitors and they would be happy to accept condition that the spaces shall be retained as such and not allocated to specific properties.
2. At the previous meeting, members raised the issue of parking spaces being sold separately to residents of the flats. Whilst it is the case that residents must purchase a space should they wish to have one, this is not a planning matter and there is no planning control over how the developer wishes to operate their parking spaces. The impact from 8 additional parking spaces on the surrounding road network would be minimal and no increase in staff or resident numbers is proposed. It is therefore considered that there would be no justification for seeking further developer contributions as a result of the proposal.
3. Given that the additional spaces would be for staff and visitors and on the basis of the assessment in the following report, the application is recommended for approval, including an additional condition that the prescribed staff and visitor spaces should remain as such and shall not be allocated to residents.

The site and surroundings

4. The site is situated on the south west side of Bluebell Road and formerly accommodated agricultural greenhouses and a single storey retail building used for sale of lawn mowers, with associated access road and car parking area. It is currently a construction site with the development of 62 age restricted retirement apartments and 58 assisted living apartments taking place and development now at an advanced stage, permission being approved under application reference 15/01646/F. The site includes a line of Beech trees which are subject to a Tree Preservation Order which enclose a grassed area adjacent to Bluebell Road.
5. The character of the wider area is heavily influenced by the Yare Valley to the south west, as the topography slopes down from Bluebell Road toward the River. The site is adjoined by large areas of woodland / field grazing area open space forming part of the Yare Valley to the south west and north. An embankment accommodating the A11 adjoins to the south. The opposite side of Bluebell Road to the east has a more suburban character with large detached houses at a higher ground level than the application site.

Constraints

6. The site includes a group of TPO trees. The site adjoins the Yare Valley Character Area, an area of designated open space, and is approximately 40m from a County Wildlife Site (CWS) which is adjacent to the river Yare. Ground levels across the site fall from a highpoint adjacent to Bluebell Road down towards the river.

Relevant planning history

Ref	Proposal	Decision	Date
15/01646/F	Erection of 62 age restricted retirement (including affordable) apartments (class C3), assisted living extra care accommodation (class C2), access, car parking, landscaping and ancillary development (revised proposals: Revisions include omission of vehicle access point, reduction in height of some buildings, new footpath links).	Approved	13/12/2016
17/00074/D	Details of Condition 3: Materials, Condition 5: Landscaping, Condition 7: External lighting, Condition 10: Tree protection and Condition 16: Written scheme of investigation of previous permission 15/01646/F.	Approved	23/06/2017
17/00552/NM A	Amendments to planning permission 15/01646/F including changes to windows, balconies and additional living unit in place of well-being room.	Approved	04/05/2017

The proposal

7. The application seeks a variation of conditions to allow the addition of 8 new parking spaces on either side of the main spine road into the development, not far from the access with Bluebell Road. The spaces would be for residents within the retirement living block and it is stated that this is in response to demand from prospective purchasers. It is further stated that it is anticipated this will reduce the likelihood of ad hoc parking on verges and in unsafe positions on local roads.
8. This results in a variation to the landscaping scheme being required, with areas that were proposed to be lawn converted to hard surfaces for parking. In addition a 1.2m black estate railing is requested on the site frontage.
9. The proposals are shown within the appendices to this report. The first drawing shows the approved layout plan, with the second drawing showing the proposed alterations to the layout. This will be further explained during the committee meeting.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 8 letters of objection 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
The Yare Valley should be protected and not built on, it should be safeguarded as an amenity for walkers, bird watchers, joined to Eaton Park and Earlham Park.	See main issue 1.
The original application prided itself on being a low car development, the applicant should justify why extra parking spaces are now required.	See main issue 2.
The loss of landscaping would impact adversely on the aesthetics of the development, the provision of parking in this location would be unsightly.	See main issue 3.
Cars using this extra parking would cause a hazard as they will make three point turns on the access road to exit the site.	See main issue 2.
The developers gave an assurance there would be a cross valley view from Bluebell Road. The proposed parking spaces and parked cars would be an intrusion on this view and spoil the green entrance to the development.	See main issue 3.

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.

Cringleford Parish Council

12. We have no objections as long as they are not sacrificing the trees planted along the road which soften the building line.

Highways (local)

13. No objections.

Tree protection officer

14. No comments due to the proposal not affecting existing trees.

Assessment of planning considerations

Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS6 Access and transportation
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
16. **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
 - DM12 Ensuring well-planned housing development
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

17. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF4 Promoting sustainable transport
 - NPPF7 Requiring good design
 - NPPF9 Protecting Green Belt land
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment
 - NPPF12 Conserving and enhancing the historic environment
 - NPPF13 Facilitating the sustainable use of minerals
18. **Supplementary Planning Documents (SPD)**
 - Trees, development and landscape SPD

Case Assessment

19. 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

20. Key policies and NPPF paragraphs – JCS4, DM12, NPPF paragraphs 49 and 14.
21. As mentioned above, the site benefits from planning permission for a combination of residential and residential with care development for the over 55's. The principle of development is therefore acceptable, subject to detailed consideration of the transport and visual impacts of the changes which are sought.

Main issue 2: Transport

22. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
23. Within national and local planning policy there is a requirement to limit the number of parking spaces within developments, to reduce a reliance on the private car and encourage travel via more sustainable means. The approved development has a lower provision of parking than the maximum permitted within the local plan. Under the local plan, a maximum of 105 spaces could have been provided whereas the approved development has 68 spaces. In principle then, adding a further 8 spaces, which takes the total number to 76, would mean the development is still well within the maximum guidelines set out within the local plan. In terms of the additional numbers, this is considered to be reasonable. The Applicant has confirmed the additional spaces would be for staff and visitors and they would not be allocated to individual residential properties. A condition is recommended to ensure the spaces are retained as such.
24. The transport officer raises no objection on the grounds of highway safety. The spaces are far enough from the junction so as to not cause an obstruction and there is adequate turning space within the site. It is considered that the spaces would assist in reducing overflow parking pressure on the estate roads, Bluebell Road, and other nearby roads, which would be to the benefit of local residents.

Main issue 3: Visual impact and landscaping

25. Key policies and NPPF paragraphs – JCS2, DM3, DM8, NPPF paragraphs 9, 17, 56 and 60-66.
26. The spaces would be located either side of the main spine road, approximately 25 metres from the junction with Bluebell Road. They would be located in an area that was previously intended as verge planting and would be highly visible to people entering the site. There would be a degree of visual harm caused by the presence of parked cars in this location compared to the previous situation which allowed for a 'greener' entrance way. To mitigate this, the applicant has agreed to add additional areas of shrub planting at either ends of the spaces, to soften the view. The applicant has also agreed to plant an additional 5 trees to form an avenue next to the pedestrian footpath to the south of the main vehicle access.
27. It is considered that these measures are adequate mitigation for the loss of landscaping that would occur. It has been confirmed that the row of trees next to the parking spaces on the southern side of the site road would not be affected by the parking spaces. The estate rail fencing has partly been implemented. It would be positioned behind a new hedgerow due to be planted as part of the landscaping scheme and is considered an acceptable form of boundary treatment

28. On balance, given the mitigation proposed, it is not considered that material harm would be caused by way of visual impact from the proposals.

Other matters

29. Varying the existing permission would result in a new grant of permission; therefore there is a need to re-apply conditions from the original consent, although the wording of these will vary in some cases where the submission requirements have already been discharged. Discussions between the planning authority and developer regarding improvements to the River Yare footpath have been ongoing and good progress is being made on this. The developer requires further time to implement the agreed improvement works, and has requested an additional 6 months to do this. This is considered reasonable, given that time required organising contractors, which is likely to include the local volunteer group, the Norwich Fringe Project.

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. Whilst it is acknowledged that there would be an increased visual impact caused by locating the additional parking spaces adjacent to the main gateway into the development, regard is had to the fact the parking provision for the site is low and the proposed spaces would likely assist with reducing parking pressure on local roads. The Applicant has stated the parking spaces will be for staff and visitors and a condition will ensure they are retained as such in perpetuity.
35. In addition the applicant has provided adequate mitigation through new planting to soften the appearance of the cars and enhance the biodiversity and landscape provision of the site, in particular through contributing a further 5 new trees which will form a pleasant avenue next to the footpath. The estate fencing is also acceptable.
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. 18/00225/VC - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG and grant planning permission subject to the following conditions:

1. In accordance with plans;
2. Materials in accordance with approved details.
3. Parking to be in accordance with approved plan and staff and visitor spaces shall be retained as such and shall not be allocated to individual residents.
4. Landscaping to be carried out in accordance with approved plans and management plan
5. Surface water drainage in accordance with details approved under application ref.
6. Cycle parking in accordance with approved details
7. Developments not to be occupied until parking, turning and loading spaces have been provided.
8. All site works in accordance with approved arboricultural method statement, as amended by the approved supplementary method statement.
9. Within 6 months of the grant of permission, improvements to the River Yare footpath the details of which shall be agreed with the Council shall be implemented.
10. Ecological works to be approved and implemented.
11. Water efficiency
12. Fire hydrants to be installed prior to first occupation in accordance with approved details and retained for the duration of the development.
13. The development shall not be occupied by permanent residents under the age of 55.
14. No demolition/development, shall take place within the site in pursuance of this permission unless in accordance with the approved archaeological Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.
15. Renewable energy measures to be provided in full prior to occupation.
16. Landscaped areas within the approved development and surrounding publicly accessible open space shall be managed in accordance with the submitted Landscape Management Plan prepared by UBU Design

Article 35(2) statement

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



inspire
design

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Region	Project No.	Stage No.	Discipline	Drawing No.	Revision
MI	1891	03	AC	002	A

Scale: 1:500 @ A1 1000 @ A3
 Date: Sept '15

BARTRAM MOWERS, BLUEBELL ROAD, NORWICH
 PROPOSED SITE PLAN



15/09/2015
 Project No. 1891

15/09/2015
 Revised



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LEGEND

(C)	Proposed tree	(P)	Bollard Stent Dorned Sheffield Stainless Steel Bollard BX47/50mm/Dorned Supplied by Broxap
(R)	Tree to be removed		
P1	Proposed vehicular macadam		
P2	Proposed tegula paving Marshalls 80mm 160 Gauge Multipack Harvest Similar equivalent		
P3	Proposed buff paving slabs Marshalls Saron 450x450x50mm Natural Similar equivalent		
P4	Cedex Golden Footpath Gravel Similar equivalent		
P5	Proposed block paving Marshalls Keyblock 200x100x80mm Natural Similar equivalent		
P6	Proposed Pedestrian Tarmac		
P7	Proposed grass crete		
	Proposed retaining wall		
	Proposed 1.2m estate fencing		
	Proposed 1.2m high estate fencing Pedestrian gate		
	Proposed 1.2m high estate fencing vehicular gate		
	1.8m high hit and miss timber fence bin store		
	Proposed hedge		
	Wildflower Meadow WFT landscape - 34 (Wild Flower Turf Tel: 01256 771222)		
	Proposed native thicket		
	Proposed thicket		
	Built planting		
	Mown lawn - turf		
	Proposed planting		
	Proposed table and chairs		
	Grasscrete: EcoGrid S50 Similar equivalent		

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PROJECT: BLUEBELL ROAD, NORWICH
TITLE: GENERAL ARRANGEMENT PLAN
CLIENT: THE PLANNING BUREAU
SCALE: 1:300@A1
DATE: 28/08/2015
JOB NO: 1211
DWG NO: 1211_GA_100
STATUS: FOR COMMENT
REV: P

Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Application no 18/00289/F - Land and garages rear of 9 to 23 Newmarket Road, Norwich

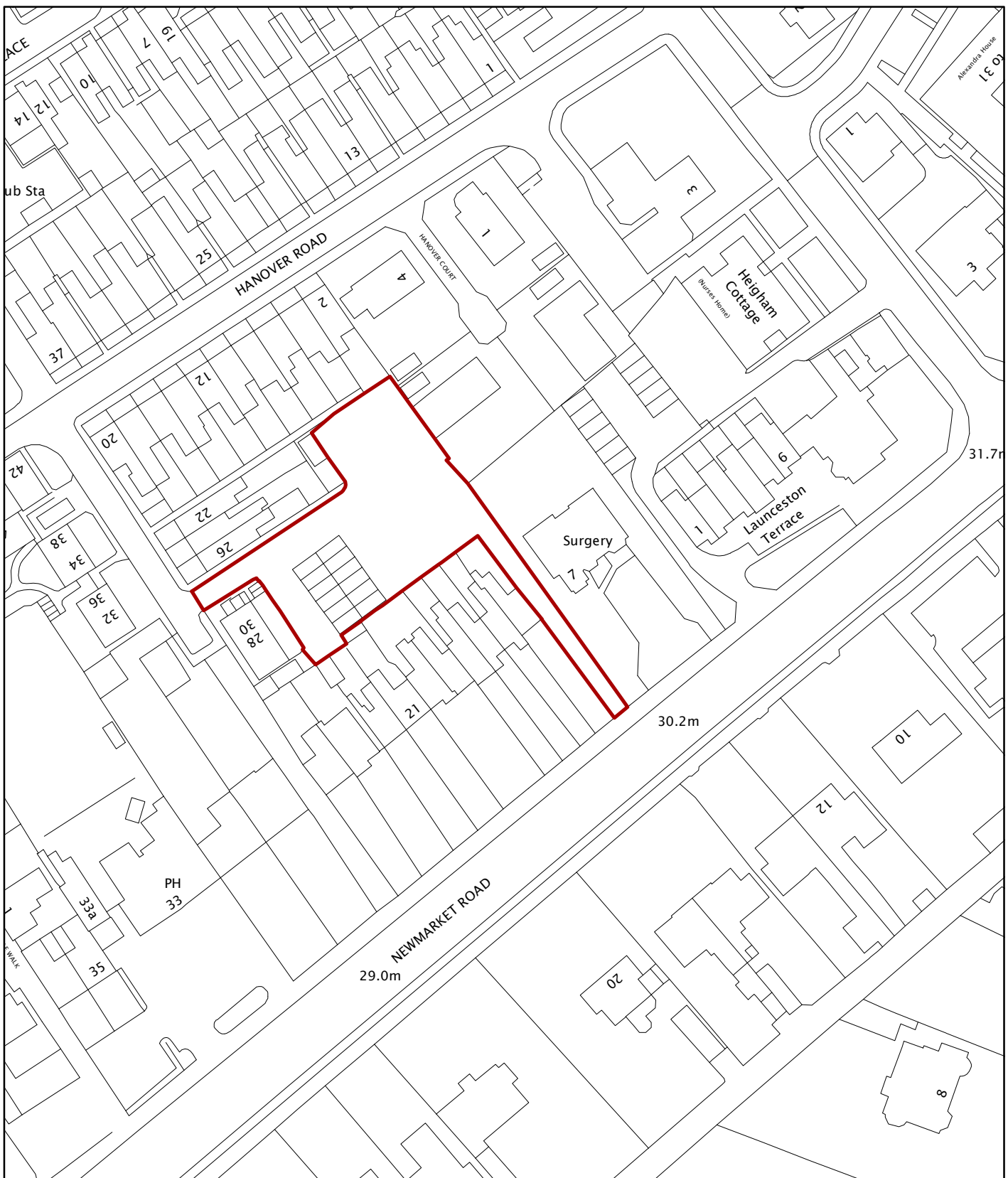
Reason for referral Objection and city council owned land

4(b)

Ward:	Town Close
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Demolition of garages and construction of 4no. dwellinghouses.		
Representations		
Object	Comment	Support
42	1	0

Main issues	Key considerations
1	Principle of development
2	Design and heritage
3	Amenity and parking
4	Flood risk
Expiry date	20 April 2018
Recommendation	Approval



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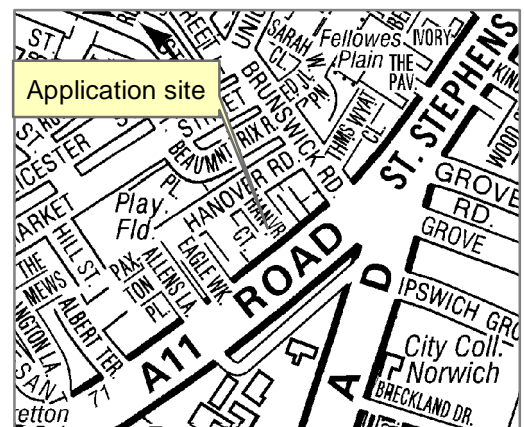
Planning Application No 18/00289/F
 Site Address Land and garages rear of
 9 to 23 Newmarket Road
 Scale 1:1,000



NORWICH
 City Council

PLANNING SERVICES

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The site and surroundings

1. The site consists of a garage block and surface car park owned and managed by Norwich City Council and accessed from Hanover Road. It is within the Town Close area of the city.
2. The garage block contains 12 garages and there is parking for a further 29 cars using a parking permit system.
3. To the south-east of the site are residential properties dating from the Georgian period which front onto Newmarket Road. To the south-west are some two storey flats dating from the late twentieth century. To the north-west are Victorian terrace properties and their gardens, and to the north-west bungalows within Hanover Court which date from the mid-twentieth century.

Constraints

4. The garage/parking court is not within the Conservation Area however the footpath access from Newmarket Road and adjacent properties on Newmarket Road which adjoin the site are part of the Conservation Area. These properties are all locally listed, and so is the Doctor's surgery which is adjacent to the footpath.

Relevant planning history

5.

Ref	Proposal	Decision	Date
16/01742/F	Demolition of existing garages. Erection of 2 No. two bed houses and 2 No. 1 bed bungalows.	Approved	20/01/2017

The proposal

6. The proposal relates to one of a number of sites identified by Norwich City Council in 2016 as having the potential to accommodate new affordable housing to be developed by a registered provider, Orwell Housing Association. Under the programme, a total of 66 affordable units were granted planning permission across the city and many of these are currently under construction.
7. Planning permission for a similar scheme on this site was granted under application reference 16/01742/F in January 2017. Since the grant of permission there has been an issue relating to a claimed right of vehicular access from the owner of no. 23 Newmarket Road which abuts the car park. This has resulted in a review of the proposal which has led to the replacement of the pair of semi-detached houses in the centre of the site with a pair of 1 bedroom flats within a two storey building. This allows the right of access to no.23 to be maintained. The two bungalows at the northern end of the site are unchanged. Each unit would have one dedicated parking space. The scheme maintains a number of parking spaces which could be used by all

residents within Zone S, and following revisions to the plan this would be maintained at 9 spaces, the same as the previously approved scheme.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	4
No. of affordable dwellings	4
Total floorspace	1 bed flats: 50-56sqm (meets minimum standards) 1 bed bungalows: 50sqm (meets minimum standards)
No. of storeys	Flats – two storey, bungalows – single storey
Ridge height	Flats – 7.3m approx. Bungalows – 4.8m approx.
Density	38 dwellings per hectare
Appearance	
Materials	Red stock facing brick, dark grey concrete pantile roof tiles, White uPVC double glazed windows, composite front doors
Transport matters	
Vehicular access	From Hanover Road
No of car parking spaces	13 (4 dedicated spaces for the new dwellings, 9 spaces for general use within zone S).
No of cycle parking spaces	Each unit would have a secure cycle store.
Servicing arrangements	Bin collection to take place from properties.

Representations

- Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 43 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Concern at the loss of garages and parking spaces, including the availability of parking within the Zone S permit parking area.	See main issues 1 and 3
Difficulties with parking can be particularly stressful when you are unable to find a space close to your house after working a long shift.	See main issues 1 and 3
Concern about insufficient access for medical needs, family visitors and house maintenance vehicles.	See main issues 1 and 3
Concern about impact on Brunswick Road Dental Practice, in terms of accessibility for visitors as we only have one visitor permit.	See main issues 1 and 3
Concern about impact on Orb Hair Salon due to increased parking pressure.	See main issues 1 and 3
The proposal would devalue our homes	Loss of value is not a material planning matter.
No objection to more housing but allowing more parking permits than spaces should be re-thought. How about one permit per address?	This is not a matter that can be dealt with as part of the determination of this application.
There are safety concerns about residents having to find parking at a considerable distance from their properties and having to walk a considerable distance home when its dark or late at night is unacceptable.	See main issues 1 and 3
Concerns about impact of construction work and contractors vehicles	The impact of construction work is not a planning matter but the developers will be encouraged to follow the principles of the considerate constructors scheme.
The design of the properties is very lacklustre, the proposed design should be of period character.	See main issue 2
The Council's parking surveys were inaccurate and did not reflect usage at peak times.	The surveys were carried out at a variety of times including evenings and weekends.
The loss of parking spaces has caused friction in what was once a friendly community.	See main issue 1 and 3

Issues raised	Response
The proposal will impact on light to existing properties.	See main issue 3

Consultation responses

9. 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.

Highways (local)

10. No objection on highways grounds.

Norwich Society

11. The Norwich Society commented on the previous application for this site (16/01742/F – Land and garages rear of 2 – 20 Hanover Road) as follows:

‘Once again this is an under-whelming design and the loss of residents’ parking will cause issues in the surrounding streets.’

We considered the new proposals at our meeting last Thursday. The revised scheme actually reduces the number of car park spaces allocated for the rest of Zone S (i.e. all other residents of Hanover Road, Newmarket Rd and all other Zone S permit holders) from 9 to 7. This is in addition to the loss of parking spaces in Beaumont Place. Also we consider that there is no improvement to the design quality of the proposals. Please note that we therefore maintain our objections to the proposals.

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)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
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

- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 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 – JCS4, DM12, NPPF paragraphs 49 and 14.
17. The recent approval under application reference 16/01742/F which was for a similar development and also for affordable housing purposes is a significant material consideration. There has been no significant change in local or national planning policy since the grant of that permission which would indicate the application should be dealt with differently in terms of the principle of development.
18. It should also be noted that the latest figures indicate there is a 4.61 supply of land for housing in the Norwich Policy Area, which is some way short of the 5 years of supply required by government. This is a consideration which weighs in favour of the proposal. The principle of development is considered acceptable in light of the previous decision and the land supply situation. The main issues to be considered are therefore the changes to the proposal from the previous approved scheme.

Main issue 2: Design and heritage

19. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
20. The design of the bungalows previously approved is relatively unchanged, although they have been enlarged slightly to ensure they meet the national minimum space standards, which is welcomed. The two bedroom flats would be similar in scale to the semi-detached properties which were approved previously; however they would feature a gable which differs from the previous design. The design is simple but acceptable, given the context of the site, which is at the rear of several properties and not within a prominent location. The style of the buildings is generally in keeping with the character of the surrounding area. The proposal would conserve the character of the nearby conservation area.
21. The layout of the site allows for pedestrian and vehicle access, provides some small private outdoor amenity space for each dwelling and provides a new landscaped area close the pedestrian pathway from Newmarket Road. The parking layout allows adequate room for parking and turning.
22. Amendments have been made during the application process which adds some new detailing to the elevations, changes the materials to a red-multi brick and red pantile roof, and adds a further 2 parking spaces.

Main issue 3: Amenity and parking

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
24. The proposal would not cause material harm in terms of overlooking, overshadowing or loss of privacy due to the scale of development, the orientation of the buildings and positioning of windows.
25. A number of residents have raised concerns regarding the impact of the proposal on parking congestion in the locality. It should be reiterated that the principle of developing the car park has been accepted. Following amendments the proposal would maintain the 9 parking spaces for inclusion within the permit parking zone that were originally proposed and in addition would maintain/provide vehicular access to a further property compared to the original scheme. As a result the parking provision of the scheme would be no less than the previous approval.
26. Notwithstanding this, it remains the view of officers that delivering new affordable housing, both in the context of an urgent need for more affordable dwellings and also the lack of a five-year land supply of housing in the Norwich Policy Area is a significant benefit which outweighs the limited harm identified in terms of the loss of parking. Furthermore, in considering the application in the context of guidance within paragraph 14 of the National Planning Policy Framework, it is considered that the loss of the parking would not *significantly and demonstrably* outweigh the benefits of the proposal, and it therefore follows that the application should be approved.

Main issue 4: Flood risk

27. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103. The site is within Flood Zone 1 and therefore at a low risk from flooding from rivers, however it is within a critical drainage area where there is a higher risk of surface

water flooding. The application is accompanied by a Flood Risk Assessment which states that the development would maximise the use of soft landscaping and incorporate permeable paving. There would be a significant reduction of surface water run-off compared to the existing situation. The proposal complies with the relevant policies.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition
Contamination	DM11	Yes subject to condition

Other matters

29. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.

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 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

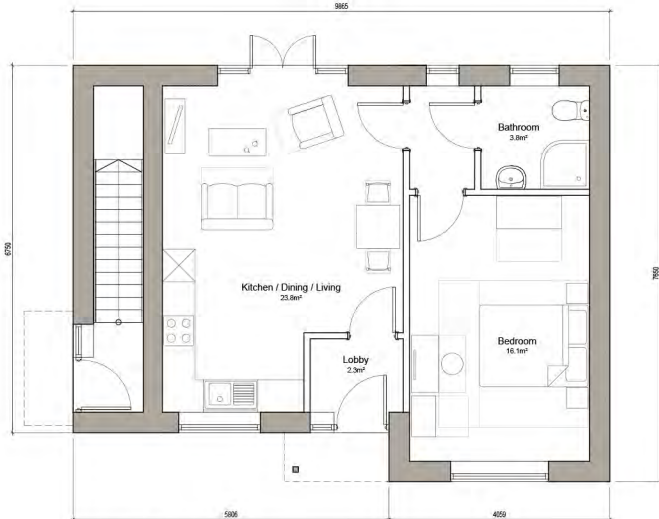
To approve application no. 18/00289/F - Land And Garages Rear Of 9 To 23 Newmarket Road Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of facing and roofing materials; windows; joinery; boundary treatments, walls and fences to be submitted
4. Details of hard and soft landscaping to be submitted
5. Water efficiency
6. Contamination risk assessment and report to be submitted
7. Unknown contamination to be addressed
8. Control on imported materials

Article 35(2) statement

The local planning authority in making its recommendation has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.





Ground Floor Plan
Plot 1
1b2p Flat
50.00m² GIA (+5.48m² stairwell for upper floor flat)



First Floor Plan
Plot 2
1b2p Flat
56.04m² GIA (incl stairwell)



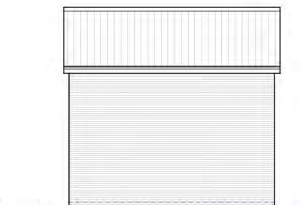
proposed south elevation 1:100



proposed south-east elevation 1:100



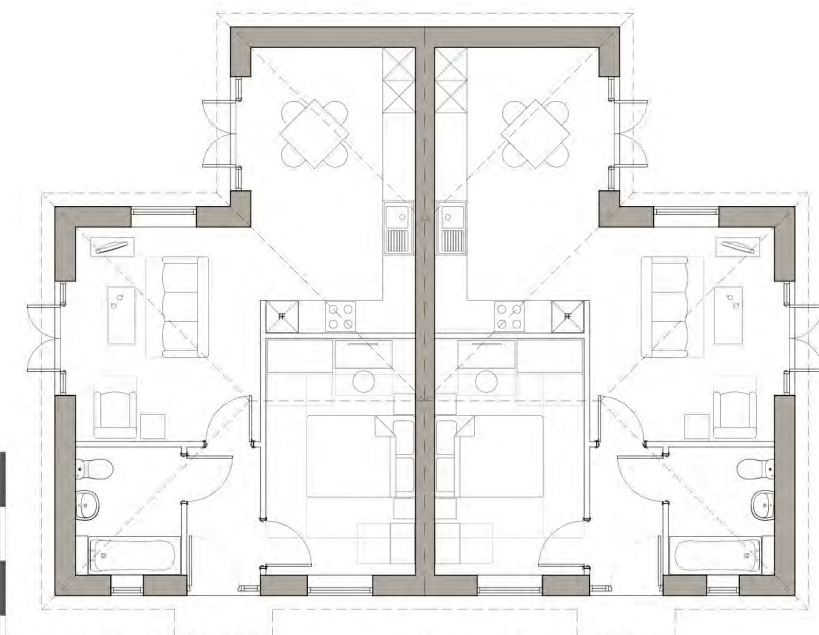
proposed south-west elevation 1:100



proposed north-west elevation 1:100

Notes on Materials:

Bricks to external walls: Red-Multi Stock facing brick.
Roof Tiles: Sandtoft Shire Concrete Interlocking Pantiles, Colour: Terracotta Red.
Window: White uPVC Double Glazed Units.
Doors: Composite Front Doors and White uPVC Double Glazed Rear Doors.
Fascias and Soffits: White uPVC.
Bargeboards: White uPVC.
Rainwater Goods: Black uPVC.
Roof Pitch: 27.5 and 45 degrees to flats - 35 degrees to bungalows.



Plot 3 Ground Floor Plan
1b2p Bungalow
50.0m² GIA

Plot 4 Ground Floor Plan
1b2p Bungalow
50.0m² GIA



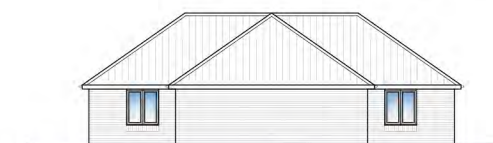
Proposed South-West Elevation - Plots 3-4 - 1:100



Proposed North-West Elevation - Plots 3-4 - 1:100



Proposed South-East Elevation - Plots 3-4 - 1:100



Proposed North-East Elevation - Plots 3-4 - 1:100



04/04/16	E	Amended to planners comments	ASB	PW
05/07/16	D	Amended to planners comments	ASB	PW
13/07/16	D	Scheme amended to clarify comments regarding rights of ways	ASB	PW
17/07/16	A	Amended to planners comments	ASB	PW
21/08/16	A	Amended to planners comments	ASB	PW
Date	Revision	Description	Drawn	Checked
<p>peterwellsarchitects</p> <p>chillar Farm, Witherncliffe, Wadsworth, York YO13 7PA • 01728 745256 • info@peterwellsarchitects.co.uk</p>				
Project:	NCC GARAGE SITE, LAND TO REAR OF HANOVER ROAD, NR2 2HD			
Client:	ORWELL HOUSING			
Disc Title:	PROPOSED FLOOR PLANS AND ELEV	Disc Status:	PLANNING	
Date:	AUG 2016	Scale:	1:50/100 @ A1	Disc Ref:
				PB770-PL04
			Revision:	E

Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Application no 17/01555/O - Land opposite 153 Holt Road, Norwich

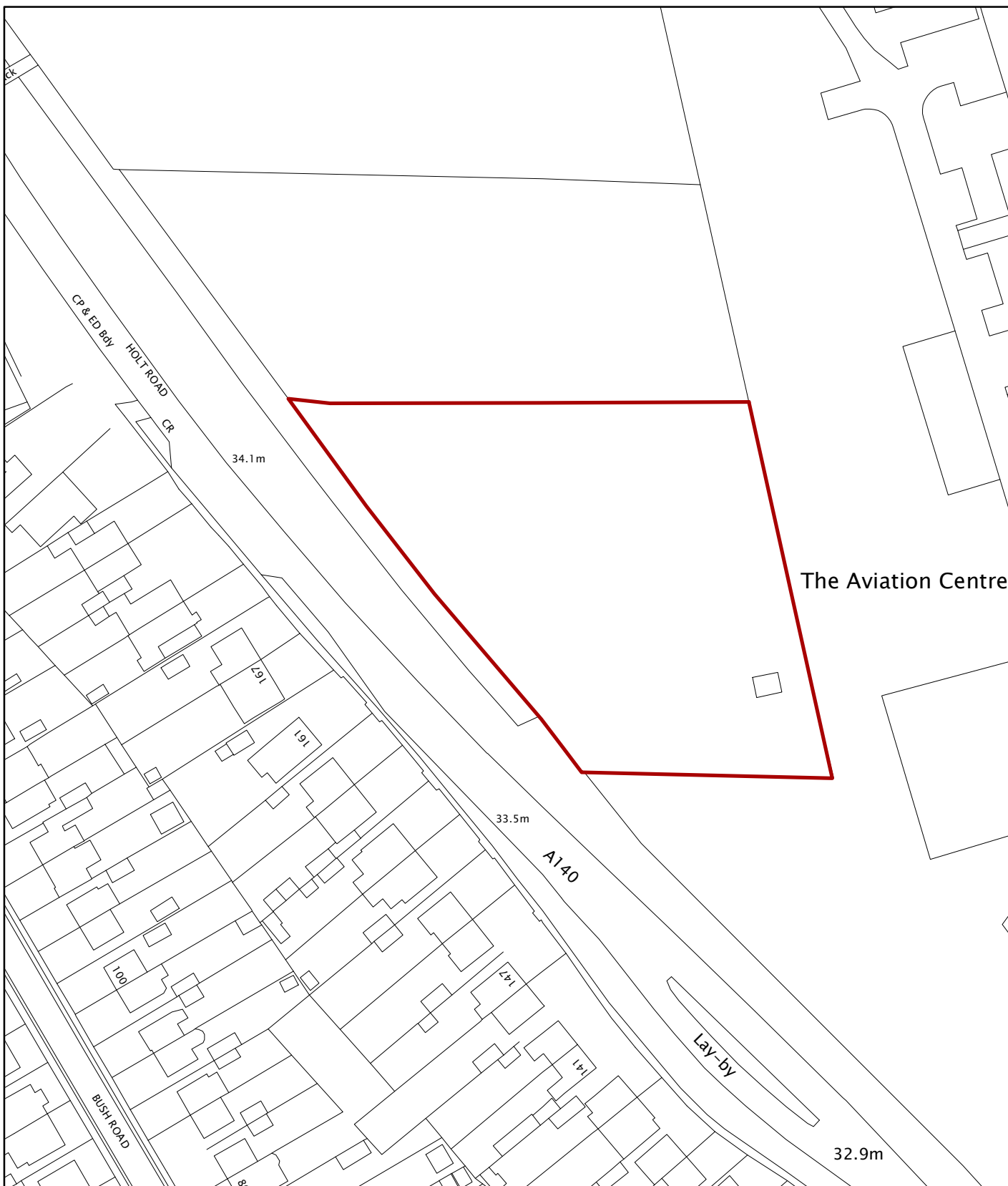
Reason for referral Objection

4(c)

Ward:	Catton Grove
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Outline application including matters of access for vehicle hire business.		
Representations		
Object	Comment	Support
7	0	0

Main issues	Key considerations
1	Principle of development
2	Design
3	Trees and landscaping
4	Transport
5	Amenity
6	Impact on Norwich Airport
7	Flood risk
8	Biodiversity
Expiry date	17 May 2018 (extension of time agreed).
Recommendation	Approval



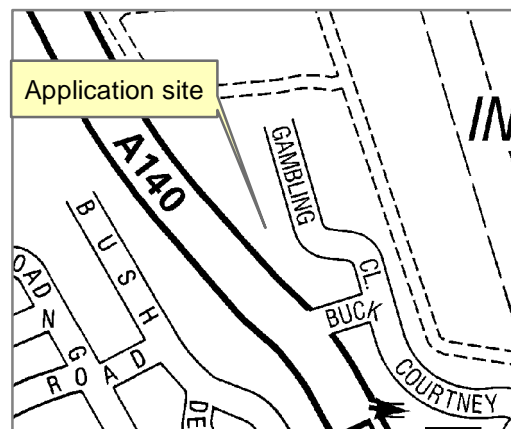
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Planning Application No 17/01555/O
 Site Address Land opposite
 153 Holt Road
 Scale 1:1,250



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The site is an area of open land adjoining the A140 Holt Road to the north of the city which is enclosed by galvanised steel palisade fencing and gates and largely comprised of grassland. To the north of the site are areas of scrub and trees and paddock land, with Norwich Airport and the runway further to the north. To the east is Gambling Close, which features a number of industrial units, one of which houses the East Anglian Air Ambulance. To the south is the A140 and a landscape buffer to land operated by the Airport. To the west is Holt Road and a number of residential dwellings on the opposite side of the road, with allotment land to the north of those dwellings.

Constraints

2. The site is designated for either airport related development or employment development purposes under Policy R30 of the Norwich Site Allocations and Site Specific Policies Local Plan.

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
05/00489/F	Replacement of existing perimeter fencing and gates.	Approved	7.9.2005
05/00958/U	Change of use to provide storage space for vehicles.	Refused	9.1.2006
06/00674/F	Proposed improvement of existing access and provision of hardstanding to site area.	Refused Appeal dismissed	21.8.2006 1.11.2007
07/01077/F	Retrospective application for retention of replacement 5m wide gates following approval of 4m wide replacement gates under reference 05/00489/F.	Approved	7.12.2007
08/00354/F	Proposed relocation of fleet hire business and builders store to land off Holt Road.	Refused	11.6.2008

The proposal

4. Outline planning permission with all matters reserved except access is sought for a vehicle hire business including the erection of depot building with access from Holt Road. The applicant is C.A Trott Plant Hire Ltd who provide commercial vehicle and plant hire, including cars, mini buses, vans and trucks. The business is

currently located at 21 Hurricane Way, Norwich and employs 8 full time members of staff.

5. The applicant has stated that the current site is constrained in terms of its layout and size, and this presents logistical problems which impede the operation and efficiency of the business. Congestion issues which occur at peak times are also cited as impediments to the business. The applicant wishes to relocate to a purpose built and designed premises, to include a hire vehicle maintenance area, a small office and a hire vehicle storage area, as it is stated this would allow the business to operate more efficiently.
6. The application is in outline with all matters reserved, and therefore detailed drawings of any buildings are not provided. Any buildings or structures would be subject to assessment through a reserved matters application.

