



**NORWICH**  
City Council

### Planning applications committee

**Date: Thursday, 09 August 2018**

**Time: 09:30**

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

#### Committee members:

##### Councillors:

Driver (chair)  
Maxwell (vice chair)  
Bradford  
Brociek-Coulton  
Henderson  
Malik  
Peek  
Raby  
Ryan  
Sands (M)  
Stutely  
Trevor  
Wright

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## Agenda

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<b>1</b>	<b>Apologies</b>  To receive apologies for absence	
<b>2</b>	<b>Declarations of interest</b>  (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)	
<b>3</b>	<b>Minutes</b>  To approve the accuracy of the minutes of the meeting held on 12 July 2018.	<b>5 - 14</b>
<b>4</b>	<b>Planning applications</b> 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: <a href="http://planning.norwich.gov.uk/online-applications/">http://planning.norwich.gov.uk/online-applications/</a>  Please note: <ul style="list-style-type: none"><li>• The formal business of the committee will commence at 9.30;</li><li>• The committee may have a comfort break after two hours of the meeting commencing.</li><li>• Please note that refreshments will not be provided. Water is available</li><li>• The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.</li></ul>	
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Date of publication: **Wednesday, 01 August 2018**





**Planning applications committee**

**10:20 to 12:40**

**12 July 2018**

Present: Councillors Driver (chair), Maxwell (vice chair), Brociek-Coulton, Malik, Peek, Raby, Sands (M), Stutely, Trevor and Wright

Apologies: Councillors Bradford, Henderson and Ryan

**1. Declarations of interest**

Councillor Driver, as chair of Norwich in Bloom, and Councillor Brociek-Coulton, as secretary of Norwich in Bloom, declared pecuniary interests in item 4 (below), Application no 18/00672/VC - Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP, because the owner of the site was a major sponsor of Norwich in Bloom. They left the room during consideration of this item and did not participate in the determination of the application.

Councillor Peek declared a pre-determined view in item 5 (below) Application no 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB, because in his capacity as Wensum ward councillor he would speak as member of the public and then leave the room during the committee's debate and determination on the application.

Councillor Malik asked that it be recorded that as a ward councillor for Nelson ward he had discussed the Application no 18/00168/F - Site North of 2 Wellington Road, Norwich ( item 6 below) with constituents but did not have a predetermined view.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 14 June 2018.

**3. Application no 18/00004/F - 161 Oak Street, Norwich, NR3 3AY**

The senior planner (development) presented the report with the aid of plans and slides. During the presentation she referred to the supplementary report of updates to reports which was circulated at the meeting and contained a summary of a further representation in support of the application from a business located in the Great Hall and, following further comment from the applicant, changes to the proposed conditions 13, 18 and condition 31 (not condition 27 as stated in the supplementary report) relating to the construction method statement,

At the chair's discretion the planning agent and a representative on behalf of the applicant addressed the committee to provide an explanation of the specific

circumstances of this application relating to the viability assessment and that the owner of the site was prepared to develop the site as a “legacy to the city”. The proposal included family houses and affordable housing units, and was a unique opportunity to regenerate this area of the city, adjacent to a conservation area.

During discussion the senior planner and the area development manager (inner) referred to the report and answered members’ questions. This included clarification on the developers’ contributions. The S106 would secure the two affordable housing units. Members were also advised that this was a one-off development by an owner who had already invested a lot of money to ensure the development as a legacy for the city. The development would be liable to a community infrastructure levy which could not be used to provide affordable housing.

The chair moved and the vice chair seconded the recommendations in the report, as amended by the changes to the conditions as set out in the supplementary report.

Discussion ensued in which members commented on their disappointment that the level of affordable housing that could be provided on this site was only 5 per cent. A member commented on the design and welcomed the “zig-zag” roof of the elevation beside the river which reflected the site’s industrial heritage. Some members welcomed the proposed scheme which would bring forward a vacant brownfield site for development, provide family housing with car parking spaces, and open up the riverside walk.

Councillor Malik expressed concern that he considered that the issues raised by Historic England had not been adequately addressed. He was also concerned about the small percentage of affordable housing that would be provided through the proposed development of this site.

**RESOLVED**, with 9 members voting in favour (Councillors Driver, Maxwell, Wright, Brociek-Coulton, Trevor, Sands, Raby, Stutely and Peek) and 1 member voting against (Councillor Malik) to approve application no. 18/00004/F - 161 Oak Street Norwich NR3 3AY, and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of affordable housing and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of:
  - (a) Bricks, roofs, zinc cladding, render, steps;
  - (b) Doors and windows (including depth of reveal, details of heads, sills, lintels and glazing);
  - (c) external flues, mechanical ventilation, soil/vent pipes and their exit to the open air;
  - (d) eaves and verges;
  - (e) rainwater goods (to be cast iron or aluminium);
  - (f) balustrades and associated fixings;
4. Sample panel of the facing brickwork (showing colour, texture, facebond and pointing);
5. HA1 Access for recording (to allow for a full photographic survey of the remains of the historic Maltings to be carried out);

6. Removal or permitted development rights for boundary treatments, outbuilding and extensions;
7. Landscaping details including soft landscaping, hard landscaping, boundary treatments, implementation programme and management details.
8. Heritage interpretation.
9. Archaeology – development to take place in accordance with WSI. No occupation until the site investigation and post investigation assessment has been completed in accordance with the details set out within the WSI.
10. Archaeology – stop works if unidentified features revealed.
11. Works to be carried out in accordance with the Ecological method statement
12. Small mammal access.
13. Site clearance to take place outside the main nesting seasons for birds in accordance with the proposed ecological method.
14. Biodiversity mitigation programme to be agreed (including details of bird and bat boxes).
15. Details of glazing to townhouses (to minimise light).
16. Contamination.
17. Unknown contamination.
18. Piling shall take place in accordance with a piling method statement to be agreed.
19. Imported materials.
20. External lighting.
21. Slab level details.
22. Renewable energy details.
23. Water efficiency.
24. Development to be undertaken in accordance with approved Flood Risk Assessment. Mitigation measure shall be fully implemented prior to occupation.
25. No development shall take place until detailed design of a surface water drainage scheme has been agreed. The approved scheme shall be implemented prior to first occupation.
26. Finished floor levels to be a set no lower than 5.40 metres above Ordnance Datum (AOD).
27. Details of car parking (including electric charging points), cycle storage, bin storage and collection points.
28. No occupation until the vehicular and pedestrian accesses have been constructed and made available for use..
29. Riverside walk to be open 24/7.
30. Car parking management to be carried out in accordance with the car parking management strategy.
31. Construction method statement should be implemented in accordance with the approved details.
32. In accordance with AIA, TPP and AM.

#### Informatives

1. Car free housing.
2. Construction working hours.
3. Site clearance and wildlife.
4. Planning obligations.
5. Street naming and numbering.
6. An environmental permit for flood risk activities may be required if any works will be in, under, over or within 8 metres from the River Wensum.

7. Conditions 3(b) requires details of the windows. This should include details of glazing to show how this accords with the mitigation measures set out within the noise impact assessment.

#### 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.

#### 4. **Application no 18/00672/VC - Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP**

(Councillors Driver and Brociek-Coulton having declared an interest in this application left the meeting at this point. Councillor Maxwell, vice chair, was in the chair for this item.)

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

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

**RESOLVED**, unanimously, to approve application no. 18/00672/VC - Notcutts Garden Centre, Daniels Road, Norwich, NR4 6QP and grant planning permission subject to the following conditions:

1. Restate existing use condition 1 A) to F) as existing, with G) varied as proposed:  
'Within the area hatched blue on drawing. No. GNR005.41.1406 rev C for the sale of plants, goods and equipment related to the main uses of the site as a garden centre, and/or the sale of convenience food products, and for use as an upholsterers, including retail sales area and associated workshop'.
2. Hand tools only, unless details of plant and machinery first agreed in writing with the Local Planning Authority.

#### Article 31(1)(cc) 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 and has recommended approval of the application subject to appropriate conditions and for the reasons outlined in the officer report above.

(Councillors Driver and Brociek-Coulton were readmitted to the meeting. Councillor Driver resumed the chair.)



**5. Application 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB**

(Councillor Peek, having declared a predetermined view, addressed the committee as a member of the public and then left the meeting. He did not take part in the determination of the application.)

The area manager development (outer) presented the report with the aid of plans and slides. During the presentation he referred to the supplementary report of updates to reports which was circulated at the meeting and contained a further letter of representation from the resident of 302 Bowthorpe Road and the officer response.

The neighbour of the house to the rear of the site addressed the committee and outlined his frustration that the error in building the church closer to the boundary of his house persisted resulting in overshadowing of the garden and house. The proposal did not rectify this breach in planning consent as it did not lower the roof. He said that he considered that the planning officers and developers were not giving sufficient consideration to his concerns about the impact. (A slide viewed from the resident's conservatory and a plan demonstrating the impact on the resident's house from the over shadowing from the church building was displayed during his speech.) Councillor Peek, Wensum ward councillor, addressed the committee and referred to the history of the application. The new church building had been built closer to the boundary of 10 Old School Close and construction had continued despite the error being identified and that this would have an impact on the neighbouring property. The proposal did not amend the design to reduce the height of the building or amend the roof type to mitigate this error. He considered that the constructors had disregarded building consent by installing the wrong external lighting on the site.

The agent addressed the committee in response to the comments made. He explained that the site location plan had been correct but that there was an error in one of the other drawings and as a consequence the church was now closer to the boundary. The daylight assessment had been carried out accurately with the use of lasers to scan the surrounding buildings and demonstrated that the building resulted in a negligible loss of daylight to the adjacent properties. Consideration had been made to installing a hipped roof but this would not result in a noticeable effect to the neighbouring properties in relation to BRE guidelines on overshadowing. He confirmed that the correct car parking lighting would be installed; that the fencing damaged in construction could be replaced and that a higher fence could be installed to address concerns about overlooking from the additional window. He explained that consideration could be given to soft landscaping or fencing the car park at the front of the building, but its current open plan served the congregation well and deterred anti-social behaviour.

During questions from members, the area development manager (inner) and the planner, referred to the report and answered questions. They confirmed that there would be a significant impact on the property to the north of the site, reducing the level of daylight from 98 per cent to 54 per cent, which was still within the BRE guidelines. The planner said that the slide taken from the neighbour's conservatory was dated 26 November and had been taken prior to his visit to the site. The developers could have been served with a temporary stop notice but this would not have mitigated the harm because the roof had already been put on the building. Members noted that the design of the building was as approved but that due to the

error in the drawing it had been built only 4.5 metres from the boundary of the property to the north of the site. A member commented that the church had not taken into consideration the impact that this mistake had on its neighbour. Members considered that a hipped roof or lowering the height of the building could mitigate the loss of light to the neighbouring property and noted that although it was a finely balanced case, the current proposal retained a building which overshadowed and was overbearing to the property to the north.

The area development manager (inner) explained the options available to members if the application was refused and the practicality of ensuring that enforcement action was carried out within a reasonable timescale.

Councillor Sands moved and Councillor Maxwell seconded that the application be refused on the grounds that its proximity to the property to the north of the site caused overshadowing and was overbearing creating a negative impact on the neighbour's amenity; and to authorise enforcement action to amend the roof space to make alterations to the approved plan to replace the roof with a hipped roof, and that the alterations were to be undertaken within 3 months of the issue of the notice.

**RESOLVED**, unanimously, to:

- (1) refuse application no 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB, because of the impact of its proximity to the property to the north of the site causing a detrimental impact on the amenity due to overbearing and overshadowing, and to ask the head of planning services to provide the reasons for refusal in planning policy terms;

(Reasons for refusal as subsequently provided by the head of planning services,

1. The proposed development would result in an unacceptable impact on the amenity of the neighbouring property to the north of the site at 10 Old School Close by way of loss of light and overshadowing of primary living spaces. Consequently, the proposal fails to meet the requirements set out in Policy DM2 of the Development Management Policies Local Plan 2014 and paragraphs 9 and 17 of the NPPF. It is not considered that the harm to the amenity of the neighbouring property is outweighed by the benefits of the proposal.
  2. The development as constructed by virtue of its scale and proximity to the northern boundary results in an overbearing relationship which has an unacceptable impact on the outlook of 10 Old School Close. Consequently, the proposal fails to meet the requirements set out in Policy DM2 of the Development Management Policies Local Plan 2014 and paragraphs 9 and 17 of the NPPF. It is not considered that the harm to the amenity of the neighbouring property is outweighed by the benefits of the proposal.)
- (2) authorise the head of planning services to seek enforcement action to rectify the unauthorised breaches to the planning consent as follows:

- (a) removing the external lights in the car park and installing the lighting that had been approved;
- (b) replacing the pitched roof with a hipped roof;
- (c) install a fence to mitigate the concerns about overlooking from the new window

(Councillor Peek was readmitted to the meeting at this point.)

## **6. Application no 18/00168/F - Site North of 2 Wellington Road, Norwich**

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

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, Wright, Brociek-Coulton, Trevor, Sands, Malik, Stutely and Peek) and 1 member voting against (Councillor Raby because of his concerns about the impact that the extension would have by overshadowing the adjacent garden) to approve application no. 18/00168/F - Site North of 2 Wellington Road Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Bin and bike stores;
5. Landscaping including biodiversity enhancements;
6. In accordance with AIA;
7. Mitigatory tree planting;
8. Removal of PD rights;
9. SUDS;
10. Water efficiency;
11. Bird nesting season.

### Informative

1. Parking permits.
2. Protected species.
3. Considerate construction.
4. Works to the highway.
5. Bins.
6. Addressing.

## **7. Application no 18/00574/F - 62 Eaton Road, Norwich, NR4 6PR**

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

Councillor Lubbock, Eaton ward councillor, spoke on behalf of the immediate neighbours and outlined their objections to the proposed extension, which included concern that the extension would block light to their study and stairwell and that the

use of cedar cladding was an inappropriate material for Eaton Road. She referred to a house further down Eaton Road which had Red Cedar cladding and showed a slide to demonstrate how it looked in the streetscene. If the development was to go ahead the applicant would require access from the neighbouring property which the neighbour had stated would not be forthcoming.

The planner referred to the report and answered questions. She confirmed that similar cladding had been used for an extension further down the street and that there was a mixture of houses in the vicinity. She also answered questions about the proximity to the boundary and confirmed that the extension would be in line with the existing garage and 30 to 40 cm from the boundary of the property.

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

Councillor Sands commented that the view from the neighbour's study would be that of a blank wall. Councillors Brociek-Coulton and Wright concurred with his concern that the proposed extension's proximity to the boundary and scale of development were considered to be unacceptable.

**RESOLVED** with 7 members voting in favour (Councillors Driver, Maxwell, Trevor, Raby, Malik, Stutely and Peek) and 3 members voting against (Councillors Sands, Brociek-Coulton and Wright) to approve application no. 18/00574/F - 62 Eaton Road, Norwich, NR4 6PR and grant planning permission subject to the following conditions:

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

#### **8. Application no 18/00713/F - 144 North Park Avenue, Norwich, NR4 7EQ**

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

During discussion the planner referred to the report and answered members' questions. He explained that the proposed extension was 0.6 metres outside the threshold for permitted development without requiring planning permission. In reply to a member's question, members were advised that covenants preventing the removal of the back wall were a civil matter and outside the remit of the committee. Members were also advised that the applicant had commenced work prior to planning permission being granted but did so at their own risk and would be liable to rectify the works at their own cost. A member commented that if the house was to be let to students there was a limited time to carry out the works before the next term. Members also sought confirmation that the dwelling would remain as a small house in multiple occupation (HMO) and that this application did not alter the room layout for the rest of this 3 bedroom house with one communal bathroom.

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

Councillor Stutely said that although he was not generally in favour of HMOs in ex-local authority houses, he considered that this extension was acceptable and that

there was potential to for this house to be converted back to a family house in the future.

**RESOLVED**, unanimously, to approve application no. 18/00713/F - 144 North Park Avenue Norwich NR4 7EQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Limit on number of occupants and property to remain in C3/C4 use.

## **9. Enforcement Case 17/00068/ENF – 1 Magdalen Street**

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

During discussion the area development manager (inner), together with the assistant conservation and design officer, referred to the report and answered members' questions. There was an approved list of colours for paintwork on listed buildings or in conservation areas, dependent on the age of the building and character of the area. There was no dispute that the paint work had been well executed but that the dark colours chosen by the owner were considered to be unsuitable for this nineteenth century shop front and would have a detrimental effect on the listed building and surrounding buildings in the conservation area.

During discussion Councillor Malik said that he considered that the appearance of no 1 Magdalen Street was acceptable and that as the building was in good repair, he questioned the need for enforcement action in this instance. Other members concurred with this view. The chair expressed concern that unless enforcement action was taken it could lead to a precedent and undermine the ability for the council to protect the characteristics of listed buildings and conservation areas. He therefore supported the officer recommendation.

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

**RESOLVED** with 7 members voting in favour (Councillors Driver, Maxwell, Wright, Brociek-Coulton, Raby, Stutely and Peek) and 3 members voting against (Councillors Malik, Sands and Trevor) to authorise enforcement action against the repainting of the front elevation of the listed building, and to require the perpetrator to:

1. return the property to its former state; or
2. repaint the front elevation of the Building in accordance with the scheme approved via Listed Building Consent reference 17/01635/L.

**10. Performance of the development management service; progress on appeals against planning decisions and planning enforcement action for quarters 3-4 2017-18 and quarter 1 2018-19 (October 2017-June 2018)**

The area development manager (outer) presented the report, and together with the area development manager (inner), answered members' questions. This included an explanation for the delay in processing enforcement notices due to staffing resources which would be reviewed, and an explanation that there was no limit to the number of times an applicant whose application was dismissed at appeal could submit a new planning application.

During discussion members also asked questions about the outcome of specific enforcement cases where notice had been given. The area development manager (inner) advised members that the residential use of the basement at 17-19 Castle Meadow had ceased but the owners had failed to restore access to the basement from the rest of the building or remove the kitchen and bathroom from the basement by the 6 July deadline for compliance with the enforcement notice. Members were also advised that the appeal against the enforcement notice for 1A Midland Street had been withdrawn.

**RESOLVED** to note the report.

CHAIR

# Summary of planning applications for consideration

# ITEM 4

9 August 2018

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	18/00642/F	Westlegate	Lara Emerson	Upward extension to provide 9 residential dwellings (Class C3) within two new storeys, the change of use of one retail unit (Class A1) to provide access to residential units, provision of bin and cycle storage and exterior alterations to the building facade, windows, doors and roof.	Departure from plan	Approve
4(b)	18/00503/O	St Peters Methodist Church Park Lane	Maria Hammond	Outline application including matters of access, for demolition of all buildings on site, erection of up to 10 dwellings, formation of new access road from Avenue Road with associated external works.	Member call-in	Refuse
4(c)	18/00504/O	St Peters Methodist Church Park Lane	Maria Hammond	Outline application including matters of access, for demolition of the Church Hall, Welcome Room and Boys Brigade, conversion of main church and erection of new dwelling(s) with associated external works.	Member call-in	Refuse
4(d)	17/01338/F	Marwood Ltd, Diamond Road	Steve Polley	Construction of external racking in yard.	Objections	Approve
4(e)	18/00835/F	4 Nasmith Road	Stephen Little	Single storey rear extension.	Objections	Approve
4(f)	18/00796/V C	7 Dowding Road	Charlotte Hounsell	Variation of Condition 2 of planning permission 16/01017/F to amend approved plans.	Objections	Approve

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(g)	18/00003/ENF	Land at Holt Road, Norwich	Robert Webb	Unauthorised use of the land for the stationing of residential caravans and a portaloo, the storage of waste, the erection of a fence adjacent to the highway and the laying of a hard surface.	Seeking authority for enforcement action to be taken	Authorise enforcement action



## 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  
 9 August 2018  
**Report of** Head of planning services  
**Subject** Application no 18/00642/F - The Boars Head Yard and  
 1-17 Westlegate Norwich NR1 3ST  
**Reason for referral** Departure from development plan

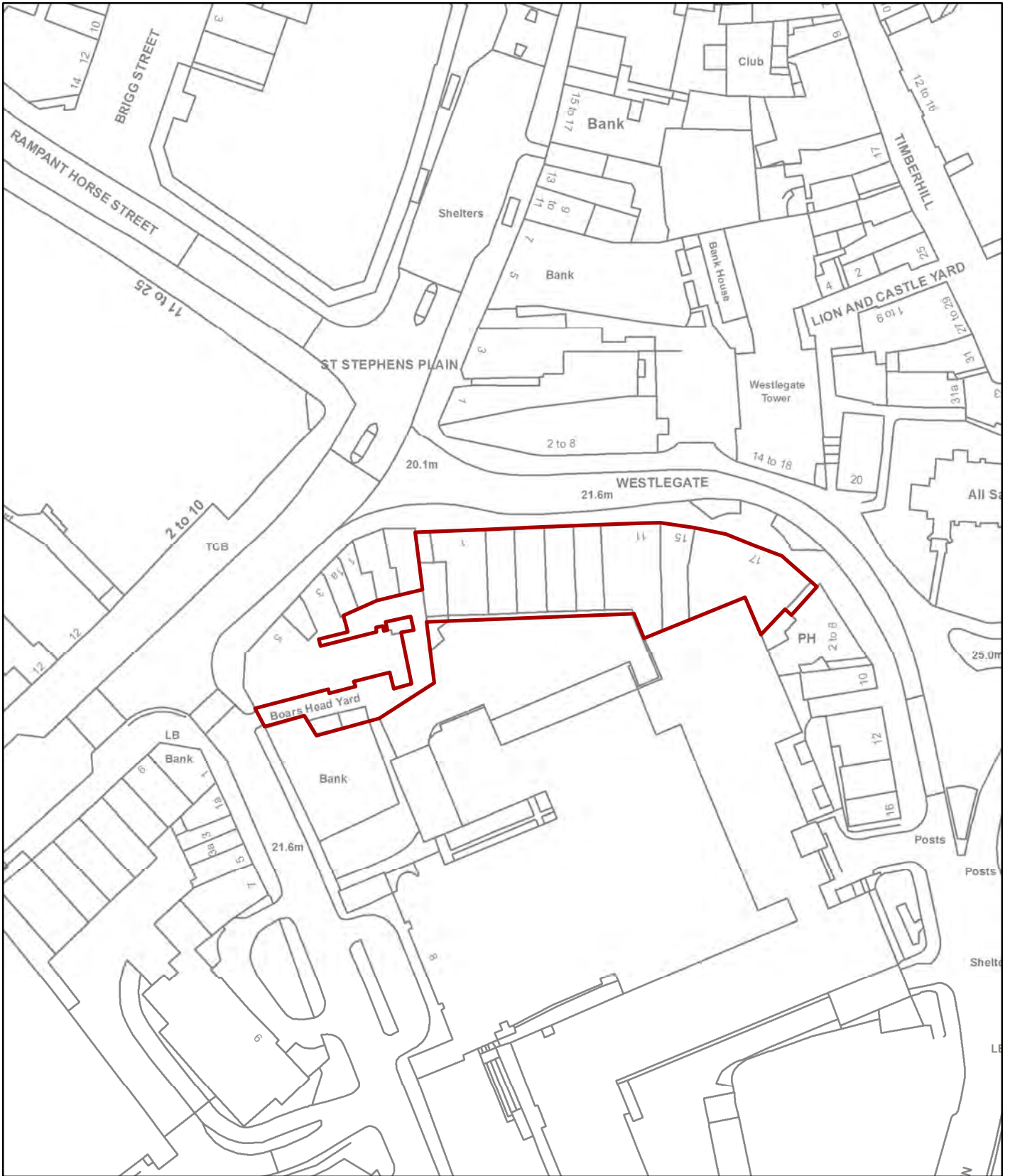
**Item**

**4(a)**

<b>Ward</b>	Mancroft
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

<b>Development proposal</b>		
Upward extension to provide 9 residential dwellings (Class C3) within two new storeys, the change of use of one retail unit (Class A1) to provide access to residential units, provision of bin and cycle storage and exterior alterations to the building facade, windows, doors and roof.		
<b>Representations</b>		
Object	Comment	Support
1	2	0

<b>Main issues</b>	<b>Key considerations</b>
1. Principle of development	<ul style="list-style-type: none"> <li>- Compatibility with site allocation</li> <li>- Loss of retail space</li> <li>- Principle of residential development</li> </ul>
2. Design and heritage	<ul style="list-style-type: none"> <li>- Additional storeys</li> <li>- Façade treatment and materials</li> <li>- Design of ground floor entrances</li> </ul>
3. Amenity	<ul style="list-style-type: none"> <li>- Amenity of future residents in terms of internal and external space, light, outlook and privacy, noise</li> <li>- Amenity of surrounding occupants</li> </ul>
4. Transport	<ul style="list-style-type: none"> <li>- Sustainability of location and appropriateness of car free development</li> <li>- Bicycle storage provision</li> <li>- Refuse storage provision and collection arrangements</li> </ul>
<b>Expiry date</b>	14 August 2018
<b>Recommendation</b>	APPROVE



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Planning Application No - 18/00642?F  
 Site Address - Westlegate  
 Scale - 1:1,000



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## The site and surroundings

1. The Westlegate building is a four storey building which runs along the south side of Westlegate. The topography of the area is such that the ground slopes down from east to west, meaning that the eastern end of the building has one fewer storey.
2. The building falls within the main retail centre of Norwich, with the area being occupied almost exclusively by retail uses at ground floor. Westlegate itself has recently undergone extensive public realm improvements which have created an attractive pedestrianised shopping street linking St Stephens Street to All Saints Green. The upper floors of the building are currently offices which have been vacant for a number of years. The upper floors have recently been granted prior approval for conversion to residential dwellings.
3. The buildings sit within the St Stephens Character Area of the City Centre Conservation Area. There are a number of important heritage assets around the site, and indeed the Boars Head itself is locally listed. The most significant heritage asset in the vicinity is the Grade I listed All Saints Church which sits within a mature churchyard designated as Open Space at the top of Westlegate. Other listed buildings close to the site are 20 Westlegate and 10-16 All Saints Green.
4. The site is designated as follows:
  - St Stephens Area Masterplan Boundary
  - Allocated Site (CC28)
  - City Centre Regeneration Area (Policy DM5)
  - City Centre Conservation Area (Policy DM9)
  - Area of Main Archaeological Interest (Policy DM9)
  - Area for Increased Car Parking (Policy DM29)
  - Primary Retail Frontage Zone - Primary Rest (Policy DM20)
  - Primary Retail Area (Policy DM18, DM20)
  - City Centre Retail Area (Policy DM18, DM20)
  - Office Development Priority Area (Policy DM19)
  - City Centre Parking Area (Policy DM29)

## Relevant planning history

5.

Ref	Proposal	Decision	Date
18/00651/PDD	Change of use from office (class B1(a)) to dwellinghouses (class C3) to provide 40 apartments.	Prior approval granted	19/07/2018

## The proposal

6. The proposal is to erect two additional floors on the Westlegate building. Access to the upper floors of the Westlegate building would be gained through a vacant retail unit at 9 Westlegate. The building would also be given a new façade treatment. Cycle and refuse storage are proposed to be accommodated within the ground floor and the rear yard accessed from Surrey Street. A number of green roofs are proposed. The proposals have been subject to extensive negotiations at pre-application and

application stage and it should be noted that the applicant has engaged proactively with the local community prior to the submission of this application despite there being no policy requirement to do so.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>9</b>
No. of affordable dwellings	<b>0</b>
No. of storeys	<b>2 additional (total 6)</b>
<b>Appearance</b>	
Materials	<b>Brick slips, render</b>
Energy and resource efficiency measures	<b>Water efficiency measures secured by condition</b>
<b>Transport matters</b>	
No of car parking spaces	<b>None - car free development</b>
No of cycle parking spaces	<b>12</b>
Servicing arrangements	<b>Via Surrey Street</b>

### Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 comments have been received relating to construction disturbance. 1 letter of objection has been received from the Norwich Society stating "We approve these plans in principle but more work is needed on the St Stephen's/Westlegate elevations at their junction. A more sensitive design is needed." Please note that this comment relates to the original proposals which have since been revised. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

### 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.

#### Design and conservation

9. Following considerable negotiation and subsequent amendments, I am satisfied that the updated scheme has satisfactorily addressed the criticisms of the aesthetic quality of the proposed Westlegate façade.

#### Environmental protection

10. The report clearly shows a requirement to operate with closed windows and forced air ventilation. If the scheme shows that the air intake for this ventilation is from the rear or top of the building then that would be an appropriate method of ensuring that

air quality issues are dealt with. I suggest that the scheme is conditioned so that compliance with this is an ongoing requirement to prevent the introduction of opening windows in the facade facing the road. I am satisfied that the development will not affect the use of the pub.

### **Highways (local)**

11. No objection on highway/transportation grounds.
12. Cycle storage is acceptable in principle. Details of the cycle parking product are required.
13. A construction management plan will need to consider demolition/construction traffic associated with the site and how the impact on Surrey Street/St Stephens/Westlegate can be minimised; in particular for buses on trafficked roads, and pedestrians on all roads, especially Westlegate.
14. These properties will not have on-street parking permit entitlement, and in effect will be car free development. Should residents wish to garage a vehicle they will need to make their own private arrangements e.g. renting a garage from the council or other parking provider.

### **Biodiversity and Ecology**

15. The buildings have been given a visual inspection and been assessed as having low bat roosting evidence/potential. Unfortunately no desk top study has been undertaken. No further survey work has been suggested. However given the location and nature of the building this level of assessment is acceptable.
16. Current roosting opportunities for bats at the site and within the immediate area are currently limited, and as such consideration should be given to the provision of bat roosting opportunities within the new build, in the form of bat bricks/tubes/roost units. Two new roosts should be provided within the development as a whole, details of which should be informed by an ecologist. Please request this via condition.
17. The proposed green roof is welcomed, and details of the planting should include wildlife friendly plants. Presumably this can be included within a landscape condition.
18. Please remind the applicant of their responsibilities regarding disturbance of wildlife via an informative.

### **Citywide Services**

19. Following negotiations and amendments it was agreed that bins will not be able to be dragged the required distance by council refuse workers. Alternative arrangements have been proposed by the applicant involving a private management company or private refuse collections. Full details should be requested via condition.

## **Assessment of planning considerations**

### **Relevant development plan policies**

**20. 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
- JCS19 The hierarchy of centres

**21. 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
- DM13 Communal development and multiple occupation
- DM18 Promoting and supporting centres
- DM20 Protecting and supporting city centre shopping
- DM28 Encouraging sustainable travel
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

**22. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

- CC28 Land and buildings at the junction of St Stephens Street and Westlegate

### **Other material considerations**

**23. Relevant sections of the National Planning Policy Framework July 2018 (NPPF)**

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF7 Ensuring the vitality of town centres
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change and flooding
- NPPF14 Conserving and enhancing the natural environment
- NPPF15 Conserving and enhancing the historic environment



## Case Assessment

24. 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 Policy 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

25. Key policies and NPPF paragraphs – DM12, DM13, DM20, CC28, NPPF5, NPPF7, NPPF11.
26. The building forms part of the land allocated as site CC28 within the Site Allocations and Site Specific Policies Local Plan (2014). This allocation acknowledges the potential for the development of this site to contribute to the regeneration of the wider area and recommends that the locally listed Boars Head be retained while the Westlegate “negative building” potentially be demolished. The allocation goes on to recommend that the office spaces should ideally be refurbished, but that other main town centre uses compatible with the area, such as hotel uses, may also be appropriate on upper floors. The site is allocated for mixed use development of up to four storeys. The upper floors of the existing building have already been granted prior approval for conversion to dwellings. The St Stephens Area Masterplan acknowledges the contribution that residential development could bring to the vitality, viability and regeneration of the area.
27. The scheme does not seek to demolish the Westlegate building, but rather to add additional storeys (bringing it above the suggested 4 storeys). This conflict with policy (along with other policy conflicts discussed within this report) will need to be outweighed by significant benefits in order to be considered acceptable. It is worth noting that paragraph 118 of the NPPF makes specific reference to supporting residential upward extensions to make efficient use of land:

“Planning... decisions should... support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”

28. In order to provide stairs and lift access to the upper floors, the proposals include the conversion of the retail unit at 9 Westlegate to an entrance to the residential units above. 9 Westlegate has been vacant for a number of years, and the applicant has submitted a report prepared by a surveyor who sets out why the unit is particularly unattractive to tenants. The conversion of ground floor retail units to residential within the Primary Retail Area is contrary to policies DM12, DM18 and DM20. While it is recognised that residential development would encourage footfall in the area and the overall development would bring the long term vacant office floor space back into use, officers have been keen to explore alternative layouts

which would allow the retail unit to be retained. At the request of officers, the applicant has provided thorough justification setting out the reasons why 9 Westlegate is the only viable entrance for the upper floor residential units. Other entrances cannot be utilised for various reasons relating to disabled access and fire safety. Policy DM12 states “Residential development will be permitted except where it... involves the conversion of non-residential floorspace at ground floor level within the primary or secondary retail area or a district or local centre (Policies DM20 or DM21 will apply)”. The harm caused by the loss of a retail unit on this important city centre shopping street must be considered to be outweighed by significant benefits in the form of provision of new dwellings and the upgrading of the building’s façade.