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 7 letters of representation have been received citing the issues as summarised in the table below, including from Norwich Airport, which is detailed below the table. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Concern about increase in traffic and impact on highway safety on Holt Road.	See main issue 4
Concern about noise	See main issue 5
Adverse impact on the character and appearance of the existing paddock	See main issue 2
The proposal is premature pending full consideration of proposal for future expansion and development of Norwich Airport	See main issue 1
Policy R30 stated a preference for the site to be accessed from Gambling Close.	See main issue 1 and 4
Holt Road is just as busy as before since the opening of the new part of the Northern Distributor Road (NDR).	See main issue 4
A previous proposal for the same use was turned down at appeal.	See main issue 1
Headlights from vehicles exiting the site would shine directly into the properties opposite and nuisance would also occur from	See main issue 5

Issues raised	Response
security lights.	

Consultation responses

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

Environmental protection

9. Conditions recommended to prevent the use of machinery and power tools in connection with industrial processes outside the building, to control and mitigate the impact of noise generating machinery to be used within the building, no loudspeakers or audio equipment to be installed or used outside the building, no external lighting to be used between the hours of 23.00-07.00 on any day (except security lighting).

Highways (local)

10. Given that access to Gambling Close is not feasible, and that the site access road has been safety audited and inappropriate turning into the site can be deterred there is no Highways objection. The site access is wholly within the highway boundary, and for this reason would require a S278 agreement.

Highways (strategic)

11. No objection due to the details provided being acceptable in highways terms. Various conditions recommended relating to ensure highway safety.

Norfolk historic environment service

12. Based on currently available information the proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

Tree protection officer

13. Condition recommended that works be carried out in accordance with Arboricultural reports submitted.

Hellesdon Parish Council

14. Object due to location being on a busy road. If application is approved recommendations of Environmental Protection Officer should be taken into account.

Lead Local Flood Authority

15. No comment due to minor nature of development.

Norwich Airport

16. Although Norwich Airport have not had a masterplan endorsed by Norwich City Council within two years of the adoption of the Site Allocations Document, it still considers the Site (which forms part of the R30 allocation) to be crucial to its future growth.
17. In the summer of 2017, Norwich Airport produced its draft Masterplan for consultation which set out its possible growth scenarios and associated development plans over the next 30 years. By 2045, Norwich Airport will need 1,250 more car parking spaces than it currently has, bringing the total capacity to 2,234 spaces. In its draft Masterplan, Norwich Airport considered Policy R30 as a long-term follow up to the potential multi-decking which will be carried out between 2015 and 2030. Even though the Airport's primary parking expansion is the current Park and Ride Site (located adjacent to this application site), its acquisition is not guaranteed.
18. Local and national planning policies require local planning authorities to support the growth and strategic significance of airports, therefore Norwich City Council should support Norwich Airport's growth aspirations, which were detailed in the draft Masterplan. As well as being the Local Authority in which the majority of the Airport is situated, it is important to note that Norwich City also as a landowner and stakeholder interest in the Airport.
19. Norwich Airport is concerned about the vehicular access proposal and its impact on highway safety and the free flow of traffic, particularly given the proximity to the fuel farm to which access must be maintained at all times.
20. Norwich Airport requires confirmation that the use of this site will not be for private car hire use. Currently, the proposal states it would be for commercial vehicle hire and use. Norwich Airport also requires assurance that there is no possibility of public car parking on the site. These would undermine Norwich Airport's existing car hire facilities and car parking.
21. Following meetings with the Applicant Norwich Airport raises no objection on airport safeguarding grounds providing the following conditions are applied:
 - No building or structure on site to be higher than 8m above ordnance datum.
 - Within the zone of the localiser beam, no building or structure to be higher than 6m above ordnance datum.
 - Materials used in construction should not adversely affect the aerodromes technical and navigational equipment.
 - Any external lighting should be of a flat glass, full cut-off design and horizontally mounted to prevent light spill above the horizontal.
 - Any landscaping should be arranged to ensure that birds, particularly waterfowl are not attracted to the site, to minimise the risk of collision with birds.
 - Any use of mobile or tower cranes should be in accordance with BS7121 and CAP1096 and the Airport should be notified in advance.

Assessment of planning considerations

Relevant development plan policies

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
 - JCS20 Implementation
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM11 Protecting against environmental hazards
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM27 Development at Norwich airport
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM33 Planning obligations and development viability
24. **Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**
- R30 – The Paddocks, Holt Road

Other material considerations

25. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF7 Requiring good design
 - NPPF11 Conserving and enhancing the natural environment

Case Assessment

26. 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

27. Key policies and NPPF paragraphs – JCS5, JCS12, DM16, SA R30, NPPF chapters 0 and 1.

The most relevant policy to the proposal is Policy R30 of the Norwich Site Allocations and Site Specific Policies Plan, which states:

The Paddocks, Holt Road, is allocated for either:

- *airport operational uses, where an airport masterplan endorsed by the city council within two years from the adoption of this plan demonstrates that the land is required for airport operational purposes during the plan period, or;*
- *development for general employment purposes (use classes B1, B2 and B8) where:*
 - a) *the agreed airport masterplan referred to above demonstrates that the land will not be required for airport operational purposes during the plan period, or;*
 - b) *no masterplan for the airport has been endorsed by the city council within two years from the date of adoption of this plan.*

In all cases, development will:

- *provide vehicular access to the site only from Gambling Close, unless it can be demonstrated that satisfactory direct access from Holt Road can be achieved without unacceptable impacts on highway safety or the free flow of traffic;*
- *provide appropriately for servicing, parking and other transportation requirements, taking account of the need to promote sustainable transport in accordance with DM policy DM28;*
- *demonstrate (through a noise impact assessment) that appropriate account has been taken of the potential impacts of noise from existing and proposed airport operations and noise generation from the development itself, in accordance with DM policy DM11;*
- *incorporate suitable boundary treatment, screening to the Holt Road frontage and mitigation measures to reduce the impact of the development on the outlook and living conditions of adjoining and nearby residents, in accordance with DM policies DM2 and DM3.*

28. With regard to the first requirement of the policy, the airport masterplan is still at a draft stage and a final version has not been published by Norwich Airport or endorsed by the Council. This means that general employment development for use classes B1, B2 or B8 is acceptable. The proposed use is sui generis but it is an employment use which is considered to be in keeping with the aims of the policy.

29. It should be noted that proposals for a similar forms of commercial development was refused in 2006 and 2008, with an appeal also being dismissed. The reasons for refusal for the most recent decision in 2008 were firstly due to the impact on the character and appearance of the paddock and the intrusion into open countryside and secondly due to concerns about the impact of a new vehicle access onto the Holt Road. In terms of the first reason, regard must be had to the fact the site is now

allocated for employment development, which it was not at the time of the previous applications. Regarding the second reason, consideration must be given to the requirement of the policy and the technical assessment of the highway officers, who have raised no objection to the new access.

30. The policy context has therefore changed since the previous decisions were made and the principle of development must be considered under the requirements of policy R30. The proposal is in accordance with the principles set out in policies JCS5, JCS12 and guidance within the NPPF.

Main issue 2: Design

31. Key policies and NPPF paragraphs – JCS2, DM3, DM9 NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
32. The application only seeks to establish the principle of development and details of access. The detailed design and layout of the site would therefore be dealt with through a reserved matters application. The site is of a sufficient size to accommodate the necessary building and parking that the business would require.

Main issue 3: Trees and landscaping

33. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
34. An Arboricultural report has been submitted which demonstrates that development of the site would safeguard existing trees.
35. Policy JCS12 seeks to improve the gateways to Norwich by seeking environmental and townscape improvements on all major routes from the urban edge to the city centre. In addition policy R30 sets out requirements for suitable screening and landscaping of the site. The site frontage currently features a number of mature trees however there is an unsightly galvanised steel palisade fence which is visible in certain places. It is recommended that this fence be removed/replaced as part of any development. There are also opportunities to plant additional hedgerows and trees along the frontage of the site which should be sought at reserved matters stage.

Main issue 4: Transport

36. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
37. As stated above, it is a requirement of policy R30 to “provide vehicular access to the site only from Gambling Close, unless it can be demonstrated that satisfactory direct access from Holt Road can be achieved without unacceptable impacts on highway safety or the free flow of traffic”. The application proposes vehicle and pedestrian access to be direct from the A140 Holt Road. The access would be designed in such a way to prevent northbound vehicles from making a right turn into the site, instead they would have to go around the roundabout further north on the A140 and double back, before turning left into the site. This would ensure the site does not cause congestion for northbound traffic on the Holt Road. Tracking plans have been submitted which show that a 12m long rigid truck could safely enter and exit the site. Highway officers are satisfied with the access proposals. Conditions are recommended to control the off-site works that would be required to implement the access.

38. In terms of increased traffic, the Transport Statement submitted with the application states that on average the existing business hires out 7 vehicles per day. The maximum recorded number in a single day was 27, however this was an exception to the rule. In addition there would be 8 staff members travelling to and from the site and one service vehicle travelling to and from the site. Based on these figures the likely maximum numbers of daily movements is 63 two way movements, although in reality the movements are likely to be lower than this on an average day. The maximum number of movements would result in a 0.5% increase in the number of vehicles which use the Holt Road over the course of an average day which is not considered to be a significant increase. It is also noted that the opening of the Northern Distributor Road (NDR) is anticipated to reduce traffic using this stretch of the A140 by 8%.
39. Norfolk County Council and Norwich City Council highway officers raise no objections to the proposal. The detailed parking and turning layout within the site would be dealt with at reserved matters stage.

Main issue 5: Amenity

40. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
41. There are a number of residential properties opposite the site and concerns have been raised by residents regarding the potential impacts of noise and light pollution.
42. Regarding noise, the site must be viewed in the context of being next to a busy A class road and in close proximity to Norwich Airport, both of which mean the background noise in the vicinity of the site is likely to be relatively high. The main noise impacts associated with the proposal would relate to the comings and goings of hire vehicles and customer vehicles, and the servicing and repair of vehicles. In terms of the noise from increased vehicle movements, it is unlikely that there would be a significant increase in noise given the high number of vehicle movements up and down the Holt Road which already takes place.
43. In relation to repairs and servicing, providing these activities take place within a suitably sound insulated building, then it should be possible to ensure that noise levels are kept within acceptable limits, and again, these would be also mitigated by the high background noise from traffic and aeroplanes in the vicinity of the site.
44. A number of conditions are proposed to control the impacts of the proposal. These include restricting the opening hours of the business to between 7.30am and 8.00pm Monday to Saturdays, and no opening on Sundays or public holidays. The exception to this would be on the occasions where customers wish to return vehicles outside of normal opening hours. This would operate by customers returning the vehicle to the depot and posting the keys through a drop-box. In discussion with the applicant, the instances of this are relatively rare and therefore the impacts associated with it are considered acceptable, providing that this is the only activity which takes place outside of the prescribed times.
45. Slightly more restrictive time constraints are recommended for the servicing and repair of vehicles – with it being recommended that this does not take place outside of the hours 7.30am – 6.30pm Monday to Saturdays and no servicing/repairs to take place on Sundays and public holidays. Further conditions preventing vehicle servicing outside of any building and ensuring that a scheme of suitable sound insulation is

submitted to the council for approval prior to the use taking place are recommended to ensure impacts on local residents are acceptable.

46. Regarding the impact of light pollution, it is considered that there would be some impact from the vehicles turning into and out of the site for residents opposite the access, but regard is had to the fact the street is lit, carries a significant volume of traffic and the impact would be intermittent. Furthermore, the conditions restricting opening hours would greatly minimise the instances of this impact during unsociable hours. A condition is recommended securing the details of any external lighting on site, to ensure that impacts on neighbours and Norwich Airport are acceptable. Subject to this, the light impacts of the proposal are considered acceptable.

Main issue 6: Impact on Norwich Airport

47. The application site is in close proximity to Norwich Airport including the main runway. The proposal has the potential to affect the Airport in two ways, firstly in terms of airport safeguarding due to the proximity of radar and localiser equipment, and secondly in terms of the future growth and development of Norwich Airport.
48. Regarding safeguarding, discussions and negotiations have taken place between the Airport and the Applicant to ensure there is no conflict with safeguarding equipment. A condition is recommended controlling the heights of buildings and structures in different parts of the site. A number of other conditions are recommended at the request of Norwich Airport to ensure there is no conflict with safeguarding. One of these is related to height of cranes which can be controlled via the submission of a construction management plan which the Airport would be consulted on. The other conditions relate to landscaping, materials and external lighting. These matters will be controlled by the reserved matters application and therefore it is not proposed to add these at this stage. Subject to control of all of these matters the Airport raises no objection on safeguarding grounds.
49. The Airport does, however, object to the proposal on commercial grounds. The Airport has identified the land within its draft masterplan as being required for growth (potentially long stay parking) post 2030. This does not fulfil the policy requirement of R30, which required a finalised masterplan to have been endorsed by the city council within 2 years of adoption of the Local Plan, the deadline therefore being December 2016. It is therefore considered that given the provision of policy R30, limited weight can be attached to this objection on commercial grounds. In addition it is noted the site is relatively small in size and is not currently owned by the Airport. It is therefore unlikely to seriously jeopardise the growth of the Airport.
50. The concerns of the Airport about highway impacts are addressed in section 4. In terms of the other concerns raised by the Airport, it is not considered reasonable or related to planning to prevent the Applicant from hiring private cars to customers. An application for change of use would be required if there was a proposal to accommodate a public car park within the site.

Main issue 7: Flood risk

51. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.

52. The site is within flood zone 1 and therefore is not at a high risk of flooding. It is considered that a suitable surface water drainage scheme could be agreed at reserved matters stage.

Main issue 8: Biodiversity

53. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.

54. The site is predominantly comprised of grassland which is likely to be of low ecological value. There would be opportunities to improve biodiversity within the detailed plans stage, however plant species which attract birds are not encouraged due to the safeguarding issues this could cause for Norwich Airport.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	To be dealt with at reserved matters stage
Car parking provision	DM31	To be dealt with at reserved matters stage
Refuse Storage/servicing	DM31	To be dealt with at reserved matters stage
Energy efficiency	JCS 1 & 3 DM3	To be dealt with at reserved matters stage
Water efficiency	JCS 1 & 3	To be dealt with at reserved matters stage
Sustainable urban drainage	DM3/5	To be dealt with at reserved matters stage

Equalities and diversity issues

56. There are no significant equality or diversity issues.

Local finance considerations

57. 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.

58. 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.

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

Conclusion

60. Whilst similar proposals were refused in 2006 and 2008, the policy context has changed with the site now being allocated within the Norwich Local Plan for employment/airport development. The proposal accords with the requirements of policy R30, with no objection from highway officers regarding the creation of a new vehicle access onto Holt Road. The appearance and landscaping of the site would be considered at reserved matters stage, but there is sufficient space to improve the landscaping of the site to minimise visual impacts. The amenity impacts and traffic impacts of the proposal would be via conditions to ensure no material harm occurs to neighbouring occupiers or to the free flow of traffic and highway safety.

61. 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

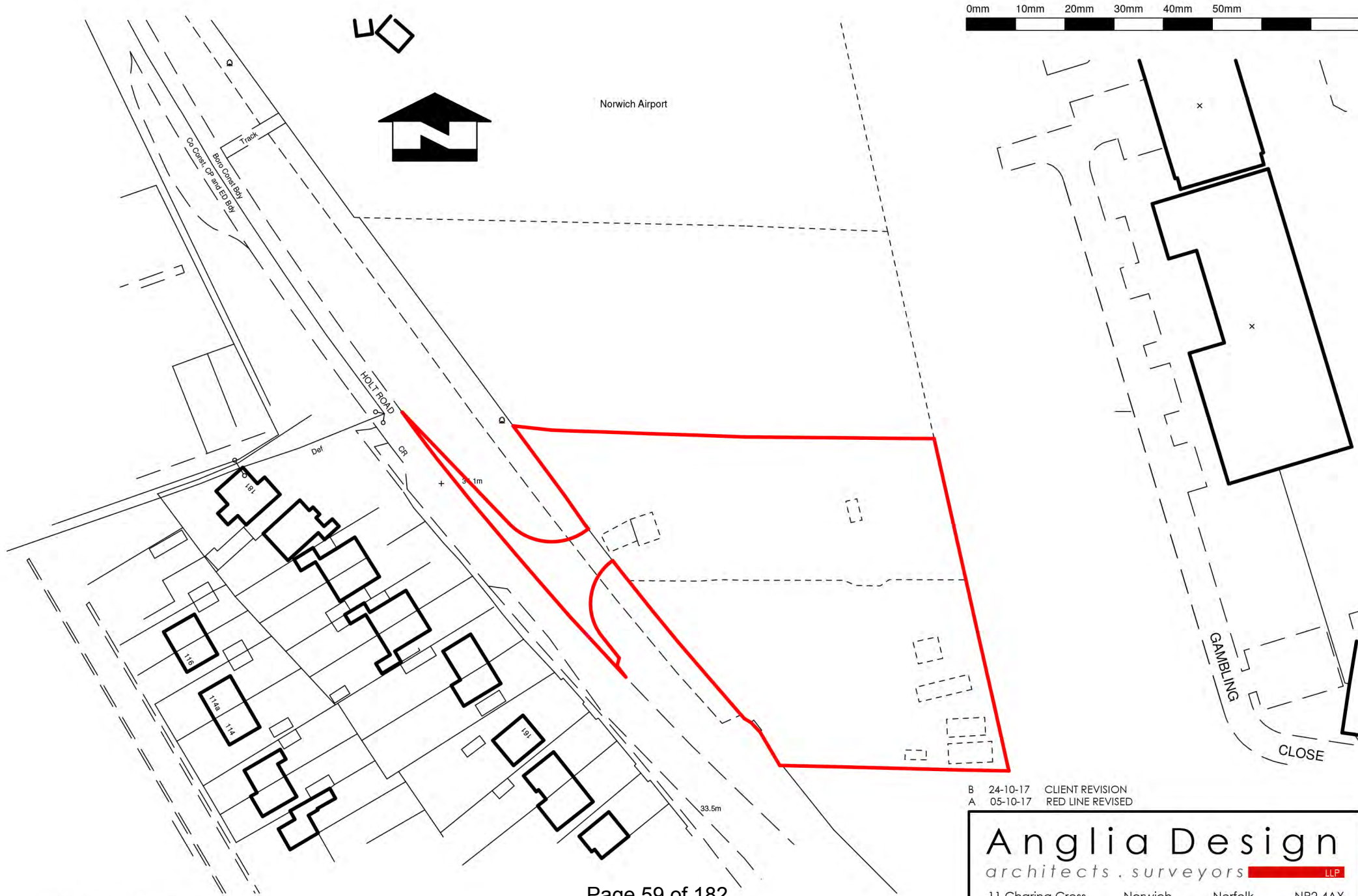
To approve application no. 17/01555/O - Land For Storage And Premises Opposite 153 Holt Road Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use of site restricted to vehicle hire only.
4. Site not to open to the public (except for the purposes of returning hire vehicles only) and no servicing of vehicles outside of the hours 07.30-20.00 Monday to Saturday, with no opening on Sundays or public holidays.
5. No servicing or repair of vehicles shall take place outside of the hours 07.30-18.30 Monday to Saturday and not at all on Sundays or public holidays.
6. No machinery or power tools to be operated outside the building except for the purpose of maintenance of land or buildings.
7. Noise assessment and details of noise mitigation measures to be submitted with reserved matters application.
8. No external lighting, other than security lighting to be used outside of the hours 07.00-23.00 on any day.
9. No loudspeaker or audio equipment to be used outside of any building.
10. Access to the site to be via main access only and all other access shall be permanently closed, and the highway verge shall be reinstated in accordance with a scheme to be agreed.
11. Gradient of vehicle access not to exceed 1:12 for the first 15 metres into the site as measured from the carriageway.
12. Prior to commencement of use any access gates/bollard/chain or other means of enclosure shall be hung to open inwards, set back and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

13. Parking/servicing and loading areas to be laid out, demarcated, surfaced and drained in accordance with the approved plan and retained thereafter for the duration of the use.
14. No works shall commence on site until a construction management plan has been submitted including details of any cranes and wheel washing facilities.
15. No commencement of development until a detailed scheme for the off-site improvement works (access and pedestrian improvements) have been submitted and approved. Prior to the commencement of the use permitted the improvement works shall be implemented in accordance with the approved details.
16. Works on site to be carried out in accordance with approved Arboricultural reports and plans.
17. No building or structure on site to be higher than 8m above ordnance datum and within the zone of the localiser beam, no building or structure to be higher than 6m above ordnance datum.

Article 32(5) statement

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

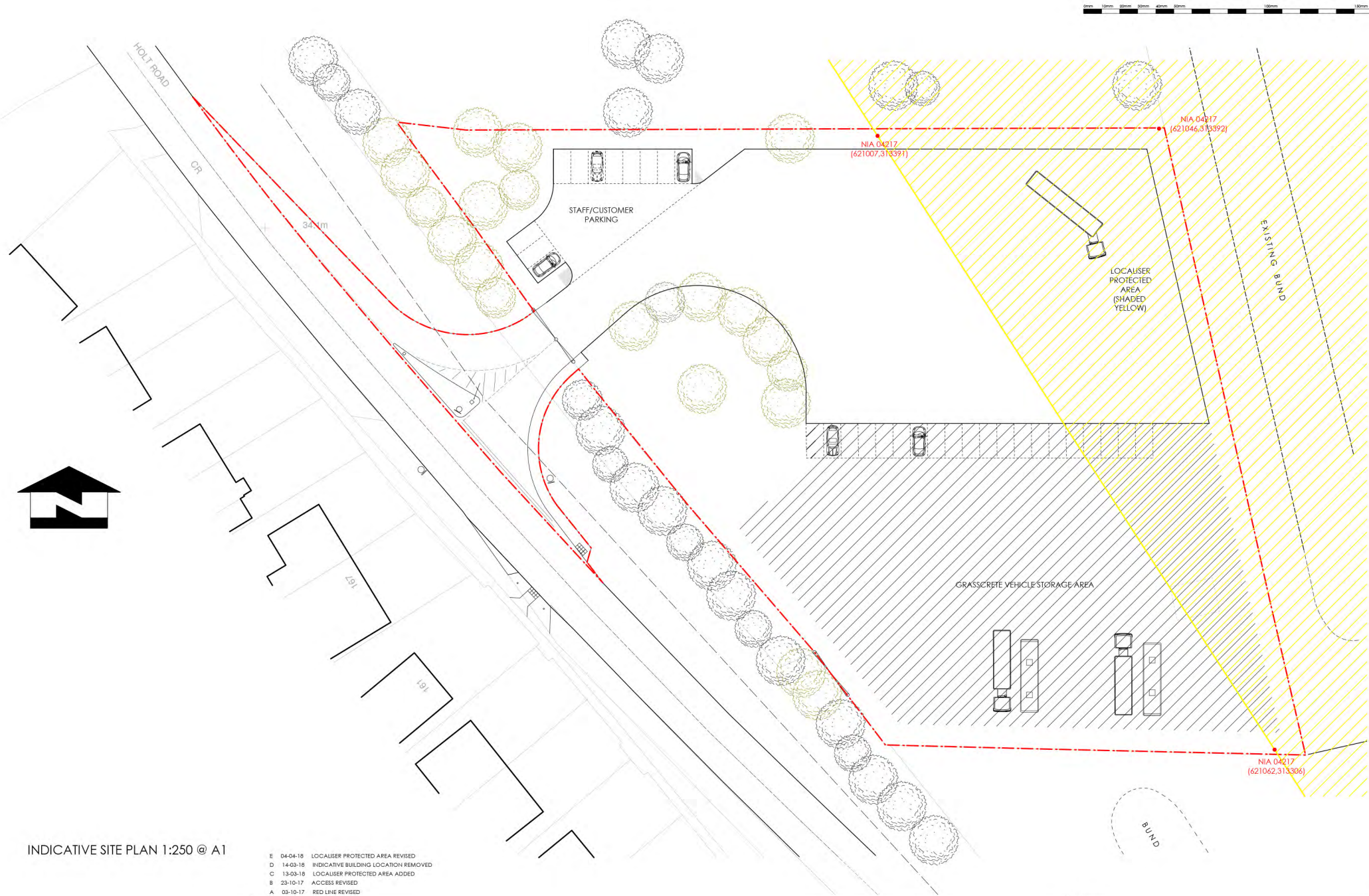


B 24-10-17 CLIENT REVISION
A 05-10-17 RED LINE REVISED

Anglia Design

architects . surveyors LLP

11 Charing Cross Norwich Norfolk NR2 4AX
tel: 01603 666576 fax: 01603 764535
em: mail@angliadesign.co.uk



INDICATIVE SITE PLAN 1:250 @ A1

- E 04-04-18 LOCALISER PROTECTED AREA REVISED
- D 14-03-18 INDICATIVE BUILDING LOCATION REMOVED
- C 13-03-18 LOCALISER PROTECTED AREA ADDED
- B 23-10-17 ACCESS REVISED
- A 03-10-17 RED LINE REVISED

Land at Holt Road, Norwich, Norfolk,
NR6 6UA - Trott Rentals Ltd

Date: July 2017
Drawing No: RS/3931/17/01

SITE PLAN

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Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Application no 18/00058/F - 41 - 43 St Augustines Street,
Norwich, NR3 3BY

**Reason
for referral** Objection

4(d)

Ward:	Mancroft
Case officer	Robert Webb - robertwebb@norwich.gov.uk

Development proposal		
Demolition of existing building. Erection of 9 No. flats with 1 No. retail unit on ground floor level.		
Representations		
Object	Comment	Support
2	1	0

Main issues	Key considerations
1	Principle of development
2	Design and heritage
3	Transport
4	Amenity
5	Flood risk
Expiry date	12 April 2018
Recommendation	Approval



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Planning Application No 18/00058/F
 Site Address 41-43 St Augustines Street

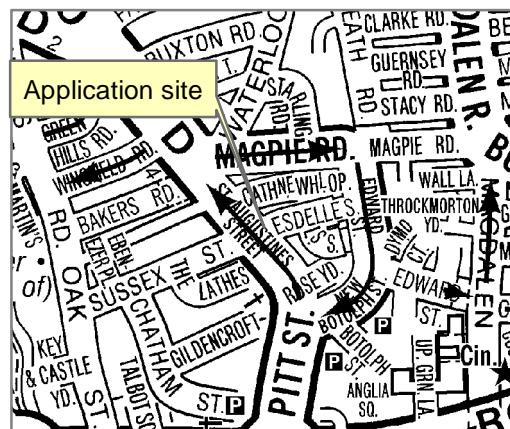
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NORWICH
 City Council

PLANNING SERVICES

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The site and surroundings

1. The site includes buildings on the corner of St. Augustine's and Esdelle Street, to the north of the city centre. No.43 is a 19th Century smithy building which in the past was the main premises of Dave Barkshire Motorcycle Centre. The building is still used for storage by that company, although the main business has relocated to Rackheath Industrial Estate. On the ground floor corner of the building is a small unit that was last used as a café but is currently vacant. No. 41 also dates from the 19th Century and was historically a dwelling but when it was last in use was used for commercial purposes. It is also currently vacant. Both buildings are locally listed. They are however in a poor state of repair and have been unsympathetically altered in the past, both internally and externally.
2. No. 39, immediately to the south is locally listed and currently operating as an adult shop and the buildings immediately to the east on Esdelle Street are residential dwellings. There are a range of commercial uses in the vicinity of the site, including a dentist, takeaway and architectural practice.

Constraints

3. The site is within the city centre conservation area and the buildings on site are locally listed. There are a number of statutory listed buildings opposite the site on St. Augustine's Street, including no's 42-52 St. Augustine's Street and no. 1 Sussex Street, 4-10 Sussex Street, 27-29 St. Augustine's Street, and no.s 32, 34, 36 and 36A St. Augustine's Street and no. 2 Sussex Street. The adjoining building, no. 39 is locally listed.
4. The site is within a large district centre, critical drainage catchment area and a main area of archaeological interest.

Relevant planning history

5. There is no relevant planning history held by Norwich City Council.

The proposal

6. The proposal is to demolish the buildings on site and construct a new building which would contain 9 no. flats and 1 no. retail unit on the ground floor. There would be 6 no. 1 bedroom flats and 3 no. 2 bedroom flats. The building would comprise two distinct forms. Firstly a three storey flat roof building on the corner made of brick which includes pillars, insets and alignment of fenestration to provide a modern interpretation of locally distinctive features. This would have a darker brick at ground floor level to reference the blackened plinth detailing of adjacent buildings. Secondly a two and a half storey pitched roof section on Esdelle Street which features dormer windows and a slate roof.
7. There would be a rear courtyard where bins and bikes would be stored, this being accessed from a passageway off Esdelle Street.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	9
No. of affordable dwellings	0
Total floorspace	519 sqm. All dwellings meet national minimum space standards.
No. of storeys	3
Max. dimensions	Flat roof corner building – 9.3m high Pitched roof building – 9m high.
Density	25 dwellings per hectare
Appearance	
Materials	Walls - red brick, dark grey brick
Construction	Roof – Grey slate tiles and grey single ply membrane to flat roof area Windows – Aluminium double glazed Doors – Aluminium double glazed
Transport matters	
No of car parking spaces	None
No of cycle parking spaces	To be controlled by condition
Servicing arrangements	From Esdelle Street

Representations

- Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Comment from the adult shop which occupies no. 39 St. Augustines which raises no objection to the development but wished to make sure that any future occupiers are aware of their presence and does not object to their license in the future.	See main issue 4.
Concern that the development is an ugly modern shapeless block in amongst the period buildings.	See main issue 2.
No objection to the principle of development but consider that the vertical pilasters are out of keeping with the character of the street and would wish to see this redesigned.	See main issue 2.

Consultation responses

9. 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

10. No objection following receipt of amended plans.

Environmental protection

11. No objection subject to conditions to ensure noise levels within the proposed units is acceptable

Highways (local)

12. No objection on highway grounds. Construction management plan sought via condition. Windows should not be outward opening to avoid obstructions. Extant waiting restrictions on Esdelle Street and St Augustines are adequate and do not require amendment. The extant footway and dropped kerbs are satisfactory for the proposed development and do not require modification.

Norfolk historic environment service

13. Following receipt of additional information regarding the site, no objections subject to conditions relating to a programme of archaeological investigation.

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area

15. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM9 Safeguarding Norwich's heritage
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM21 Protecting and supporting district and local centres
- DM28 Encouraging sustainable travel
- DM29 Managing car parking demand in the city centre
- DM30 Access and highway safety
- DM32 Encouraging car free and low car housing

Other material considerations

16. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

17. 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

18. Key policies and NPPF paragraphs – DM9, DM12, DM17, DM18, JCS4, JCS5 NPPF paragraphs 49 and 14.
19. The site is within a sustainable location where there is a presumption in favour of development for residential and retail purposes. The buildings on site are locally listed and as such it would normally be preferable to retain them where possible. Policy DM9 of the local plan states that:

“Development resulting in harm or loss of significance of a locally listed heritage asset will only be acceptable where:

 - a) there are demonstrable and overriding benefits associated with the development; and
 - b) it can be demonstrated that there would be no reasonably practicable or viable means of retaining the asset within a development.
20. In this instance the buildings have been substantially altered and are in a particularly poor state of repair. The modernised frontage which faces St. Augustine’s Street is currently a negative feature within the conservation area. A Structural Survey submitted with the application identifies a number of structural defects and leaking roof. The building is not considered suitable for conversion.
21. The planning officer’s site visit confirmed that the buildings are in a poor state of repair and not suitable for conversion. In discussion with the conservation officer, the principle of redeveloping the site is considered acceptable, subject to the design of the new proposal conserving or enhancing the character of the conservation area and making the most efficient use of the land.
22. Whilst a small retail unit would be provided at ground floor level, the proposal would result in a reduction of business floorspace which has been used for the motorcycle company. Whilst such losses should be carefully scrutinised, the site is not considered particularly suitable for motor trade purposes, being located in a shopping and residential area and without any off-street parking available.
23. Regard is also had to the current five-year housing land supply position, where there is currently a shortfall in the supply in the Norwich Policy Area. Given that a retail unit would be maintained at ground floor level, it is considered that the proposal would deliver significant benefits in terms of providing new dwellings, improve the amenity for neighbouring occupiers and, as detailed in the following section, it is considered the proposal would enhance the appearance of the site and character of the conservation area.
24. For these reasons, the principle of development is considered acceptable.

Main issue 2: Design and Heritage

25. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
26. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
27. The conservation character area appraisal identifies that the area benefits from a significant concentration of historic buildings and features from different historical

periods. This variety is apparent on either side of St Augustine's Street with a variety in height and mixture of pitched roof and gable ends. The predominant building material is red brick with some elevations painted and rendered. Scales vary between two and three storeys.

28. The flat roof building proposed would represent a departure from the prevailing character of the street, with only one other flat roof building evident on this stretch of St. Augustine's. However regard is had to the fact the site is a corner plot, and therefore is well placed to accommodate a building which makes a statement and has a degree of prominence. The new building on Esdelle Street would respect the form of buildings on that street, albeit it would be slightly higher in order to accommodate rooms within the roof. Whilst the design is modern and has its own character, the architectural detailing and use of materials takes references from the surrounding buildings, and the proposal is considered to represent a high quality design which would enhance the appearance of the site compared to the current situation. It is considered that the proposal would enhance the character of the conservation area and preserve the setting of nearby listed buildings.
29. The design of the shop front would be a distinctive element of the building in its own right which respects the character of existing shop fronts whilst providing a modern appearance which would work well in the street scene.
30. The site layout works in terms of access for bin storage and bicycles, and the layout of the building is logical in all other respects.

Main issue 3: Transport

31. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
32. The proposal is for a car-free development which is acceptable given the proximity to shops and services and public transport modes. There is space for sufficient and secure cycle storage within the rear courtyard. Conditions are recommended relating to the need for a construction management plan. The highway officer raised no objection on highway grounds.

Main issue 4: Amenity

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

Amenity for proposed occupiers

34. The proposal meets or exceeds the requirements of the national minimum space standards for all flats. There would be no private outdoor amenity space other than the rear courtyard. However regard is had to the location of the site, which is in walking distance of Waterloo Park, and the various café's, pubs, restaurants and open spaces of the city centre.
35. With regard to the comments from the operator of the adjacent adult shop, licensing is a separate matter to planning however it is not anticipated that the proposed use would materially conflict with the adjacent business or vice versa, given the nearest flats would be on the first floor of the proposed site, with access from Esdelle Street.

Amenity for neighbouring occupiers

36. No material harm would be caused by overlooking, loss of light or overshadowing from the proposal. It is likely that the proposed use could reduce amenity impacts compared to the previous motorbike sales use.

Amenity – general

37. A condition is recommended restricting the retail unit to be used for A1 (shop), A2 (financial services) or A3 (café) uses only, to assist with the vitality and viability of the District Centre and to ensure that other uses which may create additional impacts are properly assessed.
38. The amenity impacts on proposed and future occupiers are considered acceptable.

Main issue 5: Flood risk

39. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
40. The site is within flood zone 1 which is the zone of lowest risk from fluvial flooding. However it is within a critical drainage catchment. The proposal is unlikely to increase the potential for surface water run-off, given that the site is already covered in buildings and hard standing. Notwithstanding this, some water attenuation measures would be welcomed and this could be sought by condition.
41. Foul drainage would connect to the mains sewer to which Anglian Water raises no objection.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Not applicable
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Equalities and diversity issues

43. There are no significant equality or diversity issues.

Local finance considerations

44. 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.
45. 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.
46. In this case local finance considerations are not considered to be material to the case.

Conclusion

47. Whilst the loss of the locally listed buildings on site would result in some harm to the character of the area, the condition of these buildings is not good and they have also been significantly and unsympathetically altered. The proposal would deliver significant benefits in terms of redeveloping the site to provide a more efficient use of the land and improvement to the street scene, with the design striking the right balance between introducing a new and modern feature building whilst respecting characteristics of the existing street scene and conservation area. In addition to changes to the appearance of the site, delivering nine new residential dwellings and a modernised retail unit in a sustainable location are particular benefits of the scheme.
48. 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. 18/00058/F - 41 - 43 St Augustines Street, Norwich, NR3 3BY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Retail unit to be for A1, A2 or A3 purposes only.
4. Water efficiency – residential
5. Water efficiency – commercial
6. Materials to be submitted for approval
7. Landscaping of rear courtyard to be submitted for approval
8. Cycle and bin storage details to be submitted for approval
9. Land contamination report to be submitted and measures implemented if required
10. Surface water drainage attenuation measures to be provided.
11. Archaeological written scheme of investigation

11. The building envelope shall be constructed so as to provide sound attenuation against external noise and ensure internal sound levels no greater than:
 - a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and
 - b) 30dB LAeq(8 hour)/45dB LAmx(fast) in the bedrooms of the dwelling(s) (for nighttime use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.
12. Construction management plan to be submitted.
13. All windows should be sash style and not outward opening.

Article 35(2) statement

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



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Existing Site Plan

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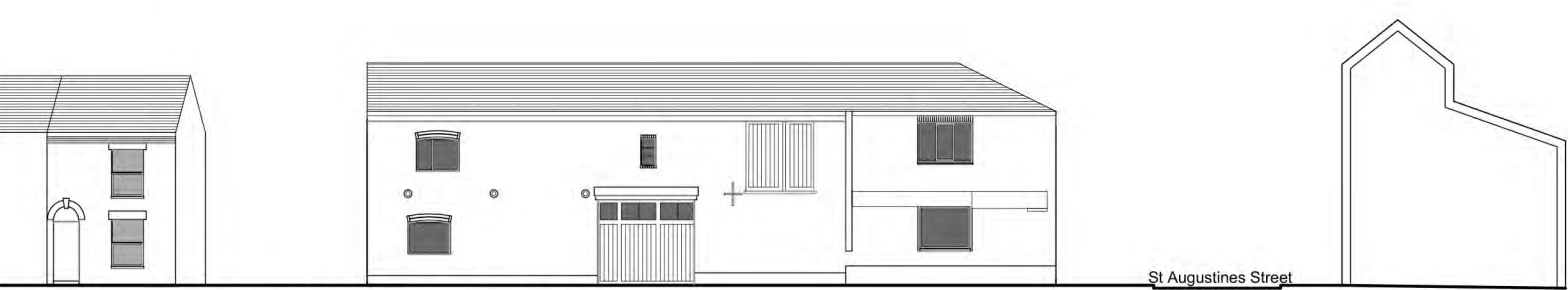
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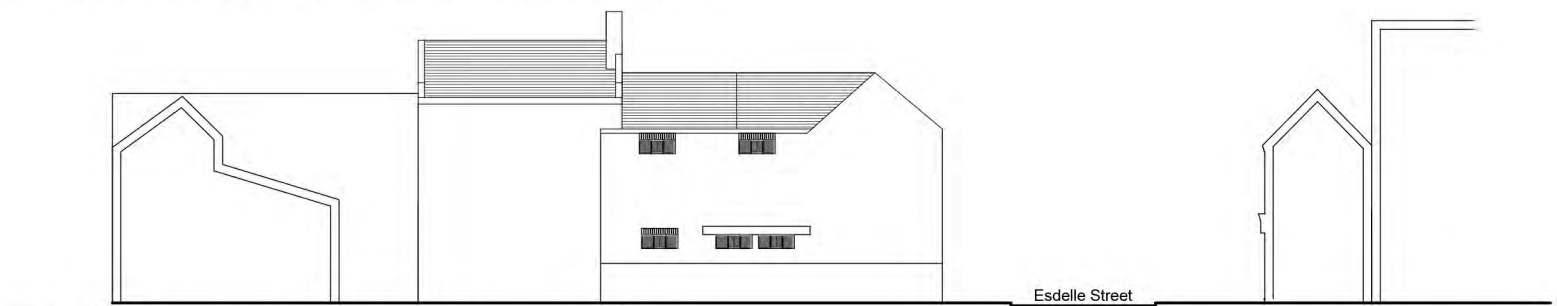
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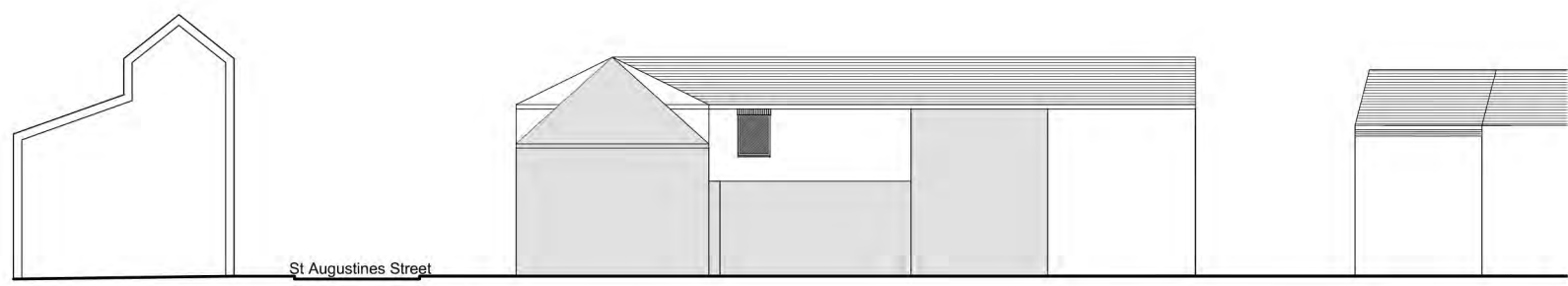
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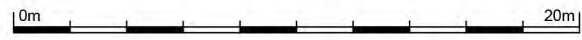
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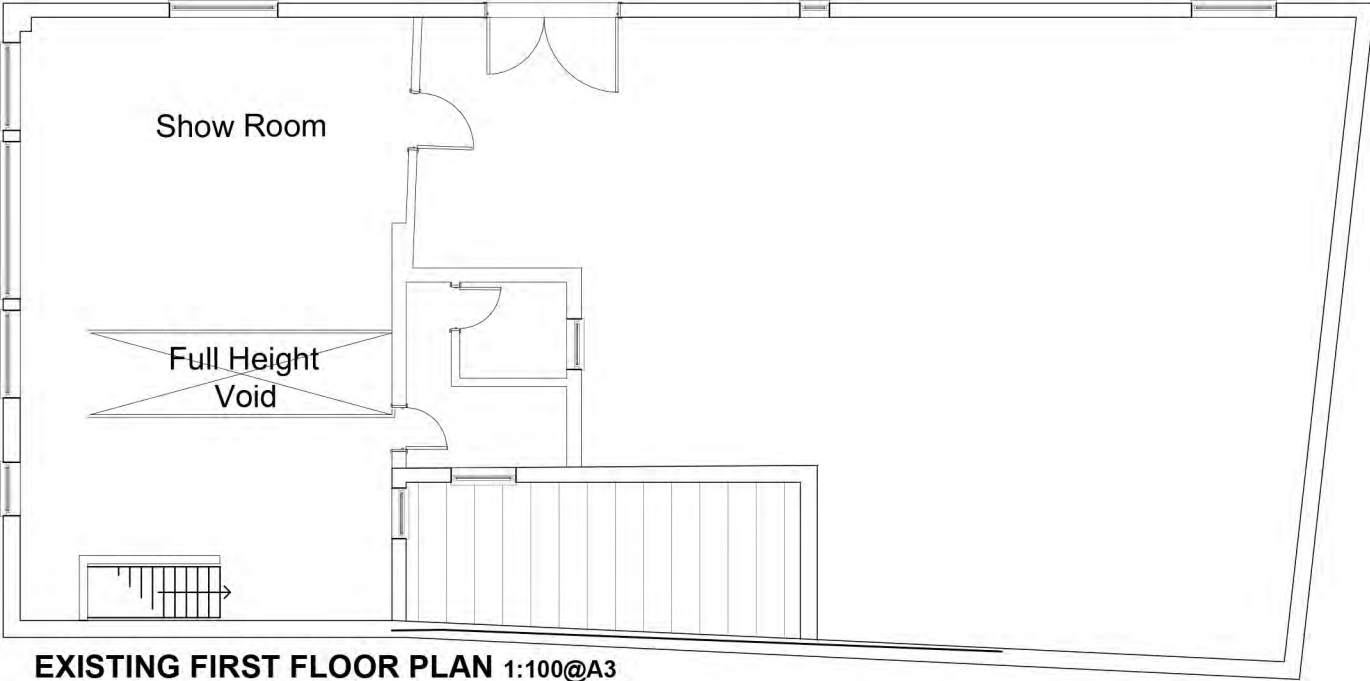
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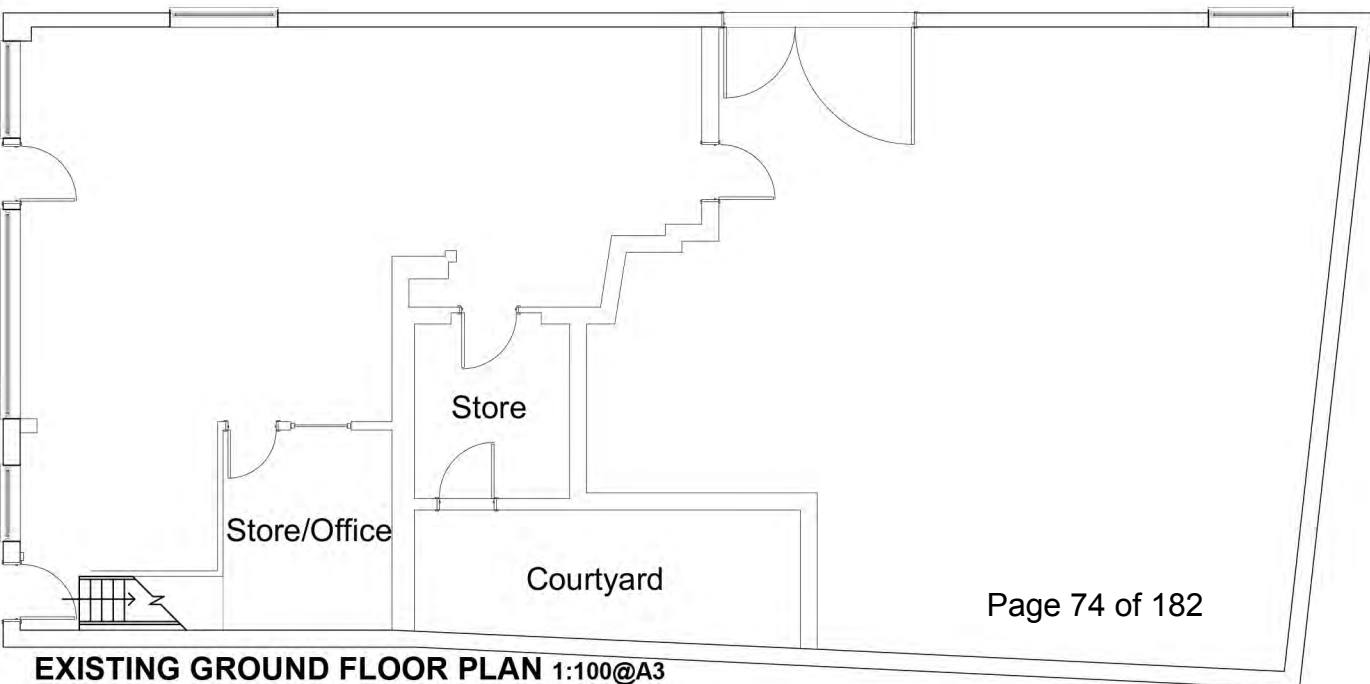
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EXISTING FIRST FLOOR PLAN 1:100@A3



EXISTING GROUND FLOOR PLAN 1:100@A3

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SITE PLAN 1:100@A1



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Proposed South Elevation St Augustines Street

Esdelle Street

Proposed



Proposed West Elevation Esdelle Street

Proposed

St Augustines Street

A		Amendments and updates to elevations according to notes		vs	jl
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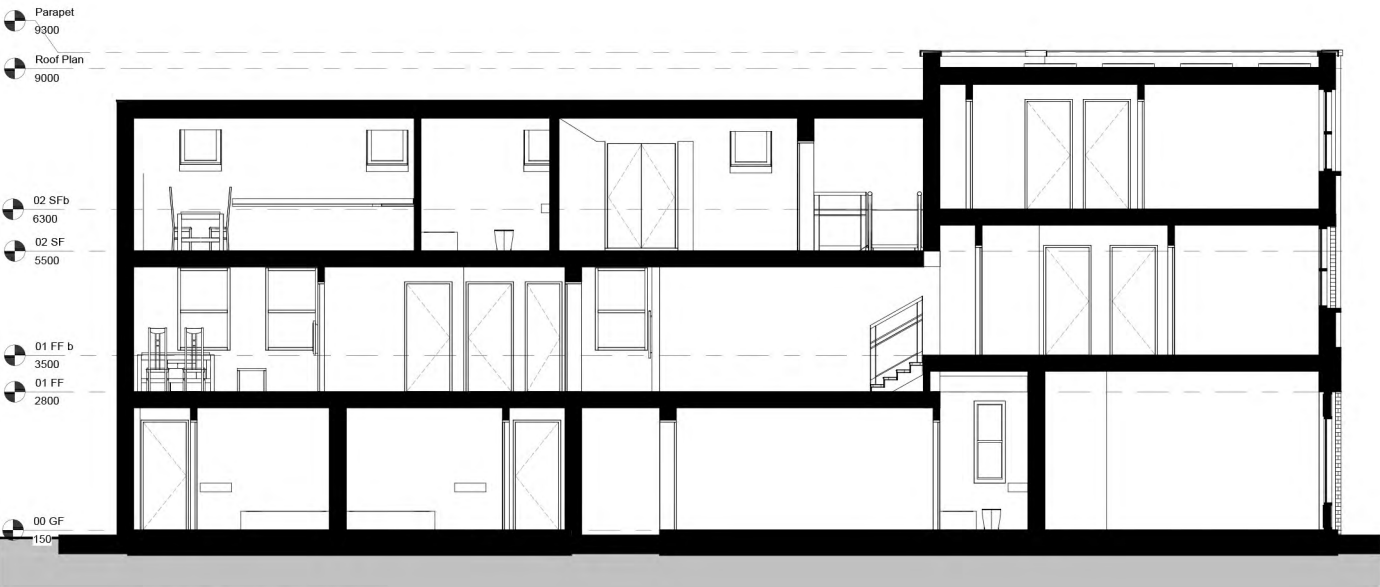
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West Elevation
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South Elevation
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Long Section A - A
1 : 50

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F	11/12/201	Internal Layout and Amendments and roof update	VS	
E	20/11/201	Internal Layout Amendments	VS	
D	11/10/201	Internal Layout Amendments	VS	
C	07/09/201	Updated Details	VS	
B	17/08/201	Updated Layouts	VS	
A	07/08/201	Updated Layouts	VS	

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North Elevation
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East Elevation
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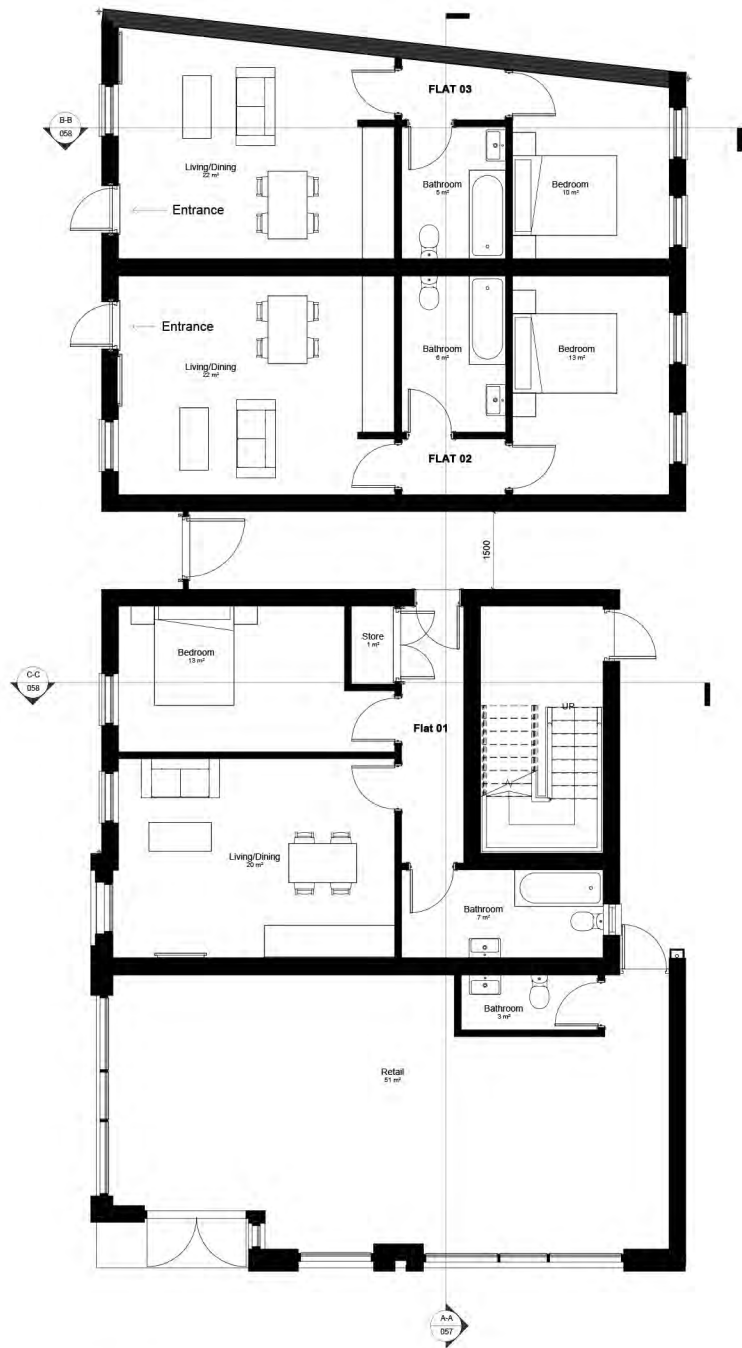


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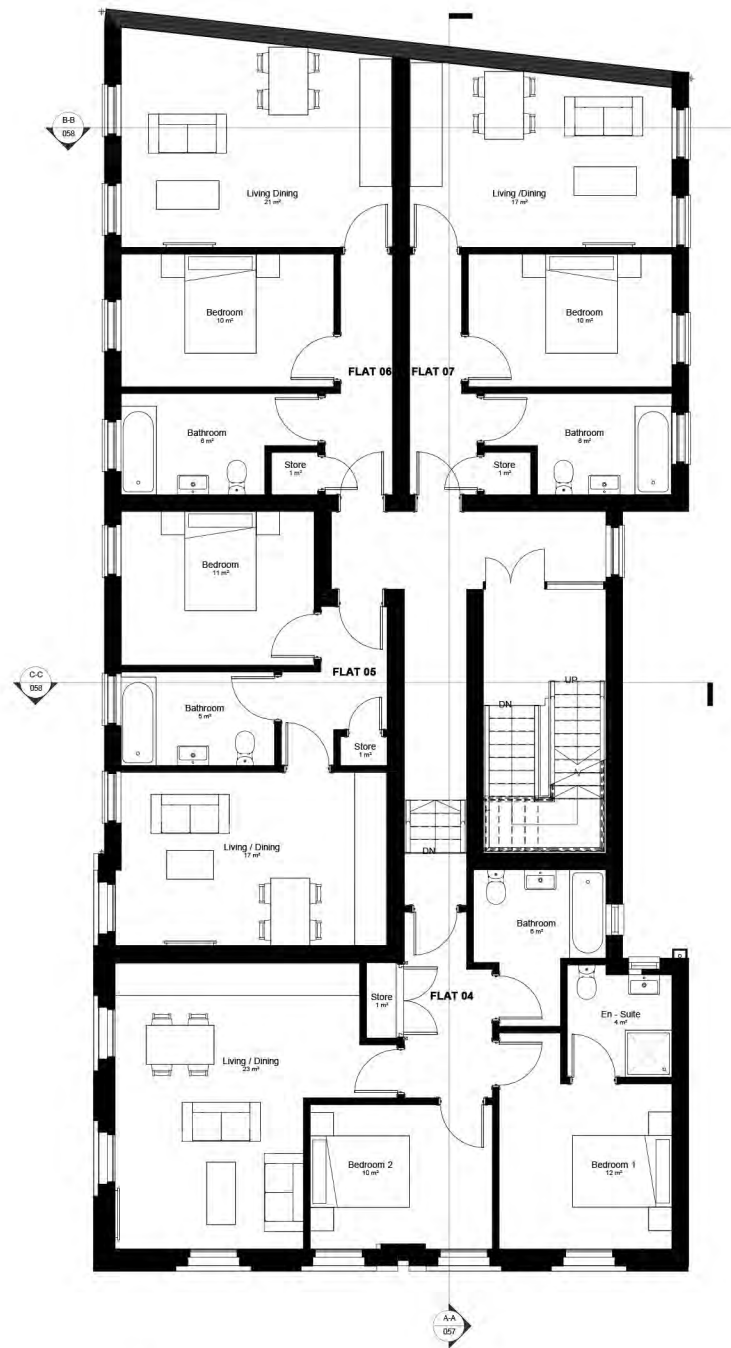


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E	2011301	Internal Layout Amendments	VS	
D	1110201	Internal Layout Amendments	VS	
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B	1708201	Updated Layouts	VS	
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Area Schedule (Rentable)		
Name	Area	
Flat 1	50 m ²	
Flat 2	44 m ²	
Flat 3	41 m ²	
Flat 4	63 m ²	
Flat 5	40 m ²	
Flat 6	45 m ²	
Flat 7	41 m ²	
Flat 8	75 m ²	
Flat 9	68 m ²	
Retail Unit	54 m ²	
Total:	522 m²	

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St Augustines
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Floor Plans
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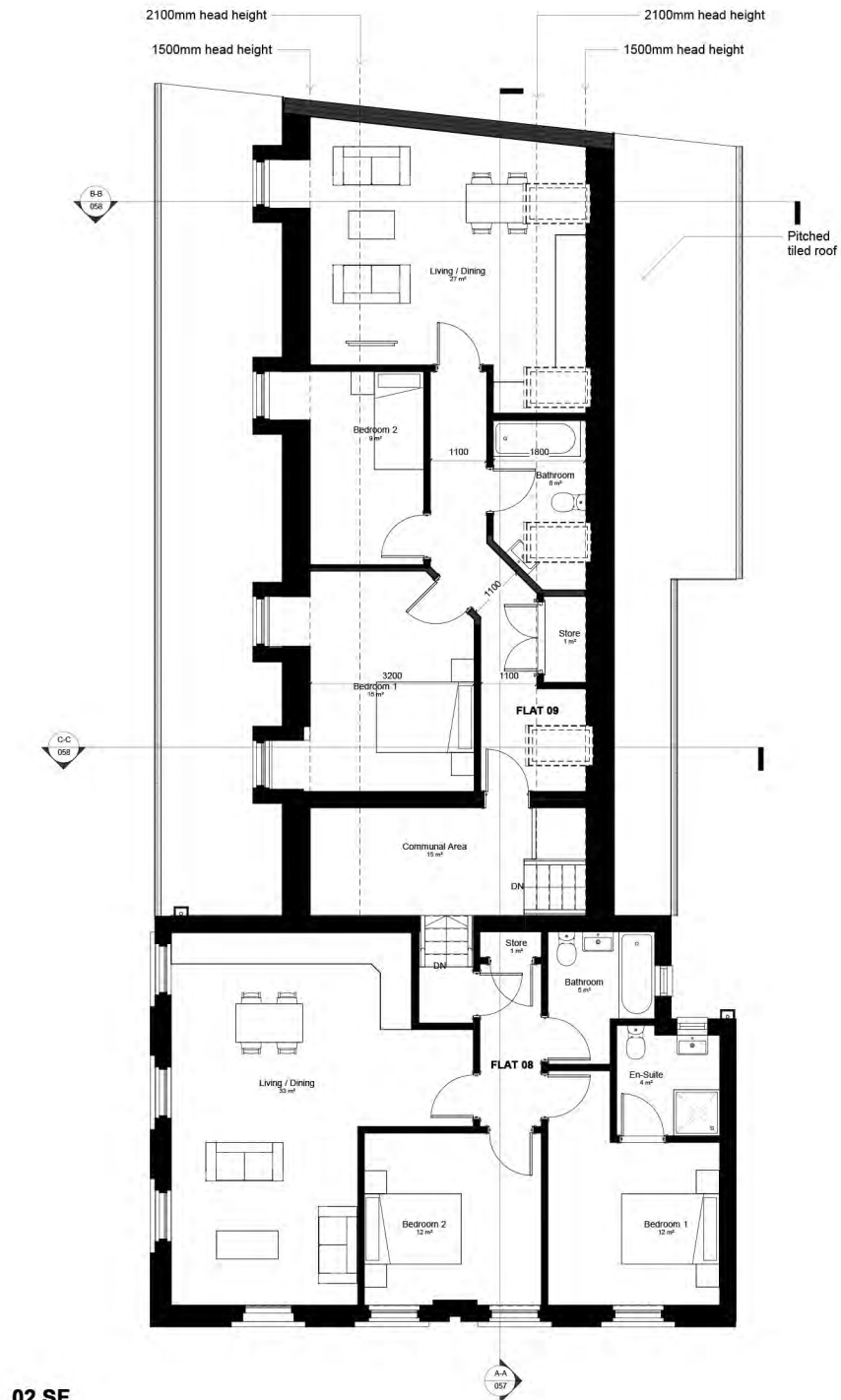
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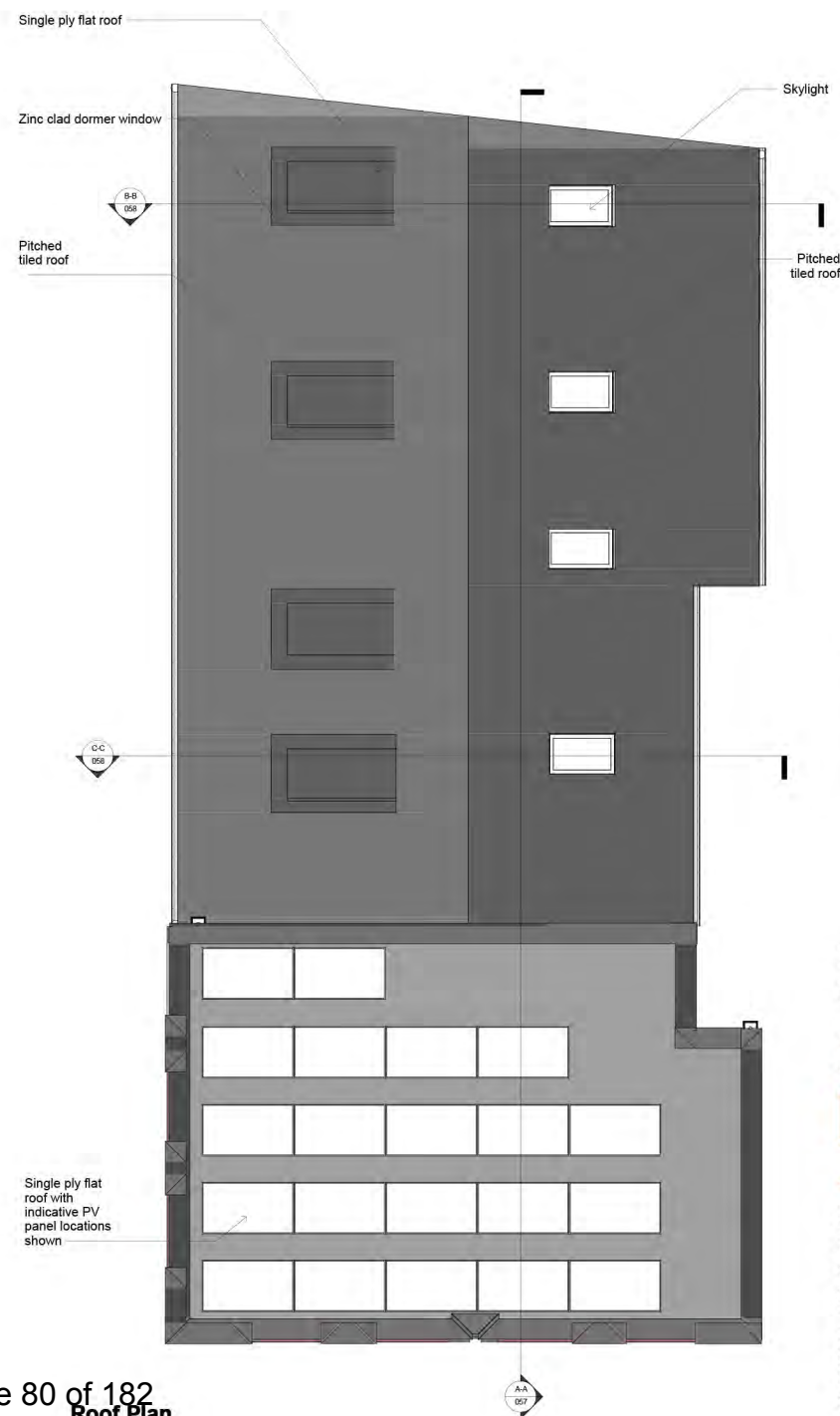
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055	F
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VS	JL



02 SF
1 : 50

Page 80 of 182
Roof Plan
1 : 50



Area Schedule (Rentable)	
Name	Area
Flat 1	50 m²
Flat 2	44 m²
Flat 3	41 m²
Flat 4	63 m²
Flat 5	40 m²
Flat 6	45 m²
Flat 7	41 m²
Flat 8	75 m²
Flat 9	68 m²
Retail Unit	54 m²
Total:	522 m²

G	2003201	Internal layouts for SF and further updates on pitched roof and external wall details	VS
F	1112201	Internal Layout and Amendments and roof update	VS
E	2011201	Internal Layout Amendments	VS
D	1110201	Internal Layout Amendments	VS
C	0709201	Updated Details	VS
B	1708201	Updated Layouts	VS
REV	DATE	DESCRIPTION	

Revisions



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PLANNING

Dave Barkshire

St Augustines
Norwich

Second Floor Plans Roof
Plan

5170

056	G
07/08/17	1 : 50@A1
VS	JL

Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Application no 18/00077/F - The Del Ballroom,
Waggon and Horses Lane, Norwich, NR3 1HP

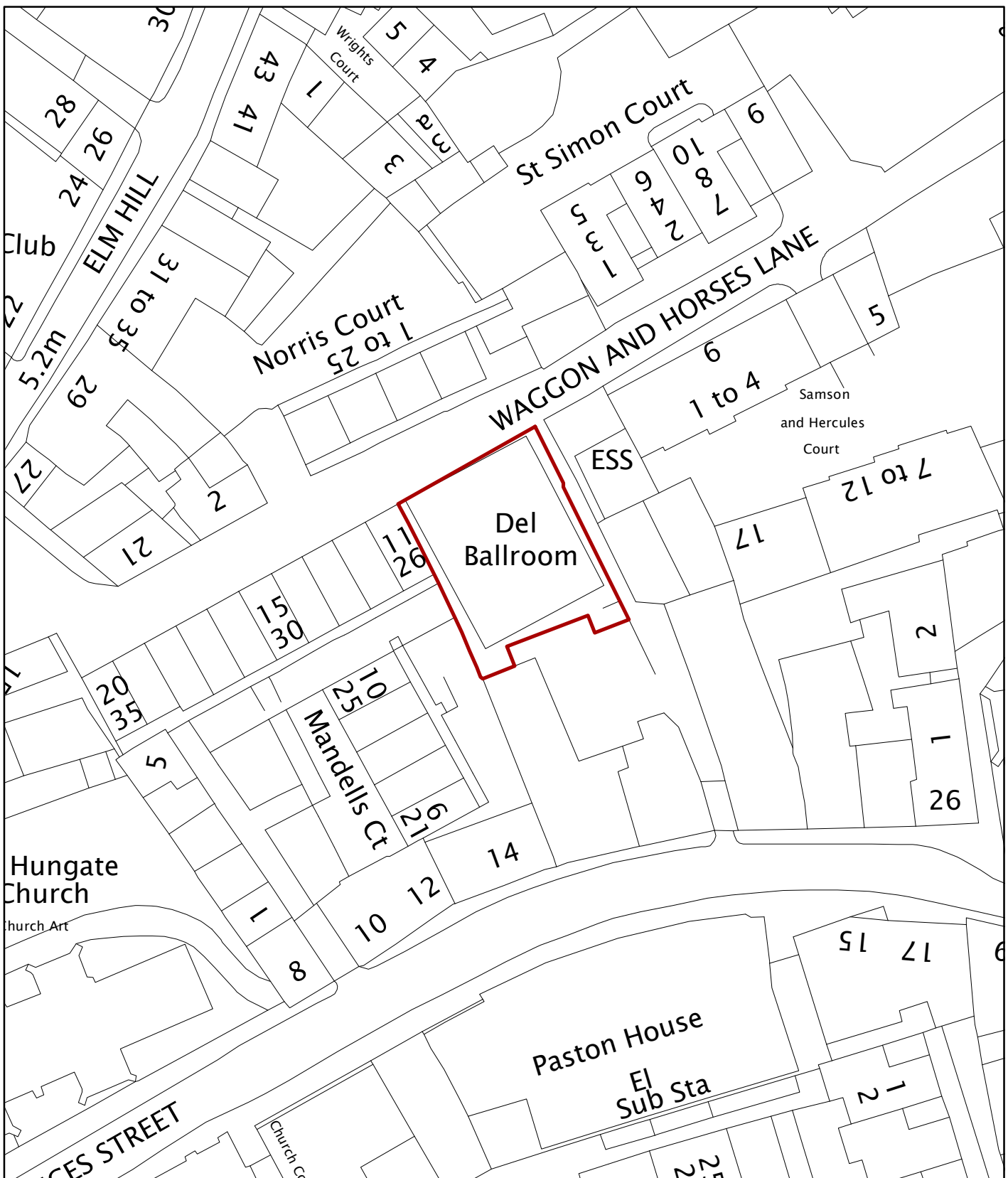
**Reason
for referral** Objection

4(e)

Ward:	Thorpe Hamlet
Case officer	Joy Brown - joybrown@norwich.gov.uk

Development proposal		
Demolition of single storey dance studio and erection of 7no. flats.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle of development	Provision of seven new residential units and the loss of a community facility.
2 Design and heritage	The loss of an undesignated heritage asset, the quality of the design and the relationship that the proposal has to nearby listed buildings and the wider conservation area.
3 Transportation	Car free housing and the provision of satisfactory bin and bike storage. The resurfacing of Plumbers Arms Alley.
4 Amenity	The impact upon neighbouring residents at Norris Court (flats opposite), residents of Mandells House and Mandells Court (flats to the west and south west of the site), Samson and Hercules House (flats to the east of the site) and the properties and business on Princes street to the south. The internal and external living conditions for future residents of the site.
Expiry date	13 March 2018 (extension of time agreed until 17 May 2018)
Recommendation	Approve



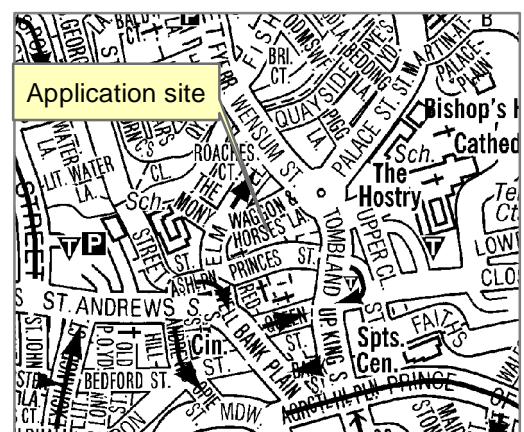
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Planning Application No 18/00077/F
 Site Address The Del Ballroom
 Wagon and Horses Lane
 Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

- 5 The site is situated on the south side of Waggon and Horses Lane on the corner of Plumbers Arms Alley. To the north and east of the site is Elm Hill and to the south is Princes Street.
- 6 The surrounding area is predominantly residential although it is in close proximity to shops, restaurants and other town centre uses on Princes Street, Elm Hill, Tombland and Magdalen Street. The surrounding area is mixed with several more recent blocks of flats and older terrace houses.
- 7 The Del Ballroom is a single storey 1930s building which is considered to contribute to the character and appearance of the City Centre Conservation Area. The neighbouring properties immediately to the south of the site are statutorily listed heritage assets.
- 8 The most recent use of the property was as a dance studio although this use on the site ceased in April 2013. The dance studio has since relocated to alternative premises at the Scout and Guide Hall which is within the Church of Simon and St Jude on Wensum Street.

Constraints

- 9 The site is situated within the City Centre Conservation Area, the Area of Main Archaeological Interest and the City Centre Leisure Area. It is in close proximity to a number of listed heritage assets.
- 10 The site slopes up from Waggon and Horses Lane to Princes Street with there being a significant change in level between the rear of 18 Princes Street and the site itself. There are no trees on the site.

Relevant planning history

Ref	Proposal	Decision	Date
15/01923/F	Demolition of single storey studio and construction of nine flats.	WITHDN	13/09/2016
17/00973/F	Demolition of single storey dance studio and erection of 7no. flats.	CANCLD	28/11/2017

The proposal

- 11 The application seeks full planning permission for the demolition of the existing single storey building and the construction of a new building to accommodate seven flats. It is proposed to have an 'L' shaped building with internal communal courtyard off which access to the flats is gained. The internal courtyard will accommodate a bin and cycle store which will be constructed of bricks to match the main building and a green roof.

- 12 The proposed development will vary in height with there being a 3.5 storey element on the north west corner fronting Waggon and Horses Lane. The building will step down to two storey on the north east corner with the wing fronting onto Plumbers Arms Alley being two storey (although due to the changing levels on the site the eaves height of the building at it southern most point closest to Princes Street will be only 3.7m with a ridge height of 5.8 m).
- 13 The application has been subject to pre application advice and minor changes have also been made to the plans during the process of access the application. It was not considered necessary to reconsult on the proposed changes as they mainly related to the detailing.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	Seven
No. of affordable dwellings	None
Total floorspace	511 sqm
No. of storeys	3.5 storey
Max. dimensions	Wing facing Waggon and Horses Lane – Width 13.9m, Depth 7.9m, eaves 8m, ridge 10.5m Wing facing Plumbers Arms Alley – Width 18.8m, Depth 7.7m, eaves 5m, ridge 7.3m
Density	275 dph
Appearance	
Materials	Red facing brickwork in Flemish bond, black slate tiles, lead flashed dormers, timber sash style windows, timber fascias and soffits, wrought iron entry gate, grey granite sets to Plumbers Arms Alley.
Construction	Brick faced masonry building
Energy and resource efficiency measures	None
Transport matters	
Vehicular access	None
No of car parking spaces	None

Proposal	Key facts
No of cycle parking spaces	Eight
Servicing arrangements	Bin store (8 x 360 litre bins) within courtyard access. Access to Waggon and Horses Lane via gated archway.