29. Finally, the provision of residential dwellings must be assessed against policy DM12 which supports sustainable residential developments but sets out a number of important considerations. Each of the relevant points are listed and discussed below.

“Residential development will be permitted except where it... is on land specifically designated for non-residential purposes in this plan or the Site allocations plan”

30. In this case the site allocation suggests that the upper floors should be used for office or hotel use. However, the majority of the development is being brought about through permitted development and any use other than residential would be difficult to accommodate within the same building.

“Proposals should provide for a mix of dwellings, in terms of size, type and tenure...”

31. The proposed development includes a variety of sizes of residential units ranging from studio flats to two bed apartments. The scheme is not required to include affordable housing since only 9 dwellings are proposed.

“Proposals should achieve a density in keeping with the existing character and function of the area...”

32. The proposal creates a residential development at a density of 75 dwellings per hectare which is considered appropriate in this city centre location.
33. The principle of this development is considered appropriate, subject to the specification of a design that delivers significant improvements to the existing building and other detailed matters which are discussed below.

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

34. Key policies and NPPF paragraphs – JCS2, DM3, DM9, CC28, NPPF12, NPPF15.
35. The CC28 site allocation recognises that the Westlegate building is identified as a negative building within the St Stephens Character Area Appraisal. The site allocation goes on to suggest that the Westlegate building could be demolished and rebuilt up to 4 storeys. The St Stephens Area Masterplan also states that “The character of Westlegate is adversely affected by the large scale office building with its extensive, uniform façade that looms over the southern side of the street”.

36. The allocation suggests that the demolition and replacement of this unattractive building would have external design benefits and may also create a better ground floor retail offering and improved internal spaces on the upper floors. However, the proposal includes the retention of the Westlegate building and the provision of 2 additional storeys (making the building 6 storeys in total), which does not accord with the site allocation. The benefits of the scheme, such as the improvements to the design of the facade, must be considered to outweigh any harm caused by the increase in height. The City Centre Conservation Area Appraisal includes Strategic Policy 1.2 which states that the recladding of negative buildings may be more appropriate than their demolition in areas identified as 'Significant' (such as the St Stephens Character Area). The Appraisal also includes Strategic Policy 2.2 which states that in 'Significant' areas, the careful siting of taller buildings may be appropriate in certain locations, but that the impact on views and the setting of listed buildings will need to be considered. Paragraph 118 of the NPPF makes specific reference to supporting residential upward extensions above commercial or residential buildings to make efficient use of land.
37. Through negotiations between officers and the applicant, a positive design has been secured which removes the concrete fins and introduces a renewed brick treatment, a rendered fifth storey and metal mansard top floor. The building appears well balanced and is not dominated by the upper floors when viewed from the street. The variation in materials, along with design details such as protruding bricks and soldier courses helps to break up the mass of the building and tie it in with high-quality local examples of architecture. The stairway feature extends from the ground to the top of the building, adding interest, marking the entrance and bringing life to the street at night time through vertical glazing.
38. The overall design is considered to enhance the appearance of this building and the wider conservation area, and is supported by the Design and Conservation Team Leader. In addition, through careful use of massing and materials, the upper floors have been designed in such a way so as to minimise any impact on designated and undesignated heritage assets, and to appear subservient to the main part of the building.

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

39. Key policies and NPPF paragraphs – DM2, DM12, DM13, NPPF12.
40. Policy DM2 seeks to secure developments which provide satisfactory living conditions. The internal space provided to the flats within the additional storeys is sufficient to accord with the minimum floorspace requirements set out within the national space standards. The flats are afforded with sufficient internal light, outlook and privacy. Most of these flats are also provided with some form of external amenity space which adds to the standard of amenity afforded to future residents.
41. Being in a busy city centre location, there are a number of noise sources in the vicinity of the site including St Stephens Street, which is a major bus route, and the rear service yard, which serves the ground floor retail units within the Westlegate building and the Boars Head. There is also an attached pub, the Pig and Whistle, which sometimes offers live music. Noise assessments have been undertaken which demonstrate that the proposed flats will be adequately protected from noise (and poor air quality) through the use of non-opening windows fronting Westlegate and forced air ventilation. Full details of such features will be required via condition.

42. DM2 also seeks to protect the operations of neighbouring businesses. The additional storeys have been designed to have windows facing towards the north, which helps to avoid overlooking between the new flats and the existing offices to the south. The scheme will not cause any overshadowing to the existing office building due to the orientation of the site.
43. Neighbours have commented that the construction of the development should be managed in such a way so as to minimise disturbance to local residents. A construction management plan should be secured by condition, and a considerate construction informative is also recommended.

#### **Main issue 4: Transport**

44. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF9.
45. The site is sustainably located close to bus routes, cycle routes and the wide array of facilities that the city centre has to offer. A car free development is therefore considered appropriate in this case.
46. The site has a limited amount of space within a service yard which is accessed from Surrey Street and provides access to the rear of the retail units on Westlegate and St Stephens Street. Sufficient cycle storage and refuse storage are provided within this area as well as within the ground floor area. Refuse is to be collected from Surrey Street but since the drag distance would be greater than 10m, a management company will either arrange for bins to be presented on Surrey Street on collection day, or a private contractor will be used for all bin collections. Full details will be required via condition.

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

47. The table below indicates the outcome of the officer assessment in relation to other relevant development plan policies.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Water efficiency	JCS1 and JCS3	Yes subject to condition
Sustainable urban drainage	DM5	Yes subject to condition
Biodiversity	DM7	Yes subject to condition

#### **Equalities and diversity issues**

48. There are no significant equality or diversity issues.

#### **Local finance considerations**

49. 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**

50. The proposed development presents a number of benefits such as provision of new homes, refurbishment of a vacant building which is identified as a 'negative building' within the Conservation Area Appraisal and an efficient use of land. This benefits are considered to outweigh the identified conflicts with policy (additional storeys, loss of a retail unit).
51. 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. 18/00642/F - The Boars Head Yard and 1-17 Westlegate Norwich NR1 3ST and grant planning permission subject to the following conditions:

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

Pre-commencement conditions:

3. Construction management plan to be agreed;

Pre-installation conditions:

4. All external materials to be agreed;
5. Acoustic windows and forced air ventilation - scheme to be agreed;

Pre-occupation conditions:

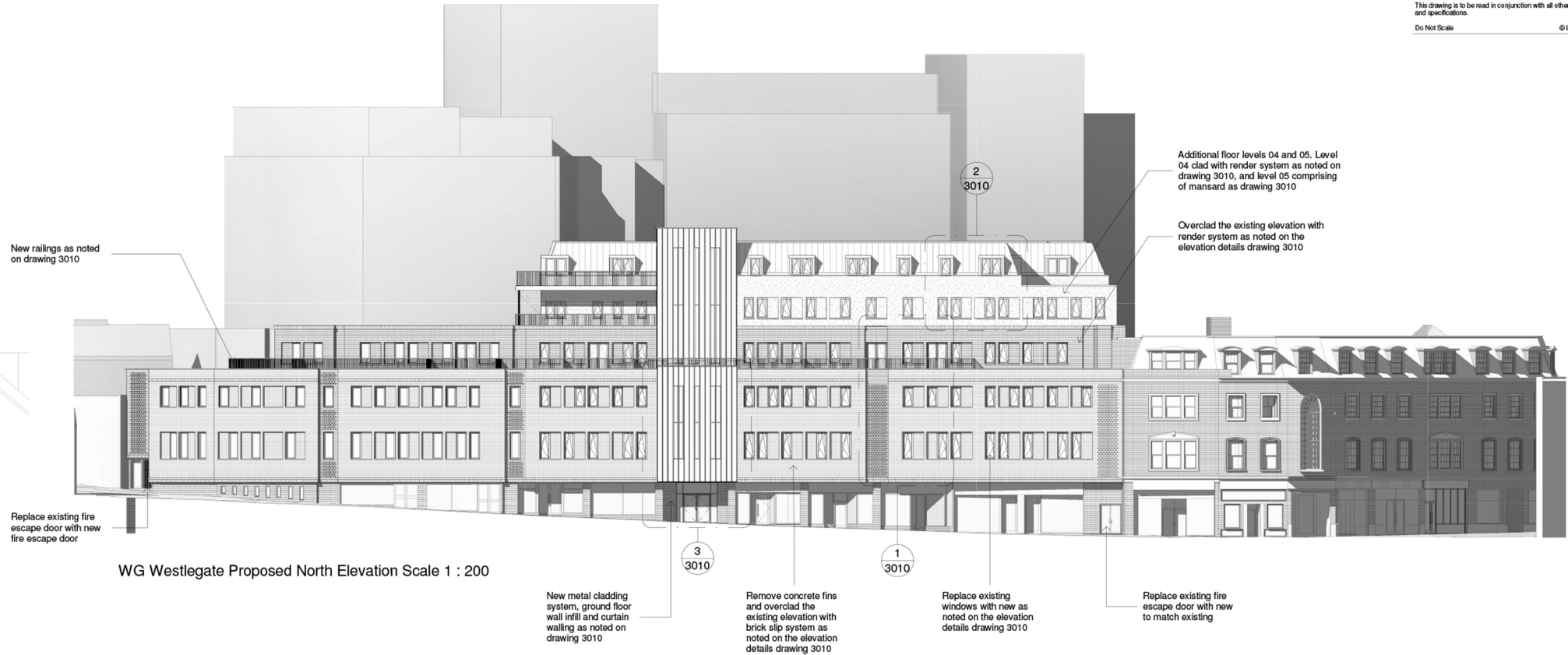
6. Details of green roofs and two bat roosts - details to be agreed;
7. Cycle parking - details to be agreed;
8. Refuse collection arrangements - details to be agreed;

Compliance conditions:

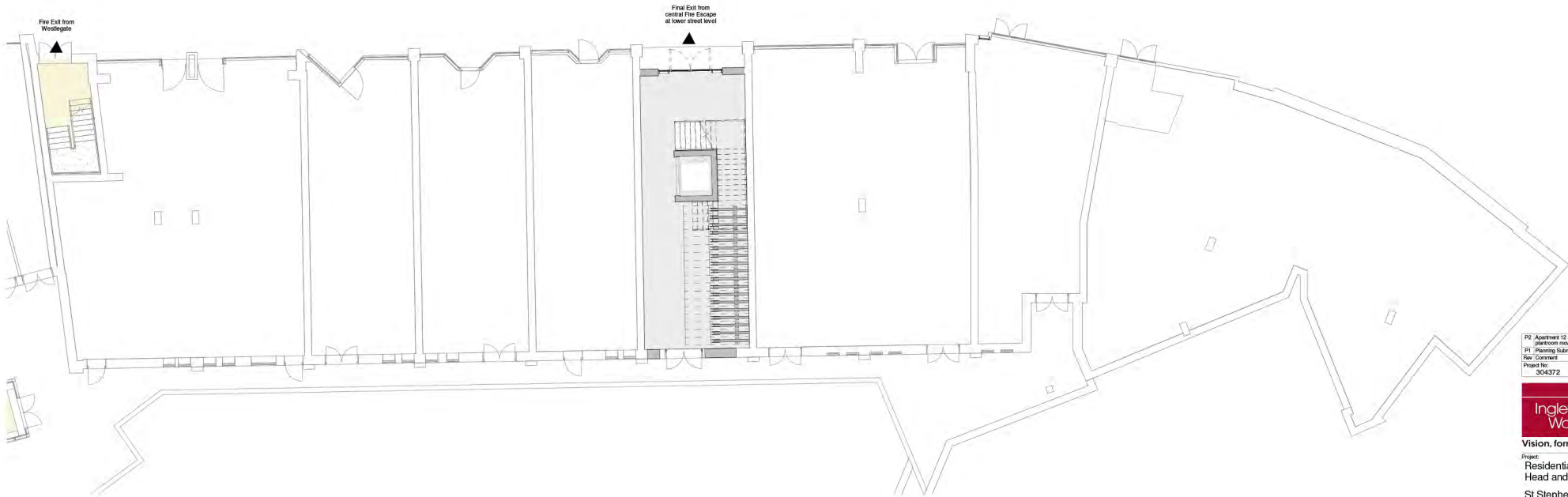
9. Water efficiency for residential properties.

Informatives:

1. No parking permit entitlement;
2. Remind applicant of responsibilities with regards to disturbance of wildlife;
3. The council encourages considerate construction.



WG Westgate Proposed North Elevation Scale 1 : 200



Fire Exit from Westgate

Final Exit from central Fire Escape at lower street level

P2 Apartment 12 amended to studio and platform moved to the rear	11.07.18	JB	DF
P1 Planning Submission Issue	25.03.18	JB	DF
Rev Comment	Date	Clk	Apr
Project No: 304372	Scale @ A1: 1 : 100	Drawn By: Author	

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Project:  
 Residential Development Boars  
 Head and Westgate  
 St Stephens Street & Westgate

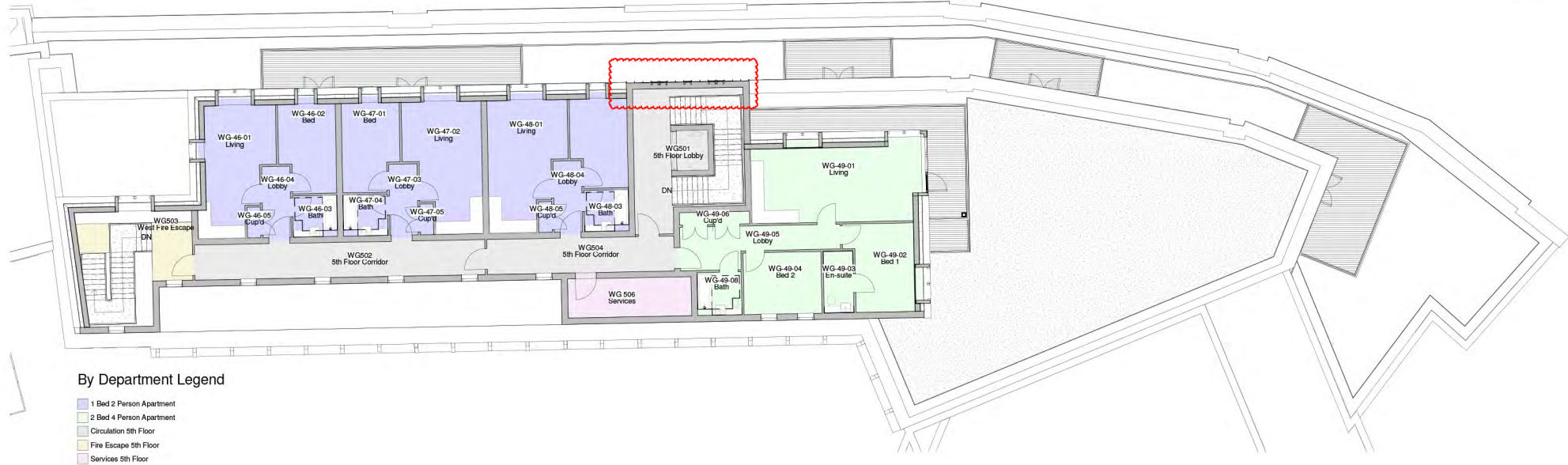
Client:

Title:  
 FA-WG-Proposed Floor Plans

Drawing Number:  
 304372-IW-XX-XX-DR-A-3004

Status	Purpose of Issue	Revision
D5	PLANNING	P2

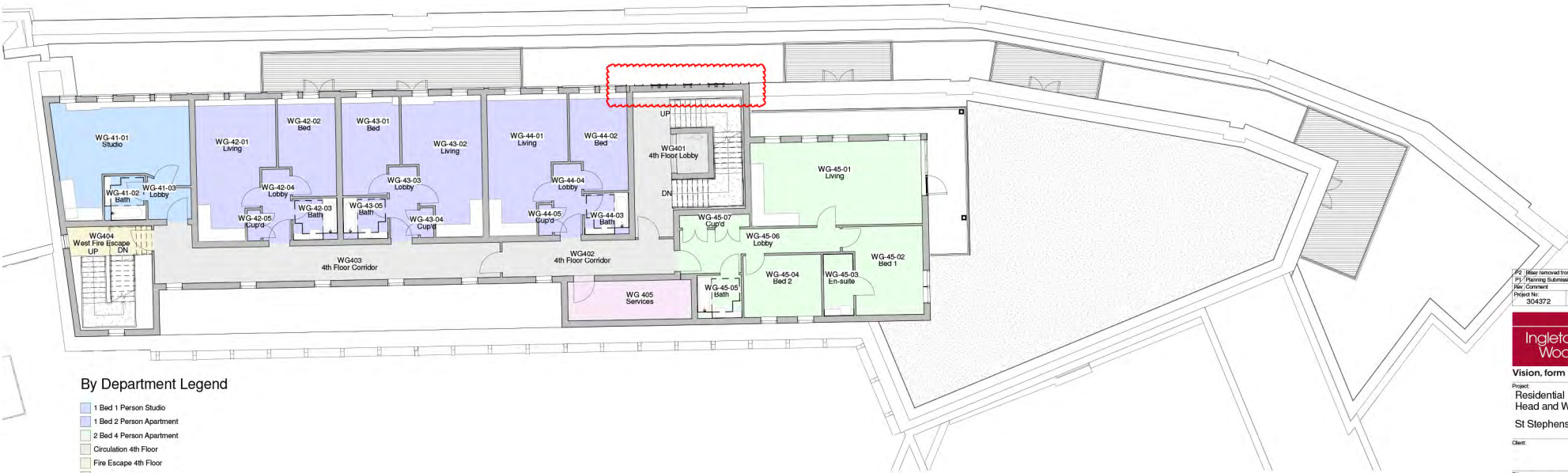
WG-FA Level 00 Proposed Scale 1 : 100



By Department Legend

- 1 Bed 2 Person Apartment
- 2 Bed 4 Person Apartment
- Circulation 5th Floor
- Fire Escape 5th Floor
- Services 5th Floor