Representations

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

Issues raised	Response
Part of the development is 4 storey so will restrict the light to 16, 18, 20 and 20a Princes Street and also to the flats to the north side of Waggon and Horses Lane. It will make the Waggon and Horses Lane and Plumbers Arms Alley much darker which could have security and public safety issues.	See main issue 4
The proposal will result in a loss of privacy to 18 Princes Street.	See main issue 4
There is a large window on the 3 rd floor of the proposed building on the eastern (side) elevation and many windows on the rear elevation. These will directly look into the roof garden, living room and bedrooms of the residential first floor flat. The proposal will result in loss of light to 20a Princes Street and will tower over the roof garden. The proposal will also reduce light to the kitchen of Trattoria Rustica.	See main issue 4
The cooking extracted for Trattoria Rustica is situated on the back of 20 Princes Street. Future residents of the flats may complain about smells and noise from the restaurant.	See main issue 4
The proposal will impact upon the character of the conservation area and the setting of various listed buildings. The development is out of character with the neighbouring 16 th century listed buildings on Princes Street and	See main issue 2

Issues raised	Response
Elm Hill. The proposed building should not be higher than its current height in order to preserve the character of the area.	
There are concerns that any development in close proximity/beside the footing of the existing listed building could undermine the foundations of a listed building and/or cause structural damage. There is particular concern that the grade II listed wall may not be able to withstand the building works. A structural engineer should be instructed to analyse the risks high construction works nearby will have.	See main issue 2

Consultation responses

- 15 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

- 16 Whilst the existing building is likely to have a high level of communal/social value as a result of its historic use as a community facility, its aesthetic, evidential and historic values are limited and the building does not reach the criteria by which its retention would be encouraged. Any scheme for re-development will need to be sensitive to the context and improve, preserve or enhance the character and appearance of the conservation area. The works will result in 'less than substantial harm' as a result of the loss of the non-designated heritage asset, the potential impact upon the stability of the wall to 20 Princes Street and impact of the proposed incongruous roof design upon the setting of adjacent heritage assets and the wider character and appearance of the conservation area. This harm could be mitigated through alterations to the proposed design and should be weighed up against potential public benefits.

Historic England

- 17 No objection to the demolition of the existing building which is not considered to be of special interest.
- 18 We are also content that the proposed design will not cause harm to the setting of listed buildings and the character and appearance of the conservation area. The proposal has a more low key side wing along the alleyway and takes a more traditional approach to form and detailing; however a number of changes are suggested to ensure a more positive contribution to the character of the area (i.e. Flemish bond, sash windows and more appropriately sized traditional dormers)

Environmental Protection

- 19 The kitchen extract for Trattoria Rustica is located to the rear of the restaurant and terminates at or just above the roof ridge of the adjacent building. The system looked to be in decent condition and was not particularly noisy and no odours were detected at ground level. The height of the proposed development is not helpful as the level of the top floor windows would be on an approximate level with the flue outlet. There is some distance between the flue and the proposed development and as long as the kitchen extract system is properly maintained and serviced then the proposed development should not be significantly impacted.

Highways (local)

- 20 No objection on highway grounds. The proposed residential development is acceptable in principle. The means of access via Waggon and Horses Lane will enable servicing an access on foot and cycle. Plumbers Arms Alley is adopted and the proposal to repave it is welcome as is the retention of the streetlight. Car free housing is acceptable in this location. Ideally there would be a communal cycle store within the yard.

Norfolk historic environment service

- 21 The archaeological desk-based assessment submitted with the previous application was completed in May 2010 and although it does contain some useful information, requires updating. The Heritage statement and archaeological desk-based assessment should address the impact of any proposed development on below ground remains and information exploring the history and uses of the building (including a basic photographic record).

Natural areas officer

- 22 The site has negligible habitat and the development is unlikely to impact designated sites. The condition of the building and the site's proximity to the River Wensum could mean that there is a possibility of bats on the site. An ecological assessment based on this application involving the demolition of an existing building which is derelict/vacant is required (only considering bats as there are unlikely to be any other protected species present or habitats affected).

Assessment of planning considerations

Relevant development plan policies

- 23 **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS5 The economy
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS11 Norwich city centre
 - JCS20 Implementation

24 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
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM22 Planning for and safeguarding community facilities
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

Other material considerations

25 Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

- 26 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

- 27 Key policies and NPPF paragraphs – DM12, DM13, DM22, NPPF paragraphs 49 and 14.
- 28 The provision of seven residential units on this site will help to meet the housing needs within Norwich as identified within policy 4 of the adopted Joint Core Strategy. The site will provide a mix of duplexes, apartments and studios with there being 1 no. one bedroom flat, 1 no. one bedroom duplex, 2 no. two bedroom flats, 2 no. two bedroom duplexes and 1 no. studio flat. The two bedroom units would be suitable for family living. Due to the proposed building being 3.5 storey in part, the

density will be relatively high but there are a number of flatted developments in close proximity to the site so it is not considered that the density will be out of keeping with the character of this part of the city centre. The proposal also provides some shared outdoor amenity space for the benefit of all residents. Policy 4 of the Joint Core Strategy and policies DM12 and DM13 of the Local Plan set out the criteria against which residential developments will be assessed. These issues along with other material considerations are discussed within the report.

- 29 The proposal will also result in the loss of a former ballroom which was last in use as a dance studio (in 2013) and therefore consideration needs to be given to whether the loss of this community asset is acceptable. Policy DM22 is of particular relevance and this sets out that the loss of existing community facilities will only be permitted where adequate alternative provision exists locally or it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building for its existing use. In this instance alternative provision such as Central School of Dancing and Performing Arts, the Garage, Norwich Theatre Royal and OPEN all exist within 800m of the site and the applicant has confirmed that the dance school that previously used the Del Ballroom has relocated to the Scout and Guide hall within the Church of Simon & St. Jude in Wensum Street which is within 800m of the site. Therefore there is no policy basis to resist its loss. Issues regarding the heritage of the building and its demolition are discussed under main issue 2.

Main issue 2: Design and heritage

- 30 Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
- 31 The building is single storey in height with a brick frontage with pedimented parapet detail and signage. The building benefits from the retention of its original form and its steel framed windows fronting both Waggon and Horses Lane and Plumbers Arms Alley. Whilst the building is likely to have a high level of communal/social value as a result of its historic use as a community facility, its aesthetic, evidential and historic values are limited. The building is typical of its date, but is not an outstanding example of art deco architecture. Using the local criteria for assessment of locally identified heritage assets within Appendix 7 of the Local Plan, the building does not reach the criteria by which its retention would be actively encouraged.
- 32 Notwithstanding this, any scheme for re-development will need to be sensitive to the context and improve, preserve or enhance the character and appearance of the conservation area. The Conservation Area Appraisal suggests that 'Waggon and Horses Lane has very much the feel of a back-street unlike even the narrowest streets in the area which have active frontages' and requires that 'New buildings must respect the existing domestic scale of development'.
- 33 The site is bordered immediately to the south and south-east by Grade II and II* listed buildings these being 16 and 18 Princes Street which are grade II listed and 20 Princes Street which is grade II*. The southern brick and flint boundary wall which borders the application site is considered to be curtilage listed. Plumbers Arms Alley which links Waggon and Horses Lane and Princes Street is an important historic pedestrian route which is considered to contribute to the character and appearance of the conservation area. Waggon and Horses Lane is

terminated at either end by Grade II* listed buildings with the Britons Arms to the west and The Louis Marcesci Public House to the east. There are also oblique views of the cathedral as a result of the low height of the existing Del Ballroom.

- 34 Waggon and Horses Lane contains a mixture of historic and pastiche development, with some modest two storey locally listed cottages towards the north-western end and the three storey 1960s Mandells Court development immediately to the west. Modern housing developments exist at the eastern end of the street.
- 35 With regards to the design, it is considered that an 'L' shaped building is appropriate for the site as it provides a frontage onto Waggon and Horses Lane whilst also relating well and providing surveillance to Plumbers Arms Alley. The layout also provides a concealed internal communal courtyard off which is access to flats and which also provides for bin and bike storage. The proposal respects the building line established by neighbouring properties. With regards to height, it is proposed to have a 3.5 storey element which is situated on the north-west corner. Although this is relatively high, the eaves and ridge are no higher than the neighbouring Mandells House and is considered appropriate in this location. The building steps down to 2 storey on the north-east corner of the site and the wing that runs parallel to Plumbers Arms Alley is 2 storey, however due to the changes in levels this wing has an eaves height of only 3.7m and ridge height of 5.8 m at its southern end.
- 36 Although the proposal as submitted was considered to be broadly acceptable, there were a number of areas where the design could be improved in order to make the proposed building of higher quality. For example, it was considered that the proportions of the front elevation could be improved as it lacked a traditional window hierarchy and vertical emphasis. To address this, the scheme was revised by creating taller elevations and a shallower pitched roof form. This also allowed 6 over 6 windows at ground floor and first floor level and 3 over 3 sashes at second floor level.
- 37 Furthermore the roof design of the application as submitted was considered to be incongruous and of detriment to the character of the conservation area and the setting of nearby listed buildings. Consequently, the large dormer at the rear was replaced with more traditional and appropriately sized dormer windows and traditional dormers were also added to the front elevation to replace the previously proposed rooflights. The detailing was also changed with traditional timber sash windows and the materials were reviewed in order that they were high quality and relate well to the character of the conservation area.
- 38 In addition to on site works, the applicant has confirmed that they will resurface Plumbers Arms Alley with granite setts and the old gas lamp style street light will be retained in situ and protected during the duration of the works. Furthermore the proposal should not affect the curtilage listed wall to the south as it is proposed to cantilever the ground floor slab from the piled ground beam foundation to support the external walling of the proposed building as close as practical to the existing boundary walling. A condition should be attached to any future permission requiring further details to ensure that the stability of the wall is not affected during the build and any load is not imposed on the neighbouring property.
- 39 Overall, although the proposal will result in the loss of an undesignated heritage asset, the building does not reach the criteria by which its retention would be

actively encouraged and it is considered that the proposal is of good design, sensitive to its context and would enhance the character and appearance of the conservation area.

Main issue 3: Transport

- 40 Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
- 41 The site is situated within the city centre and is in an accessible location. The constraints of the site mean that no car parking will be provided. DM32 states that car-free housing is acceptable in sites within controlled parking zones and in the surrounding the city centre. Therefore the absence of car parking is acceptable although an informative should be put on any permission notifying the applicant that future residents would not be entitled to parking permits.
- 42 Adequate space will be provided for refuse storage for the proposed flats within the courtyard. Ideally for flatted development 1100 litre bins would be provided; however the undercroft door is not wide enough for bins of this size and altering it would adversely affect the proportions of the building at street level. Therefore it is proposed that the residents of the flats share 10 x 360 litre bins. Given the constraints of the site, the bins are well located so they are close enough to the highway but not visible to the general public. The bins will also be housed within an attractive bin store which is to be constructed of brick to match the building and with a green roof.
- 43 With regards to bike storage, it is proposed to have a cycle store that will accommodate eight bikes. The Local Plan sets out that 1 bedroom units should have 1 space and 2 bedroom units should have 2 spaces which in this instance would equate to 11 spaces. Although the proposal does not meet the standards, it is only 3 spaces short. Given the central location of the site and its consequent proximity to services including public transport on nearby Tombland, the failure to provide a fully policy compliant level of cycle parking is not considered to adversely or materially affect the ability of future residents to access services by non-car based modes of transport. The level of cycle parking proposed is therefore considered acceptable particularly when the constraints of the site and the contribution it makes towards the 5 year housing land supply in the Norwich Policy Area. A condition should be attached to any future permission to ensure that a suitable tether is provided within the store and to ensure that it is provided prior to occupation of the units.
- 44 Plumbers Arms Alley currently provides a link between Waggon and Horses Lane and Princes Street. As part of the proposal the surface will be replaced with granite sets. The existing historic lamp will be retained and protected during works which will ensure that the alley remains adequately lit.

Main issue 4: Amenity

- 45 Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
- Impact upon neighbouring residents*
- 46 With regards to the impact upon neighbouring residents and occupants the main issues for consideration are the impact upon residents of Norris Court (flats

opposite), residents of Mandells House and Mandells Court (flats to the west and south west of the site), Samson and Hercules House (flats to the east of the site) and the properties and business on Princes street to the south.

- 47 With regards to the properties opposite (Norris Court), it is acknowledged that the proposal will have some impact upon residents due to the height of the proposed development being significantly higher than the existing Del Ballroom and due to windows on the principle elevation of the proposed development facing onto Norris Court. The proposal will therefore result in some overshadowing, loss of light and overlooking. Notwithstanding the above, this is a city centre location and although a few windows of Norris Court face onto Waggon and Horses Lane, most of the elevation predominately consists of walkways, doorways and secondary windows. As such it is considered that any impact is at an acceptable level.
- 48 Mandells House is a flatted development situated directly to the west of the Del Ballroom and Mandells Court is situated to the south west of the site. Due to there being no windows within the eastern elevation of Mandells House and due to the proposed building being no deeper than Mandells House it is not considered that the proposal will have a significantly detrimental impact upon residents of the building to the west. With regards to Mandells Court the proposal may result in some overlooking however due to the distances involved and the angle the impact is likely to be minimal. There may be some additional overlooking to external communal areas of Mandells House and Court but this has largely been mitigated as the proposed windows at upper floors nearest to the external space are for bathrooms and will therefore be obscure glazed.
- 49 With regards to Samson and Hercules House which is to the east it is not considered that there will be any significant impact due to the development stepping down to two storey adjacent to Plumbers Arms Alley, due to there being a sub-station between the site and the adjacent development and due to there being no windows within the site elevation of Samson and Hercules House.
- 50 Finally with regards to properties on Princes Street, it is acknowledge that there will be some impact on 16, 18 and 20 Princes Street. As the proposed development is 3.5 storeys in part there may be some loss of light; however due to the orientation and due to the highest part of the building being in the north-west corner of the site, it is considered any loss of light will be minimal. The owners of 16, 18 and 20 Princes Street have all raised concerns regarding overlooking and loss of privacy and it is acknowledge that the proposal does have the potential to result in some additional overlooking to the rear of these properties and to the external amenity area of 20 Princes Street however given the city centre location and the extent of overlooking that already exists from other properties, it is not considered that the additional overlooking is of sufficient harm to justify a refusal.
- 51 Therefore it is considered that the impact upon neighbouring residents is acceptable.

Internal living conditions

- 52 The internal space for all seven of the units is considered sufficient to meet the needs of future residents. All units meet the national space standards and have satisfactory levels of light and ventilation.

- 53 Although the site is situated within the city centre it is on a quiet lane so road traffic noise should not be an issue. The site is situated within close proximity to Trattoria Rustica and the owner of the restaurant has raised concerns that future residents of the development may complain about noise and odour from the restaurant. Norwich City Council's Environmental Protection Officer has advised on this issue and although the windows of the proposed top floor flat are at a similar level to the flue outlet, there is some distance from the flue and the proposed development and so long as the kitchen extract system is properly maintained and serviced then the proposed properties should not be significantly impacted.

External amenity space for future residents

- 54 Policies DM2, DM12 and DM13 of the Local Plan set out that residential use should be permitted subject to the provision of satisfactory external amenity space (private or communal) adjoining the property with appropriately located bin storage, cycle storage and drying areas.
- 55 Due to the constraints of the site, it is not possible to provide a large amount of amenity space however a small communal courtyard will be provided. Two of the duplexes also benefit from having a small balcony. The site is also in close proximity to a number of publically accessible recreational open spaces (the Cathedral grounds and the riverside walk) and therefore it is considered that the amount of open space is sufficient and satisfies the requirements of the Local Plan.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	No – the development will provide eight cycle spaces. To be policy compliant would require 11 spaces.
Car parking provision	DM31	Yes the development will be car free
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Not applicable

Other matters

- 57 The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: List relevant matters.
- 58 Energy and water – The proposal is for seven units and therefore there is no policy requirement for any renewable energy. The development should be water efficient and a condition should be attached to any future consent requiring the development to achieve a water consumption rate of 110 litres/person/day.
- 59 Landscaping – There is limited opportunity for landscaping in the scheme although there is a courtyard which is of sufficient size for the enjoyment of residents and also to provide a communal bin and bike store. Details of the courtyard (including the bicycle enclosure) should be conditioned.
- 60 Biodiversity - The site has negligible habitat and the development is unlikely to impact designated sites. The condition of the building and the site's proximity to the River Wensum could mean that there is a possibility of bats on the site. An ecological assessment is required prior to demolition to ensure that this protected species is not affect. In this case it is considered that this can be conditioned, as the construction of the existing building is such that it is unlikely that bats would be present and an initial survey (not carried out by a qualified ecologist) has shown no obvious evidence of bats. The proposal includes a green roof to the bin and bike store which will provide an opportunity for enhancing biodiversity. Details of this should form a condition of any future consent to ensure that appropriate species are chosen.
- 61 Floodrisk – The site is situated within flood zone 1 and is not within the critical drainage area. The existing site is predominant occupied by a building. There is little opportunity for betterment although the proposal does include a green roof on the bin store and cycle store.

S106 Obligations

- 62 The application is for seven units so does not require the provision of any affordable housing. It does not trigger the need for any other s106 obligations.

Equalities and diversity issues

- 63 There are no significant equality or diversity issues.

Local finance considerations

- 64 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.
- 65 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.

- 66 In this case local finance considerations are not considered to be material to the case.
- 67 The development will be CIL liable with the charge being £53,552.34. As the building has not been used for 6 months within the last 36 months the existing floorspace cannot be discounted.

Conclusion

- 68 The loss of the Del Ballroom is considered acceptable as alternative provision for a dance school/studio exists in close proximity and although the building is likely to have a high level of communal/social value as a result of its historic use as a community facility, its aesthetic, evidential and historic values are limited. The provision of seven residential units will help meet the housing need in Norwich and will provide housing in a central, sustainable location.
- 69 The proposal responds well to the site and the design is considered to be of high quality; is sensitive to its context; and will enhance the character and appearance of the conservation area.
- 70 The proposal will provide good living conditions for future resident of the site and although there is limited external amenity space, the proposed courtyard will provide an attractive area for the enjoyment of residents. Car free housing is considered acceptable within the central location and each unit will have secure cycle parking. Bin storage for the residential units is well located given the constraints of the site.
- 71 Although the proposal may result in some loss of light and overlooking to surrounding properties, it is considered that this will be minimal and at an acceptable levels.
- 72 Overall therefore it is felt that 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. 18/00077/F - The Del Ballroom, Waggon and Horses Lane, Norwich, NR3 1HP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of bricks, roof, dormers, gutters, downpipes, fascias, bargeboards, windows and doors, balconies, entry gate
4. Landscaping (including bin and bike store, paving, boundary treatments, external lighting)
5. Water efficiency
6. Structural engineers report for the retention of the curtilage listed wall.
7. Bat survey
8. Construction method statement including protection of existing street lamp;
9. Retention of street light
10. Archaeological written scheme of investigation

11. Stop work if unidentified feature revealed.
12. Slab levels of new building

Informatives:

- 1) Residential properties not entitled to on-street parking permits
- 2) Street naming
- 3) A planning brief for the archaeological Written Scheme of Investigation will be provided by Norfolk County Council, Historic Environment Service
- 4) Refuse receptacles should be purchased from Norwich City Council prior to the first occupation of the dwellings hereby permitted.
- 5) Considerate construction

Article 35(2) Statement

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

ALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEER'S DRAWINGS



PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>
APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
TENDER	<input type="checkbox"/>	*	<input type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

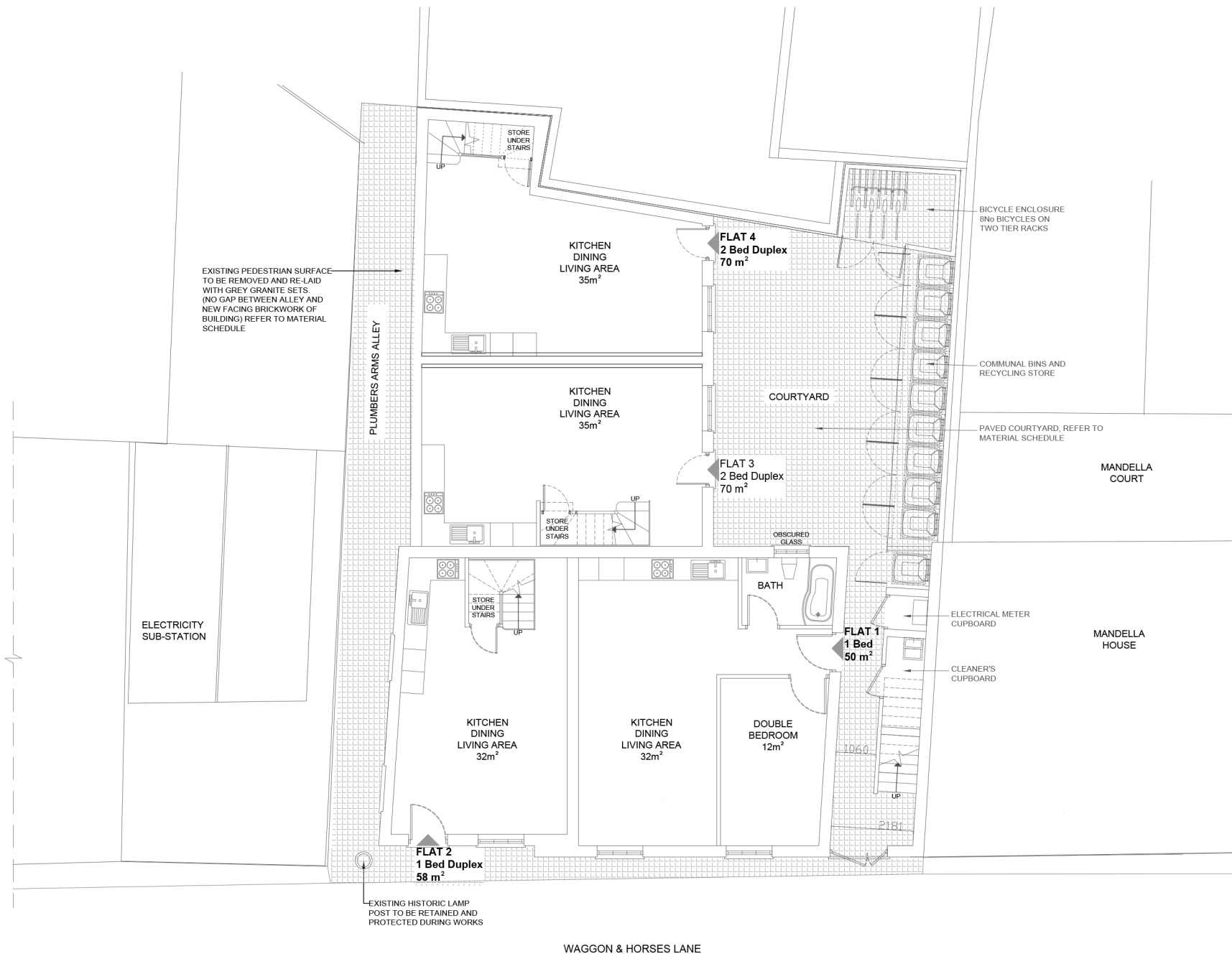
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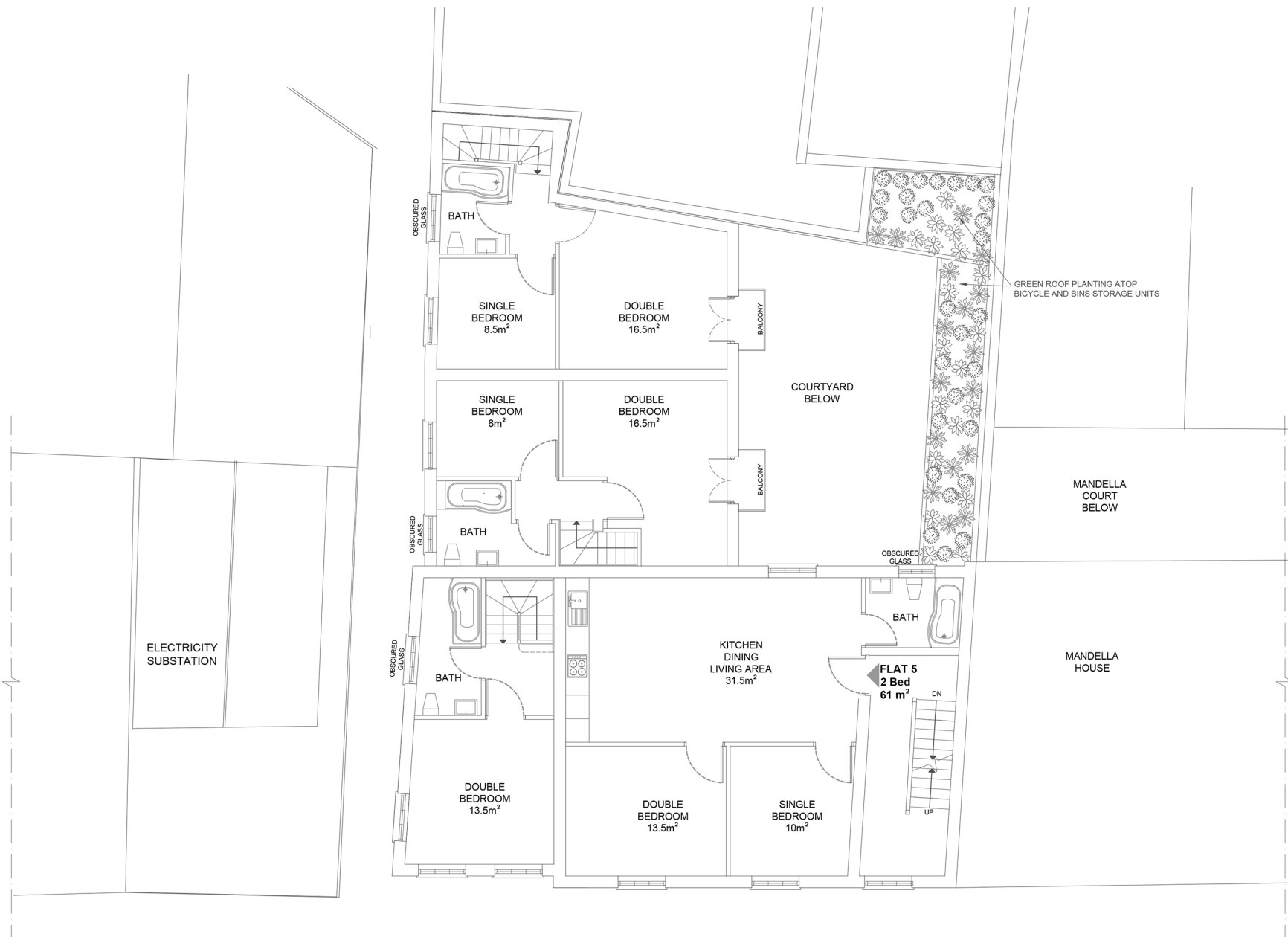
REV	DESCRIPTION	DATE

DRAWING TITLE:

PROPOSED
GROUND FLOOR
PLAN

JOB CODE 2015.OTH	DRAWING NUMBER: A.2
DATE 19/03/2018	
SCALE 1/100 (A3)	





SCHEMA
STUDIO

8-11 ST. JOHN'S LANE
LOWER GROUND FLOOR
LONDON EC1M 4BF

ALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS



PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>
APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
TENDER	<input type="checkbox"/>	*	<input type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

REV	DESCRIPTION	DATE

DRAWING TITLE:

PROPOSED
FIRST FLOOR
PLAN

JOB CODE
2015.OTH

DATE
19/03/2018

SCALE
1/100 (A3)

DRAWING NUMBER:

A.3

SCHEMA STUDIO

8-11 ST. JOHN'S LANE
LOWER GROUND FLOOR
LONDON EC1M 4BF

ALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS



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APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
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PLANNING	<input checked="" type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

REV	DESCRIPTION	DATE

DRAWING TITLE:

PROPOSED SECOND FLOOR PLAN

JOB CODE

2015.OTH

DRAWING NUMBER:

DATE

19/03/2018

SCALE

1/100 (A3)

A.4

COURTYARD
AT GROUND FLOOR

MANDELLA COURT
AT GROUND FLOOR

MANDELLA
HOUSE

OBSURED
GLASS

BATH

KITCHEN
DINING
LIVING AREA
31.5m²

FLAT 6
2 Bed
61 m²

FLAT 7
STUDY
43.5 m²

DOUBLE
BEDROOM
13.5m²

SINGLE
BEDROOM
10m²

0 1 2 3 4 5 m

ALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS



PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>
APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
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PLANNING	<input checked="" type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

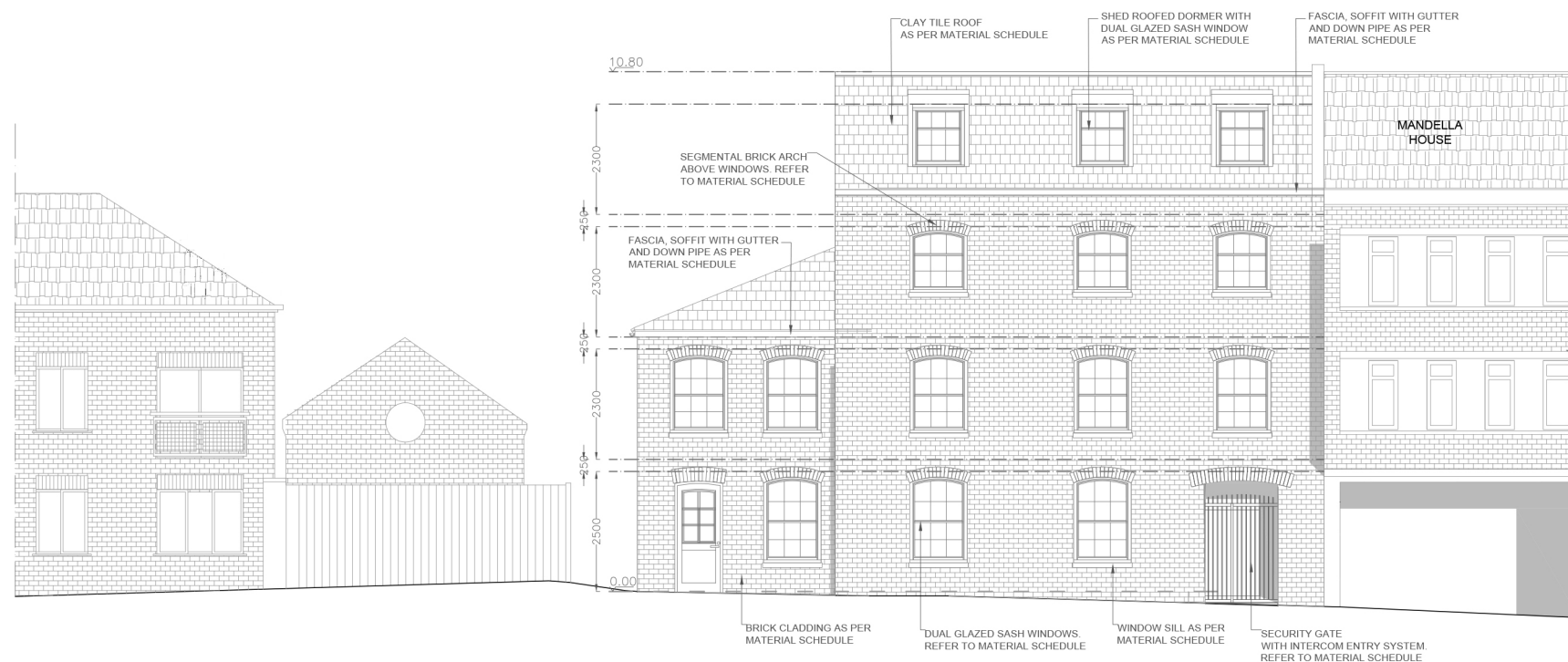
REV	DESCRIPTION	DATE

DRAWING TITLE:

PROPOSED LOFT
FLOOR PLAN

JOB CODE	DRAWING NUMBER:
2015.OTH	A.5
DATE	
19/03/2018	
SCALE	
1/100 (A3)	



SCHEMA
STUDIO8-11 ST. JOHN'S LANE
LOWER GROUND FLOOR
LONDON EC1M 4BFALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS

PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>
APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
TENDER	<input type="checkbox"/>	*	<input type="checkbox"/>
PLANNING	<input type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

REV	DESCRIPTION	DATE

DRAWING TITLE:

FRONT ELEVATION
WAGON & HORSES
LANE

JOB CODE

2015.OTH

DRAWING NUMBER:

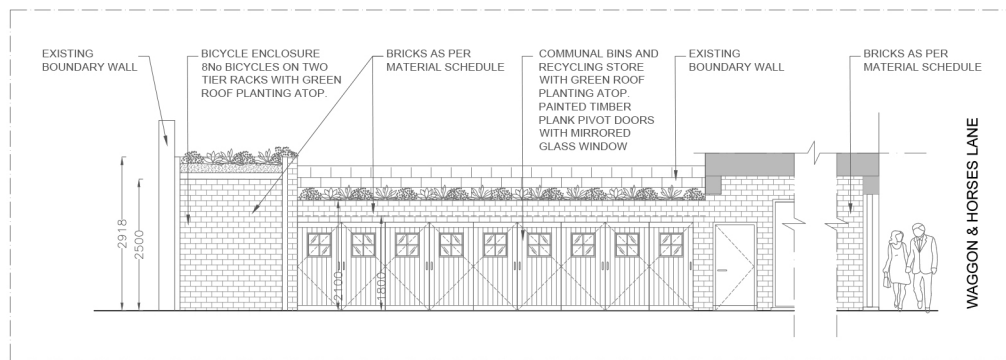
DATE

19/03/2018

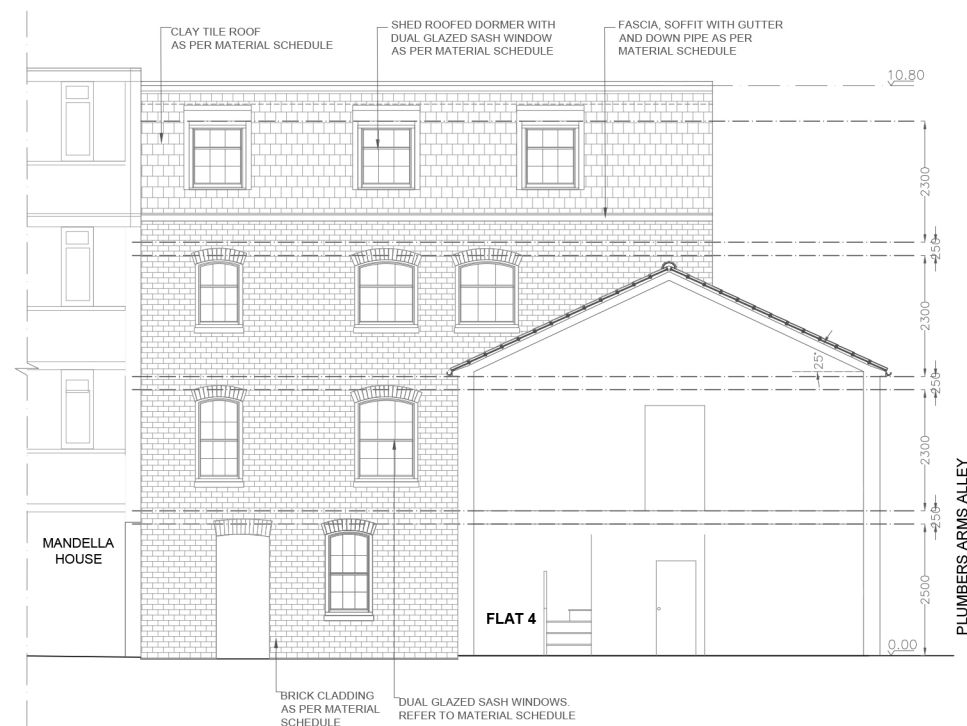
SCALE

1/100 (A3)

A.7



COURTYARD ELEVATION - BICYCLES AND RECYCLING ENCLOSURES



ALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS

PRELIMINARY ☐ INFORMATION ☐
APPROVAL ☐ CONSTRUCTION ☐
TENDER ☐ * ☐
PLANNING ☒ * ☐
RECORD ☐ * ☐

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

REV DESCRIPTION DATE

DRAWING TITLE:

BACK (SOUTH)
ELEVATION

JOB CODE

2015.OTH

DRAWING NUMBER:

DATE

19/03/2018

SCALE

1/100 (A3)

A.10

SCHEMA
STUDIO8-11 ST. JOHN'S LANE
LOWER GROUND FLOOR
LONDON EC1M 4BFALL DIMENSIONS TO BE CHECKED ON SITE
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS

PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>
APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
TENDER	<input type="checkbox"/>	*	<input type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

REV	DESCRIPTION	DATE

DRAWING TITLE:

SIDE (EAST)
ELEVATION

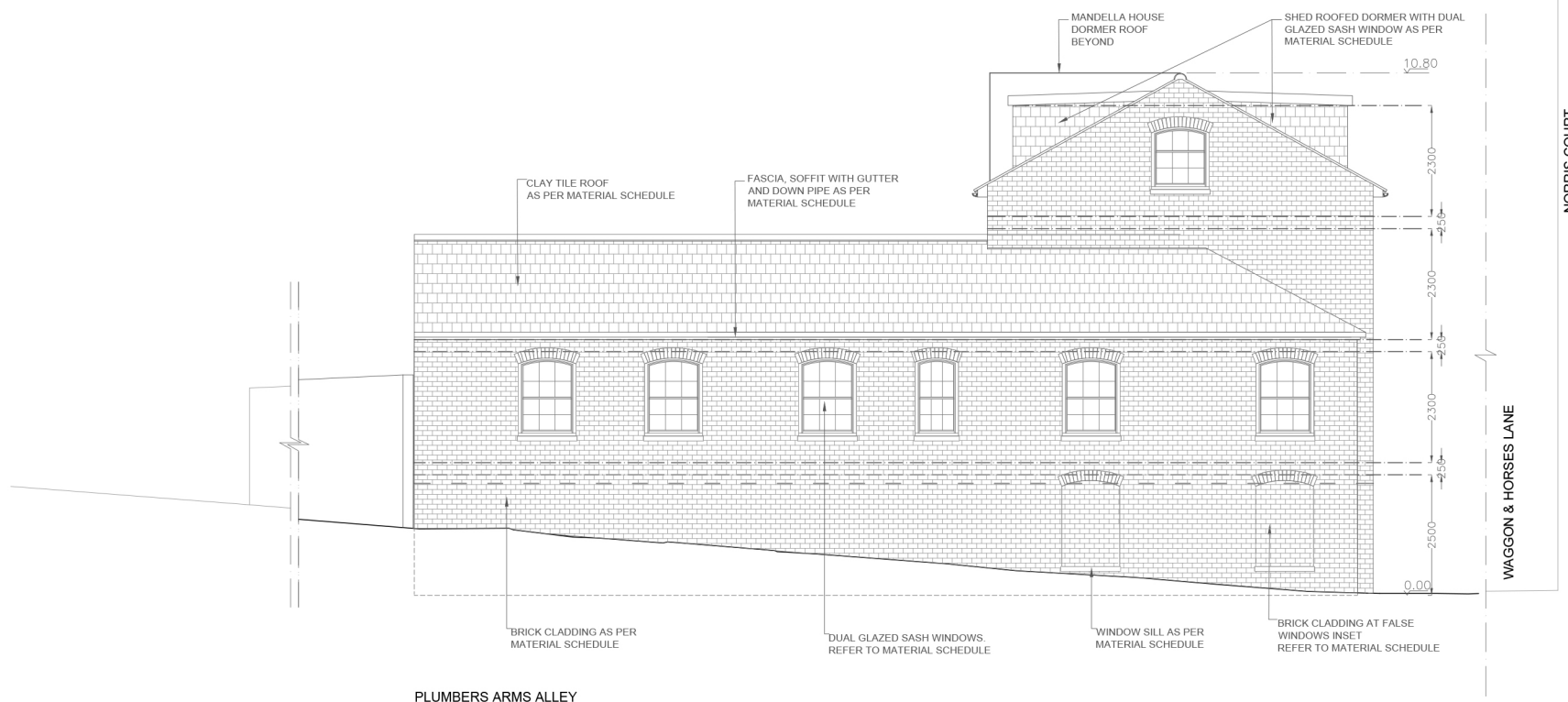
JOB CODE

2015.OTH

DRAWING NUMBER:

DATE
19/03/2018SCALE
1/100 (A3)

A.8



0 1 2 3 4 5 m

SCHEMA
STUDIO8-11 ST. JOHN'S LANE
LOWER GROUND FLOOR
LONDON EC1M 4BFALL DIMENSIONS TO BE CHECKED ON SITE.
DRAWING TO BE READ IN CONJUNCTION WITH
STRUCTURAL ENGINEERS DRAWINGS

PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>
APPROVAL	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>
TENDER	<input type="checkbox"/>	*	<input type="checkbox"/>
PLANNING	<input checked="" type="checkbox"/>	*	<input type="checkbox"/>
RECORD	<input type="checkbox"/>	*	<input type="checkbox"/>

CLIENT:

M. HUDSON Esq

PROJECT ADDRESS:

Residential Development at
"THE DEL BALLROOM"
Waggon & Horses Lane, Elm Hill,
Norwich,
Norfolk NR3 1JP

DRAWN:

BMAC

CHECKED:

MVH

REV	DESCRIPTION	DATE

DRAWING TITLE:

SECTION/SIDE
(WEST)
ELEVATION

JOB CODE

2015.OTH

DRAWING NUMBER:

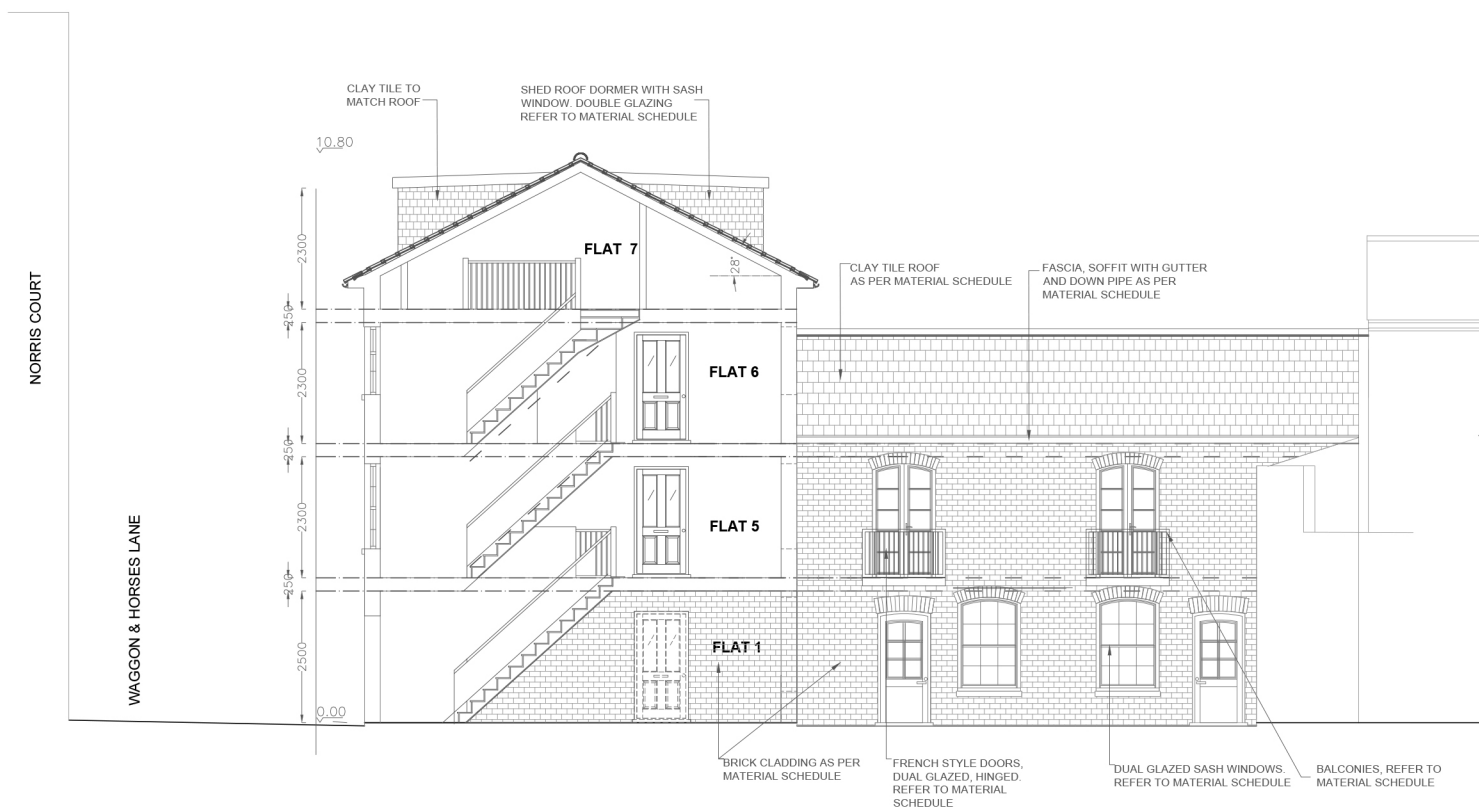
DATE

19/03/2018

SCALE

1/100 (A3)

A.9



0 1 2 3 4 5 m

Report to Planning Applications Committee
Report of 10 May 2018
Subject Head of planning services
 Application no 18/00325/F - Land adjacent to 25 - 27
 Quebec Road, Norwich
Reason for referral Objections

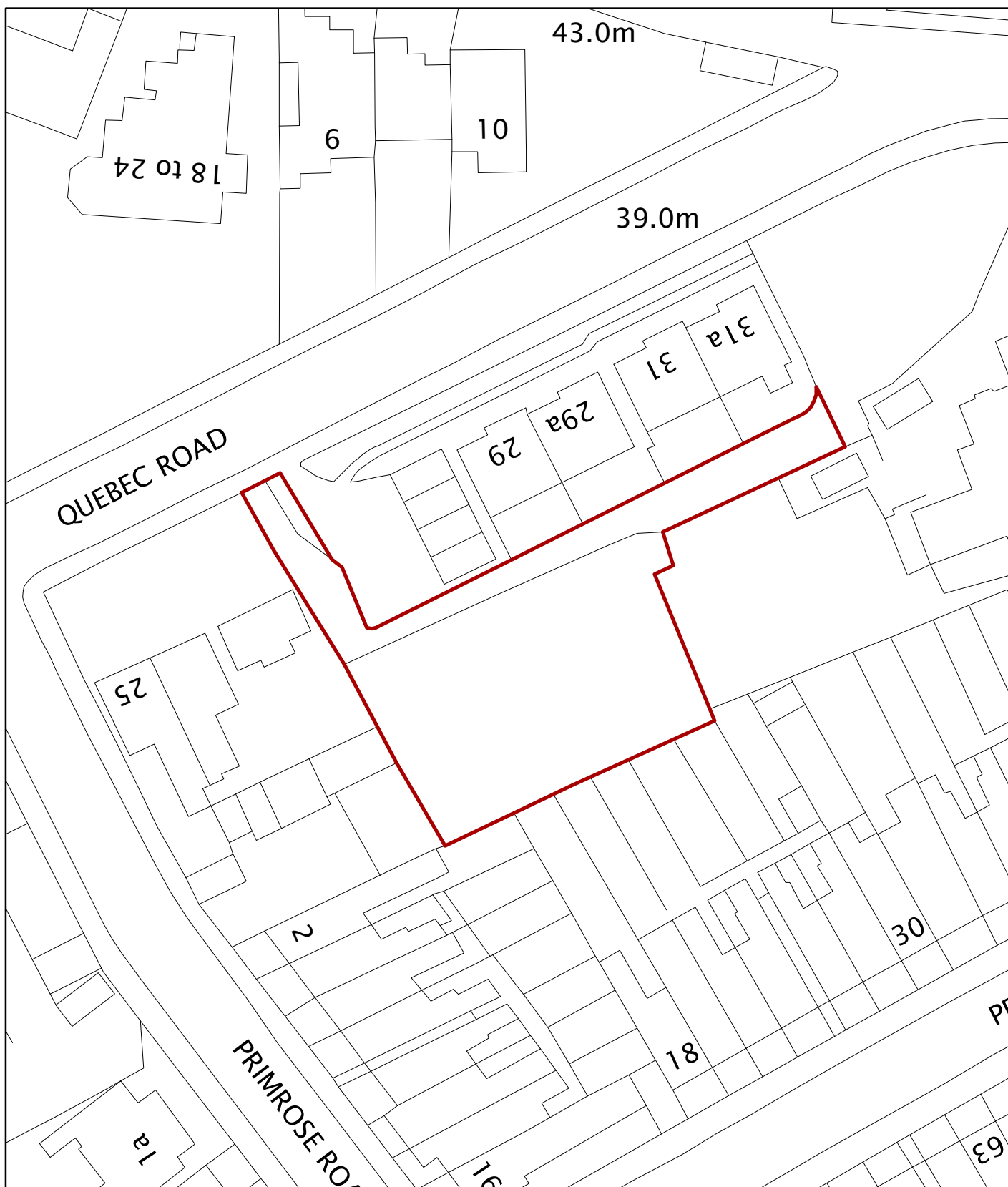
Item

4(f)

Ward	Thorpe Hamlet
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Construction of 2 No. semi-detached houses.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1. Principle of development	Use of land for residential development.
2. Design	Height, scale, mass, form, details, materials.
3. Amenity	Impact on neighbours, amenity of future occupants.
Expiry date	11 th May 2018
Recommendation	Approve



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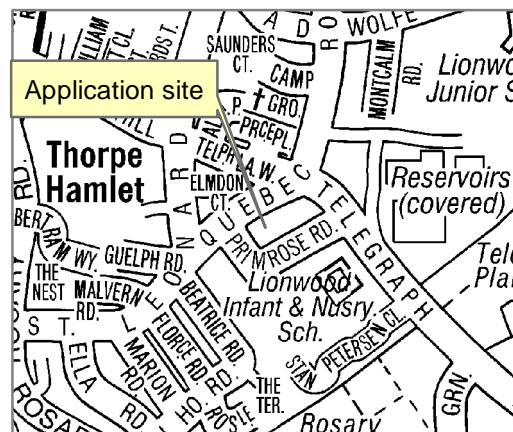
Planning Application No 18/00325/F
 Site Address Land adjacent to
 25-27 Quebec Road
 Scale 1:500



NORWICH
 City Council

PLANNING SERVICES

Page 106 of 182



The site, surroundings & constraints

1. The site is accessed via Quebec Road and located between the Thorpe Ridge and Thorpe Hamlet Conservation Areas. The site is surrounded by residential properties with the exception of the William IV Public House, which neighbours the site to the east.
2. OS maps dating from 1885 indicate that there were previously two buildings on the plot, which were likely to have been demolished around the latter half of the 20th century.
3. The level of the land drops steeply to the north and west of the site but the site has recently been cleared and levelled ready for redevelopment.
4. The site was previously a part of the pub site and so is covered by an area Tree Preservation Order (TPO) due to a tree at the northern end of the adjacent site. This tree is not affected by the proposed development.
5. The site benefits from extant planning permission for 2 dwellings under planning application reference 13/01964/F.

Relevant planning history

Ref	Proposal	Decision	Date
13/01964/F	Erection of 2 No. semi-detached three bedroom dwellings.	Refused (appeal allowed)	Refused 13/03/2014 (appeal allowed 12/01/2015)
15/00949/D	Part details of condition 4: landscaping details of permission 13/01964/F.	Approved	26/08/2015
16/00547/F	1 No. four bedroom house.	Withdrawn	16/06/2016
17/01758/D	Details of Condition 3(a): materials; Condition 3(b): external joinery; Condition 3(c): photovoltaic panels; Condition 4: landscaping; Condition 5: bicycle and bin storage; Condition 6: finished floor levels and Condition 7: carports of previous permission 13/01964/F.	Approved	07/12/2017

The proposal

6. The proposal is for 2 no. semi-detached dwellings on the site. The site already has planning permission for the construction of 2 semi-detached dwellings through application reference 13/01964/F, which was refused by Planning Committee but allowed at appeal. The current application proposes a number of changes to the approved plans:
 - The footprint of the development moved slightly to the south;
 - An extra bedroom with en-suite bathroom added in the roof space of each dwelling;

- Some changes to the internal layout including moving the stair core;
- Some changes to the location and sizes of windows due to the changes to the internal layout.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	2
No. of affordable dwellings	0
Total floorspace	265m²
No. of storeys	2½
Max. height	8.6m
Density	31 dwellings per hectare
Appearance	
Materials	Red multi brick, red pantiles, timber boarding painted grey and eggshell, grey aluminium windows and doors
Energy and resource efficiency measures	Solar photovoltaic panels on roof
Transport matters	
Vehicular access	From Quebec Road
No of car parking spaces	2 within garages
No of cycle parking spaces	2 per dwelling within garden sheds
Servicing arrangements	Refuse storage areas within rear gardens

Representations

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

Issues raised	Response
Construction works are already underway	The site benefits from planning permission under application reference 13/01964/F.
The development is too tall	The height of the development has not changed from the plans approved by extant permission 13/01964/F and so the height of the proposals cannot be reconsidered.
Noise from construction works	A considerate construction informative is recommended which would encourage the contractor to undertake construction works in such a way as to protect neighbours from noise, disturbance or inconvenience.
The building is out of scale with the rest of the area	The scale of the development has not changed from the plans approved by extant permission 13/01964/F and is no higher than the houses that could be built under this consent.

Issues raised	Response
The development could devalue surrounding houses	This is not a material planning consideration.
Concerns of noise and smells arising from refuse bins	No significant noise or smells are expected to arise from a small residential development.
Concerns about pollution from wood burning fires	This is not a matter which planning has direct control over. The development also includes some on-site renewable energy generation, although this is not a policy requirement for developments of this scale.

Consultation responses

8. 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.

Highways (local)

9. No objection.

Landscape

10. The landscape issues have already been addressed under application 17/01758/D.

Tree Officer

11. Works to take place in accordance with submitted Arboricultural Impact Assessment.

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
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS9 Strategy for growth in the Norwich policy area
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
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

14. National Planning Policy Framework March 2012 (NPPF)

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 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 council's 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 paragraphs 49 and 14.
17. The principle of this scale of residential development has already been established on the site under application reference 13/01964/F. A copy of the Inspector's decision is attached to this report.

Main issue 2: Design

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
19. The design of the properties has not changed significantly since the previous permission was granted under reference 13/01964/F, apart from the rearrangement of windows and doors leading to a better balanced and more attractive frontage.
20. The two properties have been stepped in order to break the overall mass of the development. The site is located between two conservation areas, but such is the surrounding built environment that the proposed dwellings will only be visible from glimpsed views in the surrounding area. The proposed dwellings are of a contemporary design, but the proposed materials are considered acceptable for the local area. Red brick and pantiles are the predominant materials in the vicinity. The timber boarding and glazed upper floor frontage will also help to break up the elevations of the buildings as well as providing visual interest to the

scheme. It is considered that the proposed development offers a sensitively designed development which will contribute positively to the appearance of the area.

Main issue 3: Amenity

21. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
22. The amenity impacts of the development have not changed significantly since the previous permission was granted under reference 13/01964/F, apart from the rearrangement of windows and doors and the slight shift in the building's location.
23. The appeal process involved an assessment of the amenity impacts of the previous scheme since the council's reason for refusal related to loss of light, outlook and privacy to neighbouring dwellings. The Inspector concluded, based on sunpath analysis and an assessment of the opportunities for overlooking, that the development would not cause any significant harm to the amenities of neighbours. There is no reason to consider this development any differently, given that the dwellings have remained the same height and opportunities for overlooking from side facing windows and balconies are comparable to the previous scheme. In levelling the site, the ground level has been lowered by approximately 1 metre and the building's location has shifted 0.86m away from properties on Quebec Road (which were the subject of the overshadowing concerns). As a result, the relationship between the development and the neighbouring properties on Quebec Road has improved slightly as a result of the amendments. In shifting 0.86m to the south, the development is slightly closer to the rear of terraced residential properties on Primrose Road. The total distance between the rear of these existing properties and the new development would now be 17m which is not abnormal in this urban location and is unlikely to create any issues with a feeling of overbearing, loss of outlook, or overshadowing.
24. The proposed dwellings are afforded with adequate internal floor space and external amenity space.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes, full details submitted
Car parking provision	DM31	Yes
Refuse Storage/servicing	DM31	Yes, full details submitted
Energy efficiency	JCS 1 & 3 DM3	Yes, PV panels on roof
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes

Equalities and diversity issues

26. There are no significant equality or diversity issues.

Local finance considerations

27. 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.

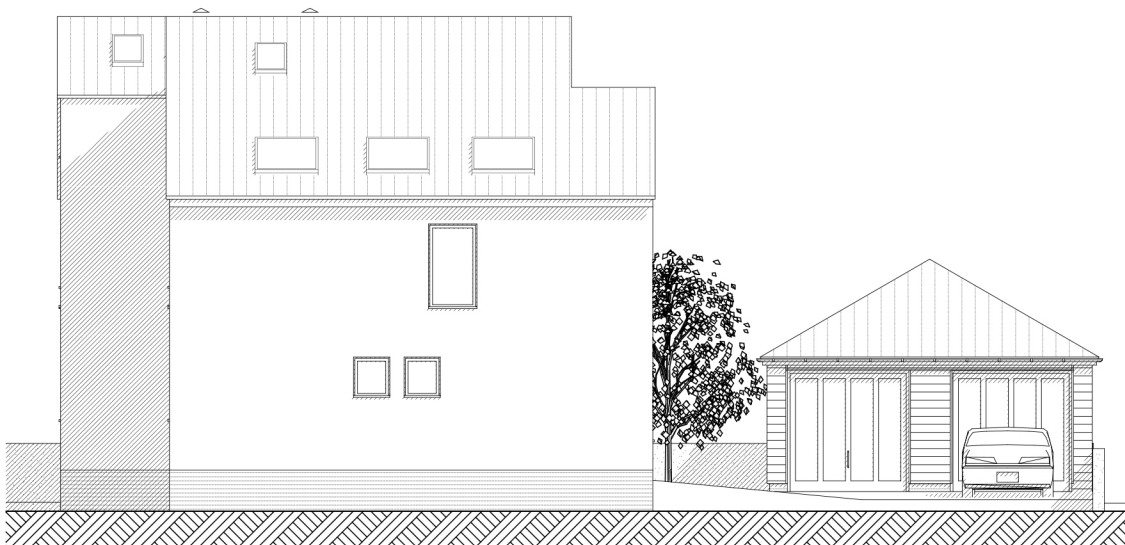
Conclusion

28. The proposed 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. 18/00325/F - Land adjacent to 25 - 27 Quebec Road, Norwich and grant planning permission subject to the following conditions:

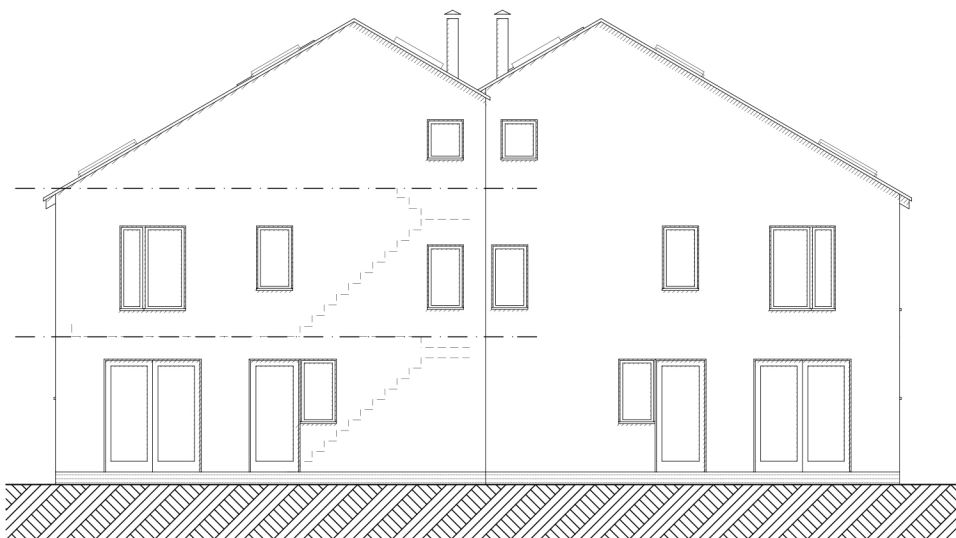
1. Standard time limit;
2. In accordance with plans;
3. In accordance with Arboricultural Impact Assessment;
4. In accordance with the recommendations contained within the Ecological Survey;
5. Development to achieve a water consumption rate of no more than 110l per person per day.



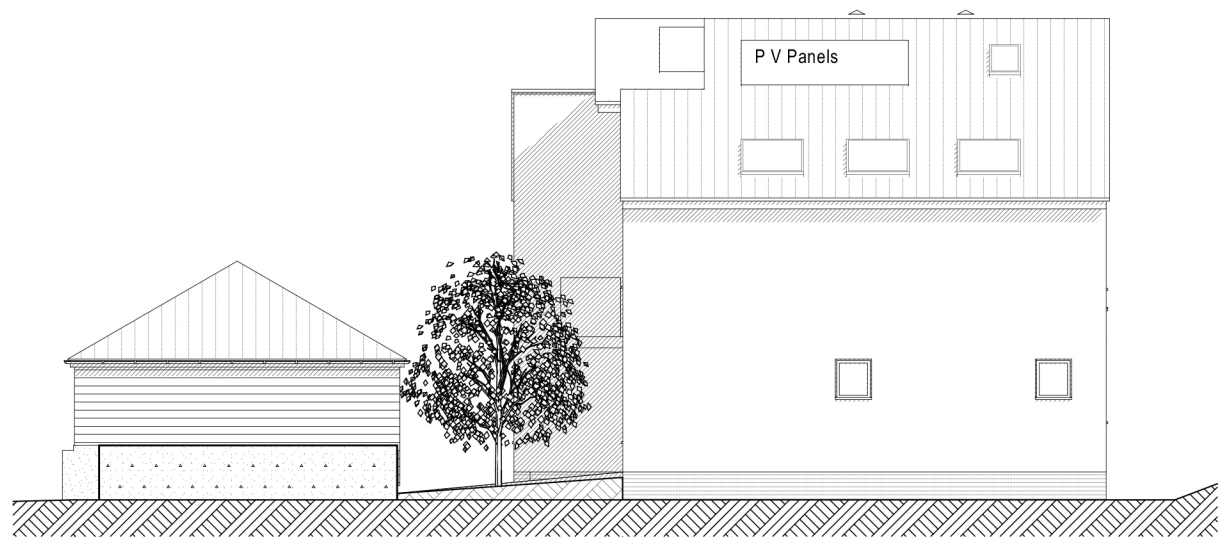
NORTH WEST ELEVATION



SOUTH WEST ELEVATION



NORTH EAST ELEVATION

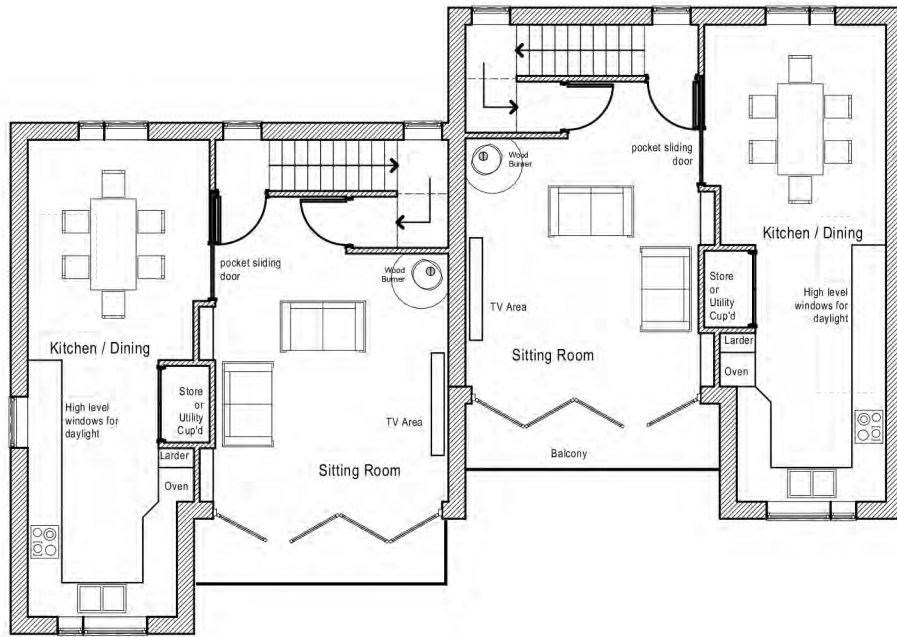


SOUTH EAST ELEVATION

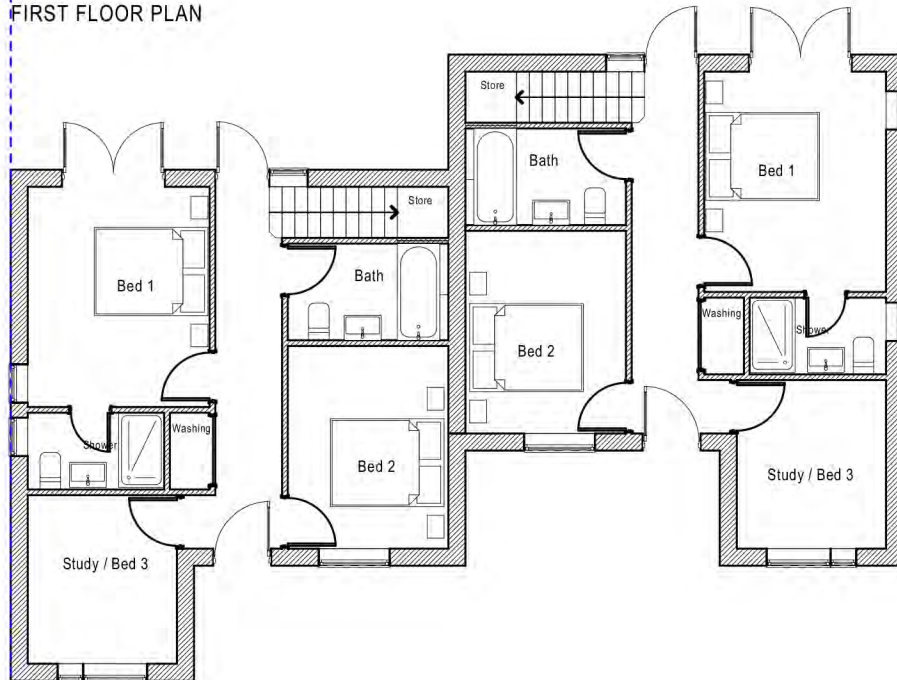
Revisions:

2 DWELLINGS, QUEBEC ROAD, NORWICH
PROPOSALS
ELEVATIONS

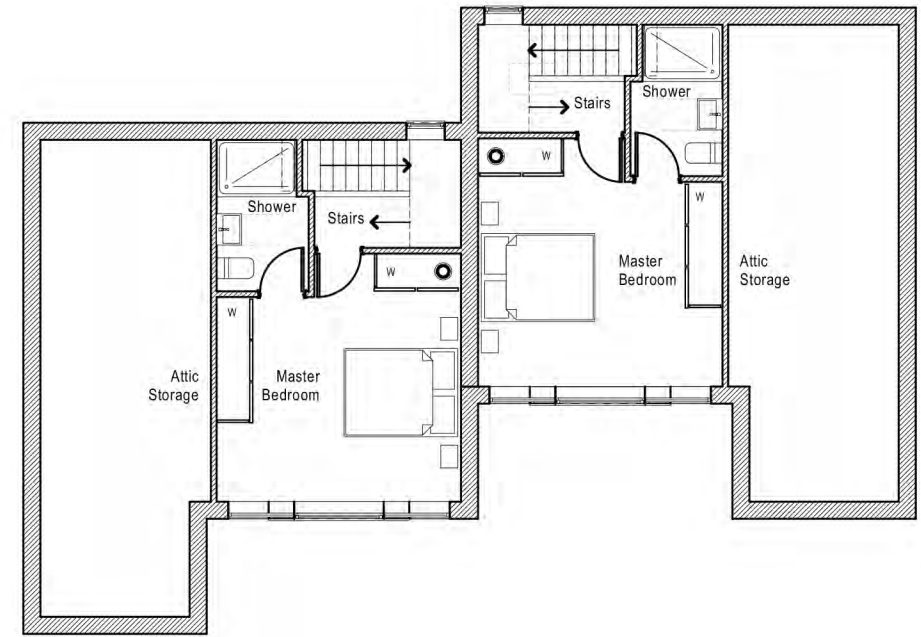
JULIAN HOOD MCIAT
CHARTERED
ARCHITECTURAL
TECHNOLOGIST



FIRST FLOOR PLAN



GROUND FLOOR PLAN



ATTIC FLOOR PLAN

Revisions:

2 DWELLINGS, QUEBEC ROAD, NORWICH
PROPOSALS
FLOOR PLANS

Scale: 1:100 @ A3

date: February 2018

Drawing: 210.04

JULIAN HOOD MCIAT
CHARTERED
ARCHITECTURAL
TECHNOLOGIST

e-mail: mail@julianhood.com

Tel: 01502 589206

Mob: 07970 060937



Appeal Decision

Site visit made on 7 October 2014

by S Stevens BSc (Hons) MSc DipTP DMS MCMi MRTPI

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

Decision date: 12 January 2015

Appeal Ref: APP/G2625/A/14/2223336

Land to the rear of 27- 29 Quebec Road, Norwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Anthony Hudson against the decision of Norwich City Council.
- The application Ref 13/01964/F, dated 29 November 2013, was refused by notice dated 13 March 2014.
- The development proposed is the erection of 2 semi-detached 3 bedroom dwellings.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 semi-detached 3 bedroom dwellings at land to the rear of 27- 29 Quebec Road, Norwich in accordance with the terms of the application, Ref 13/01964/F, dated 29 November 2013 subject to the conditions contained in the attached schedule.

Preliminary matter

2. The Council's decision notice referred to policies in the City of Norwich Replacement Local Plan (November 2004) (RPL). Prior to the determination of the appeal the Council adopted on 1 December 2014 the Norwich Local Plan - Site allocations and site specific policies (LP).
3. These documents now form part of the development plan and the RPL has been superseded. The appeal must be determined against the adopted development plan. The Council also provided an update on the Council's housing land supply. Both parties have been given the opportunity to comment following the adoption of the new plans prior to the determination of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of neighbouring properties.

Reasons

5. The appeal site is located to the rear of existing properties located on the southern side of Quebec Road. The appeal site is considerably higher than the level of the road and properties that front onto it. To the west and south of the site there are residential properties with those in Primrose Road set slightly below the level of the appeal site. To the east of the site is a public house. The site is unkempt and largely overgrown with vegetation and a few modest sized trees along the boundaries.

6. The Council can now demonstrate that there is over a five year land supply for the Greater Norwich Area with Norwich having a 5.68 years supply. It also accepts the site is in a sustainable location and that the principle of residential development on the site is acceptable and I see no reason to take a different view.
7. LP Policy DM2 seeks to ensure developments provide satisfactory living and working conditions for existing occupants of nearby properties and for the future occupants of the proposed development. It also requires the provision of external amenity space and the provision of bin and cycle storage which the evidence indicates would be met.
8. The proposed development would comprise a pair of two storey semi-detached dwellings with the northern dwelling set slightly further forward on the plot. The nearest point of the proposed building would be approximately 7 metres away from the nearest part of No 29 Quebec Road. The properties facing on to Quebec Road have modest rear gardens of about 4 metres in length which have a steep slope up to the boundary of the appeal site.
9. The appellant submitted a sun-path analysis which illustrates the extent to which the proposal would alter any overshadowing of adjoining properties. However, the findings of the sun-path analysis are disputed by some interested parties who say the development would cause loss of sunlight and daylight for a substantial part of the year. The submissions indicate the approach and times of the year included in the analysis were agreed by the Council and that the Council's own preliminary evaluation concluded that the proposal would not result in any significant increase in overshadowing of properties along Quebec Road. However the Council's opinion subsequently altered. I have noted the analysis does not include details for the whole year but I have taken this into account in my assessment of the proposal.
10. The proposed dwellings would be located approximately south of the garage /outbuilding that is sited to the western side of No 29 Quebec Road. The proposed development would be at a higher level than the properties on Quebec Road and at my site visit I noted that the poles marking the position of the proposed dwellings did not accurately reflect the height of the proposed development.
11. The rear of the properties in Quebec Road have kitchen and bedroom windows that would face towards the development. They also have small sitting out areas. Having had regard to the difference in land levels, the relative distance and positions of the existing and the proposed properties and any existing features that obstruct sunlight I acknowledge that there would be some loss of sunlight to the rear of properties in Quebec Road. This would be primarily during the middle of the day and this would be more noticeable in winter. However, for much of the day, due to the position and orientation of the existing and proposed properties the sunlight would not be obstructed by the development. Having considered carefully the characteristics of the site and that of the nearby properties I am of the opinion that the proposal would result in some loss of sunlight to nearby properties but I am not persuaded that this would result in an unacceptable loss of sunlight that would in itself justify dismissing the appeal.
12. The development has been designed so that most of the windows are either on the front or rear elevations and therefore do not face properties on Quebec Road or Primrose Road. The proposed balconies at first floor level are set behind the

foremost part of each dwelling and therefore any line of sight to nearby properties is obstructed or at a very oblique angle. Views from the other windows on the front and rear of the development would also be at oblique angles and partially obstructed by fencing and vegetation. There is also a dwelling to the west of the site but given the distance, relative land levels and existing vegetation any views from the proposed development towards this property would be very limited.