WG-FA Level 05 Proposed Scale 1 : 100



By Department Legend

- 1 Bed 1 Person Studio
- 1 Bed 2 Person Apartment
- 2 Bed 4 Person Apartment
- Circulation 4th Floor
- Fire Escape 4th Floor
- Services 4th Floor

WG-FA Level 04 Proposed Scale 1 : 100

IFC	Revised from final elevation	11.07.18	AB	DF
PI	Planning Submission Issue	23.05.18	AB	DF
Rev.	Comment	Date	CHK	APP
Project No.	304372	Scale @ A1:	1 : 100	Drawn By:
				MM

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Project:  
**Residential Development Boars Head and Westlegate**  
 St Stephens Street & Westlegate

Client:

Title:  
**FA-WG-Proposed Floor Plans**

Drawing Number:	304372-IW-XX-XX-DR-A-3006
Status:	D5
Purpose of Issue:	PLANNING
Revision:	P2



**Report to** Planning applications committee

**Item**

9 August 2018

**Report of** Head of planning services

**Subject** Application no 18/00503/O - St Peters Methodist Church  
Park Lane, Norwich, NR2 3EQ

**4(b)**

**Reason for referral** Called in by an elected member

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

<b>Development proposal</b>		
Outline application including matters of access, for demolition of all buildings on site, erection of up to 10 dwellings, formation of new access road from Avenue Road with associated external works.		
<b>Representations</b>		
Object	Comment	Support
16	9	1

<b>Main issues</b>	<b>Key considerations</b>
1	Principle: provision of housing and loss of community facility
2	Heritage impacts
3	Design
4	Landscaping and open space
5	Acceptability of access, traffic and parking
6	Amenity
7	Flood risk
8	Affordable housing
<b>Expiry date</b>	14 August 2018
<b>Recommendation</b>	Refuse

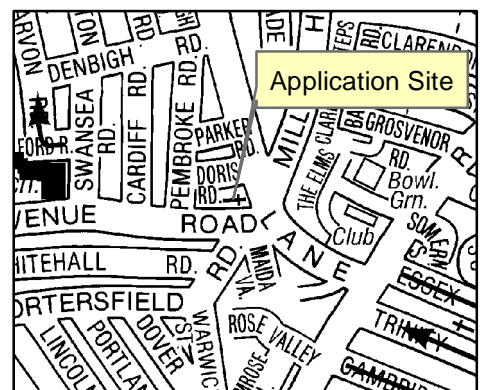


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Planning Application No 18/00503/O & 18/18/00504/O  
 Site Address St Peters Methodist Church Park Lane  
 Scale 1:1,000



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## The site and surroundings

1. St Peters Methodist Church is a prominent and locally listed building within the Heigham Grove Conservation Area. Originally there was an older Wesleyan chapel on the site which now forms the church hall to the immediate north of the main church building. The western part of the site also features the Boy's Brigade building which was built around or just after the first Methodist church.
2. The local listing is as follows:  
"1939. Buff brick with brown brick detail to windows. Designed by local architect Cecil Yelf in a simple but monumental style.  
*Importance: Important community and landmark corner building in a style evocative of its time*".
3. The main Methodist church building is typical of the interwar 1930s style. Brown brick features heavily along with strong horizontal and vertical lines. Geometric shapes heavily influence the design. The windows are leaded with brick mullions and reveals. Some stained glass also features which depicts Christ flanked by St Peter and St John. The rest of the materials which feature within the church are largely of a high quality including the organ cover screen which features fine fretwork cut into the timber.
4. The adjacent church hall was formerly a Wesleyan Chapel and was built by Edward Boardman in 1894. It was completely refaced with modern buff brick in the 1960s. Some of the original gault brickwork can still be seen at lower levels along with elements of the rear façade. The Boys Brigade building shares some features with similar detailing to the original chapel as it was also built to Boardman designs in the early twentieth century. This single storey building fronts Avenue Road with a symmetrical elevation.
5. Several later additions have been added to the buildings including a mid to late 20th century flat roof extension to the rear of the hall and also to the front. A linking extension and new entrance was built during the 1990s which linked the Methodist Church to the Church hall.
6. The surrounding area is characterised by late 19th century terraced properties along with later early 20th century development to the south and south west. There is some street planting on the surrounding streets and significant views. It is located within sub area 'H' as identified within the Conservation Area Appraisal which is largely made up of medium size buildings. The main Methodist church is identified as a significant local landmark and the position of this group of buildings at the junctions of Park Lane, Avenue Road, Mill Hill Road, Maida Vale and Portersfield Road with levels dropping towards the site from Unthank Road and The Avenues results in positive views towards this prominent site from many aspects.
7. The buildings are separated from the street frontage by landscaping and an historic dwarf wall and railings along Avenue Road and by car parking on the Park Lane frontage.
8. There is a significant change in levels across the site with the external ground levels dropping a full-storey height from east to west.

## Constraints

9. St Peters Church is a locally listed building and the site is in the Heigham Grove Conservation Area. The site is also in a critical drainage catchment and parts of the site and surrounding area are at risk of surface water flooding in the 1 in 30, 1 in 100 and 1 in 1000 year events.

## Relevant planning history

10.

Ref	Proposal	Decision	Date
4/1989/0886	Infill of yard area at front of church.	Approved	30/11/1989
15/01928/F	Demolition of modern extensions and conversion to provide 20 residential units (class C3).	Refused	21/07/2017
18/00504/O	Outline application including matters of access, for demolition of the Church Hall, Welcome Room and Boys Brigade, conversion of main church and erection of new dwelling(s) with associated external works.	Pending	
18/00962/F	Change of use from D1 (place of worship) to C3 (dwelling houses). Demolition of modern extensions, removal of two trees, and general redevelopment of site to provide 20 new residential units and associated landscaping and parking.	Pending	

It should be noted that the refusal of application 15/01928/F is currently the subject of an appeal, application 18/00504/O is the subject of a report elsewhere on this agenda and application 18/00962/F (a re-submission of 15/01928/F) is pending consideration.

## The proposal

11. This is an outline application with all matters reserved except for access. It is proposed to demolish all existing buildings on the site and construct up to ten new dwellings. Access would be from Avenue Road and an indicative layout shows a parking court to the west of the site and off-street parking to the front of each dwelling off Park Lane. This layout shows how eight dwellings could be provided, with a terrace of six fronting Park Lane and a pair of semi-detached dwellings to Avenue Road.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	Maximum 10, submitted indicative plans indicate 8
No. of affordable dwellings	0
Total floorspace	Up to 1000 square metres
No. of storeys	2 to 3
Density	Maximum 66 dwellings per hectare

## Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 26 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at by entering the application number.

Issues raised	Response
Number of units and density	See main issue 3
Not enough parking (one comment that there is too much parking proposed)	See main issue 5
Adverse visual impact of parking on street frontage	See main issue 3
No green space/play area/public amenity provided	See main issue 4
Increase in traffic and adverse impact on highway safety	See main issue 5
Strain on foul sewer and water supply	See main issue 7
Increased risk of flooding	See main issue 7
Loss of privacy, lack of light to neighbouring dwellings	See main issue 6
Poor design, out of scale and overpowering. Lack of detail.	See main issue 3
No affordable housing	See main issue 8

<b>Issues raised</b>	<b>Response</b>
Loss of community use/amenity value (reason for local listing)	See main issue 1
Church needs to be demolished/support clearance of all buildings	See main issue 2
Housing for people with disabilities	See paragraph 105
No mention of environmentally friendly design or energy efficiency	See table at paragraph 104
Loss of trees	See table at paragraph 104
Preferable to original proposals (15/01928/F). More in favour of this than 18/00504/O.	Noted. Each proposal must be considered on its own merits.

## **Consultation responses**

13. 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**

14. The application site is located in the Heigham Grove Conservation Area which is characterised by predominantly residential detached and terraced houses interspersed with some prominent religious buildings (Catholic cathedral, St Peters Church etc) and other commercial buildings (mostly public houses). The area has an attractive sub-urban character indicative of the 19C-20C expansion of Norwich. The site benefits contains a historic grouping of Methodist buildings which date from between the late 19C-early 20C with 21C additions.
15. Perhaps surprisingly, Boardmans Old chapel is the oldest building on the site, constructed in 1894 when the Methodist congregation expanded from their church in Lady Lane within the city centre. The building also presents a strong visual presence and massing fronting Avenue Road - its gault brick gable end and pitched roof form echoing St Peters in views from Park lane (south). The building benefits from historic heritage value and significance as a result of its associative heritage value (with the Methodist church & the named local architect Boardman). However, the 1960's re-facing and renovations have severely affected its internal and external appearance, which has reduced the buildings aesthetic heritage value and architectural integrity. That said the buildings large massing and form do contribute to the character of the area, echoing the strong gable end of St Peters and forming part of a cherished and familiar local scene. The building is considered to have a positive impact upon the character and appearance of the conservation in its current form.
16. The most prominent building on the site is the Methodist chapel - St Peters Methodist chapel which is a locally listed non-designated heritage asset which

contributes to the character and appearance of the conservation area. St Peters was built alongside Boardmans Old chapel in 1939 when the remaining congregation in Lady Lane transferred to this site. The original church was refaced in the early 1960s and converted into a church hall.

17. The building was constructed in 1939, built in buff brick with brown brick canted window details and leaded lights and neo-classical proportions. The simplicity of the elevations means that it is relatively sensitive to change. The building was constructed to the designs of local architect Cecil Yelf in a simple but monumental style very evocative of its time. The building is an important community and landmark corner building. Situated on a relatively busy junction - this impressive and imposing landmark building terminates views along 5 different roads: Park Lane, Avenue Rd, Portesfield Rd, Maida Vale and Mill Hill Road. St Peters benefits from 'aesthetic, historic and social/communal' heritage value and significance to varying degrees.
18. The Sunday school/Boys Brigade building was constructed in early 20C to the design of local architect Boardman. This modest single storey building with a rectangular plan and pitched roof, constructed in Costessey gault brick and Welsh slate. The building presents an attractive and symmetrical elevation to the street with a three-centred arched entrance fronting Avenue Road and attractive timber framed fenestration and a tall chimney stack to the service alley to the rear of Avenue Rd and Doris Rd. The fenestration is plain of mullions and transoms in timber with glazing bars. The heads are of short soldier arches (headers on edge). The building has a typical modest 19C Norfolk Methodist chapel architectural style/form with classical proportions and modest character.
19. This modest building forms part of the historic chapel grouping and is indicative of the congregations expansion and use over time. The building benefits from 'aesthetic, historic and social/communal' heritage value and significance to varying degrees. The building is considered to positively contribute to the character and appearance of the conservation area. The historic dwarf wall, railings, gates, piers and caps fronting Avenue Road also contribute to the character and appearance of the conservation area.
20. When considering any planning application that affects a conservation area a local planning authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. (Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).
21. The proposed loss of the historic Methodist church grouping with its ancillary buildings would be to the detriment of the character and appearance of the conservation area. It would result in the wholesale loss of a locally listed building (St Peters Church) and two ancillary buildings of heritage value and significance. These buildings form part of a significant grouping of religious buildings – which contribute to the history of the Methodist church and their development in Norwich.
22. The conservation area is characterised by a mixture of 19C residential houses with these interspersed with religious buildings and some commercial uses. Most often the non-residential uses are located on a prominent corner within the townscape. These buildings acting as local landmarks, through which people navigate their way through the townscape. St Peters Church is a prominent corner feature and local

landmark - the loss of which would result in harm to the character and appearance of the conservation area as a whole.

23. The proposed demolition would therefore result in harm to the aesthetic, historic and communal social heritage value of the conservation area as a whole, contrary to the requirements of legislation, policy and guidance.
24. The proposed terraced houses are not of particular architectural merit, exhibiting rather squat proportions upon their elevations as a result of the horizontality of the proposed fenestration with top heavy roof forms – the buildings proportions and detailing at odds with the prevailing terraced house form in the street. No front boundary treatment is provided – with parking spaces directly in front of the houses and no front garden. Again this fails to harmonise with the local character/distinctiveness. The prominent corner building (St Peters) which dramatically terminates views to 5 flanking streets would be lost, replaced with an extremely underwhelming 2 storey development.
25. In NPPF terms, the loss of these heritage assets will cause ‘less than substantial’ harm to the conservation area and therefore harm to a ‘designated heritage asset’. Harm identified is ‘*less than substantial*’, does not mean that it is inconsequential. Every effort should be made to prevent harm.
26. These proposals are therefore considered contrary to the requirements of Policy DM9 of the Local Plan and the requirements of the NPPF.
27. The proposed works are not considered to make a positive contribution to the local character and distinctiveness and would cause harm to the character and appearance of the conservation area. There does not appear to be clear and convincing justification for the proposals contrary to para 192 & 194 of the NPPF.
28. Will the works result in ‘less than substantial’ to the character and appearance of the conservation area. Paragraph 196 of the NPPF states that ‘*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*’.
29. It is questionable as to whether the applicant has demonstrated that the current proposals represent sufficient ‘public benefit’ to outweigh the significant harm caused to the character and appearance of the conservation area.

### **Historic England**

30. Summary: The applications proposes the demolition of the existing church, church hall and former Boys’ Brigade Hall on a site in the conservation area to make way for the erection of ten houses. These buildings are of historic interest and make a positive contribution to the significance of the conservation area. We would support their adaptation and reuse but would object to the demolition which would result in harm to the historic significance of the conservation area in terms of the National Planning Policy Framework.
31. Recommendation: Historic England objections to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF (2012), in particular paragraph numbers 6, 7, 14, 132 and 134. In determining this application you should bear in mind the statutory duty of section



72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account in determining the application.

### **Environmental protection**

32. No comments.

### **Highways (local)**

33. No objection on highway grounds.

34. A Construction management plan will be required to deal with demolition and construction traffic. I cannot see reference to bin and bike storage, please can this be queried. We don't want bins left on the footway, or bikes insecure.

35. Due to construction traffic it is likely footways will need to be reconstructed, we can assess the necessity of this work at a later stage, but we need it confirmed in the decision notice if approved. This will also enable them to be strengthened to withstand vehicle crossover use.

36. New dropped kerbs will be required on Avenue Road.

37. Extant waiting restrictions are adequate to control parking in the vicinity and do not require amendment.

38. Informatives: The new dwellings will not have parking permit entitlement and will need to have all parking provision on site that they require.

### **Landscape and Ecology**

39. Demolition of the landmark building which terminates the view westwards along Park Lane would be a significant loss to the streetscape within the Heigham Grove conservation area.

40. 2 prominent street trees (Lawson Cypress), which represent the largest trees along this section of Avenue Road, are in good condition with 20+ year life expectancy, are protected by the conservation area status and make a significant contribution to the street scene in an area where there are fewer street trees. The removal of these trees is unlikely to be compensated for by the proposed replacement tree planting as the space available is insufficient to allow trees to grow to any stature. There is enough space in the proposed layout for one relatively small tree on the corner.

41. Whilst the existing apron around the buildings on the Park Lane frontage is an unattractive area of asphalt, this is out of character with Park Lane and other local streets which typically feature boundary walls and hedges. Redevelopment of this site should take the opportunity to address this issue.

42. The existing low wall topped with railings together with capped brick gate piers along the Avenue Road frontage are attractive features. This boundary should be retained as far as possible and any new boundary treatment should match the existing as closely as possible.

43. External amenity space for residents is limited.
44. Bat Survey and Assessment 2018 update submitted. An updated survey was undertaken in March 2018. The Church building is considered to support roosting bats. Demolition of this building would result in the complete loss of all identified bat roosting areas. This means that a Licence from Natural England would be required. An alternative roosting provision will be required in one of the roof voids of the proposed properties. Proposed mitigation measures for bats outlined in the above report should be implemented. Ecological enhancement measures should be provided. Dependant on timing of construction works, there is a possibility that further surveys for bats may be required. This should be covered by either an EPS licence or registration under a Class Licence.
45. If trees are removed this should be undertaken outside the bird nesting season.