13. The only windows on the side elevations of the proposed development would be a secondary dining/kitchen window at ground floor level, bathroom windows and three roof lights set into the roof of each dwelling. The siting and nature of these openings would limit any overlooking. Due to the design of the proposal and the characteristics of the site and adjoining land I consider any overlooking would be minimal and not dissimilar to that often found in built up areas. I therefore conclude the proposal would not result in an unreasonable loss of privacy that would justify dismissing the appeal.
14. Interested parties have raised a number of other concerns regarding the effect of the development on the living conditions of nearby occupants. The relative position of the proposed development and existing properties is similar to that found in many suburban areas and any vehicles are likely to be travelling very slowly when moving within the site. The potential danger of cars failing to stop and overrunning into neighbouring properties is extremely unlikely and I do not consider the proposal would prejudice the safety of the occupants of nearby properties and the highway authority has also not objected to the proposal.
15. There is no evidence to show the occupants of the proposed dwellings would create a level of noise or light pollution that would be any greater than that normally expected from residential properties or emanating from the existing residential properties in the area.
16. Having weighed up all the evidence relating to the effect of the proposal on the living conditions of the occupants of neighbouring properties, including having regard to any cumulative effects I conclude the proposal would not result in an unreasonable effect on the living conditions of the occupants of nearby properties. The proposal would therefore comply with LP Policy DM2.

Other matters

17. A number of other issues have been raised by interested parties. The concerns regarding drainage issues, ground contamination and subsidence have not been supported by any substantive evidence. The effect of the proposal on land values is not a matter for this appeal.
18. An ecological survey submitted with the planning application concluded that there was a low likelihood of protected species, including great crested newts being present on the site. The findings have not been disputed by the Council and I propose to include a condition requiring the recommendations of the ecological survey and arboriculture report to be implemented.
19. From the submissions there also appears to be an unresolved land ownership dispute between the appellant and a nearby resident. The appellant does not have to own the site in order to seek planning permission, which if granted, would not overrule any ownership issues that would need to be resolved as a

civil matter. Concerns regarding how the Council dealt with the planning application are not a matter for the appeal.

20. I have carefully considered all these points raised but none alter my conclusions on the main issue.

Conditions

21. I have considered the conditions suggested by the Council and, where appropriate, amended them to ensure they comply with the advice in the Planning Practice Guidance. In addition to the standard time limit conditions requiring the development be carried out in accordance with the submitted plans and details and/or samples of all external materials, hard and soft landscaping, carports and finished floor levels to be submitted and approved are necessary to ensure the development provides a satisfactory appearance and to protect the amenity of adjoining properties.
22. To ensure the protection of existing trees and biodiversity conditions requiring the development to be carried in accordance with recommendations contained in the Arboricultural Impact Statement and associated Method Statement and the Ecological Survey are necessary. To ensure adequate onsite bicycle, waste and recycling storage is provided a condition requiring details to be submitted to and approved is required. To ensure the development addresses energy and water conservation a condition requiring the development to be constructed to satisfy the Code for Sustainable Homes criteria is required.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

Sarah Stevens

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: QUE P-01 P1; QUE P-02 P1; QUE P-03 P1; QUE P-04 P1; QUE P-05 P1; QUE EX-01 P!; and EX-02 P1.
- 3) No development shall take place until the following details have been submitted to and approved in writing by the Council as Local Planning Authority:
 - a) Details of all materials to be used in the construction of all external surfaces including walls and roof, to include a manufacturer's specification, product, colour finish and samples;
 - b) External joinery details to include all new windows and doors, to include section and elevation drawings to an appropriate scale and details of the materials, and proposed colour and finish; and
 - c) Details of the photovoltaic panels to include manufacturer's specification.

The development shall be carried out in accordance with the details as agreed and thereafter on completion retained as such in perpetuity.

- 4) No development shall take place until a detailed landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority. The landscaping scheme shall include the following information:

Hard landscape details:

- a) details of the materials for-hard-standing areas, including manufacturer, product type, lay pattern and colour;
- b) details of all new boundary treatments at the site, including the material and colour finish of any walls, fences or railings;
- c) details of any external lighting;

Soft landscape details:

- d) planting plans showing the location, species and numbers of proposed new trees, hedging, shrubs and other planting on the site;
- e) written specifications (including cultivation and other operations associated with plant and grass establishment);
- f) planting schedules, noting species, planting sizes (at time of planting) and proposed numbers/densities where appropriate; and
- g) an implementation programme clearly indicating a timescale for the completion of all landscaping works;

The development shall be carried out in full accordance with the agreed details and implementation programme and the landscaped areas of the site shall be made available for the enjoyment of residents prior to the first occupation of either of the dwellings hereby permitted.

If within a period of five years from the date of planting, any tree or plant or any tree or plant planted in replacement for it, is removed, uprooted or is destroyed or dies, [or becomes in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and

size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5) No development shall take place in pursuance of this permission until the following details have been submitted to and approved in writing by the Council as Local Planning Authority:

- a) secure and covered bicycle storage;
- b) waste and recycling bin storage.

The development shall be carried out in accordance with the details as agreed and thereafter on completion retained as such in perpetuity.

- 6) No development shall take place in pursuance of this permission until sectional drawings illustrating finished floor levels of the proposed dwellings in the context of the surrounding natural and built environment have been submitted to and agreed in writing by the local planning authority. The development shall then be carried out in accordance with the details as approved.
- 7) No development shall take place until details of the carports have been submitted to and agreed in writing by the local planning authority. The carports shall thereafter be constructed in accordance with the agreed details.
- 8) Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment [received 02 December 2013] and associated Arboricultural Method Statement and Tree Protection Plan (TPP).
- 9) Operations on site shall take place in complete accordance with the summary recommendations set out in section 6 of the Ecological Survey [ref.2012/245].
- 10) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres per person per day, equivalent to Level 4 of the Code for Sustainable Homes for water usage. No occupation of the dwellings shall take place until confirmation from a code assessor that the development has been designed to meet levels 3/4 of the Code for Sustainable Homes (or an equivalent level which may replace that Code) and which confirms that the development has been constructed in accordance with Level 4 (or equivalent) for water usage has been submitted to and agreed in writing by the Local Planning Authority. All completed water conservation measures identified shall be available for use prior to first occupation, and shall thereafter be permanently retained.

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Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Application no 12/01598/VC - Civil Service Sports
Ground, Wentworth Green, Norwich

**Reason
for referral** To gain clarity on former committee resolutions

4(g)

Ward:	Eaton
Case officer	Mark Brown - markbrown@norwich.gov.uk

Development proposal
Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'.
Variations concern tree felling strategy, tree works and landscaping and maintenance thereof, and drainage systems construction and ongoing management thereof.
Representations
Please refer to appended committee reports of Feb 2013 and Feb 2014 for details of representations.

Main issues	Key considerations
1 – Tree works and associated planning obligations	The tree replacement programme and planning obligations for payment/expenditure of maintenance sums.
2 – Drainage strategy and associated planning obligations	The drainage strategy on site and planning obligations for the payment/expenditure of drainage maintenance sums.
3 – Other Planning Obligations	Variations to other obligations including affordable housing and highways works to reflect the actual situation on site.
4 – Enforcement Action	The expediency of taking enforcement action against a fence at the corner of Turnberry and Wentworth Green
Expiry date	3 November 2012
Recommendation	Approve subject to conditions and a satisfactory deed of variation to S106 agreement.



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Planning Application No 12/01598/VC
 Site Address Civil Service Sports Ground
 Wentworth Green
 Scale 1:2,000

Application site

Introduction

1. This report follows the consideration of the application at Planning Applications Committee on 14 February 2013, 06 February 2014 and 04 December 2014. The application remains un-determined partly due to the complex history of the case, due to lack of clarity over former committee resolutions and also due to significant turnover of former staff dealing with the case.
2. The former committee report and minutes are appended to this report and provide further context to the case and also summarise former representations and consultation responses.
3. The sections below provide a summary of the site, the proposals and the case history.

The site and surroundings

4. The former Civil Service Sports Ground has been developed for 78 houses and flats. The dwellings on the site have now been complete and occupied for a number of years.
5. The site includes a large open space to the northeast of the development which includes a childrens play area at its centre. The site perimeter is characterised by tree belts, and in particular has two significant mature and established Tree Protection Order (TPO) protected lengths of beech trees, forming woodland belts along the length of the perimeter along Donkey Lane (northwest boundary), and the former access drive connecting Wentworth Green and Greenways now called Haworth Way (northeast boundary). There are also lines of TPO Scots Pines and other species behind properties along Greenways in the southern corner of the site, and groups of non-TPO / 'unprotected' groups of poplar trees along the southeast boundary and a group of Oaks and hedging along the Haworth Way path in the eastern corner near Greenways. Most trees on site are protected by Tree Preservation Orders.

The proposal

6. The application seeks to vary conditions on the original planning consent (07/01018/F) in order to:
 - a) Revise the surface water solution for the site so that all drainage would now run into a new communal surface water drainage chamber in the open space (rather than individual properties having their own soakaways).
 - b) Change the process of tree removal and replacement along the northeast boundary (Haworth Way) and northwest boundary (Donkey Lane) of the site from a five year removal and replacement programme to a 16 year removal and replacement plan, along with some changes to trees to be retained along the southern boundaries.
7. In addition to the above there are changes now proposed to planning obligations relating to highways works, affordable housing and public open space. Further detail

on the original consent and the changes are summarised in the planning/case history below.

Relevant planning, case and site history

Original consent Ref. 07/01018/F – Decision issued 11 Nov 2009

8. Permission 07/01018/F granted consent for the “*Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space.*” The original application was taken through committee in August 2008, S106 negotiations were prolonged and the consent eventually issued in Nov 2009. The scheme was drawn up on the assumption that areas of open space (including the tree belt, play space and open space) would be adopted and highways drainage would be adopted.
9. The original consent granted various works to trees on the site as summarised at paragraph 16 of the appended 2013 committee report. Specifically and in relation to the two groups of beech woodland belts along Haworth Way (northeast boundary) and Donkey Lane (northwest boundary) it provided for the gradual removal and replacement of the woodland over a five year period.
10. Drainage from individual properties on site was proposed to go to individual soakaways in each properties curtilage with the exception of plots 22-34 which had communal drainage. Anglia Water was to adopt the communal drainage for plots 22-34. Maintenance of soakaways would fall to each individual owner of for the other 65 properties on site. Highway drainage was to be directed to a drainage chamber under the open space with a view to it being adopted as part of the highway.
11. The original S106 agreement secured:
 - a) Affordable housing – 23 dwellings (29%) with 75:25 social rent:shared ownership tenure mix;
 - b) On site children’s play space;
 - c) Children’s play space maintenance contribution £90,968;
 - d) Drain contribution £5,000 for 15 years maintenance of an “underground highways drainage cell facility”;
 - e) Library contribution £4,680;
 - f) Public open space provision;
 - g) Public open space maintenance contribution £27,612;
 - h) TRO administration charge £1,495;
 - i) Transport contribution £22,007.70;
 - j) Tree belt maintenance contribution £87,187.86 for 15 years maintenance costs of trees on the property.
12. In November 2010 planning committee agreed to vary the S106 agreement to allow the 25% shared ownership to be any form of intermediate tenure (at that time to include affordable rent). No deed of variation to the S106 agreement was progressed in practice.

13. In August 2012 planning committee agreed for the 25% intermediate tenure to be shared equity. No deed of variation to the S106 agreement was progressed in practice.

Variation application Ref. 12/01598/VC – Still Pending and the subject of this report

14. As outlined at paragraph 6 above the application seeks to vary the approach to tree work replacement and provision of surface water drainage on site.
15. A detailed outline of the changes to tree works on site is outlined at paragraphs 17-19 of the 2013 committee report. In summary the main change is to revise the approach relating to the replacement and replanting of the woodlands along Haworth Way (northeast boundary) and Donkey Lane (northwest boundary). This revises the tree felling and replacement programme from a 5 year programme to a four phase programme of tree felling and replacement taking place over years 1-16 and ongoing management continuing until year 25. There are also some other changes to proposals for trees along the southern boundaries of the site with a number of trees previously identified for removal under the original approval now to be retained.
16. The drainage strategy is revised so that all drainage from the site runs to four drainage chambers under the public open space within the site.

February 2013 Committee

17. The variation application was first reported to planning applications committee in February 2013. The resolution was to approve the application in line with the officer recommendation and subject to conditions and a deed of variation to the section 106 agreement to implement the following changes:
 - a) Implement the changes to affordable housing clauses as per former resolutions (see paragraphs 12 and 13 above);
 - b) Revisions to public open space obligations to remove reference to public adoption but to confirm timings of provision, completion and ongoing maintenance;
 - c) Removal of the tree belt maintenance contribution and reference to public adoption;
 - d) Increase in drainage contribution from £5,000 to £20,000 in case of possible future adoption;
 - e) Other obligations to be carried forward as necessary.
18. Other key points from the committee report are summarised below:

Drainage

- a) The committee report acknowledged problems with adoption if the highways and roof drainage went to the same system. It also acknowledged that scope for a public body to adopt the system was unclear (this was around the time that central government was promoting a proposal for Lead Local Flood Authorities to adopt all SUDS systems). The report however went on to say that

the residents management group had submitted proposals to manage the facility using monthly subscriptions from residents.

- b) The report noted that a £5,000 maintenance contribution for highway drainage was secured under the original consent but that this would need to be increased to £20,000 as the cells were now four times the size and taking drainage from the whole development (as such maintenance liability was argued to be higher compared to the former arrangement with individual soakaways in each rear garden).

Trees & Landscaping

- c) The report outlines the extensive tree replacement works and advises that the trees will be managed by the residents management company and will be maintained and managed in accordance with the phased tree management plan document. This involved phased implementation starting in 2013.
- d) The report noted changes to landscaping on the site and amalgamation of two play areas into one.

Public Open Space and Play Space

- e) The report acknowledges that the open space will now not be adopted but will be taken on by the management company.

February 2014 Committee

- 19. The variation application was reported back to planning committee in February 2014. The decision of the committee in February 2013 was still outstanding due to the S106 agreement not being concluded. The report proposed the following changes to the Feb 2014 resolution:
 - a) Removal of the drainage maintenance sum;
 - b) Removal of obligations on the developer to provide a range of highway works within Wentworth Green and Newmarket Road.Some highway works and commuted sums have been completed/paid. However other highway works originally envisaged are now not required or would now be undesirable to complete.
- 20. The report considered that as the drainage was not to be adopted by the Council the maintenance sum was not required/necessary and highways considered the highway works which had not carried out were also unnecessary.
- 21. The committee resolved to approve the application subject to the conditions outlined in the report of Feb 2013 and an additional condition dealing with pedestrian and cycle signage. A further report was requested on the impact on removing the drainage maintenance sum from the S106 agreement and the highways works amendments. The committee also authorised enforcement action against a fence at the entrance to the site. The full resolution is copied below:

RESOLVED, unanimously, to approve application no 12/01598/VC:
Wentworth Gardens, site of former Civil Service Sports Ground, Wentworth

Green, Norwich, and its subsequent changes to the anticipated Section 106 Agreement, and grant planning permission, subject to:

- (1) the conditions outlined in the committee approval of 14 February 2013 and an additional condition as follows:

“There shall be no occupation of the final dwelling to be occupied within the development until appropriate signage has been installed to the cross-site pedestrian and cycle route in accordance with details of signage location and design, to be first submitted to and agreed in writing by the Local Planning Authority, and shall be retained as such thereafter.”

- (2) request the head of planning services to report on the impact of the completion of a satisfactory S106 agreement to vary the terms of the original planning permission 07/01018/F as required for variation of conditions application 12/01598/VC including the obligations set out in the committee approval of 14 February 2013, with amendments to highways works and drainage maintenance sums as set out in the report of 6 February 2014, for the reasons given in the planning applications committee approval of 14 February 2013, and subject to further consideration at a future committee meeting;
- (3) authorise officers to proceed with issuing a planning enforcement notice if (a) alterations are not made to bring the fences erected to the west and east of the Turnberry Junction into permitted development, or (b) planning permission is refused if an application(s) is made for the fences to be retained in its existing position and form.

December 2014 Committee Report

22. The case was reported back to committee in December 2014. The report considered a request from the developer to change the last 2 affordable units to market dwellings and pay a commuted sum in lieu.
23. All 17 social rented and 4 of the 6 intermediate tenure dwellings had been transferred to a Registered Provider (RP). The two remaining intermediate tenure dwellings were 2x2 bed bungalows which had been marketed to RP's as shared ownership for 18 months and the report recommended a £132,198.04 commuted sum if the units continue to not be taken up by an RP.
24. The report also provided updates on trees, drainage, landscaping and highways matters although the resolution is unclear if this is the update sought via the February 2014 resolution and if the removal of the drainage commuted sum is approved.
25. Committee resolved to approve in line with the officer recommendation to agree the changes to the affordable housing obligations.

The current situation

26. Subsequent S106 drafts and discussions have been ongoing for a significant length of time between the council and the applicant and the decision remains outstanding.
27. On site the development has now been completed for over 3 years. Drainage has been implemented in accordance with the details provided within this application (i.e. four drainage chambers under the open space). The first phase of the tree replacement works to the trees along Donkey Lane and Haworth Way have been complete and the next phase of removal and replacement works is due in 2019 under the current arrangements submitted as part of this application.
28. Responsibility for the maintenance of the 'public' elements of the site lies with the Wentworth Gardens Management Company Limited (WGMC) together with the Management Agents RMG, its current directors being four of Persimmons Management Team.
29. There are currently no local residents on the WGMC Board but all residents contribute via the Management Company to the upkeep of the area. The ownership of the open space lies with Beazer Homes a subsidiary of Persimmon. It is understood from Persimmon that this is likely to remain the case with the Management Company being transferred to residents with the appointment of new directors, replacing the Persimmon Directors.
30. An affordable housing commuted sum has been paid in line with the December 2014 resolution and the two units in question originally identified as intermediate tenure dwellings have been sold privately.

Assessment of planning considerations

Relevant development plan policies

31. **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
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS20 Implementation
32. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM8 Planning effectively for open space and recreation
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM33 Planning obligations and development viability

Other material considerations

33. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

34. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted March 2015
- Landscape and Trees SPD adopted June 2016
- Open space & play space SPD adopted October 2015

Case Assessment

35. The February 2014 committee report recommended removal of all commuted sums relating to drainage, open space/play space and trees as well as alterations to the highway work requirements. The committee resolution was to receive a further report on the impact of varying the obligations set out in the report (see paragraph 21). It is not clear if the December 2014 report was intended to serve this purpose and the drafting of the deed which followed did not reflect the recommendations in the February 2014 report. This report therefore seeks to gain clarity on the resolution and the obligations which are to be amended in the S106 agreement.
36. The original S106 agreement was drafted with the expectation that the open spaces would be adopted on site and that the highway drainage chambers would be adopted as part of the highway. As is the case now with most new developments this transpired to not be the case and instead, the open spaces on site are to be maintained by a resident's management company. Typically where this is the case commuted sums for maintenance of open space and un-adopted drainage would not be required and instead conditions would be imposed requiring maintenance in accordance with an agreed maintenance and management programme.
37. Residents of the new development have previously raised concern that removal of the commuted sums altogether would have the effect of increasing their liability for management of the site. It is understood that all plot transfers included details of the managed areas on the site which would be funded and maintained by the management company. The operation of the management company and the costs of service charges are outside of the council's control and any increase in costs is a matter between the management company and residents.

Main issue 1: Tree Maintenance

38. Key policies and NPPF paragraphs – DM7, DM8, NPPF paragraphs 109 and 118.
39. No changes are proposed to the tree maintenance proposals on site, the 16 year felling programme is still considered to be fit for purposes and given that (despite this consent not being issued) the phase 1 works have been completed it is still on track as per the proposals agreed in 2012/2013. It is important that the consent is now issued to avoid any delay in the phase 2 works scheduled for 2019.

40. The reason for the need to fell and replant the two woodlands is explained at paragraphs 37 and 38 of the February 2013 committee report.
41. The original S106 agreement included a tree belt maintenance contribution of £87,187.86 for 15 years maintenance costs of trees on the property. As the tree belts would no longer be adopted, the February 2014 report recommended removal of the contribution. However it is understood that given concerns of residents outlined at paragraph 37 above this was revised to require the owner to expend this amount on the maintenance of the tree belts (rather than provide the sum to the Council). This was explained in the December 2014 report. Whilst such a solution is not considered to be water tight in terms of ensuring costs are not transferred to new residents of the development, it should provide a basis for residents of the development to hold the management company responsible in terms of any sums paid by residents.

Main issue 2: Drainage

42. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraph 103.
43. Surface water drainage has been implemented on site in line with the proposals in this application to provide four drainage chambers beneath the open space. The original S106 agreement included a £5,000 drainage contribution for maintenance of the highways drainage system. However, the site now has a combined surface water drainage system for highways and residential drainage and as such cannot be adopted by the highways authority.
44. The February 2013 report recommended increasing the sum from £5,000 to £20,000. The February 2014 report revised this to recommended removal of the sum altogether and the December 2014 report referred to the drainage being maintained by the management company using a budget specified in the S106 agreement. As the surface water drainage system is not being adopted it would not be appropriate for a commuted sum to be made to the Council. The current drafting of the deed of variation suggest a sum is expended by the owner on drainage maintenance. As per the tree maintenance sum this could assist in avoiding increases in service charges on the development. It is recommended that this sum is £5,000 which is the level of contribution which residents may have expected to have been available when acquiring a property on the development. It is not considered that an increase to £20,000 is justified as, whilst the drainage solution has changed on site, residents would previously had a maintenance liability in maintaining private soakaways on site.

Main issue 3: Other obligations

45. The former committee reports consider changes to a number of other obligations. A summary of the main changes is outlined below:

Affordable housing

46. The original S106 agreement required 23 affordable houses on site. 17 Social rented units have been transferred to Saffron Housing Trust and 4 shared equity units have been transferred to Norwich City Council. In relation to the two which have not been transferred, a commuted sum has been paid of £132,916.79 and they have subsequently been sold privately. This is in line with the resolution of the

December 2014 committee report. It is recommended that revisions to the S106 agreement are made to reflect the current situation on site.

Highways works

47. Paragraph 8 of the February 2014 committee report outlines a number of changes to the highway works arrangements on the site as well as off-site works which were no longer considered necessary. The committee at the time agreed to the changes with the exception of the need for signage to the cycle routes. It is recommended that these changes be implemented within the revised S106 agreement with the exception that obligations for signage to the east-west cycle route will remain.
48. The roads on the site are expected to be adopted by the Highways Authority within the next month, whilst normally the highways would not be adopted without standalone drainage, an exception is being made in this case.

Children's Playspace and Open Space

49. Obligations for childrens playspace and open space commuted sums were only to be payable if they were to be adopted by the Council. As they are not being adopted the references to the obligations can be removed from the agreements.

Library Contribution

50. A Library contribution has been paid and the deed of variation can confirm that this is the case.

Main issue 4: Enforcement action

51. The February 2014 committee resolution also authorised enforcement action against a fence which had been erected at the entrance to the site. No formal enforcement action has been taken. In reviewing the case history and preparing this report, officers have reconsidered the expediency of taking action against the fence in question. The principal reason for taking action was due to concerns over highway safety, however having reviewed the location of the fence in relation to visibility at the access to the development it does not hinder visibility. Required visibility is 2.4m x 70m and actual visibility to the west is approximately 2.4m x 88m, the limiting factor is not the fence but the curve of Wentworth Green itself. As such removal of the fence is not considered to be expedient.

Equality and diversity issues

52. There are no significant equality or diversity issues.

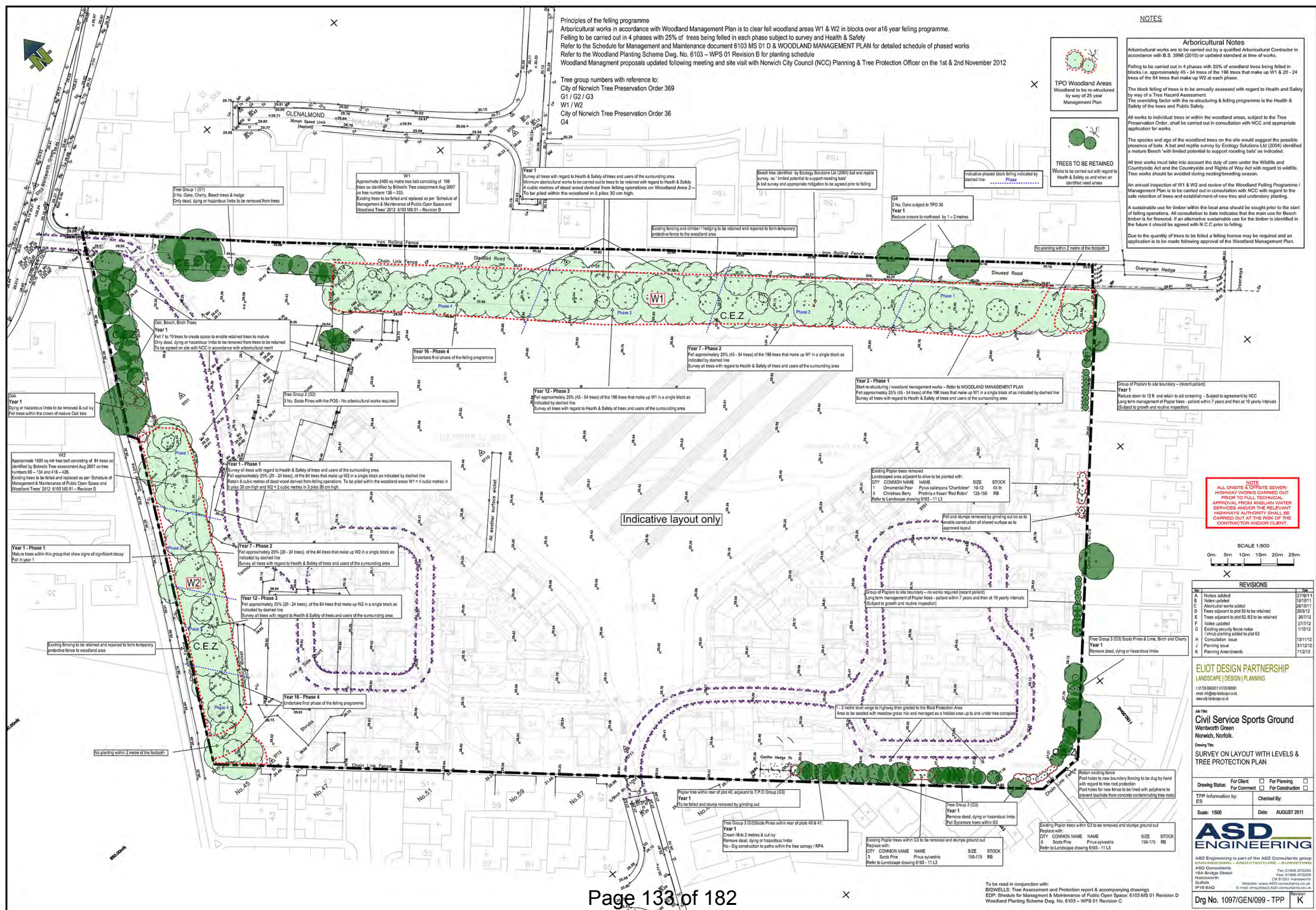
Conclusion

53. For the reasons outlined above it is recommended to approve the application subject to the conditions outlined in the recommendation below and variations to the S106 agreement as outlined in detail in the above report. It is recommended that no enforcement action is progressed in relation to the unauthorised fence at the corner of Turnberry and Wentworth Green.

Recommendation

To:

- (1) approve application no. 12/01598/VC - Civil Service Sports Ground Wentworth Green Norwich and grant planning permission, subject to the completion of a deed of variation to the original S106 agreement to make changes to planning obligations as described in this report and relating to affordable housing, management of protected trees, provision and management of public open space and children's play facilities, drainage management, transport contributions, highways works and library contributions, and subject to the following conditions:
 - (1) development in accordance with approved plans and materials in accordance with 11/01619/D;
 - (2) landscaping in full accordance with details approved by application 12/01034/D;
 - (3) implementation of the tree felling, replacement and maintenance programme;
 - (4) development shall be constructed maintained in accordance with the approved drainage strategy;
 - (5) garages to be used only for parking of domestic vehicles and not to be converted to provide further living accommodation;
 - (6) the areas of open space on the site shall remain as open space only, accessible to the public for unhindered access and use, in perpetuity;
 - (7) there shall be no works to trees on site, other than those contained in the approved documents and Tree Protection Plan within this permission;
 - (8) glazing to the first floor bathroom at dwelling no.65 shall be only obscure glazed;
 - (9) retention of car parking shelters, refuse stores and bike stores;
 - (10) ongoing landscaping maintenance requirements for 5 years.
- (b) Not to take enforcement action against the fence located at the junction of Wentworth Green and Turnberry.



Report for Resolution

Report to Planning Applications Committee
Date 14 February 2013

Report of Head of Planning Services
Subject 12/01598/VC site known as Wentworth Gardens; site of former Civil Service Sports Ground, Wentworth Green, Norwich

Item

5(1)

SUMMARY

Description:	Variation of conditions 2 and 7 - changes to approved plans and details and schedule of trees to be retained; and condition 8 - changes to required drainage system designs, of planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'.	
Reason for consideration at Committee:	Objections	
Recommendation:	Approve	
Ward:	Eaton	
Contact Officer:	Rob Parkinson	Senior Planning Officer 01603 212765
Valid Date:	4th August 2012	
Applicant:	Persimmon Homes Ltd	
Agent:	Persimmon Homes Ltd	

INTRODUCTION

The Site

Location and Context

1. The former Civil Service Sports Ground is being developed for 78 houses and flats, with half the total accessed from Wentworth Green and half from Brentwood, both orientated around a triangular public open space containing drainage, play equipment and mini sports-pitches, and cross-site access paths and cycle routes. The site perimeter is characterised by tree belts, and in particular has two significant mature and established Tree Protection Order (TPO) protected lengths of beech trees, forming woodland belts along the length of the perimeter along Donkey Lane (north-west boundary), and the former access drive connecting Wentworth Green and Greenways now called Haworth Way (north-east boundary). There are also lines of TPO Scots Pines and other species behind properties along Greenways in the southern corner of the site, and three smaller non-TPO / 'unprotected' groups of poplar trees along the south east boundary and a group of Oaks and hedging along the Haworth Way path in the eastern corner near Greenways.
2. The site has a gentle west-east slope and at the southern-most corner of the site there is a fairly substantial change of levels between the application site and existing properties on

Greenways.

Constraints

3. The site is not part of the conservation area but most trees at the site are protected by Tree Protection Orders, including along the two long boundaries (east and west) and southernmost corner (TPO 369, comprising Groups G1, G2 and G3 and Woodlands W1 and W2), and the old hedgerow and mature oaks along the path in the very easternmost corner where the belt connects the site with Greenways (TPO 36, Group G4).
4. All relevant TPO designations and location of Poplars are shown in the attached plan.

Topography

5. When originally approved, a topographic survey was provided which showed the field to slope gently uphill from south-west to south-east, and the land where plots 65-67 would stand was shown to be rising from 28.40 to 28.78m AOD. However, the immediate boundary of the site was seen to slope downhill from the building plot towards the south-west corner by some 30-40cm. If the site has been levelled since then by raising the land then there was nothing to prevent this in the original planning permission so there could be an increased height difference to that originally envisaged, which will have been brought about by site levelling to facilitate drainage schemes.

Relevant planning history

6. **07/01018/F** - Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space. (Approved, November 2009). This permission approved the 78-house development following the principles of an adopted development brief and Local Plan housing allocation in November 2009.
7. Under condition 7 of the permission there were detailed proposals for removal and works to trees needed to create the two accesses into the site from Wentworth Green and Donkey Lane, as described in an August 2007 Tree Assessment report by Bidwells, and a 21st February 2008 Supplementary Arboricultural Method Statement by Bidwells, both of which were referenced in condition 7, which states that "...all site works shall comply fully with the submitted Arboricultural Implications Assessment (AIA) approved as part of the planning permission."
8. The Tree Assessment report included the approved management strategy for the woodland belts (at Chapter 6), which included a clear felling programme phased over 4 years. The approved gradual felling of the beech woodland belts is also described at paragraph 15 below.
9. Various conditions have been approved since, relating to materials, fire hydrants and solar panels (Approval 11/01619/D, March 2012). There have also been some minor changes to the layout and siting of some of the approved houses in the southern corner, approved by the Non-Material Amendments described below.
10. **12/01236/NMA** - Repositioning of plots 65 - 67 and car parking spaces - amendments to planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open space'. (Approved, October 2012).
11. **12/01669/NMA** - Amendments to planning permission 07/01018/F 'Erection of 78 dwellings, associated vehicle and pedestrian/cycle accesses, ground works and open

space' - repositioning of plots 75 and 76 and alterations to layout of adjoining garages and car parking to plots 68-74 and 78. (Approved, October 2012).

12. There are also details proposed within a pending application, regarding the specifications of landscaping, planting, walls and fence materials or hedges, and their maintenance. (Application **12/01034/D** – pending consideration and discussed below as appropriate).
13. Changes to the terms of on-site affordable housing provision have also been approved by planning committee on 23rd August 2012.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

14. There are two parts to the application submitted. Firstly relating to technical details of drainage, and secondly the finer details of tree management around the site. Whilst other issues may have been raised during the course of the application they have either formed a part of the original 2009 planning permission, or have been addressed through alternative procedures such as the condition applications or Section 106 process.
15. During detailed construction, the applicant has been required to change the nature of the approved **drainage strategy** which used a very specific drainage solution to satisfy the Environment Agency. Consequently this varies the terms of the original Condition 8 of permission 07/01018/F; in summary, rather than having one large 'aquacell' drainage chamber below the public open space, the scheme is now proposed to contain four elongated cells, still in the public space. All surface water from the site will now run into the centralised drainage chambers.
16. The applicant has also changed their proposal in respect of the **tree management**, and areas they wish to retain and remove. Originally, in 2009 the permission (07/01018/F) permitted the following:
 - Removal of all the non-TPO 30no. Lombardy Poplar trees (*Populus nigra* 'Italica') trees within their ownership along the southern boundary, to be replaced by replanting with garden trees in the new development.
 - Removal, if necessary and at the owners' discretion, of a mature birch tree from the adjoining garden of 142 Greenways, at the eastern corner of the site.
 - Removal of a group of beech, oak and birch from the protected Woodland and Tree Groups at the north entrance of the site at Wentworth Green, to create the access drive.
 - Removal of a Holm Oak and, if necessary, two beeches from the protected Woodland at the western corner of the site to make room for a new footpath to connect to Donkey Lane.
 - Gradual removal of 15m-long blocks of the beech woodland tree belts over 4 years, commencing in the 2nd year of management, through annual removal of two clumps of beech trees per year, preceded by annual under-storey and hedgerow management. There was no provision to retain any beech trees unless a detailed survey prior to felling showed that any mature individual beeches could be retained safely, through pollarding to a stable height of 2.5m. Clear felling would only apply to the Beech trees unless other single trees like Oaks were found to be damaged or sick beyond recovery. The clear

felling would have been followed by subsequent replacement planting using some semi-mature native mixed woodland species, such as oak, ash and an under-storey of holly, hazel and field maple, although not to the same densities and numbers as those removed.

These measures were all permitted through approval of the August 2007 Tree Assessment and Protection document and February 2008 Supplementary Arboricultural Method Statement referred to in condition 7 of the approval 07/01018/F in November 2009.

17. The application is submitted to change the terms of the approved woodland management plan, and in drawing up revised proposals the applicant considered two contrasting strategies in discussion with planning, landscape and tree protection officers. These were discussed in the application's revised "Schedule for Management and Maintenance of Public Open Space and Woodland Trees" dated 31st December 2012, received 10th January 2013.

- 'Option 1' considered the implications of clear-felling the entire woodlands all in one go, in Year 1; although the works would be definitively completed at the outset, the ecological and landscape implications and long-term consequences of clearing the site in one go were felt to be so significant that this option could not be pursued.
- 'Option 2' is the applicant's proposed 'preferred option' strategy, felling the trees in stages over Years 1-16, and active management until Year 25 afterwards. Option 2 is seen as a worthwhile change to the programme in order to retain a successful balance which achieves enforceable felling and management, successful establishment of native replacement woodland, retention of ecological and wildlife assets, and minimal landscape and visual impact for the benefit of the site's short and medium term setting.

18. As a result, the applicant has changed their tree management plans, as shown on submitted Tree Protection Plan 1097/GEN/099 – TPP Revision J (although further revisions are anticipated, which will be reported to the Committee meeting as appropriate).

19. At the time of writing the report the main differences from the 2009 works are proposed as:

Works to 196-tree, 3,400sq.m. Beech Woodland tree belt along Haworth Way (TPO 369 Group W1):

- Clear felling of Beech trees in 4 phases in Years 2, 7, 12 and 16, removing 25% of the belt trees by each phase (45-54 trees), in block sections approximately 50-60m long, starting in Year 2 in the eastern corner adjacent to 143 Greenways, and working north-west each year towards Wentworth Green.
- Felling to be undertaken and replacement planting added as per the document "Schedule of Management and Maintenance of Public Open Space and Woodland Trees" 2012 6103 MS 01 – Revision D.
- The resultant 4 cubic meters of felled dead wood is to be stored in 5 piles 30 cm high.
- Existing fencing and climber plants / hedging along west side of footpath to be retained and repaired to form temporary protective fencing to the woodland during the replacement planting establishment period.

Works to 84-tree, 1,500sq.m. Beech Woodland tree belt along Donkey Lane (TPO 369 Group W2):

- Retain most of the mixed group of Oak, Beech and Birch trees in the thinner, northern section by the Wentworth Green entrance, but in Year 1 fell 7-10 trees to create space for their maturity, including trees within crown of mature Oak. Precise felling to be dependent on pre-felling survey and agreement of LPA.
- Survey for Health and Safety of trees prior to each phase, and remove any mature trees showing signs of significant decay in Year 1.
- Clear felling of remaining Beech trees in the wider, thicker belt over 4 phases in Years 1, 7, 12 and 16, removing 25% of the belt trees by each phase (20-24 trees), in block sections approximately 20-30m long, starting in Year 1 in the south-western corner adjacent to 45 Brentwood, and working north-east each year towards Wentworth Green.
- Felling to be undertaken and replacement planting added as per the document "Schedule of Management and Maintenance of Public Open Space and Woodland Trees" 2012 6103 MS 01 – Revision D.
- The resultant 2 cubic meters of felled dead wood is to be stored in 3 piles 30 cm high
- Existing fencing along south side of footpath to be retained and repaired to form temporary protective fencing to the woodland during the replacement planting establishment period.

Works to Scots Pines in southern corner (TPO 369 Group G3):

- Removal of a single unprotected Poplar adjacent to the row of the 32no. protected Scots Pines in the TPO Group G3, sited within new dwelling plot 40, behind the rear of adjoining property 111 Greenways.
- Retain other groups of unprotected Poplars (and pollard within 7 years and then every 10 years afterwards) and retain individual lime, birch and cherry trees growing within Scots Pines, but remove rogue Sycamores.

Poplars along south-eastern boundary (unprotected, but formerly all to be retained):

- Retain most of the non-protected Poplar Trees on the southern boundary, but remove a group of 8 poplars at the rear of 133-135 Greenways. The 8no. Poplars have been removed already. Poplars to the south-east end (behind 139-141 Greenways) to be reduced to 12ft heights and pollarded within 7 years and then every 10 years afterwards. Poplars behind 129-131 Greenways to be left at current heights and pollarded within 7 years and then every 10 years afterwards.
- Replace the 8 poplars at the rear of 133-135 Greenways with landscape trees within new dwellings plot 63 and 64 comprising 1no. ornamental pear and 5no. Christmas berry trees.

Mixed species cluster at Wentworth Green entrance (TPO 369 Group G1):

- No works other than removal of dead or dying limbs.

Group of three Scots Pines at entrance within public open space (TPO 369 Group G2):

- No works necessary.

Group of Oaks and hedging in east corner along Haworth Way and 6 – 7 Carnoustie

(TPO 36 Group G4):

- Reduce northeast crown of Oak adjacent to 7 Carnoustie by 1-2 metres.
- And possible works to an un-labelled Oak tree adjacent to 6 Carnoustie (see para. 57)

Representations Received

20. The proposals have been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 27 letters of representation have been received citing the various issues as summarised in the table below.

21.

Issues Raised – relevant to the application	Response
<p>Objection to the thinning or felling of any of the Beech woodland trees because of the habitats and the ecology they support, the screening they offer and the valuable setting they give to the new development.</p> <p>Objection to such extensive felling because the applicants originally said no trees would be removed other than to make way for the new development, and new saplings would be too small to provide suitable replacements.</p>	<p>The felling is already approved in principle already, predominantly to the poor quality of trees and their original planting (see paragraphs 37-39 for the felling reasons), but the proposed programme improves the timescales and allows better replacement planting. The longer, staggered phased felling is proposed as the best means to minimise landscape impact, ecology losses and provide a quality mixed native woodland in its place with a mix of species and ages to provide substance, stature and foods. See paragraph 71 for ecology factors.</p>
<p>Objection to the proposed time taken to fell all the trees – the 16 year period and four-phase programme should be reduced because of the amenity problems the trees create at present (shade and falling concerns).</p>	<p>The 16 year period was a careful compromise in the interests of maintaining landscape value and minimising harm to habitats and ecological corridors, whilst setting a workable timeframe to completion. Any shorted a timescale would like as not create the same problem later on. See paragraphs 16-19, 37-48 and 71.</p>
<p>There is an uneven delay in years between phases 1 and 2 compared to the others and longer periods should be reduced accordingly.</p>	<p>This proposal has been put to the applicant to comment, and an update will be provided at the meeting.</p>
<p>There is a drop in ground levels in the southern corner and the felling of trees in the protected belt, or thinning / crown reduction if retained, or removal of hedging or shrubs, will increase overlooking and disruption of glare from headlights of cars on the elevated road, onto rear gardens and houses of Greenways.</p> <p>The poplars being retained should be pruned down to a height of 12ft (3.5 - 4m) to provide some screening and reduce maintenance concerns. The</p>	<p>This is now accounted for as a feature of the revised tree protection and maintenance plans, and although site levels are not a matter able to be considered in this application, the effects of overlooking and screening are addressed by boundary fencing and retention of certain Poplars – see paragraphs 59-62.</p> <p>Headlight disruption in the southern</p>

submitted maintenance schedule should be revised accordingly.	corner is discussed at paragraphs 50-54 and 67-69.
Objection to removal of a poplar at the south-west end of TPO Group 3 in the south corner (G3) and crown-lifting of protected Scots Pines to 3-4m. This is excessive and results in increased overlooking and loss of privacy to properties 111-127 Greenways.	See paragraphs 50-54.
When and where will the tree management plan for the protected woodland tree belts begin?	The submitted Schedule for Management and Maintenance document, which includes the Woodland Management and Tree Felling programme, anticipates Year 1 as being 2013.
Some trees currently overhang neighbouring properties on the north-east corner of the site, on the far side of the former access drive (newly-named Haworth Way) (Group G4 of TPO 36), and branches are causing concerns.	These are actually singular trees in good health but within the applicant's control, and judicious management is either proposed or forthcoming. See paragraphs 55-58.
The phased felling works for Woodland W2 (Donkey Lane) should be reversed in direction so that Phase 1 begins in the northwest of W2 and progresses southeast instead.	This is supported by Officers as a means to improve the effectiveness of the felling programme and make trees more resilient to high winds, and the change has been requested of the applicant. An update will be provided at the meeting. See also paragraphs 43-44.
The trees closest to Carnoustie should be felled first as they are more of a problem than those of Donkey Lane.	These trees are within Phases 1 and 2 of the felling programme for belt W1. See paragraphs 37-44.
The mature Oak in woodland W2 is said to cause nuisance to the resident of 31 Wentworth Green (e.g. interference to Sky TV reception) and should receive more dramatic interventions.	The tree is healthy and does not present health and safety concerns for the resident or the tree, so further works than those proposed are unwarranted. The resident should benefit from improved light and amenity when the Beeches are removed. Tree works can only be made if the tree presents health and safety concerns for the tree itself or neighbours. See paragraphs 45-47.
An Oak tree growing alongside Haworth Way and adjacent to 7 Carnoustie has been missed from the submitted Tree Protection Plan. This Oak is said to cause nuisance to the resident and should receive more dramatic interventions or be felled.	The tree is missing because of ownership uncertainties, but is being rectified by request to the applicant. The tree is healthy and does not present health and safety concerns for the resident or the tree, so further works other than basic crown alterations are unwarranted.

	See paragraphs 55-58.
Issues Raised – not matters for this application	Response
<p>The proposed fencing between the site and Greenways properties will be at the foot of the slope and ineffective given the drop in levels at the site. New fencing should be installed at the head of the slope, for screening.</p> <p>The new houses looking out towards 111-119 Greenways are already elevated due to the change in levels; the loss of privacy to existing residents should be mitigated by the use of fencing to screen existing residents from views of the new development.</p>	<p>Although not a matter for this application, it is under consideration through conditions application 12/01034/D and is discussed at paragraph 50-54 and 67-69.</p>
<p>Will there be 1 or 2 mini sports pitches? Will they run parallel to the tree line?</p> <p>Will the south corner slope be maintained and cleared of debris and weeds?</p>	<p>This is covered by landscaping and open space management proposals, the subject of conditions and S106 Agreements. See paragraphs 65-66.</p>
<p>Some of the plots at the southern corner of the site have been built at a higher ground level than the original land level, noticeable at the boundary to Greenway properties. Was permission granted for the change? Will drainage be directed away from neighbours?</p>	<p>The levels on the site were not originally fixed through approval, and could have been altered by general construction works. See paragraphs 15, 29-36 and 68.</p>
<p>There are unfulfilled works to the highway and access to the site which were originally required in the 2009 permission.</p>	<p>These are not covered by this application. A progress review is underway and the same obligations will continue into the new permission. See paragraph 78 and an update will be given to the Committee meeting.</p>
<p>No increase in traffic should be allowed because the junctions around the site are already dangerous.</p>	<p>No extra traffic will be created.</p>

Consultation Responses

22. **Environment Agency** – There is no objection to the principle of making proposed changes to the surface water scheme and the alterations to condition 8 accordingly. Originally there was insufficient information submitted to demonstrate that the revised scheme has been adequately designed. The Environment Agency requested clarification on the entire site's drainage system, confirming what the four soakaways will serve, whether there are still elements draining to Anglian Water sewers, and the extent of infiltration. Once proposals for management and maintenance of the soakaways and surface water pipe network were detailed, the Environment Agency removed their objection and approved the proposed revised design.
23. **Highways Authority** – The drainage scheme will be acceptable in principle to allow public adoption of the estate road loops, eventually. Notwithstanding the current uncertainty around public adoption of estate roads and drainage facilities, there is no planning reason

why the proposed scheme of using four drainage chambers to collect all forms of surface water should not be approved.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies – for this application only

National Planning Policy Framework:

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 20 – Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE1 – Protection of environmental assets from inappropriate development

NE3 - Tree protection, control of cutting and lopping

NE8 - Management of features of wildlife importance and biodiversity

NE9 - Comprehensive landscaping scheme and tree planting

HBE12 - High quality of design in new developments

EP16 - Water conservation and sustainable drainage systems

EP17 –Protection of watercourses from pollution from stored material, roads & car park

EP22 - High standard of amenity for residential occupiers

HOU6 – Contribution to community needs and facilities by housing developers

HOU11 – Sites allocated for housing development conditional on open space provision

SR3 – Criteria for development of Urban Greenspace and Recreational Open Space

SR4 – Provision of open space to serve new development

SR5 – Allocation of specific areas for open space

SR7 – Provision of children's equipped playspace to serve development

SR12 – Green Links network, including provision by developers

Supplementary Planning Documents and Guidance

Trees and Development (Adopted September 2007)

Open Space and Play Provision (Adopted June 2006)

Flood Risk and Development (Adopted June 2006)

Green Links and Riverside Walks (Adopted December 2006)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

24. The works proposed are technical changes to those details already agreed and approved through the 2009 permission 07/01018/F, and the development underway can only be re-considered in terms of the implications of the conditions being varied.

25. The drainage alterations are needed because of the inflexible nature of the existing planning consent, which originally required a very specific form of sustainable drainage

solution to satisfy the Environment Agency. Consequently as the scope of design and management capabilities has increased greatly in recent years, so has the range of options available for this site.

26. The variations to the tree works fall into two categories: works to protected trees, and works to unprotected trees.
27. A degree of works to protected trees was anticipated in 2009 under the terms of the approved Arboricultural Method Statement (AMS) [Tree Assessment report] of the time, but that did not specify which particular trees would be removed from the TPO areas. In 2009 it was felt more appropriate to approve the general principle of removing 7-15m lengths of dense beech woodland and individual dead or dying trees, leaving the detailed works be agreed through specific TPO Tree Works applications (except for some known specific removals associated with new site accesses). The works now proposed (at paragraph 17) removes doubt, extends the period of felling to allow a graduated removal, and clarifies specific measures such as crown-raising of the protected Scots Pines to 3-4m stem height and thinning certain trees from belt W2 to enhance growth of the remainder.
28. Works to, or removal of, the unprotected Poplar trees along the south-east boundary would not ordinarily require planning permission or TPO permission if they hadn't initially all been proposed for removal in the 2009 AMS. At the time, the Tree Officer saw no reason to object to their entire removal. The 8no. poplars which have since been removed are consistent with the original permission and the changes proposed now only need to be formalised because they would be contrary to what was originally permitted.

Drainage Issues

29. The scheme originally included some surface water being disposed of into Anglian Water sewers, which is not a preferred option but was necessary due to ground conditions at the time. Since then, a revised drainage strategy has found it possible to some surface water from roads to be discharged into a highway sewer network, and some alongside the water from all houses and gardens, to be disposed of through a communal 4-chamber aquacell system located underground in the middle of the site. This will ensure the existing drainage networks are not overloaded, and maximise sustainable drainage, for example the modelling shows the scheme will not flood in the 1 in 100 year rainfall (including climate change) event.
30. Despite the 2009 permission being specific in its drainage requirements to alleviate their concerns of the time, the Environment Agency have since agreed that the original drainage scheme can be varied in its design, and have approved the surface water pipe network and Drainage System Design, and the management and maintenance proposals for both the soakaways and surface water pipe network.

Adoption of drainage chambers and roads

31. The estate roads around the site are currently not adopted by the local highway authority, although they are built to a satisfactory standard. At the moment, public road adoption can only be possible when it is confirmed that the highways water will be disposed into a public drain facility (under current practice this 'public facility' would be owned by Anglian Water or in exceptional instances the Highways Authority). However, under current arrangements public highway drainage adoption is not possible if it also receives water from additional surface water sources as well as highways.
32. Whilst Anglian Water have granted their 'technical approval' to the drainage strategy and use of the drainage chambers, they will also not adopt the surface water sewers if they are

discharged to a soakaway system maintained by a management company. They also cannot themselves adopt the four drainage chambers as Anglian Water is not yet the Sustainable Drainage adoption body through statute.

33. The sewerage network can also be adopted by Anglian Water in principle, but this is conditional on the ownership and maintenance of the soakaways being the SUDS adoption body, Norfolk County Council or Norwich City Council.
34. The current situation is unclear because the national Government has not confirmed whether Anglian Water or the soon-to-be-formed Local Authority Surface Water Drainage Body (the County Council) will be expected to adopt the drainage chamber, nor whether this can be done retrospectively. Until this is resolved the picture around drainage adoption and road adoption remains unclear, but the residents management group have submitted proposals to manage the facility using monthly subscriptions from residents.
35. The plans to use the one four-chamber drainage system to collect all surface water drainage for the whole site are the most logical, but because this will not gather solely highways drainage nor is it currently publically operated, the estate road and sewers adoption will not be possible yet under current legislation. As such, the Wentworth Gardens estate drainage network will remain privately operated for the foreseeable future. Whether or not the roads and sewers, or soakaway chambers, are adopted is not an issue that the planning authority can decide, it is instead a matter for bodies with the relevant drainage responsibilities and the highway authority.
36. A £5,000 drainage management contribution was included in the original Section 106 Agreement of 2009, on the assumption of the system being adopted by the highways authority and maintained for 15 years. This will need to be updated and the drainage maintenance figure increased, with payment contingent on the system being adopted.

Woodland Tree Belt Felling and Replacement Planting

Phased Beech tree removal in woodlands W1 and W2

37. When planted originally, the beech trees in Woodlands W1 and W2 were grouped in clusters of 5-7 trees probably originally as a hedge belt for privacy of sports activity. However, since then the beech trees have grown to become a substantial feature of the city's suburban landscape and an important wildlife habitat. They are still only semi-mature, but rather than being short and wide-spread they have grown into their tall, spindly, and unusual appearance as a result of the clustered planting; essentially the clusters have grown in a circle with branches of each tree growing on the outside of the group and forcing one-another higher in search of light. This means failure of one tree can expose all the remaining group to being blown over by high winds, and their height has made them more flexible. Fortunately none of the beech trees appear unhealthy or seriously damaged at the moment, so group core strength should be adequate to ensure their continued safe short-term growth.
38. However, over the long term the beech trees will become a poor landscape feature and make safe thinning and management impossible. They are of an identical age, so will all fail at around the same time, and mixed woodland under-storey growth has been compromised by their dominance. Whilst they look attractive and healthy at the moment, their appearance conceals a deeper long-term problem and does not host as much wildlife as could be expected of such impressive woodland. The mono-species will also expose the whole tree belts to the effects of climate change and/or disease, and other beeches in

Norwich are already known to suffer from drier summers and intense rainfall.

39. The Beech woodland tree belts are all currently entitled to be felled over 5 years as part of the existing planning permission. The felling permission was considered necessary as the beech woodland has suffered over time from its initial historically-poor planting. However, in the view of the Council's Tree Protection Officer and Landscape Architects, and the applicant's Ecologist, this has a very limited benefit because the replacement planting would only really re-create the current situation in later years because a 5-year difference in age of mixed woodland trees is negligible over their lifespan.
40. Ideally, a 25-year felling scheme would be most appropriate to establish a range of ages and species in replacement woodland planting, but the applicant and planning officers have reservations about both the effectiveness of such an approach, and the impacts on residents that such a lengthy prolonged delay to the beech tree removal would bring.
41. Both W1 and W2 are therefore proposed for removal in four four-yearly stages over 16 years. Although still a dramatic change to the existing appearance, any attempts to extract single trees at a time would be impractical because it still leaves the group exposed; in contrast the block felling removes clusters in large areas and allows much more effective replacement planting with native mixed species, and still secures their timely removal.
42. By leaving large areas of the beech trees in place between phases there remains a large portion of existing canopy cover in the interests of protecting ecology and habitat, and maintaining the important visual landscape appearance of the tree belts in their entirety.
43. In terms of felling direction, the southeast-northwest felling of W1 along Haworth Way protects the belt against prevailing winds. The southwest-northeast direction of felling tree-belt W2 unfortunately actually works against the prevailing winds by exposing the cleared edge of the belts to high winds. It is recommended to revise this by asking the applicant to reverse the direction of felling W2 (to be confirmed at the committee meeting); although it would create a gap within the continuous tree line between years 1 and 7 the felled areas in W2 are much shorter in distance than in W1, so the visual impact on the landscape would be less keenly felt.
44. An alternative of block felling in staggered, rather than the proposed sequential, phasing would create sizable gaps in the tree-belts and cause visual and ecological disturbance to the landscape. The gaps would also expose the belts to wind damage and become more of a problem to neighbouring residents. Currently, the strength of the tree-belts in its defence against prevailing westerly winds is found in its collective integrity.

Management of trees being retained in W2 (Donkey Lane)

45. Certain trees are thought able, and necessary, to retain within W2 (along Donkey Lane). Specifically, a large and mature Oak tree stands at the very edge of the site, at the end of the thinner section of W2, and is in good health. Although some of its branch growth has caused concern for the closest neighbour at 31 Wentworth Green, the Oak tree in itself does not present a danger to health and safety, property or amenity of the neighbour and is considered to be in need of minimal works to clear ivy, remove dying or hazardous limbs and fell trees within its crown spread to remove any immediate danger of collateral windblown damage.
46. The Tree Protection Officer has said that there are no branches within at least 5m of the fabric of any building and the resident at 31 Wentworth Green should benefit greatly by the clear beech felling and the selective thinning planned for that section of the tree belt. Any

other works, such as removing overhanging limbs is potentially an offence and would require the prior consent of the local authority upon a TPO Tree Works application being submitted by the tree owner.

47. Some of the more varied species in the thinner northern area of W2 can be retained, including beeches, where they can benefit from selective felling of some of the more sparsely grown trees.
48. The Council's Tree Protection Officer and Landscape Officer have reviewed all comments received but agree that the Tree Management Programme as submitted is the much more appropriate solution than any others suggested, and the 16-year felling programme is the minimum acceptable in order to avoid the same problems in later years and ensure a substantial and improved replacement planted woodland is provided. Nevertheless a number of suggestions have been made to the applicant (e.g. direction of phasing and need for certain additional replanting) and these are endorsed by both officers.

Works to- and around- other protected trees

49. The approved 2007 tree assessment report had no regard to the trees on the outer extremes of the site, namely groups G1, G2, G3 of TPO 369 and group G4 of TPO 36. No works have been proposed to the protected trees now which are not consistent with the original permission. G1 has been altered by creating the access road but needs no further work; G2 needs no work; the protected Scots Pine trees within G3 are being retained and crown-raised to allow clear access under the lower boughs for maintenance; and there are minimal works required to alter the growth direction of protected overhanging oak trees in group G4. These measures will all maintain the integrity of the collective groups and improve their health, whilst ensuring neighbouring residential amenity is improved.

TPO 369 Group G3 (southern corner)

50. Within the area around group G3, a black poplar tree at the western end of the row is to be removed to create useable room in the garden of new Plot 40, whilst lower limbs are to be removed from the adjoining Scots Pines to allow a path to run through the rear gardens of new Plots 40 and 41. The Poplar's removal has been objected to on the grounds of removing screening for residents in the gardens behind, but the removal is considered necessary if it is to create useable garden space and the impact can be mitigated through use of close-board fence screening rather than relying only on an existing chain-link fence.
51. Other losses in this area include removing sycamores. Those trees shown for removal from the area of the protected group G3 in the southern corner are acceptable, because they are not part of the protected group (which is only the Scot's Pines). The loss of screening from these few trees would be seen, but as the distance between properties is 23m here, this is felt to be an adequate distance anyway. Nevertheless, the impact can be lessened through replacement planting of under-storey hedge species and appropriately-designed boundary fences to improve screening.
52. The Scots Pines in landscape terms are an important visual and natural feature, and area actually common in Norwich. However those in group G3 are currently arranged in 2 or 3 groups interspersed by Poplars and means they appear disconnected and their integrity is compromised by the contrasting presence of two groups of Poplars in the centre.
53. The applicant has been reluctant to remove these (unprotected) Poplars within G3, as they provide some limited screening for neighbouring gardens from the elevated site level and headlights of the access road, but this ability to provide screening through other means is not an insurmountable problem. In addition to retaining the existing chain-link fence at the

bottom of the slope behind the poplars in the corner, the applicant has proposed to plant undergrowth shrubs and erect a screening fence beneath the lower boughs of the trees at the top of the slope, to prevent headlight glare into bedroom windows behind. These are seen in the landscape plans submitted for application 12/01034/D.

54. Officers have also requested the applicant provide new plantings of Scots Pines in this corner to complement the existing Pines, and perhaps facilitate removal of the Poplars in due course (an update to this request will be available at the meeting).

TPO 36 Group G4 (eastern corner)

55. Individual TPO trees on the north-east boundary within TPO 36 group G4 have not been attended to in some time and are causing concern for neighbours. They were not addressed in the original 2007 Tree Assessment and permission because they actually fell outside the application area and their ownership was unclear, but now they have been seen to fall into the ownership of the applicant and so can be controlled by Condition.
56. An Oak tree next to 7 Carnoustie is currently growing at an angle due to the overbearing presence of the Beeches, and has been included in the latest Tree Protection Plan TPP Revision J, marked on the plan as tree G4. It is considered appropriate to be managed through selective crown reduction on its northeast side by 1-2m to reduce branch overhang and stabilise the tree.
57. Unfortunately in terms of clarity, another Oak ('missing Oak') was missed from the submitted plans, being sited in 'no-mans land' between security fence and neighbouring residents' fence, also outside Nos. 6/7 Carnoustie. The Tree Protection Officer has noted a resident's suggestion that this be included in the felling strategy, and has assessed the tree, but believes the 'missing Oak' tree should remain in place and should not be included in the tree felling strategy. Instead, some judicious crown reduction pruning would be considered favourably if an application was made for such works in addition to the work proposed for the neighbouring Oak tree indicated as G4 adjacent to 7 Carnoustie.
58. Nevertheless, officers have requested that the applicant try and include the proposed works in a revised Tree Protection Plan expected before the Committee meeting. It is essential for both Oak trees and hedgerow along here to be retained in good health as they are far more historic features of the landscape, appearing as long ago as features on the 1882 Historic map, but it is also important for neighbours to have clarity on their future.

Works to, and around, non-TPO Poplar trees

59. Despite their original approved removal, the majority of unprotected Poplar trees are now proposed for retention, at the request of the local residents. The group of 8 poplars which have already been removed have caused a loss of some nominal screening and very limited biodiversity, but their removal is consistent with the permitted scheme. The Poplar trees are tall, narrow and sparsely leaved and replacement planting is shown along the boundary in their place, showing 5no. mixed species tree replacements as a means of enhancing the mix of species around the site. These are considered acceptable and beneficial, they will be shorter and wider in their crown spread and more varied in species, so they are considered a great improvement in biodiversity, landscaping and screening than the poplars would have been.
60. The Poplars were originally proposed for removal due to their spread of fibrous roots and the possible height liability of Poplars, especially given their limited biodiversity value. In this location, at their closest point, the rear of new and existing properties are 23m apart, which is considered an acceptable distance to avoid unacceptable levels of overlooking,

even accounting for the notable change in levels, but some additional softening of the perimeter would be helpful.

61. By retaining the Poplars at the rear of 129-131 Greenways at their current heights, however, the residents of existing houses are afforded more screening from the tall 3-storey gable elevation of the new townhouses at Plot 65-67, particularly as the change in levels around the site makes the gable so much more prominent, and the view of the gable is softened. Regular pollards at 7 and 10-yearly intervals should provide a precaution against poplars becoming dangerously high.
62. Retaining and pruning the retained Poplar trees behind 139-141 Greenways will also offer better screening than at present, where new homes are 2-storeys high. The proposed pruning of the retained poplars to 12 ft will remove falling concerns, increase the light gained to properties and actually improve the screening potential because the cover is brought closer to the field of view from both new and existing homes.

Management

63. The woodland belts, tree groups and individual trees within the site will all remain in the ownership of the residents Management Company or private ownership as appropriate, and will be maintained and managed in accordance with the phased tree Management Plan document. Replacement woodland trees will remain protected, as the Tree Protection Order applies to the whole length and the landscape feature rather than specific trees. Any further works required which are not covered by this planning permission (such as works to individual Oaks) will all require specific permission through formal TPO Tree Works applications.

General Site Landscaping

64. The public open space area will be framed by the replacement woodland and evenly-spaced trees planted along the circumference paths.
65. In terms of layout, the original permitted scheme showed two play areas within the site, at opposite ends of the central public open space area. One play area was to serve 0-8 year olds, and the other would serve 8-12 year olds, both with appropriate play equipment for each age. It has since been proposed to amalgamate the two areas into one central feature, to avoid parents being split between different ages, and to locate potential noisy activity away from houses. The site's public open space layout, form of materials and types of equipment are all considered acceptable as part of the landscape details submitted within application 12/01034/D.
66. The scheme will continue to provide two mini-sports pitches as originally approved (adjacent to the combined play facilities within the main play space), and they will be orientated parallel to the boundary tree belt and former access drive. Whilst they will be marked out with lines, goal posts will not be installed; this is contained in the proposed management plan and maintenance proposals.
67. In terms of boundary treatments, those along the southern boundary have been questioned. These are a matter for the landscaping conditions application 12/01034/D; it is expected that these will be at least 1.8m high timber fencing to afford some screening, ideally positioned at the top of the slope because the slope causes problems in terms of the fence effectiveness if positioned at the base of the slope. The consequence of doing so, however, is that any debris, weeds or fly-tipping would be screened from view of the management company if behind a fence; it is suggested that a management plan for the

landscaping and open space is required to be revised by condition to include clean-ups.

68. Site levels were not originally specified, nor was land raising or excavation restricted in the 2009 permission. However, from comparing the original ground level outside the site of new dwelling no.65 (opposite 129 and 131 Greenways) with the levels shown in the proposed drainage strategy (plan 1097/DRA/004 Rev H) it can be seen that the original level was approximately 28.53m AOD, with the new levels being 29.15m Finished Floor Level. This is an increase of 62cm in height, and results in being 77cm above the neighbouring ground level (28.38m at 129 Greenways). This 62cm increase in site levels is most probably necessary for construction and drainage and as floor levels were not fixed originally, is unfortunately not something which can be controlled at this stage. Nevertheless, any impacts should be possible to rectify through landscaping and appropriate choice of boundary treatments, to be confirmed by conditions in 12/01034/D.
69. The applicant has provided a scheme which is considered appropriate by officers along the southern edge of the site. A high fence is provided outside 129 Greenways raised on barge boards to give additional height and necessary screening from the elevated levels of the road and parking area in front of Plots 65-67. The precise details are in 12/01034/D.
70. The timings of landscaping provision was originally unprecise in the original permission, which required it to be provided within phases in the Section 106 Agreement, and under condition 12 of the permission within 6 months of the completion of the development or prior to the occupation of the 20th dwelling (whichever was the earlier). Such discrepancies were unhelpful and unfeasible for the build and occupation programme, and potentially subject to change by the content of this application, so it is proposed to amend the timescales for landscape provision. For the purpose of clarity, the new requirement is to agree all details and provide all facilities prior to first occupation of the last dwelling to be occupied on site. A review of the landscaping provision to date will assess whether facilities provided have been in accordance with submitted landscape details of application 12/01034/D, and changes and amendments will be required accordingly.

Ecology

71. There is potential to cause harm to the wildlife known to inhabit the beech tree belts. The proposed 16-year felling and recovery period prevents a complete destruction of habitat and allows gradual replacements over an appropriate period to enable gradual re-growth. A revised new condition will be imposed to formalise the existing arrangements whereby bat and wildlife surveys shall be conducted prior to each felling. Mitigation can therefore include any roosts being relocated or replaced with bat boxes, and the replanting using semi-mature species and a mix of species and ages and statures should also retain some form of foraging ground and ecological corridor and provide food for birds insects and bats.

Alterations to existing planning obligations

Affordable Housing

72. Affordable housing alterations to the original Section 106 Agreement have already been approved by Committee on 23rd August. These will be included in the Deed of Variation of the revised Section 106 Agreement along with the issues raised in this report.

Public Open Space and Play Equipment

73. The finer details of the equipment and maintenance thereof are to be agreed through approval of conditions requiring agreement of a Maintenance and Management Plan. The revised S106 will be updated to ensure that details of equipment specification and ongoing

maintenance are reflected in the documents to be agreed by conditions.

74. All reference to possible public adoption of play areas and public open space, and financial contributions for maintenance thereof, will be removed. Conditions on the planning permission will remain to require all areas of public open space on the site to be available to the public in perpetuity.
75. Timings for the provision, completion and maintenance of the public open space and tree felling will be confirmed within the Section 106 Agreement. The applicant has proposed that maintenance of all landscaped areas be undertaken by Persimmon Homes for 5 years or until they are transferred to a management organisation, after which they will fall into the responsibility of a formally appointed Management Company on behalf of the residents.
76. Details of schedules for tree management plans, landscaping and public open space specifications, and boundary treatments, and landscaping maintenance to be approved and to be completed prior to occupation of final dwelling to be occupied at the site

Tree belt maintenance and adoption

77. All reference to tree belt maintenance funds and possible public adoption will be removed from the Section 106 Agreement. All hedges and shelterbelt planting will be the responsibility of individual landowners if within private demise, or the responsibility of the Management Company if in common areas, as appropriate, to be managed in accordance with the Management Plan submitted to be approved.

Transport Improvements

78. Works to the highway network were agreed and required previously. These have yet to be undertaken in full, although it has been agreed with the Highways Authority that the measures would be provided only if the current arrangements at Newmarket Road prove to be problematic. The obligations will remain in place.
79. A £22,008 contribution for sustainable transport improvements will still be required and carried forward into the revised agreement.
80. Cycle routes are also to be provided across the site (around the perimeter of the central public open space area). As in the current agreement, the access routes across the site shall remain as shared surfaces for cyclists and pedestrians alike in perpetuity.

Library Facilities

81. A £4,680 library contribution will also still be required in the revised agreement.

Drainage

82. A £5,000 drainage management contribution was included in the original Section 106 Agreement of 2009, on the assumption of a single drainage chamber being used only for highways water and on the assumption of the system being adopted by the Council as Highways Authority and maintained thereafter for 15 years.
83. This will need to be retained in the Agreement in case the drainage system and the sustainable drainage chamber are eventually updated by the Council, and in doing so the contribution figure will need to be updated to £20,000 (£5,000 per chamber). Terms of adoption and the contributions for management of the system will be contingent on any / the system being adopted.

Conclusions

84. The drainage scheme and management proposals provide an improvement over that originally permitted, and clarifies the intentions to ensure ongoing use, providing an improved sustainable drainage strategy and less reliance on capacity of existing surface water disposal networks; assuming appropriate maintenance, this will reduce flood risk.
85. The works to the protected trees are broadly consistent with the works envisaged through the original permission but have extended the felling period of the Beech woodland treebelts to lessen the impacts of such dramatic course of action. The staged, graduated and phased removal of these established semi-mature woodlands will minimise the impacts felt to the ecological value of the site, will reduce the harm caused to its current landscape and visual value, and have been planned to ensure the replacement woodland planting is given as much opportunity to support their successful establishment and create a long-term appropriate form of mixed native woodland of varied ages.
86. The works to the unprotected trees are considered acceptable. Their losses will either improve the amenity for future residents or be mitigated through improved replacement planting schemes to avoid future harm to residential amenity.
87. The additional changes to the tree works proposals, as requested of the applicant, will further improve the robustness, quality and success of the felling and replanting programme, and make the proposals more agreeable to the relationship with neighbours.
88. The application is considered acceptable to recommend approval. Planning case law has established that such Variation of Condition applications actually create a new planning permission which the development operates under and must adhere to. As such the conditions on the 2009 approved scheme will be repeated on this new permission, where appropriate and outstanding, being amended as necessary to reflect the content of these proposals. Similarly, the associated Section 106 Agreement will also be revised to reflect the changes to the way the site is managed, as described above. It is not, however, appropriate to impose new requirements through conditions or planning obligations which have either not been requested by the applicant or considered reasonable and related to current proposals.

RECOMMENDATIONS

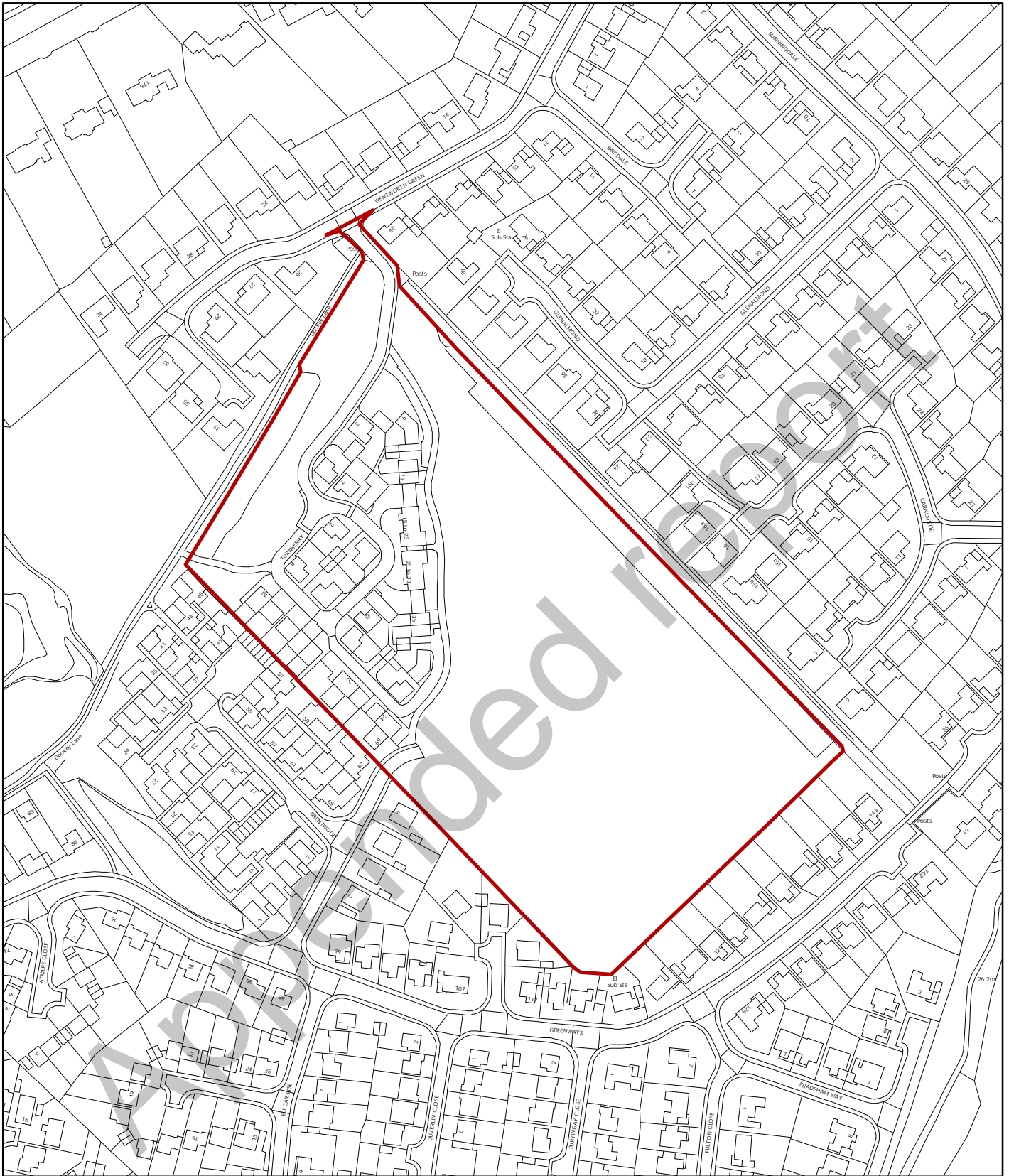
(A) To approve Application No. 12/01598/VC at the site of former Civil Service Sports Ground, Wentworth Green, Norwich, and grant planning permission, subject to the completion of a satisfactory S106 agreement to include the provision of arrangements for on-site affordable housing, appropriate management of protected trees, appropriate provision and management of public open space and children's play facilities, appropriate arrangements for drainage system management, transport contributions, highways works, on-site cycle works and library contributions, and subject to the following conditions:

1. The development shall be carried out in accordance with the approved plans and details listed on the revised decision notice, and shall include the use of materials as already approved within application 11/01619/D;
2. Landscaping, boundary treatments, planting, site treatment, open space and sports pitches and play facilities, and lighting are all to be provided in full accordance with details approved by application 12/01034/D prior to first occupation of the final dwelling to be approved on site, with boundary treatments for all dwellings to be provided prior

- to occupation of that dwelling;
3. Prior to tree works proposed for Year 1, a tree survey, wildlife survey and felling programme to be submitted and agreed in writing by the LPA;
 4. Prior to each Phase of felling the beech trees, a wildlife survey and mitigation strategy shall be submitted and approved as appropriate and appropriate mitigation followed;
 5. Development shall be constructed in accordance with the approved drainage strategy and shall be maintained in accordance with approved proposals for management and maintenance of soakaways and surface water drainage pipe network as appropriate;
 6. Garages to be used only for parking of domestic vehicles and not to be converted to provide further living accommodation;
 7. The areas of open space on the site shall remain as open space only, accessible to the public for unhindered access and use, in perpetuity;
 8. There shall be no works to trees on site, other than those contained in the approved documents and Tree Protection Plan within this permission unless any variation proposals are first submitted to and agreed in writing by the LPA;
 9. Precautionary mitigation for unidentified contamination;
 10. Trees and hedges and works in root protection areas are to be protected during works as per the 2009-approved Arboricultural Method Statement (AMS) and Supplementary AMS, as amended by the updated 2012 Tree Protection Plan, with the associated Arboricultural Implications Assessment and Tree Protection Plan being available to all site personnel during site works;
 11. Development to include solar panels as per the approved strategy and design details;
 12. Glazing to the first floor bathroom at dwelling no.65 shall be only obscure glazed;
 13. Provision of car parking shelters, refuse stores and bike stores prior to first occupation;
 14. Two fire hydrants to be provided prior to occupation as per details in 11/01619/D;
 15. Ongoing landscaping maintenance requirements for 5 years.