#### **Norfolk historic environment service**

46. Consider it unlikely there would be any below ground implications.

#### **Norwich Society**

47. We have consulted with the local residents' group who expressed the hope that the Norwich Society might reconsider our support for the local listing of St Peter's. The key passage reads: 'Importance: Important community and landmark corner building in a style evocative of its time'. However now, with the loss of the church hall, the building has no value for the community. The committee which prepared the recommendations did not consider that the church itself had intrinsic architectural merit. In fact it is the residents' view that its size and position restricts street views, making the junction more dangerous because of the traffic, especially during the school run in the morning and afternoon collection.
48. We discussed both schemes (18/00503/O and 18/00504/O) at our Committee, and concur with the views of the residents, i.e. we would not object to its removal from the local list and its demolition, if that achieved a better architectural solution for the site as a whole.
49. However we note that a new detail application has been submitted (18/00962/F) which is also based on retention of the church, and represents an improvement from the initial outline scheme (18/00504/O). The vertical split of the space into 3 and 4 storeys units gives unusual and attractive units, especially with the benefit of the voids and roof terraces. We would be happy to support this scheme if the developer is intending to retain the existing buildings.

#### **Tree protection officer**

50. The two Lawson sp trees at Avenue Road contribute to the amenity of the local area, however, I have no objection to the removal of these two trees given the number and location of replacement planting proposed.

#### **Citywide Services**

51. The developers must ensure the collection point on the plans must be able to accommodate all 10 wheelie bins without them overflowing onto the highway and that this area is not to be used to store the bins, they must only be there for the day

of collection and pulled back into the individual properties for the remainder of the week.

### **Anglian Water**

52. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have capacity for these flows. The sewerage system at present has available capacity for these flows.
53. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.
54. We request that the agreed strategy is reflected in the planning approval. Condition recommended requiring submission and agreement of a surface water management strategy.

### **Local Lead Flood Authority**

55. Initial response (14 June 2018):

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:

- National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) has not been followed to show how the most vulnerable elements of the development has been placed in areas of lowest flood risk on the site
- The development changing vulnerability categories from less (a community building) to More Vulnerable (Housing) is at risk of flooding from surface water with no evacuation / emergency plan provided.
- As the drainage scheme is located within an area at risk of flooding, it is not clear how the drainage scheme proposed will only take on site runoff and be designed with a surcharge outfall to operate as suggested during the design flood event and not be overwhelmed from water from offsite.
- There is only one proposal for the discharge of surface water from this site but Anglian Water have not suggested this is acceptable in principal, what the current discharge rate from the site is and how the development is not increasing flood risk elsewhere.
- The lack of outline management and maintenance plan

#### **Reason**

To prevent flooding in accordance with National Planning Policy Framework (2012) paragraph 103 and 109 by ensuring the satisfactory management of all sources of flood risk, storage and disposal of surface water from the site in a range of rainfall events to ensure the development is safe for its lifetime, does not

increase the flood risk elsewhere and surface water drainage system operates as designed for the lifetime of the development.

56. This response identified that the LLFA would consider reviewing their objection if a number of issues are adequately addressed. Additional information was subsequently received and the LLFA were reconsulted.

57. Their revised response advises:

We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy and our comments in our letter 14 June (FWP18/4/6416) still stand.

We have reviewed the letter from Richard Jackson Engineering dated 4 July 2018. This contains no further technical information for us to review. We note that the letter contains an argument for conditioning all the outstanding information. We do not feel this is appropriate at this time as the information we request is likely to influence the number and arrangement and character of dwellings achievable at this location.

Regarding the drainage runoff rates, we acknowledged that we agreed rates in 2016 on a separate application but we now request that these rates are Greenfield or as close to. This is considering the location in the Critical Drainage Catchment, Norwich City Council Policy DM5 and updated Anglian Water Protocol on redevelopment. As the rates proposed are brownfield and we are yet to agree a runoff rate and volume associated we do not suggest that a condition is set.

We again request that your emergency planner is consulted and comment on new dwellings regarding hazards of a development which may have up to 0.9m deep of flood water on it. As there details on how this water will be managed or comment on we can be available to discuss the current information with your emergency planner if they require.

## **Emergency Planning**

58. I note the LLFA have raised a number of concerns regarding the application, including reference to a flood response plan/resident awareness they are at risk of surface water flooding to consider appropriate preparedness in such an event. At this stage, I have no further comment to add.

## **Assessment of planning considerations**

### **Relevant development plan policies**

59. **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
- JCS7 Supporting communities

- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

**60. 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
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM10 Supporting the delivery of communications infrastructure
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- 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**

**61. Relevant sections of the Revised National Planning Policy Framework July 2018 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

**62. Planning Practice Guidance**

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

- Affordable Housing SPD adopted March 2015
- Trees, development and landscape SPD adopted June 2016

**Case Assessment**

**64.** 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 Revised 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.

65. A previous application on this site (15/01928/F) proposed the retention and conversion of the church, church hall and Boys' Brigade building to dwellings. This application was ultimately refused and is currently subject of appeal. The sole reason for refusal concerned the contribution to affordable housing provision and the proposal was considered acceptable in all other respects. Indeed, it was at one point recommended for approval. Therefore, whilst there is not an extant permission for redevelopment of the site, the existence of a largely acceptable scheme which involved the loss of the community use and provision of housing on the site is a material consideration which carries some weight in the determination of this application. There have been no changes to either the circumstances of the site or the development plan since the determination of that application. The Revised NPPF, published on 24 July 2018, is a new material consideration, superseding the 2012 NPPF.

### **Main issue 1: Principle of development**

#### **Principle of new residential development:**

66. Key policies and NPPF paragraphs – DM12, Revised NPPF paragraphs 59 and 11
67. Paragraph 59 of the Revised NPPF identifies the importance of a sufficient amount and variety of land coming forward where it is needed to significantly boost the supply of housing and policies JCS4 and DM12 support new housing which will help to meet housing needs in the city. The site is located within an established residential area, with regular bus services located nearby. Future residents would be well supported by a wide range of local services and facilities available in the adjacent Unthank Road local centre and in the city centre which is within walking distance of the site.
68. None of the exception criteria of Policy DM12 apply and new residential development at the site is therefore acceptable in principle, subject to other material planning considerations and policies discussed below.

#### **Principle of loss of community use:**

69. Key policies and NPPF paragraphs – DM22 and Revised NPPF paragraph 92.
70. Following a decline in congregation numbers to the 30s, services at the Church ceased in December 2013 and the congregation was merged with that at Jessop Road United Road Reform Church. A regular congregation of around 200 and significant investment would be required to bring the church back into use and sustain it. The merged site at Jessop Road and another Methodist church at Chapelfield Road are both around 1km from the site and offer alternative provision.
71. An extensive marketing campaign for what is considered a 'meaningful period' in compliance with Policy DM22 was undertaken for the premises as a church/community hall with potential for a range of alternative uses. This did not attract interest for a church or community use and the lack of interest was attributed

to the costs of necessary repairs and ongoing maintenance commitments which would likely make a community use unaffordable.

72. This matter was considered extensively with application 15/01928/F and the circumstances have not changed. It is considered that the loss of the community use has been sufficiently justified with regards the requirements of Policy DM22.

### **Main issue 2: Heritage**

73. Key policies and NPPF paragraphs – DM9, Revised NPPF paragraphs 189-202.
74. The site is located within the Heigham Grove Conservation Area, a designated heritage asset, which is characterised by predominantly residential detached and terraced dwellings interspersed with prominent religious buildings, including the Catholic Cathedral of St John the Baptist, and other commercial buildings such as public houses, generally on prominent corner sites. The suburban character of the area is indicative of the nineteenth and twentieth century expansion of Norwich.
75. The group of religious buildings that comprises the application site date from the late nineteenth and early twentieth centuries (with later twenty-first century additions and alterations) and sit at a prominent road junction surrounded by residential development of the same period. The site is therefore typical of and positively contributes to the form of development that characterises the Conservation Area.
76. Of the three buildings, the main church is the most prominent by virtue of its scale, position and monumental architectural style. It is locally listed and therefore a non-designated heritage asset. The listing cites its importance as a community and landmark building, evocative of its time. Some representations have suggested that if it is no longer in community use, the reasons for its local listing no longer apply and its retention is not justified. However, when assessed for local listing, a building must satisfy a number of criteria which, along with community importance, include townscape, architectural and historical values. St Peters Methodist Church is of more than just community value, as confirmed by the local listing description, and its significance as a heritage asset is also in its aesthetic and historic values. Its monumental style is evocative of its construction in the 1930s and it has neo-classical proportions with simple elevations. It also has an association with local architect Cecil Yelf (a senior partner of Edward Boardman and Son who had associations with the Methodist church) and features stained glass thought to be by renowned glass painter Francis Skeat. Some representations have supported the demolition of the church and the Norwich Society would not object to its removal from the local list and demolition if it achieved a better architectural solution for the site.
77. The original church building, which has subsequently been used as the church hall, and the Boys' Brigade building are not individually locally listed; however, the church hall is the original building of this group and the Boy's Brigade was a subsequent addition marking the expansion of the congregation and use of the site. Whilst the church hall was re-faced and renovated in the 1960s, it retains a strong visual presence and the original gault brick gable end is evident at the rear. It has historic significance as a result of its association with the development of the Methodist church and design by local architect Edward Boardman. The 1960s alterations have reduced its aesthetic significance and architectural integrity,

however the large massing and form, which echo the strong gable end of the later church, make a positive contribution to the character of the Conservation Area and form part of a familiar local scene.

78. The Boys' Brigade building is the smallest of those on the site in plan and height and its modest architectural scale and form with classical proportions is typical of nineteenth century Norfolk Methodist chapels. It has aesthetic, historic and social communal significance and is considered to positively contribute to the character and appearance of the Conservation Area. The dwarf walls and railings on the Avenue Road frontage also make a positive contribution.
79. A structural assessment undertaken in support of the previous conversion scheme found the buildings were capable of conversion and, although the porches to the both the main church and Boys' Brigade buildings have suffered from some localised subsidence, it has not been suggested nor demonstrated that it is not viable to retain the buildings. Their demolition is proposed in order to redevelop the site with new build housing that responds to objections to the previous conversion scheme in respect of density, massing, amenity space, flood risk, daylight and sunlight, bin and cycle storage and parking. No heritage assessment has been submitted with the application and the loss of the locally listed building and impact on the Conservation Area has not been justified. It is proposed to preserve a historical record of the site and conserve, re-site or re-home key artefacts where practical and appropriate. Retaining 'St Peters' as part of the name of any development is also proposed.
80. The existing buildings on site, individually and as a group, have heritage value and make a positive contribution to the character and appearance of the Conservation Area. The proposal would result in the wholesale loss of a locally listed building and two ancillary buildings of heritage value. Together, these buildings form a significant grouping of religious buildings which contribute to the history of the Methodist church and its development in Norwich. They also form a landmark at a prominent corner site which is typical of and positively contributes to the character and appearance of the Conservation Area. They be lost in their entirety as a result of the proposal.
81. The Revised NPPF sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and Policy DM9 requires development to maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets and only allow harm to or the loss of locally identified heritage assets in certain circumstances. The Revised NPPF requires harm to or loss of significance of designated heritage assets to be justified and the degree of any harm or loss must be assessed. Whether the potential harm to significance of a designated heritage asset is substantial, total loss of less than substantial harm, paragraph 193 requires that great weight should be given to the conservation of the asset. Furthermore, in accordance with the *Planning (Listed Buildings and Conservation Areas) Act 1990* there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
82. In this case it is considered that the loss of this group of buildings which positively contributes to the character and appearance of the Conservation Area would harm that designated heritage asset and that harm has not been justified in the



application. In terms of the degree of harm, it is considered to be less than substantial and the Revised NPPF requires that less than substantial harm is weighed against the public benefits of the proposal. The applicant has not sought to demonstrate what these public benefits may be, however it can be considered that the loss of the buildings would facilitate redevelopment of the site to provide up to ten dwellings to contribute towards local housing need. As this is an outline proposal, the contribution that any new development on the site would make to the character and appearance of the Conservation Area can neither be assessed nor secured in the determination of this application. Therefore whilst it may result in housing delivery and offers an opportunity to address some of the existing amenity and flooding issues experienced on and around the site, there is no certainty that this would be successful in doing so or make an equal or greater contribution to the Conservation Area to compensate for the loss of the existing buildings. Indeed the indicative layout and elevations suggest it may be of further detriment. Furthermore, the interpretation and conservation measures proposed do not offer any significant mitigation. As noted by Historic England it has not been demonstrated that it is necessary to demolish all buildings and cause this harm to deliver new housing.

83. In terms of the revised NPPF, it is not therefore considered that the less than substantial harm is demonstrably outweighed by any public benefits and in relation to Policy DM9 the application proposes wholesale demolition without justification rather than taking the opportunity to preserve or enhance this important feature of the Conservation Area. The proposal is therefore unacceptable in both respects with regards the impact on the Conservation Area.
84. Where applications directly (or indirectly) affect non-designated heritage assets such as the locally listed church, the Revised NPPF requires a balanced judgement to be taken with regard to the scale of harm or loss and the significance of the heritage asset. In this case, wholesale loss is proposed of an asset with aesthetic, historic and social/communal significance. This loss has also not been justified in relation to any benefits of the proposal or the viability or practicality of retaining it as part of the development with regards Policy DM9.
85. It is appreciated that there is some local support for the demolition of this group of buildings and that they are not universally regarded as having aesthetic value or being worthy of retention. Indeed representations have supported the principle of clearing the site to allow redevelopment for housing (although not without objection to the details of the proposal). Whilst these views are understood and appreciated, when considered against the Revised NPPF and development plan policies, the loss of this group of buildings is considered to cause harm to a designated heritage and loss of an undesignated heritage asset, neither of which are outweighed by any demonstrable benefits of the proposal. Historic England's objection to the application on the basis of the harm to significance of the Conservation Area must also be taken into account and it is concluded that the impact on heritage assets is unacceptable and contrary to paragraphs 192, 193, 196 and 197 of the Revised NPPF and Policy DM9.

### **Main issue 3: Design**

86. Key policies and NPPF paragraphs – JCS2, DM3, Revised NPPF paragraphs 124, 127-131.

87. Scale, layout, appearance and landscaping are reserved matters which, if this outline application were approved, would be considered in a subsequent application. The indicative plan demonstrates an arrangement of eight dwellings which are described as five no. three storey and three no. two storey. Indicative elevations show two storey terraced dwellings with steep roof pitches.
88. The Conservation Area Appraisal notes that the majority of houses in the Conservation Area are small to medium sized terraces with relatively simple facades which form harmonious groups with a strong sense of rhythm. The scale and form indicated would be broadly in keeping with this prevailing character; however, the proportions and fenestration indicated are at odds with the existing terraced houses and would need to be more sensitively designed at reserved matters stage with careful attention paid to the materials also. The feature of an existing landmark building at the corner of the site would be lost through the indicated design.
89. The application seeks outline permission for up to ten dwellings; however the submitted plan only indicates eight. It is considered that, in principle, the site could accommodate ten dwellings in one form or another, however it would be necessary for these to carefully and positively respond to the character and appearance of the Conservation Area and other constraints of the site. As the indicative plan only shows eight dwellings of a scale and layout broadly appropriate to the area, it is not possible to assess with any certainty whether ten dwellings (and their associated servicing requirements) could be accommodated in the same way.
90. Representations have noted the density would be lower than the previous proposal for 20 dwellings (15/01928/F, also proposed in current application 18/0962/F) but still raise concern the site would be too densely developed. The indicative layout shows a ratio of dwelling to garden space similar to neighbouring dwellings, with the addition of a communal parking area to the rear. The density of a development of eight dwellings (53.3 dwellings per hectare) is likely to be consistent with the character of the area, however the addition of a further two dwellings, to result in a total of ten, would require careful consideration.
91. The retention and replacement of appropriate boundary walls and railings could be secured by condition. The provision of parking on the Park Lane frontage would have an adverse visual impact on the development and wider area, however this is largely an existing arrangement and sensitive design and materials may mitigate this.

#### **Main issue 4: Landscaping and open space**

92. Key policies and NPPF paragraphs – DM3, DM8, Revised NPPF paragraph 124.
93. Landscaping is a reserved matter but the indicative layout would allow for private amenity space to each dwelling and appropriate landscaping.
94. Some representations have sought for public amenity space and/or play space to be provided. The amenity needs of each dwelling could be met within the site and there is no policy requirement for a development of this scale to make new public provision. An indirect contribution would be made through the Community Infrastructure Levy.

## **Main issue 5: Transport, access and parking**

95. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, Revised NPPF paragraphs 102, 103,108-111.
96. In terms of impact upon traffic flows to and from the site, it is important to note that under the current lawful use, the properties could be used by another faith or community based group, which would carry much higher traffic levels (and parking demand at peak times) than the proposed use. The associated traffic impacts of the proposed use would be comparatively low and would not result in significant highway impacts to the surrounding area.
97. In terms of highway safety, the junction of Park Lane and Avenue Road adjacent to the site does not have any inherent accident problem and is protected by a speed table and 20mph speed limit. Access is the only detailed matter to be considered in this application and there is no highways objection to the proposed arrangement with vehicular access on Avenue Road and off-street parking on Park Lane.
98. The layout submitted indicates 15 parking spaces to eight dwellings. There is local concern that this would be insufficient and put pressure on local on-street parking, however it is considered ample and within standards in accordance with Policy DM31 for up to ten dwellings. Furthermore, the occupiers of the new dwellings would not be entitled to parking permits and existing parking restrictions in the area are considered adequate. The site is highly accessible, located adjacent to a local retail centre, within walking distance of the city centre and around. 220 metres from high frequency bus stops serving the wider area. It also benefits from proximity to several Car Club spaces in the surrounding area as well as being on the Pink Pedalway for cyclists. Given the level of parking on site and high sustainability of the site with alternative travel options, the proposal is acceptable in this respect.

## **Main issue 6: Amenity**

99. Key policies and NPPF paragraphs – DM2, DM11, Revised NPPF paragraphs 127, 180.
100. It is appreciated that this site is surrounded by residential dwellings on all sides and any development of it must be sensitive to this and not result in any unacceptable impacts on the amenity of neighbouring occupiers. Whilst the full impact on the amenity of neighbouring occupiers cannot be fully assessed at outline stage as the precise layout, scale and design of the dwellings is not known, the indicative layout suggests the site could be developed with eight dwellings in a manner that would not result in such impacts. Should this increase to ten dwellings, the additional impacts would require careful consideration. Should outline permission be granted, the representations concerning loss of light and privacy could be taken into account in the detailed design to mitigate any unacceptable impacts.
101. The standard of amenity for future occupiers of the development would also be fully assessed at reserved matters stage and the indicative layout does not suggest there would be any constraints on providing a high standard of amenity to eight dwellings.

## Main issue 7: Flood risk and foul drainage

102. Key policies and NPPF paragraphs – JCS1, DM5, Revised NPPF paragraphs 155-165.
103. The site is at risk of surface water flooding and this varies across the site with the lower portion to the western side at risk of flooding to a likely depth of up to 1 metre and surface water pooling around the existing buildings. This was a significant consideration in the determination of the previous application for conversion (15/01928/F) and whilst the majority of issues were satisfactorily resolved with mitigation measures, the LLFA maintained an objection to this scheme on the basis they considered it more appropriate to avoid the risk altogether.
104. The LLFA have an objection to this application which has not been overcome with the submission of additional information.
105. In accordance with Revised NPPF paragraphs 157 and 158 and Policy DM5, new build development on unallocated sites must pass the sequential test, *i.e.* demonstrate that there are no reasonably available sites appropriate for the development in areas with a lower probability of flooding. Whilst technically the application has not satisfactorily demonstrated this, when account is taken of housing need and the availability of appropriate brownfield sites to meet this need across the city a pragmatic approach is required and it is considered that the flood risk to a proportion of this site does not render it inappropriate for residential redevelopment.
106. It is, however, necessary for the sequential approach to be applied across the site so the most vulnerable elements of the development (the dwellings) are placed in the areas of lowest risk. The LLFA have objected on the basis that this has not been satisfactorily demonstrated at outline stage as layout is a reserved matter. The indicative plan submitted shows the footprint of development largely in the higher portion of the site to the east. One dwelling would be almost wholly within the area at risk to the west. As noted by the LLFA, avoiding the areas at risk should influence the number, arrangement and character of dwellings achievable here in accordance with the sequential approach. In principle it is considered that these matters could be satisfactorily resolved at reserved matters stage and that there is sufficient space to locate a number of dwellings in a sequentially appropriate manner in the lowest risk part of the site. However, the indicative layout does site one of the eight dwellings in an area at risk and it is not apparent whether a total of ten could be satisfactorily accommodated within the lowest risk area whilst also taking account of the other constraints to the site, including enhancing the character and appearance of the Conservation Area.
107. The increase in risk from less to more vulnerable development and absence of an evacuation/emergency plan is also raised. As the precise layout and form of dwellings is not known at this stage, it would be inappropriate to consider an evacuation/emergency plan until reserved matters stage and the provision of safe access and an assessment of hazard level should inform the design. The siting of more vulnerable development in flood risk zone 3 is not unacceptable, subject to passing the exception test. To pass the exception test it must be demonstrated that:

- the development provides wider sustainability benefits to the community that outweigh flood risk; and,
  - a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
108. With regards the sustainability benefits, the provision of up to ten new dwellings is a substantial benefit weighing in favour of this development and considered to outweigh the flood risk which affects only a portion of this site. In terms of the safety and risk on and off site, the development would result in a significantly reduced footprint of buildings and hard surfaces across the site which, subject to the detailed design and assessment below, is likely to reduce surface water run-off and thus risk on and off site. However, the design of appropriate safety and mitigation measures, such as raised floor levels (potentially up to 1.2 metres above ground level), may affect the design and appearance of the dwellings and it has not been demonstrated how.
109. The other points of objection relate to more detailed considerations of a surface water management scheme with appropriate run-off rates and the management of off-site risks. Anglian Water also consider the originally submitted information inadequate, but have recommended a condition to agree an appropriate surface water management strategy.
110. With regards run-off rates, it is appreciated that both the LLFA and Anglian Water would wish to see these at, or as close to, greenfield rates and the demolition of all buildings undermines the applicant's reliance on the existing rate as an appropriate benchmark. The LLFA consider it necessary to agree an appropriate rate at outline stage in order for a scheme to be designed to meet this at reserved matters stage. It is considered that a substantial improvement from the existing situation could be achieved and it would not be inappropriate to leave agreement of an appropriate run-off rate to later consideration.
111. In terms of surface water management, the application suggests opportunities to provide on-site attenuation would be explored in detail at reserved matters stage, however the LLFA have requested information on the area required for storage features to demonstrate these are appropriate and achievable within the constraints of the site. An attenuation tank is proposed in the car park area indicated on the submitted plan, however if the number of dwellings were to be increased to ten this may impinge on the available area and volume of on-site attenuation.
112. It is considered likely that appropriate surface water management and flood risk mitigation measures could be satisfactorily secured with the use of appropriate conditions on any outline permission granted, however the application does not provide sufficient information to consider whether these, along with compliance with the sequential approach, would result in an appropriate form of development for the site with regards all other policies and material considerations.
113. In summary, as an outline proposal it must be considered whether the development is acceptable in principle in flood risk terms. In this case, it is considered that the site is broadly acceptable in flood risk terms and, other policy considerations notwithstanding, could pass the sequential and exception tests in accordance with the Revised NPPF and Policies JCS1 and DM5. However, the application does not

provide sufficient information to satisfactorily demonstrate that the layout, form and design of a development of up to ten dwellings can feasibly satisfy the sequential approach within the site and provide appropriate surface water management and flood risk mitigation measures whilst also responding positively to the other constraints of the site.

114. Representations have commented on the potential inadequacy of the local foul sewer to accommodate the proposed development. Anglian Water have confirmed that the sewerage system and Water Recycling Centre have capacity for the flows generated by the proposed development. There is no known constraint on water supply.

### **Main issue 8: Affordable Housing**

115. Key policies and NPPF paragraphs – JCS4, DM33, Revised NPPF paragraph 63.
116. The Revised National Planning Policy Framework (published 24 July 2018) advises that the provision of affordable housing should not be sought for residential developments that are not major developments. Major developments, in terms of numbers, are defined as those of ten or more dwellings.
117. It is therefore the case that if this site were to deliver ten dwellings, it would be necessary for it to make either on-site provision or a financial contribution in lieu to affordable housing. For less than ten, it is not appropriate.
118. The application was submitted prior to the publication of the Revised NPPF and seeks outline consent for up to ten dwellings and up to 1000 square metres of floorspace on the basis of previous Government guidance that contributions to affordable housing and tariff style planning obligations should not be sought from developments up to these limits. The proposal does not make any provision for affordable housing nor demonstrate that doing so would make the development unviable.
119. In accordance with the Revised NPPF and JCS Policy 4, if the maximum of ten dwellings were to be proposed on this site, this scale of development should provide 30% affordable housing, subject to adjustment to reflect vacant building credit. In the absence of any proposal or evidence it would not be viable, it must be considered that the proposal is contrary to JCS Policy 4 and paragraph 63 of the Revised NPPF as it fails to deliver an appropriate level of affordable housing. However, should outline permission be granted, it would be necessary for this to be subject to a Section 106 agreement requiring appropriate on-site provision or a financial contribution should a detailed proposal at reserved matters stage propose ten dwellings. No such S106 agreement has been provided.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition.
Refuse Storage/servicing	DM31	Yes subject to condition.
Energy efficiency and renewable energy	JCS 1 & 3 DM3	Should ten dwellings be proposed, it would be necessary for renewable energy sources to be provided and this could be secured by condition.
Water efficiency	JCS 1 & 3	Yes subject to condition. There is no known constraint on the water supply locally.
Trees	DM7	Yes subject to condition. It is noted there is some local support for the retention of the two Lawson cypress on the Avenue Road frontage and it is agreed these make a positive contribution to the street scene which is otherwise largely absent of street trees. As layout is a reserved matter, it is considered that suitable space could be designed to accommodate appropriate replacement planting that could make an equal or greater contribution long term.
Biodiversity	JCS1, DM6, Revised NPPF paragraph 175	An updated bat survey has been undertaken confirming continued bat use of the roof voids in the church and church hall. A license would be required as the loss of the bat roosts could not be avoided. A replacement bat roost feature would need to be provided in one of the new properties and other mitigation and enhancement measures could be secured by condition.
Contamination	DM11, Revised NPPF paragraphs 178-180	Yes, subject to condition. There is no history of contaminative uses on the site.

### **Equalities and diversity issues**

121. It is considered that the dwellings could be designed to be accessible and this would be considered at reserved matters stage. Should ten dwellings be proposed Policy DM12 (f) requires at least 10% to be built to Lifetimes Homes standard and this could be secured by condition. The proposal raises no other significant equalities and diversity issues.

## **Local finance considerations**

122. 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.
123. 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.
124. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

125. This outline application proposes demolishing all existing buildings on site and the erection of up to ten dwellings. Access is the only detailed matter to be considered and the proposal is acceptable in this respect.
126. However, the demolition of this group of buildings, consisting of the locally listed St Peters Methodist Church, the original church building latterly used as the church hall and the Boy's Brigade building, would cause the unjustified loss of a non-designated heritage asset and harm to the Conservation Area. These impacts on heritage assets are not considered to be outweighed by any demonstrable public benefits of the scheme and whilst regard must be had to the local representations in favour of their demolition, the proposal is considered unacceptable and contrary to the provisions of the Revised NPPF and development plan which seek to sustain and enhance the significance of heritage assets and the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
127. Furthermore, there is insufficient information to satisfactorily demonstrate that the site can feasibly be developed with up to ten dwellings within its constraints in a form and layout which would: preserve and enhance the character and appearance of the Conservation Area; avoid the areas of highest risk of flooding, mitigate any residual risk and provide an acceptable surface water management scheme; and, is acceptable with regards the amenity of neighbouring and future occupiers.
128. The proposal also makes no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable.
129. The development is therefore contrary to the requirements of the Revised 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 refuse application no. 18/00503/O - St Peters Methodist Church Park Lane Norwich NR2 3EQ; for the following reasons:



1. The demolition of St Peters Methodist Church, the church hall and Boy's Brigade building would result in the total loss of a non-designated heritage asset and less than substantial harm to the significance the of the Heigham Grove Conservation Area. This loss of and harm to the significance of heritage assets has not been justified nor is it demonstrably outweighed by any public benefits from the redevelopment of the site that it would facilitate. This loss and harm is therefore unacceptable and contrary to paragraphs 192, 193, 196 and 197 of the Revised National Planning Policy Framework (2018) and Policy DM9 of the adopted Development Management Policies Local Plan 2014.
2. Insufficient information has been submitted to demonstrate whether it is feasible for the site to deliver up to ten dwellings within the constraints of the site in a manner which: preserves and enhances the character and appearance of the Conservation Area; avoids the areas of highest risk of surface water flooding, provides any necessary mitigation measures and an appropriate surface water drainage scheme with acceptable run-off rates; protects the amenity of neighbouring occupiers; and, provides a high standard of amenity for future occupiers. It has not therefore been satisfactorily demonstrated that the proposal complies with Policies JCS1 and JCS2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policies DM2, DM3, DM5, DM11 of the adopted Development Management Policies Local Plan 2014 and paragraphs 127, 130, 155, 157, 163, 165, 180 and 193 of the Revised National Planning Policy Framework (2018).
3. The application proposes up to ten dwellings with no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable. The proposal is therefore contrary to Policy JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policy DM33 of the adopted Development Management Policies Local Plan 2014 and paragraph 63 of the Revised National Planning Policy Framework (2018).

### **Article 35(2) Statement**

The local planning authority in making its decision has had due regard to paragraph 38 of the Revised National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above. The local planning authority has advised the applicant of alternatives which may be acceptable.



New Street Scene from Avenue Road



New Street Scene from Park Lane

NOTES:  
Do not scale from this drawing for construction purposes.  
All dimensions are to be checked on site prior to work commencing.  
Any discrepancies or contradictions are to be reported to the Architect immediately.  
This drawing is to be read in conjunction with the architect's and structural engineer's drawings and specifications, and all other issued information.  
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Rev.	Date	Description
A	01 Feb	Original
B	17 Apr	Change of Materials and Colourage



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





Client: The Interesting Building Company Ltd.  
Project: St. Peter's, Park Lane

Drawing Title: Proposed New Street Scene			
Scale: 1:200 @ A3	Date: 16.2.18	Drawn By: SJ	
Drawing No: 9001 / 001	Revision: B		

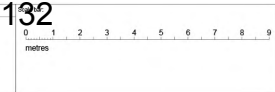


PARK LANE

AVENUE ROAD

-  Existing buildings to be demolished
-  Surface water
-  Retaining wall
-  Allocated parking space
-  Boundary wall to match existing
-  1800mm closed panel fencing
-  Slabbed area - type/colour to be confirmed
-  Denotes new tree - type to be agreed by specialist
-  Presentation point for bin collection
-  Marshalls Driveline Multi Block Paving - colour to be confirmed
-  Tarmac finished road
-  Loose gravel - type/colour to be confirmed
-  Grass

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Client: The Interesting Building Company Ltd.  
 Project: St. Peter's, Park Lane

Drawing Title		Proposed Roof Plan	
Scale	1:200 @ A3	Date	16.2.18
Drawn By	SJ	Revision	B
Drawing No.	9001 / 002		



**Report to** Planning applications committee

**Item**

9 August 2018

**Report of** Head of planning services

**Subject** Application no 18/00504/O - St Peters Methodist Church, Park Lane, Norwich, NR2 3EQ

**4(c)**

**Reason for referral** Called in by an elected member

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

<b>Development proposal</b>		
Outline application including matters of access, for demolition of the Church Hall, Welcome Room and Boys Brigade, conversion of main church and erection of new dwelling(s) with associated external works.		
<b>Representations</b>		
Object	Comment	Support
27	2	0

<b>Main issues</b>	<b>Key considerations</b>
1	Principle: provision of housing and loss of community facility
2	Heritage impacts
3	Design
4	Landscaping and open space
5	Acceptability of access, traffic and parking
6	Amenity
7	Flood risk
8	Affordable housing
<b>Expiry date</b>	14 August 2018
<b>Recommendation</b>	Refuse

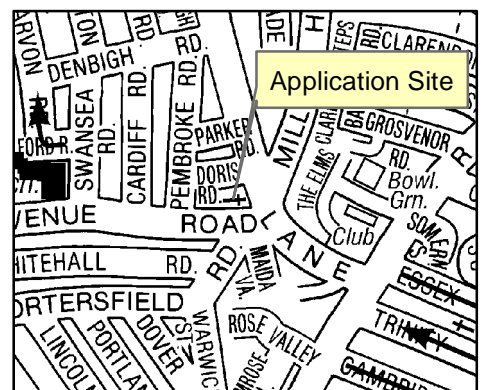


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Planning Application No 18/00503/O & 18/18/00504/O  
 Site Address St Peters Methodist Church Park Lane  
 Scale 1:1,000



**NORWICH**  
**City Council**  
 PLANNING SERVICES



## The site and surroundings

1. St Peters Methodist Church is a prominent and locally listed building within the Heigham Grove Conservation Area. Originally there was an older Wesleyan chapel on the site which now forms the church hall to the immediate north of the main church building. The western part of the site also features the Boy's Brigade building which was built around or just after the first Methodist church.
2. The local listing is as follows:  
"1939. Buff brick with brown brick detail to windows. Designed by local architect Cecil Yelf in a simple but monumental style.  
*Importance: Important community and landmark corner building in a style evocative of its time*".
3. The main Methodist church building is typical of the interwar 1930s style. Brown brick features heavily along with strong horizontal and vertical lines. Geometric shapes heavily influence the design. The windows are leaded with brick mullions and reveals. Some stained glass also features which depicts Christ flanked by St Peter and St John. The rest of the materials which feature within the church are largely of a high quality including the organ cover screen which features fine fretwork cut into the timber.
4. The adjacent church hall was formerly a Wesleyan Chapel and was built by Edward Boardman in 1894. It was completely refaced with modern buff brick in the 1960s. Some of the original gault brickwork can still be seen at lower levels along with elements of the rear façade. The Boys Brigade building shares some features with similar detailing to the original chapel as it was also built to Boardman designs in the early twentieth century. This single storey building fronts Avenue Road with a symmetrical elevation.
5. Several later additions have been added to the buildings including a mid to late 20th century flat roof extension to the rear of the hall and also to the front. A linking extension and new entrance was built during the 1990s which linked the Methodist Church to the Church hall.
6. The surrounding area is characterised by late 19th century terraced properties along with later early 20th century development to the south and south west. There is some street planting on the surrounding streets and significant views. It is located within sub area 'H' as identified within the Conservation Area Appraisal which is largely made up of medium size buildings. The main Methodist church is identified as a significant local landmark and the position of this group of buildings at the junctions of Park Lane, Avenue Road, Mill Hill Road, Maida Vale and Portersfield Road with levels dropping towards the site from Unthank Road and The Avenues results in positive views towards this prominent site from many aspects.
7. The buildings are separated from the street frontage by landscaping and an historic dwarf wall and railings along Avenue Road and by car parking on the Park Lane frontage.
8. There is a significant change in levels across the site with the external ground levels dropping a full-storey height from east to west.