Reasons for approval: Subject to the requirements of varied conditions and the amended associated planning obligations, the alterations proposed are acceptable and will enhance the quality of the scheme and avoid causing a detrimental impact on future and existing residents around the site. The landscape value, future health, ecology and biodiversity of the protected woodlands and other trees will be enhanced and the new planting will improve the area.

When considered alongside the merits of the original permission, the revised development will provide an appropriate and satisfactory form of residential development within the character of the area that would provide a high level of design, a good level of accessibility and a satisfactory level of amenity for residents. The proposal accords with the development plan for the area and the objectives of national planning policy. As such, the proposal would comply with the National Planning Policy Framework, policies 1, 2, 3, 4, 6, 9 and 20 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), and saved policies NE1, NE3, NE8, NE9, HBE12, EP16, EP17, EP18, EP22, HOU5, HOU6, HOU11, SR1, SR2, SR3, SR4, SR5, SR7, SR12, TRA5, TRA6, TRA7, TRA8, TRA10, TRA11, TRA14 and TRA15 of the adopted City of Norwich Replacement Local Plan (2004).



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Planning Application No 12/01598/VC

Site Address Civil Service Sports Ground, Wentworth Green

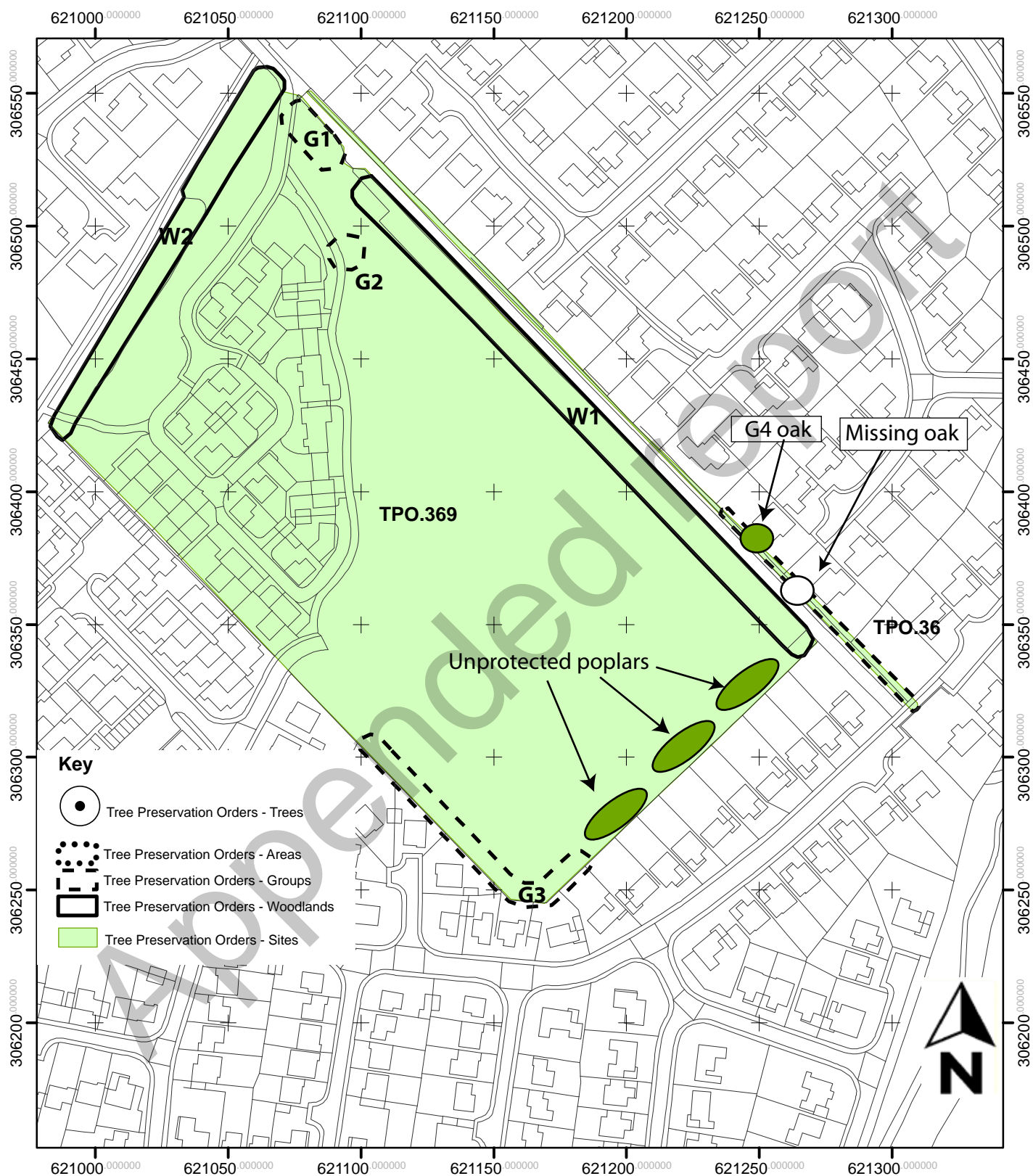
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NORWICH
City Council

PLANNING SERVICES





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Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Application no 18/00485/F – 24 Judges Walk,

Norwich, NR4 7QF

**Reason
for referral** Objections

4(h)

Ward:	Eaton
Case officer	Stephen Little - stephenlittle@norwich.gov.uk

Development proposal		
First floor dormer and external alterations.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Scale, form and design	The visual impact on the character of the area
2 Residential amenity	Overlooking and loss of privacy affecting neighbouring properties.
Expiry date	24 May 2018
Recommendation	To approve

The site and surroundings

1. The subject property is situated on the north-east side of Judges Walk, a quiet suburban street 2km south-west of the city centre within the Newmarket Road Conservation Area (CA). The street is characterised by a variety of detached and semi-detached dwellings set back from the road and, in many cases, obscured by trees. Most are typical of early to mid 20th century construction. The tree-lined road has grass verges and no pavement.
2. The subject dwelling is a two-storey 1970 to 80s dwelling set in a relatively large plot. The dwelling is set well back from the road, there being 43m between the frontage of the house and the front curtilage. Screening from a large oak tree, front fence/hedge and hipped roof garage mean that only the very top of the house is visible through the gate from Judges Walk.
3. The dwelling has a main hipped roof section, a wing projecting sideways to the south-east with an overlaid hipped roof, and a rear narrower gable roof section to the north-east which currently has a lower roof ridge than the main section.
4. To the north-west are dwellings fronting away from the subject property onto Unthank Road (nos.388-396). They have sizeable rear gardens meaning the dwellings themselves are approx 40m from the subject dwelling and trees, both in the subject and neighbouring gardens, provide screening.
5. To the north-east are dwellings fronting onto Kingston Square. The nearest of these is no.16, 22m from the subject dwelling. The garden of the subject dwelling is L-shaped, with a short section of the garden which projects south-east and borders two further properties on Kingston Square (18&20).
6. 24m south east from the subject dwelling is the dwelling at 22 Judges Walk, which borders the subject location on two of its sides. Trees and outbuildings provide substantial screening between the dwellings.
7. The subject dwelling is within the Newmarket Road Conservation Area (CA). No appraisal has been carried out for the area, though large attractive properties set in large plots predominate, with the large Edwardian properties on Unthank Road with expansive rear gardens particularly helping to define this part of the CA.

Constraints

8. Conservation areas (Policy DM9 - Unthank and Christchurch Conservation Area)

Relevant planning history

9. There is no relevant planning history.

The proposal

10. The most significant part of the proposals involves the creation of a south-east facing new dormer on the gable-roofed section of the property. This will be glazed for its full two-floored height, with the area of glazing measuring 3.75m wide by 4.85m high. Internally, the first floor will be changed to a mezzanine, with a 2.7m

gap between it and the glazing. The dormer will replace the current ground floor glazed doors and window.

11. To help accommodate the dormer, the roof of the rear gabled section will be raised by 0.8m so that its roof ridge aligns with that of the main dwelling.
12. Two dormer windows, one facing south-east adjacent to the proposed dormer, and one on the south-west facing frontage, will be altered from gable to flat roof to align with the new dormer and with the aim of creating consistency of design.
13. Other alterations are as follows:
 - a) to the north-west, the stairwell glazing 1.9m wide x 3.3m will have its frames removed and be made single-pane;
 - b) a new two-pane roof window will be added above the stairwell;
 - c) two small north-west facing roof windows will be added in the new raised section of roof;
 - d) one north-west facing ground floor window on the gable roofed section will be removed;
 - e) on the south-east elevation, a glazed area will be converted to glazed double doors, a door on the hipped roof section will be removed and the central window altered;
 - f) two north-east facing windows will be removed, one from the end wall of the gable roofed section and one from the hipped roof wing of the main dwelling.

Proposal	Key facts
Scale	
Total floorspace	A mezzanine floor will be added to the gable roofed section adding approx 30m² to the floor area
No. of storeys	1
Max. dimensions	The dormer roof projects 3.6m outward from the pitched roof, and is 2.6m in height at its maximum (measured from eaves)
Appearance	
Materials	Dormer: sustainable painted timber and powder coated aluminium to match existing Other alterations: as above, and with black tiles and brick to match

Representations

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing

the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Changes too extensive to be referred to as "minor alterations"	See other matters
Large double storey window not in keeping with other houses in the area or the character of the conservation area	See main issue 1
Raising of roof will substantially increase the size of the property	See main issue 1
Overlooking & loss of privacy affecting surrounding properties	See main issue 2
The proposals would make the house more dominant on the plot	See main issue 1
Increased light to surrounding properties	See other matters
Potential to add Juliet balcony	See main issue 2
Replacement of gable with flat dormer roofs not in keeping with the conservation area	See main issue 1

Consultation responses

Design and Conservation

15. The application includes no assessment of the prevalent character of the area, or how the property currently affects that character, beyond mentioning that the property is 'well hidden'. Additionally, it does not assess how the proposals will impact the conservation area. The comments make reference to paragraph 128 of the NPPF, requiring "an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting".
16. It does not appear that the property is visible from the highway at present. However, this would be less certain at a time of year when tree coverage is less than substantial and the roof ridge height has been raised by 85cm. The property is also visible from the neighbouring houses and gardens. The comments make reference to the requirement in Local Policy DM3 to avoid "...dominant or incongruous extensions and alterations.."
17. The property is anomalous the character of the immediate setting, as defined by large houses fronting the highway with expansive gardens to the rear (some of which are locally listed). The property arguably has a negative impact on the conservation area, and these proposals would likely increase this negative impact.

Assessment of planning considerations

Relevant development plan policies

18. **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
19. **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
 - DM9 Safeguarding Norwich's heritage

Other material considerations

20. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF7 Requiring good design
 - NPPF10 Meeting the challenge of climate change, flooding and coastal change
 - NPPF11 Conserving and enhancing the natural environment
 - NPPF12 Conserving and enhancing the historic environment

Case Assessment

21. 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: Scale, Form and Design

22. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-134.
23. The main aspect to consider is whether the proposals represent harm to the character of the conservation area. In assessing this, we need to make reference to both the objections and concerns as outlined by Design and Conservation in paragraphs 15-19.
24. In acknowledging that the Design and Access Statement (DAS) fails to fully assess the impact of the proposals on the Conservation Area (CA), the absence of a specific appraisal for the Newmarket Road CA means that any such assessment is

reliant on more generic policy relating to heritage assets, in particular Local Plan DM9, as well as other means of identifying important assets and characteristics of the area, such as the local listing of buildings.

25. The DAS refers to the property being “well-hidden” and reference to what is visible from the public realm would seem to back this up. From Unthank Road, the property is largely invisible apart from when viewing at an angle between nos.392 & 394, where the top of the roof is just visible over vegetation and at too great a distance to either reveal any detail or merit any particular concern. The roof being raised by 85cm will make the house more visible from Unthank Road, though given the distance and marginal nature of the view, this does not represent a significant concern.
26. From Judges Walk, only the top of the roof and front gable is visible when viewing through the gate, with vegetation and the hipped roof garage blocking views from other angles. Though it has to be acknowledged the aforementioned screening from vegetation may not be as complete during winter months, the vegetation is substantial enough to mean the building is not noticeable.
27. The proposed new dormer faces away from Unthank Road, and any potential view of it from Judges Walk is blocked by the south-east wing of the house. The building is not visible at all from Kingston Square, due in large part to dwellings blocking the view, meaning that the new dormer will not be visible from the public realm.
28. While the comments from conservation refer to impact on views of the CA from surrounding properties, the focus of our assessment should be on what is visible from the public realm.
29. As has been indicated by conservation, the character of the area is defined by large properties sitting to the front of substantial rear gardens. Many date from the early to mid-20th century, with red brick and rendering as dominant materials and defining features include gable roofs and bay windows. The subject property, being of later design and sitting to the rear of its garden plot, makes little or no contribution to the conservation area and, indeed, arguably has a negative impact. However, the lack of visibility from the public realm means that any negative impact of the property itself is only very marginal, and alterations to the property such as those proposed could not be said to represent a noticeable impact even if they are considered to add to the dwelling’s negative properties.
30. Even given the above, we do have to consider if the proposals do represent a negative impact to the design of the property. The large dormer and extensive area of glazing would provide an immediately distinctive feature which, while it represents a contrast to the area, it is less of a departure in the context of the contemporary design of the house itself.
31. It is proposed to change the other dormers in the house from gable to flat roofs to provide stylistic consistency and prevent the new dormer from appearing incongruous. This includes the front dormer which is currently just visible from Judges Walk and is separated visually from the new dormer by the south-east wing of the house. While it could be argued that the front dormer could remain as it is to be more fitting with the CA, it is also the case that the gable currently makes little or no contribution to the character of the CA and will no longer be visible through the gateway from the road if converted to a flat roof.

32. The raising of the roof and creation of the dormer do not represent a significant enough change for it to be considered that the dwelling will now over-dominate the plot, particularly given the large size of the garden. Other changes proposed to windows and doors do not represent any significant change in the qualitative appearance of the house.

Main issue 2: Amenity

33. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
34. The main concerns in respect of amenity relate to the potential for overlooking and/or for neighbours to have the impression of being overlooked. The new dormer will face directly south-east, with a substantial length of its own garden (25m) making up the majority of the view. Beyond that is the rear of the garden of no.20 Kingston Square. Given the distance involved, screening from vegetation and the fact that the majority of the area of that garden, which is nearest the house, will be largely unaffected means this is unlikely to be of major concern.
35. Given the mezzanine floor arrangement, it will not actually be possible to walk up to the glass of the dormer on the first floor of the property, making views to the side toward no.18 Kingston Square extremely difficult, and preventing view toward no.16. Three trees and a holly bush along the boundaries of these properties provide effective screening. With the removal of two north-west facing windows, ground floor views toward no.16 will actually be reduced.
36. Views from the dormer toward 22 Judges Walk will also be difficult, particularly with screening from trees and outbuildings.
37. In respect of overlooking toward properties on Unthank Road, the new windows to be added are dormer windows which will be approximately 1.75m from floor level and so very difficult to view out of. There is also some screening from trees in that direction. An objection referred to an increase in height of a dormer window facing no.392 Unthank Road, though this related to an error on the existing plans which has since been corrected.
38. To help prevent any future changes creating an impression of overlooking, a condition has been added to prevent future conversion of the dormer window to a juliet balcony.

Other issues

39. The description of the application was altered to change 'minor alterations' to 'external alterations'.
40. Given the distance and level of screening between the properties, light from the expanded area of glass is unlikely to have a noticeable effect on the amenity of neighbours.

Equalities and diversity issues

41. There are no significant equality or diversity issues.

Local finance considerations

42. 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.
43. 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.
44. In this case local finance considerations are not considered to be material to the case.

Conclusion

45. The proposals will result in an attractive living space for the occupants and facilitate internal changes to fit their needs. Despite some concerns about the design, the difficulty of demonstrating harm to the character of the conservation area means that its scale and form are considered acceptable. The level of impact on the amenity of neighbouring properties is also judged to be marginal and acceptable.
46. 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.

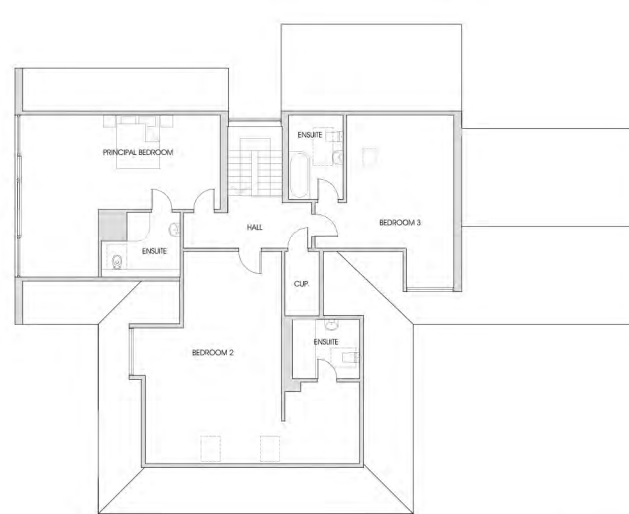
Recommendation

To approve application no. 18/00485/F - 24 Judges Walk Norwich NR4 7QF and grant planning permission subject to the following conditions:

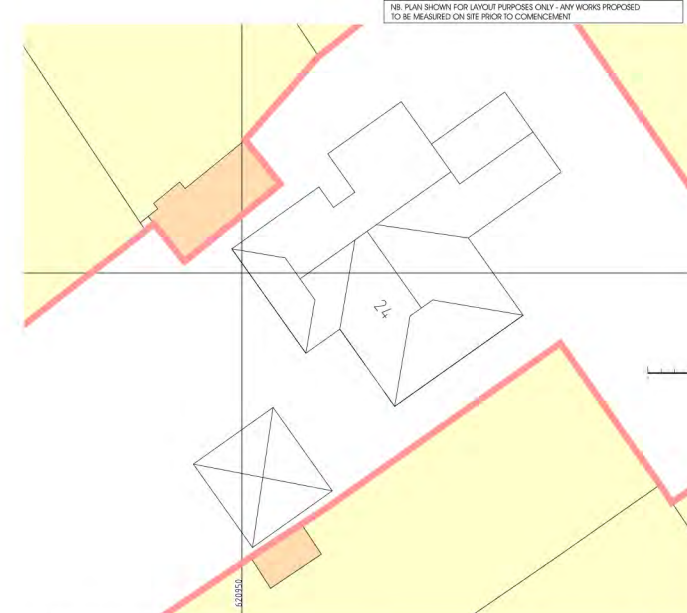
1. Standard time limit;
2. In accordance with plans;
3. To prevent future conversion of the dormer window to a juliet balcony.



GROUND FLOOR PLAN



FIRST FLOOR PLAN



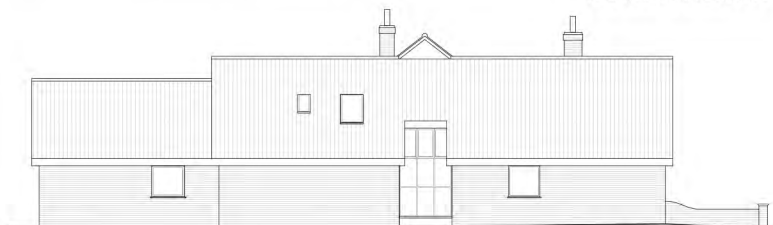
1:200 EXISTING SITE PLAN



SIDE/ SOUTH EAST ELEVATION



REAR/ NORTH EAST ELEVATION



SIDE/ NORTH WEST ELEVATION



FRONT/ SOUTH WEST ELEVATION

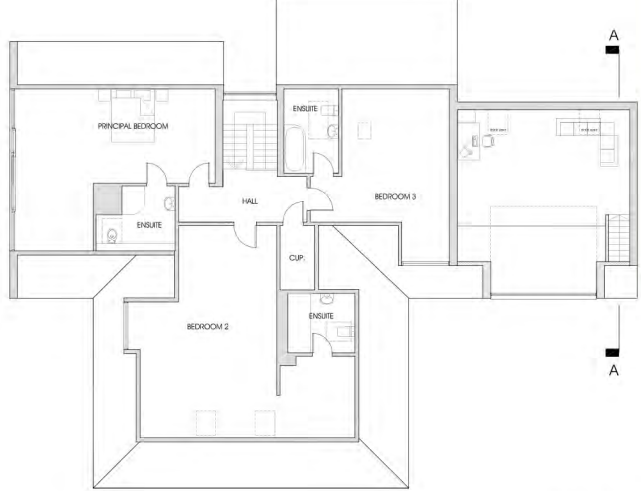


1:1000 EXISTING SITE PLAN

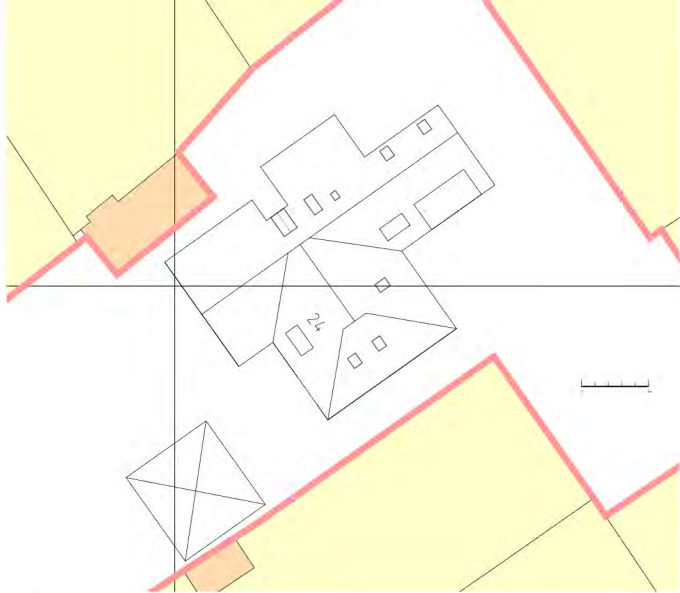
PROPOSED PLANS



GROUND FLOOR PLAN



FIRST FLOOR PLAN



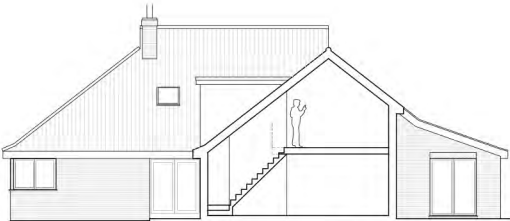
1:200 PROPOSED SITE PLAN



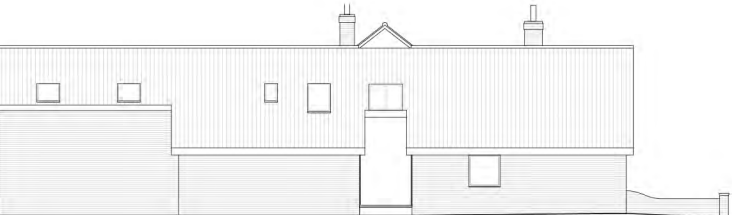
SIDE/ SOUTH EAST ELEVATION



REAR/ NORTH EAST ELEVATION



PROPOSED SECTION A-A



SIDE/ NORTH WEST ELEVATION



FRONT/ SOUTH WEST ELEVATION



1:1000 EXISTING SITE PLAN

NOTE: ALL EXISTING ROOF TILES TO BE REPLACED WITH SIMILAR TILES TO MATCH

Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2018. City of Norwich
Number 533; Churchyard, The Close, Norwich.

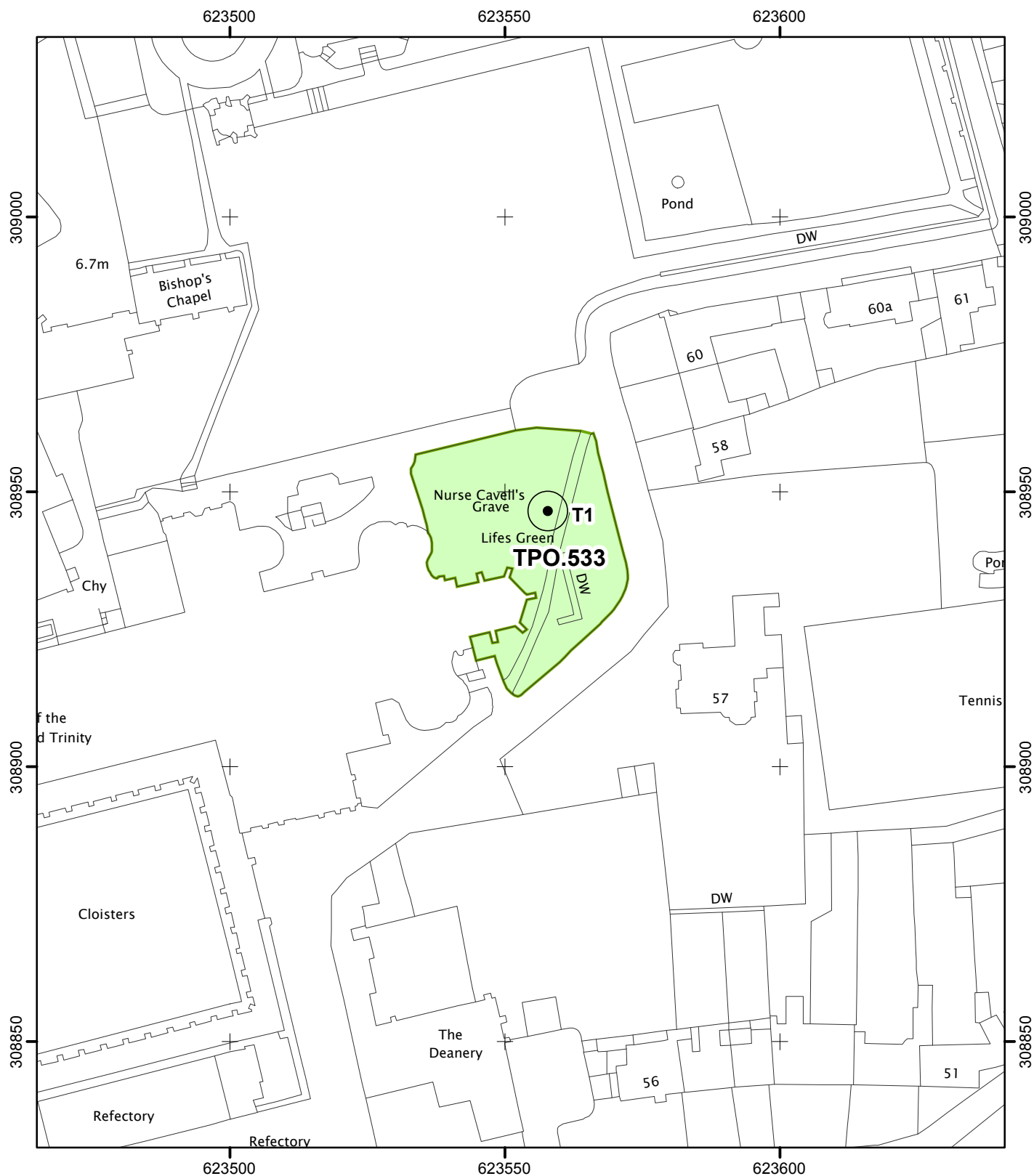
**Reason
for referral** Representations for, and objections to, confirmation of
Tree Preservation Order 533

4(i)

Ward:	Thorpe Hamlet
Case officer	Mark Dunthorne,, email: markdunthorne@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2018, City of Norwich Number 533, Churchyard, The Close, Norwich without modifications.		
Representations		
Object	Comment	Support
1	0	0

Main issues:	Key considerations:
1 Amenity	Level of amenity for residents of/visitors to, The Close.
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	15 July 2018
Recommendation	Confirm TPO 533 without modifications



PLANNING SERVICES

Norwich City Council, City Hall,
Norwich, NR2 1NH
Telephone 0344 980 3333

Date : 10/01/2018

Scale : 1:1,000

Drawn by : DB



Introduction

1. A conservation area application was received in December 2017, requesting consent to lift the crown of a mature cedar by approximately 2.5m from ground level.
2. The location of the tree is shown on the attached plan.

The site, surroundings and content

3. The cedar is a large, mature tree, situated at the eastern end of the cathedral. Incidents of anti-social behaviour have been occurring in the area, and the police have advised that improving sight lines (by removing the lower crown of the tree), would discourage this.
4. The council's arboricultural officer visited the site and assessed the tree using the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO). The assessment has the following classifications:

TEMPO score:	TEMPO Decision guide
0 - 11	Does not merit a TPO
12 -15	TPO defensible
16 - 25	Definitely merits TPO

5. The assessment resulted in a score of 19 for the tree, indicating that a Tree Preservation Order was definitely merited. City of Norwich no. 533 Tree Preservation Order, 2018: Churchyard, The Close, Norwich, was served on 15 January 2018.
6. Tree Preservation Order no 533 is provisionally in effect from 15 January 2018, until the 15 July 2018, 6 months from the date on which it was served.
7. During this period the council gives consideration as to whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any trees covered by the Order. The Council received one objection/comment.
8. The council's standing orders require that when an objection to an Order is received, a report must be presented to planning committee before the Order is confirmed.
9. Notice of the new Order (along with a letter of explanation) was served on the owner of the property, on the neighbouring properties, and on interested parties.

Representations

10. Full details of the representation are available on request.

11. The issues set out in the representation, and the responses from the arboricultural officer are summarised below:

Representation	Response
The application was as a result of a request from a police crime prevention officer, and local residents, who felt the canopy of the tree provided a screen for anti-social behaviour. Removing the lower canopy, would discourage this.	<p>The low canopy is a long-established, attractive feature of this significant tree. Its unique form enhances the public's appreciation of the tree (rather than just walking under the tree, users of the footpath are able to experience walking 'through' the tree). The proposed work will diminish this intimate relationship and will detract from the trees considerable amenity value.</p> <p>There is no arboricultural reason for the removal of structurally sound, healthy branches, and to address concerns regarding, what could be considered 'transitory' anti-social behaviour, by carrying out permanent and irreversible pruning to such a valuable tree, is considered inappropriate.</p>

Main issues

Issue 1

12. The negative impact of substantial limb removal on this mature, healthy tree. Permanent loss of its unique form will detract from its considerable amenity value and distinctiveness. TPO status will help to ensure this exceptional tree is retained in its current form.

Conclusion

13. The objection to the Order has been taken note of, and whilst officers appreciate the concerns raised, it is their opinion that the tree should be protected to ensure future retention in its current form. Solutions to address concerns regarding anti-social behaviour should look to focus on tackling the root cause, prevention, and enforcement, rather than irreversibly altering the unique form of a valuable tree.

Recommendation

To confirm Tree Preservation Order [TPO], 2018. City of Norwich Number 533; Churchyard, The Close, without modifications.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4/1/18 Surveyor: MD

Tree details
 TPO Ref (if applicable):
 Owner (if known): CATHARAL Tree Group No: T1 Species: CEDAR
 Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relative to existing context and winter led to apply to severe immediate defects only

Score & Notes

5

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or potential future nuisance, including those already outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

4

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

5

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Tree groups, or members of groups important for their cohesion |
| 3) Trees with identifiable historic, commemorative or habitat importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |

Score & Notes

2

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | |
|-------------------------------|
| 5) Immediate threat to tree |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only |

Score & Notes

3

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

19

Decision:

TPO



NORWICH
City Council

Please ask for:

Phil Thomas
Chapter Office
65 The Close
Norwich
NR1 4DH

Danni Howard
Planning technical officer
Tel: 01603 212765
Email: planning@norwich.gov.uk
Date: 15 January 2018
Our reference: 18/00533/TPO
Please quote this when contacting us.

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (as amended).
TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 533

Location: Churchyard The Close Norwich

Description: Tree Preservation Order, 2018 City of Norwich Number 533, Churchyard The Close Norwich

I enclose a formal notice advising you that the Council has made a Tree Preservation Order at the above address. It is necessary for me to notify the owner/occupier of the land in question and any other adjoining residents and interested parties of the making of the order. A copy of the Order is enclosed.

As you will see from the Notice, you may make written representations or objections in respect of the Order within a period of 28 days from the serving of this Notice. Any objections should be sent to the case officer named above to planning@norwich.gov.uk or the address below. Please be aware that your comments (including your name and address) will be available as public information. Therefore, please do not include any sensitive information and you may choose to provide your comments as an attachment if corresponding by email and exclude your signature.

I would be most grateful if you could give me the name and address of any other person(s) you know who may have an interest in the premises which belong to or are associated with you.

Yours sincerely

Danni Howard
Tree Protection Officer
Norwich City Council



NORWICH
City Council

Please ask for:

Danni Howard

Planning technical officer

Tel: 01603 212765

Email: planning@norwich.gov.uk

Date: 15 January 2018

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 (as amended).

TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

TREE PRESERVATION ORDER 2017

THE CITY COUNCIL OF NORWICH NUMBER 533

ADDRESS:

Churchyard

The Close

Norwich

DESCRIPTION: Tree Preservation Order, 2018 City of Norwich Number 533, Churchyard
The Close Norwich

DATE: 15 January 2018

THIS IS A FORMAL NOTICE to let you know that on 15 January 2018, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. More information on Tree Preservation Orders can found on the government's Planning Practice Guidance website:

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

The Council has made the Order to protect the amenity of the area.

The Order took effect, on a provisional basis, on 15 January 2018. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.] The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by 13 February 2018 (28 days after the date of the notice). Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Please send any comments by email to **planning@norwich.gov.uk** or to the Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact the officer named above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Nelson', written in a cursive style.

Graham Nelson
Head of Planning Services

Copies of this letter have been sent to:

Name:	Address:
Phil Thomas	Chapter Office 65 The Close Norwich NR1 4DH

Copy of Regulation 6 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Objections and representations

6.—*(1) Subject to paragraph (2), objections and representations—*

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation

5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply

with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 533

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

Citation

1. This Order may be cited as Tree Preservation Order, 533
City of Norwich, Churchyard The Close Norwich

Interpretation

2.
 1. In this Order “the authority” means the City Council of Norwich.
 2. In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.
 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
 2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this 15 January 2018

Signed on behalf of the City Council of Norwich:

A handwritten signature in black ink, appearing to read 'G Nelson', written in a cursive style.

Graham Nelson
Head of planning services

Authorised by the Council to sign in that behalf

SCHEDULE

Article 3
SPECIFICATION OF TREES

Trees specified individually (TREE)
(encircled in black on the map)

Reference on Maps	Description	Situation
T1	1 x Cedar	On west side of footpath adjacent Cathedral apse