## Constraints

9. St Peters Church is a locally listed building and the site is in the Heigham Grove Conservation Area. The site is also in a critical drainage catchment and parts of the site and surrounding area are at risk of surface water flooding in the 1 in 30, 1 in 100 and 1 in 1000 year events.

## Relevant planning history

10.

Ref	Proposal	Decision	Date
4/1989/0886	Infill of yard area at front of church.	Approved	30/11/1989
15/01928/F	Demolition of modern extensions and conversion to provide 20 residential units (class C3).	Refused	21/07/2017
18/00503/O	Outline application including matters of access, for demolition of all buildings on site, erection of up to 10 dwellings, formation of new access road from Avenue Road with associated external works.	Pending	
18/00962/F	Change of use from D1 (place of worship) to C3 (dwelling houses). Demolition of modern extensions, removal of two trees, and general redevelopment of site to provide 20 new residential units and associated landscaping and parking.	Pending	

It should be noted that the refusal of application 15/01928/F is currently the subject of an appeal, application 18/00503/O is the subject of a report elsewhere on this agenda and application 18/00962/F (a re-submission of 15/01928/F) is pending consideration.

## The proposal

11. This is an outline application with all matters reserved except for access. It is proposed to demolish the church hall and Boys' Brigade building, retaining only the main church building. This would be converted to dwellings and new build is also proposed on the remainder of the site to provide up to ten dwellings in total. An indicative plan shows one new detached dwelling in the northeast corner of the site, adjacent to the end of the Park Lane terrace.
12. Access would be from Avenue Road and the indicative layout shows a parking court to the west of the site and off-street parking off Park Lane.



## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	Maximum 10
No. of affordable dwellings	0
Total floorspace	Up to 1000 square metres
No. of storeys	Up to 4 in converted church, new build two storey
Density	Maximum 66 dwellings per hectare

## Representations

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 29 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
Density too high and not in keeping with Conservation Area	See main issue 3
Lack of parking (one comment that there is too much parking proposed)	See main issue 5
Loss of light and loss of privacy	See main issue 6
Disturbance, loss of privacy and overlooking from use of external terraces	See main issue 6
Poor design	See main issue 3
Out of scale for area and overpowering	See main issue 3
Flood risk	See main issue 7
No public amenity/green space/play area	See main issue 4
No environmental compensation and not built to high environmental standards	See table at paragraph 134
Standard of amenity for future occupants, including no/insufficient external amenity space and unsuitable for families or elderly	See main issue 6

<b>Issues raised</b>	<b>Response</b>
occupiers	
Loss of community amenity	See main issue 1
Church is of no architectural merit and objections to its retention which compromises the redevelopment of the site	See main issue 2
Preferable to original proposal (15/01928/F)	Noted. Each scheme is considered on its own merits.
Would prefer proposal to demolish all buildings and redevelop the whole site (application 18/00503/O)	Noted. Each scheme is considered on its own merits.
Safety at junction	See main issue 5
Appearance of bins	See main issue 3
No affordable housing	See main issue 8

## Consultation responses

14. 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

15. The application site is located in the Heigham Grove Conservation Area which is characterised by predominantly residential detached and terraced houses interspersed with some prominent religious buildings (Catholic cathedral, St Peters Church etc) and other commercial buildings (mostly public houses). The area has an attractive sub-urban character indicative of the 19C-20C expansion of Norwich.
16. The site contains a historic grouping of Methodist buildings which date from between the late 19C-early 20C with 21C additions.
17. Perhaps surprisingly, Boardmans Old chapel is the oldest building on the site, constructed in 1894 when the Methodist congregation expanded from their church in Lady Lane within the city centre. The building also presents a strong visual presence and massing fronting Avenue Road - its gault brick gable end and pitched roof form echoing St Peters in views from Park lane (south). The building benefits from historic heritage value and significance as a result of its associative heritage value (with the Methodist church & the named local architect Boardman). However, the 1960's re-facing and renovations have severely affected its internal and external appearance, which has reduced the buildings aesthetic heritage value and architectural integrity. The building is considered to have a positive impact upon the character and appearance of the conservation in its current form.

18. The most prominent building on the site is the Methodist chapel - St Peters Methodist chapel which is a locally listed non-designated heritage asset which contributes to the character and appearance of the conservation area. St Peters was built alongside Boardmans Old chapel in 1939 when the remaining congregation in Lady Lane transferred to this site. The original church was refaced in the early 1960s and converted into a church hall.
19. The building was constructed in 1939, built in buff brick with brown brick canted window details and leaded lights and neo-classical proportions. The simplicity of the elevations means that it is relatively sensitive to change. The building was constructed to the designs of local architect Cecil Yelf in a simple but monumental style very evocative of its time. The building is an important community and landmark corner building. Situated on a relatively busy junction - this impressive and imposing landmark building terminates views along 5 different roads: Park Lane, Avenue Rd, Portesfield Rd, Maida Vale and Mill Hill Road. St Peters benefits from 'aesthetic, historic and social/communal' heritage value and significance to varying degrees.
20. The Sunday school / Boys Brigade building was constructed in early 20C to the design of local architect Boardman. This modest single storey building with a rectangular plan and pitched roof, constructed in Costessey gault brick and Welsh slate. The building presents an attractive and symmetrical elevation to the street with a three-centred arched entrance fronting Avenue Road and attractive timber framed fenestration and a tall chimney stack to the service alley to the rear of Avenue Road and Doris Road.
21. The fenestration is plain of mullions and transoms in timber with glazing bars. The heads are of short soldier arches (headers on edge). The building has a typical modest 19C Norfolk Methodist chapel architectural style/form with classical proportions and modest character.
22. This modest building forms part of the historic chapel grouping and is indicative of the congregations' expansion and use over time. The building benefits from 'aesthetic, historic and social/communal' heritage value and significance to varying degrees. The building is considered to positively contribute to the character and appearance of the conservation area.
23. The historic dwarf wall, railings, gates, piers and caps fronting Avenue Road also contribute to the character and appearance of the conservation area.
24. It should be noted that the application is lacking the following information:
  - No demolition drawings,
  - No proposed floor plans indicating the internal layout of St Peters
  - No internal sectional drawings indicating the impact of new floor levels upon the external appearance of the building
  - No details drawings of the alteration of the existing fenestration have been submitted.

It is therefore difficult to fully assess the true impact of the proposals.

25. The proposed loss of the Boys Brigade building and associated front boundary wall and railings and their replacement with an unusually large open entrance way and with car parking spaces would harm of the character and appearance of the conservation area.
26. The loss of Boardmans old chapel and the development of a replacement 2 storey detached house in replacement is not considered to be an improvement upon the existing context and would result in harm to the character and appearance of the conservation area, whilst the Boardman Old chapel has been altered, the prominent gable end is of some aesthetic and historic heritage value and significance (in that its prominent gable and pitched roof form fronting Avenue road echoes the strong gable of St Peters forming part of a familiar and cherished local scene and the cumulative impact of the chapel grouping are indicative of the historic use of this part of the city for Methodist worship. The loss of this structure would result in harm to the character and appearance of the conservation area as a result.
27. The development of a modest 2 storey detached house in replacement is not considered to be an improvement upon the existing context. The proposed detached house with horizontal proportions to its elevation and no front boundary would be an incongruous addition, at odds with the prevailing terrace house form in this sub-character area of the conservation area.
28. As no demolition drawings and proposed internal sectional drawings have been submitted, it is not clear how the building will be adapted to allow for the proposed residential use. It is not clear how the new floor levels will be inserted into the building; or how the works will affect the external appearance of the building. It is regrettable that the original stained glass windows (possibly artist Frances Skeet) will be lost.
29. It is not clear how the existing highly sensitive window reveals will be adapted to allow access and egress to the proposed roof terraces and escape routes and no information has been provided to indicate that the works will meet with the requirements of the building regulations. The existing tall windows feature canted brick mullions and leaded lights, these would need to be drastically altered, the canted mullioned being cut and removed to accommodate new door openings. The existing unusual frameless leaded lights would be lost altogether. The proposal to cut out the wall beneath one of the window openings fronting Avenue Road to allow for a means of escape doorway is the most insensitive new opening. The proposed opaque glass balustrades will serve to obscure and alter the sensitive and simple proportions and appearance of the western elevation. The works proposed will detrimentally affect the buildings surviving aesthetic heritage value and harm to the buildings architectural integrity.
30. The proposed drawings do not indicate how the new services to facilitate all the new flats (boiler flues and ventilation, aerials etc) will be accommodated without harm to the external appearance of this sensitive historic church.
31. The proposals will result in the wholesale loss of the Sunday school building and the Boardmans Old Chapel, albeit not statutorily or locally listed buildings they have been identified during the course of the application to be heritage assets that benefit from local significance. They are considered to positively contribute to character and

appearance of the conservation area. The loss of these heritage assets will therefore cause 'less than substantial' harm to the character and appearance of the conservation area (a designated heritage asset).

32. The alterations to the external appearance of St Peters church and boundary treatment and the development of a new detached dwelling will also cause 'less than substantial' harm. Harm identified is '*less than substantial*', does not mean that it is inconsequential. Every effort should be made to mitigate harm.
33. At present, due to the lack of information and justification the works are not considered to meet with the requirements of Policy DM9 of the Local Plan which requires that development resulting in harm to or loss of significance of a locally identified 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.
34. In addition the proposals fail to meet with the requirements of the NPPF Chapter 16, in particular Para 189 requires applicants to provide sufficient information to allow the Local Planning Authority to understand the potential impact of the proposal on the significance of heritage assets
35. At present, I consider the application to be lacking the necessary level of detail to assess the full impact of the proposals. Insufficient information has been provided.
36. The resulting development would not make a positive contribution to the local character and distinctiveness. There does not appear to be clear and convincing justification for the proposals contrary to para 192 and 194 of the NPPF.
37. Will the works result in 'less than substantial' to the character and appearance of the conservation area. Paragraph 196 of the NPPF requires that harm be offset by sufficient public benefits. It is questionable as to whether it has been demonstrated that the current proposals represent sufficient 'public benefits' to outweigh the harm caused to the heritage assets.

### **Historic England**

38. Summary: This application proposed the conversion of the existing church and demolition of the church hall and former Boys' Brigade Hall on a site in the conservation area to make way for the erection of new houses and associated car parking. The buildings proposed for demolition of historic interest and make a positive contribution to the significance of the conservation area. We would support their adaptation and reuse but would object to the demolition which would result in harm to the historic significance of the conservation area in terms of the National Planning Policy Framework.
39. Recommendation: Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF (2012), in particular paragraph numbers 6, 7, 14, 17, 132 and 134. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance

of conservation areas. Your authority should take these representations into account in determining the application.

### **Environmental protection**

40. No comments.

### **Highways (local)**

41. No objection in principle on highway grounds. The proposed layout of the site and means of access via Avenue Road are acceptable.
42. Traffic generation from the site will be low (most residential dwellings average 4 trips per day), and the adjacent roads are 20mph with traffic calming. It is acceptable for parking on plot for those on Park Lane and to reverse onto the highway. The means of access to Avenue Road is acceptable and would need the footway strengthening as a vehicle access.
43. I do have concerns that the parking to the rear will be difficult to use, it would be helpful if the applicant did tracking analysis of vehicle movements. It is likely that they would need repositioning and the spaces parallel to the side flank wall of the dwellings facing Avenue Road may need lengthening to make them usable.
44. As new build dwellings in a controlled parking zone it is council policy not to allow parking permit entitlement.
45. We would need information about bin and bike storage. We would need a construction management plan as a condition.

### **Landscape and Ecology**

46. 2 prominent street trees (Lawson Cypress), which represent the largest trees along this section of Avenue Road, are in good condition with 20+ year life expectancy, are protected by the conservation area status and make a significant contribution to the street scene in an area where there are fewer street trees. The removal of these trees is unlikely to be compensated for by the proposed replacement tree planting as the space available is insufficient to allow trees to grow to any stature. There is enough space in the proposed layout for one relatively small tree on the corner.
47. Whilst the existing apron around the buildings on the Park Lane frontage is an unattractive area of asphalt, this is out of character with Park Lane and other local streets which typically feature boundary walls and hedges. Redevelopment of this site should take the opportunity to address this issue.
48. The existing low wall topped with railings together with capped brick gate piers along the Avenue Road frontage are attractive features. This boundary should be retained as far as possible and any new boundary treatment should match the existing as closely as possible.
49. External amenity space for residents is limited.
50. If trees are removed this should be undertaken outside the bird nesting season.

### **Norfolk Historic Environment service**

51. Consider it unlikely there would be any below ground implications.

### **Norwich Society**

52. We have consulted with the local residents' group who expressed the hope that the Norwich Society might reconsider our support for the local listing of St Peter's. The key passage reads: 'Importance: Important community and landmark corner building in a style evocative of its time'. However now, with the loss of the church hall, the building has no value for the community. The committee which prepared the recommendations did not consider that the church itself had intrinsic architectural merit. In fact it is the residents' view that its size and position restricts street views, making the junction more dangerous because of the traffic, especially during the school run in the morning and afternoon collection.
53. We discussed both schemes (18/00503/O and 18/00504/O) at our Committee, and concur with the views of the residents, i.e. we would not object to its removal from the local list and its demolition, if that achieved a better architectural solution for the site as a whole.
54. However we note that a new detail application has been submitted (18/00962/F) which is also based on retention of the church, and represents an improvement from the initial outline scheme (18/00504/O). The vertical split of the space into 3 and 4 storeys units gives unusual and attractive units, especially with the benefit of the voids and roof terraces. We would be happy to support this scheme if the developer is intending to retain the existing buildings.

### **Tree protection officer**

55. The two Lawson sp trees at Avenue Road contribute to the amenity of the local area, however, I have no objection to the removal of these two trees given the number and location of replacement planting proposed.

### **Anglian Water**

56. The foul drainage from this development is in the catchment of Whitlingham Trowse Water Recycling Centre that will have capacity for these flows. The sewerage system at present has available capacity for these flows.
57. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

### **Lead Local Flood Authority**

58. Initial response (14 June 2018):

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy relating to:

- The development changing vulnerability categories from less (a community building) to More Vulnerable (Housing) is at risk of flooding from surface water with no evacuation / emergency plan provided.
- As the drainage scheme is located within an area at risk of flooding, it is not clear how the drainage scheme proposed will only take on site runoff and be designed with a surcharge outfall to operate as suggested during the design flood event and not be overwhelmed from water from offsite.
- There is only one proposal for the discharge of surface water from this site but Anglian Water have not suggested this is acceptable in principal, what the current discharge rate from the site is and how the development is not increasing flood risk elsewhere.
- The supporting calculations do not support the current proposal and hence further surface water runoff storage may be required and it is not clear where these could be located considering constraints on the site.
- The lack of outline management and maintenance plan

#### Reason

To prevent flooding in accordance with National Planning Policy Framework (2012) paragraph 103 and 109 by ensuring the satisfactory management of all sources of flood risk, storage and disposal of surface water from the site in a range of rainfall events to ensure the development is safe for its lifetime, does not increase the flood risk elsewhere and surface water drainage system operates as designed for the lifetime of the development.

59. This response identified that the LLFA would consider reviewing their objection if a number of issues are adequately addressed. Additional information was subsequently received and the LLFA were re-consulted.
60. Their revised response advises:
61. We maintain our objection to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy and our comments in our letter 14 June (FWP18/4/6410) still stand.
62. We note that from your email to the LLFA dated 25 June 2018 that you are satisfied that 8 dwellings can be accommodated within the main church through conversion. We would advise that two dwellings would have to be located within the area currently indicated for one detached new dwelling to ensure that the sequential approach to development within the boundary is followed.
63. We have reviewed the letter from Richard Jackson Engineering dated 4 July 2018. This contains no further technical information for us to review. We note that the letter contains an argument for conditioning all the outstanding information. We do not feel this is appropriate at this time as the information we request is likely to influence the number and arrangement and character of dwellings achievable at this location.
64. Regarding the drainage runoff rates, we acknowledged that we agreed rates in 2016 on a separate application but we now request that these rates are Greenfield or as close to. This is considering the location in the Critical Drainage Catchment,



Norwich City Council Policy DM5 and updated Anglian Water Protocol on redevelopment. As the rates proposed are brownfield and we are yet to agree a runoff rate and volume associated we do not suggest that a condition is set.

65. We again request that your emergency planner is consulted and comment on new dwellings regarding hazards of a development which may have up to 0.9m deep of flood water on it. As there details on how this water will be managed or comment on we can be available to discuss the current information with your emergency planner if they require.

### **Emergency Planning**

66. I note the LLFA have raised a number of concerns regarding the application, including reference to a flood response plan/resident awareness they are at risk of surface water flooding to consider appropriate preparedness in such an event. At this stage, I have no further comment to add.

## **Assessment of planning considerations**

### **Relevant development plan policies**

67. **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
- JCS7 Supporting communities
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

68. **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
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- 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**

### **69. Relevant sections of the Revised National Planning Policy Framework July 2018 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

### **70. Planning Practice Guidance**

### **71. Supplementary Planning Documents (SPD)**

- Affordable housing SPD adopted March 2015
- Trees, development and landscape SPD adopted June 2016

## **Case Assessment**

72. 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.

73. A previous application on this site (15/01928/F) proposed the retention and conversion of the church, church hall and Boys' Brigade building to dwellings. This application was ultimately refused and is currently subject of appeal. The sole reason for refusal concerned the contribution to affordable housing provision and the proposal was considered acceptable in all other respects. Indeed, it was at one point recommended for approval. Therefore whilst there is not an extant permission for redevelopment of the site, the existence of a largely acceptable scheme which involved the loss of the community use and provision of housing on the site is a material consideration which carries some weight in the determination of this application. There have been no changes to either the circumstances of the site or the development plan since the determination of that application. The Revised NPPF, published on 24 July 2018, is a new material consideration, superseding the 2012 NPPF.

## **Main issue 1: Principle of development**

### **Principle of new residential development:**

74. Key policies and NPPF paragraphs – DM12, DM13, Revised NPPF paragraphs 59 and 11.
75. Paragraph 59 of the Revised NPPF identifies the importance of a sufficient amount and variety of land coming forward where it is needed to significantly boost the supply of housing and DM12 support new housing which will help to meet housing needs in the city. The site is located within an established residential area, with regular bus services located nearby, and is adjacent to the Unthank Road local retail centre and within walking distance from the city centre. Future residents would be well supported by a wide range of local services and facilities available in the adjacent Unthank Road local centre and in the city centre which is within walking distance of the site.
76. None of the exception criteria of Policy DM12 apply here and new residential development at the site is therefore acceptable in principle, including conversion to provide flats, subject to other material planning considerations and policies discussed below.

### **Principle of loss of community use:**

77. Key policies and NPPF paragraphs – DM22 and NPPF Revised paragraph 92.
78. Following a decline in congregation numbers to the 30s, services at the Church ceased in December 2013 and the congregation was merged with that at Jessop Road United Road Reform Church. A regular congregation of around 200 and significant investment would be required to bring the church back into use and sustain it. The merged site at Jessop Road and another Methodist church at Chapelfield Road are both around 1km from the site and offer alternative provision.
79. An extensive marketing campaign for what is considered a ‘meaningful period’ in compliance with Policy DM22 was undertaken for the premises as a church/community hall with potential for a range of alternative uses. This did not attract interest for a church or community use and the lack of interest was attributed to the costs of necessary repairs and ongoing maintenance commitments which would likely make a community use unaffordable.
80. This matter was considered extensively with application 15/01928/F and the circumstances have not changed. It is considered that the loss of the community use has been sufficiently justified with regards the requirements of Policy DM22.

## **Main issue 2: Heritage**

81. Key policies and NPPF paragraphs – DM9, Revised NPPF paragraphs 189-202.
82. The site is located within the Heigham Grove Conservation Area, a designated heritage asset, which is characterised by predominantly residential detached and terraced dwellings interspersed with prominent religious buildings, including the Catholic Cathedral of St John the Baptist, and other commercial buildings such as

public houses, generally on prominent corner sites. The suburban character of the area is indicative of the nineteenth and twentieth century expansion of Norwich.

83. The group of religious buildings that comprises the application site date from the late nineteenth and early twentieth centuries (with later twenty-first century additions and alterations) and sit at a prominent road junction surrounded by residential development of the same period. The site is therefore typical of and positively contributes to the form of development that characterises the Conservation Area.
84. Of the three buildings, the main church is the most prominent by virtue of its scale, position and monumental architectural style. It is locally listed and therefore a non-designated heritage asset. The listing cites its importance as a community and landmark building, evocative of its time. Some representations have suggested that if it is no longer in community use, the reasons for its local listing no longer apply and its retention is not justified. However, when assessed for local listing, a building must satisfy a number of criteria which, along with community importance, include townscape, architectural and historical values. St Peters Methodist Church is of more than just community value, as confirmed by the local listing description, and its significance as a heritage asset is also in its aesthetic and historic values. Its monumental style is evocative of its construction in the 1930s and it has neo-classical proportions with simple elevations. It also has an association with local architect Cecil Yelf (a senior partner of Edward Boardman and Son who had associations with the Methodist church) and features stained glass thought to be by renowned glass painter Francis Skeat. Some representations have supported the demolition of the church and the Norwich Society would not object to its removal from the local list and demolition if it achieved a better architectural solution for the site.
85. The original church building which has subsequently been used as the church hall and the Boys' Brigade building are not individually locally listed, however the church hall is the original building of this group and the Boy's Brigade was a subsequent addition marking the expansion of the congregation and use of the site. Whilst the church hall was re-faced and renovated in the 1960s, it retains a strong visual presence and the original gault brick gable end is evident at the rear. It has historic significance as a result of its association with the development of the Methodist church and design by local architect Edward Boardman. The 1960s alterations have reduced its aesthetic significance and architectural integrity, however the large massing and form, which echo the strong gable end of the later church, make a positive contribution to the character of the Conservation Area and form part of a familiar local scene.
86. The Boys' Brigade building is the smallest of those on the site in plan and height and its modest architectural scale and form with classical proportions is typical of nineteenth century Norfolk Methodist chapels. It has aesthetic, historic and social communal significance and is considered to positively contribute to the character and appearance of the Conservation Area. The dwarf walls and railings on the Avenue Road frontage also make a positive contribution.
87. A structural assessment undertaken in support of the previous conversion scheme found all the buildings were capable of conversion. The porches to the both the main church and Boys' Brigade buildings have suffered from some localised

subsidence and it is proposed to investigate and address this to retain the main church porch, however it has not been suggested nor demonstrated that it is not viable to retain the church hall or Boys' Brigade building. The objective of the proposal to retain the church and redevelop the rest of the site is said to be to maintain the character and appearance of the church while being influenced by the objections to the previous conversion scheme in respect of density, massing, amenity space, flood risk, daylight and sunlight, bin and cycle storage and parking.

88. A Heritage Impact Assessment has been submitted which considers the church to be the only building of significance on the site and that its conversion and clearance of the 'clutter' of outbuildings would reveal its architectural quality and make a definite positive contribution to the Heigham Grove Conservation Area. It is proposed to preserve a historical record of the building and preserve or re-locate key artefacts where appropriate.
89. As assessed above, both the church hall and Boys' Brigade building have aesthetic, historic and social communal significance and positively contribute individually and as part of the group to the character and appearance of the Conservation Area. The loss of these buildings would affect a familiar local scene and erode this chapel grouping which is indicative of the historic use of this part of the city for Methodist worship; it would cause harm to the character and appearance of the Conservation Area.
90. The Revised NPPF sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and Policy DM9 requires development to maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets. The Revised NPPF requires harm to or loss of significance of designated heritage assets to be justified and the degree of any harm or loss must be assessed. Whether the potential harm to significance of a designated heritage asset is substantial, total loss of less than substantial harm, paragraph 193 requires that great weight should be given to the conservation of the asset. Furthermore, in accordance with the *Planning (Listed Buildings and Conservation Areas) Act 1990* there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
91. In this case it is considered that the proposed demolition of the church hall and Boys' Brigade building which positively contributes to the character and appearance of the Conservation Area would harm that designated heritage asset and that harm has not been justified in the application. In terms of the degree of harm, it is considered to be less than substantial and the Revised NPPF requires that less than substantial harm is weighed against the public benefits of the proposal, including securing the optimum viable use of the asset.
92. Whilst the application only affects a relatively small area of the overall Conservation Area asset, it is a prominent and significant site. The optimum viable use of an historic building is usually the one which it was designed for, however it is accepted here that there is no longer a viable faith/community use. In terms of public benefits, the proposal would deliver up to ten dwellings to contribute towards local housing need. However, as this is an outline proposal, the impact of the conversion and contribution that new build development on the remainder of the site would make to the character and appearance of the Conservation Area can neither be

assessed nor secured in the determination of this application. The indicative layout shows the area of the Boys' Brigade building becoming an unusually large entrance way and requiring loss of a section of the historic wall and railings and in place of the substantial church hall there would be a detached two storey house which is indicated to have proportions and fenestration incongruous with the surrounding pattern of development. In principle the new build development could be designed to positively respond to local character, there can be no certainty in the determination of this outline application that this would make an equal or greater contribution to the Conservation Area to compensate for the loss of the existing buildings. With regards mitigation, the interpretation and conservation measures are not considered significant. As noted by Historic England, it has not been demonstrated that it is necessary to demolish these buildings and cause harm to the Conservation Area to deliver new housing on the site.

93. Whilst the retention of the church and its conversion to dwellings can be welcomed in principle, as an outline application no details have been provided of the conversion and what would be required internally and externally to facilitate this nor the full extent of demolition. The conversion scheme (subject of applications 15/01928/F and 18/00962/F) demonstrates one way this building could be converted and in that respect conversion is considered achievable in principle. Whilst insufficient information has been submitted to assess the degree of harm that conversion may cause at this stage, given that a form of conversion has been considered to be acceptable in heritage terms previously, it is considered feasible for an acceptable form of development to come forward at reserved matters stage and for any alternative proposals to be considered on their merits/demerits at that stage.
94. It is appreciated that there is some local support for the demolition of this whole group of buildings and they are not universally regarded as having aesthetic value or being worthy of retention. Indeed representations have referred to a preference for application 18/00503/O (subject of a report elsewhere on this agenda which should be determined on its own merits) which proposes demolition of all buildings. Whilst these views are understood and appreciated, when considered against the Revised NPPF and development plan policies, the loss of two components of this significant group of buildings is considered to cause harm to a designated heritage and likely harm to an undesignated heritage asset and it has not been demonstrated that this harm is outweighed by any public benefits of the proposal. Historic England's objection to the application on the basis of the harm to significance of the Conservation Area must also be taken into account and it is concluded that the impact on heritage assets is unacceptable and contrary to paragraphs 192, 193, 196 and 197 of the Revised NPPF and Policy DM9.

### **Main issue 3: Design**

95. Key policies and NPPF paragraphs – JCS2, DM3, Revised NPPF paragraphs 124, 127-131.
96. Scale, layout, appearance and landscaping, including details of the conversion of the church, are reserved matters which, if this outline application is approved, would be considered in a subsequent application. An indicative layout plan shows the provision of one detached new build dwelling to the north of the church, approximately in line with the existing terrace along Park Lane. An indicative elevation shows this having two storeys with a steeply pitched roof.

97. The Conservation Area Appraisal notes that the majority of houses in the Conservation Area are small to medium sized terraces with relatively simple facades which form harmonious groups with a strong sense of rhythm. In principle it is considered that the scale and form of new build dwelling indicated would be broadly in keeping with the prevailing character, however the proportions and fenestration indicated are at odds with the existing terraced houses and would need to be more sensitively designed at reserved matters stage with careful attention paid to the materials also.
98. The church would be converted to provide a total of up to ten dwellings across the site. Notwithstanding the assessment of heritage impacts above, it is considered that, in principle, residential conversion of the church is possible and the indicative layout shows that the remainder of the site could be developed to provide at least one additional dwelling with amenity space and parking. Should the converted church be proposed to provide fewer than eight dwellings, careful consideration would have to be given to how more than one or two new build dwellings could be provided on the remaining area of the site.
99. Representations have raised concern about the density of the development and that it would be out of scale for the area. The site is currently almost entirely covered by the existing buildings and this proposal is likely to result in a much reduced footprint of development and provision of open amenity and parking areas, reducing the overall building coverage. The church is a substantial building and the Conservation Area Appraisal notes its monumental scale, however the indicative plan shows this remaining unaltered in scale and its presence is an established feature in the Conservation Area. The density in terms of the volume of building and number of dwellings is not considered overly high or inappropriate for the area and any new build would be subservient in scale to the retained church.
100. The retention and replacement of appropriate boundary walls and railings could be secured by condition as could the siting, capacity and design of necessary bin and cycle storage. The provision of parking on the Park Lane frontage would have an adverse visual impact on the development and wider area, however this is largely an existing arrangement and sensitive design and materials could mitigate this.
101. It is therefore considered that a scheme for conversion of the church and some new build could, in principle, deliver up to ten dwellings across the site and the precise layout, scale and appearance would be considered at reserved matters stage.

#### **Main issue 4: Landscaping and open space**

102. Key policies and NPPF paragraphs – DM3, DM8, Revised NPPF paragraphs 124.
103. Landscaping is a reserved matter but the indicative layout and lower density of the site from the current situation would allow for some amenity space and appropriate landscaping.
104. Some representations have sought for public amenity space and/or play space to be provided. The indicative layout identifies some areas for private amenity space on site and the details of this would be considered at reserved matters stage. In addition to any amenity space provided on site, the site is located within walking distance to Heigham Park and Chapelfield Gardens which provide high quality public outdoor spaces available for use by future residents.

105. There is no policy requirement for a development of this scale to make new provision for public open space. An indirect contribution would be made through the Community Infrastructure Levy.

#### **Main issue 5: Transport, access and parking**

106. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, Revised NPPF paragraphs 012, 103, 108-111.
107. In terms of impact upon traffic flows to and from the site, it is important to note that under the current lawful use, the properties could be used by another faith or community based group, which would carry much higher traffic levels (and parking demand at peak times) than the proposed use. The associated traffic impacts of the proposed use would be comparatively low and would not result in significant highway impacts to the surrounding area.
108. In terms of highway safety, the junction of Park Lane and Avenue Road adjacent to the site does not have any inherent accident problem and is protected by a speed table and 20mph speed limit. Access is the only detailed matter to be considered in this application and there is no highways objection to the proposed arrangement with vehicular access on Avenue Road and off-street parking on Park Lane.
109. The layout submitted indicates 17 parking spaces to eight dwellings. There is local concern that this would be insufficient and put pressure on local on-street parking, however it is considered ample and within standards in accordance with Policy DM31 for up to ten dwellings. Furthermore, the dwellings would not be entitled to parking permits and existing parking restrictions in the area are considered adequate. It is, however, noted that it has not been demonstrated that all parking spaces within the communal car park have sufficient space for manoeuvring and these may require alteration. Should there be any additional new build development, beyond the one dwelling indicated on the submitted plan, this may reduce the available area for parking and turning.
110. The site is highly accessible, located adjacent to a local retail centre, within walking distance of the city centre and c. 220 metres from high frequency bus stops serving the wider area. It also benefits from proximity to several Car Club spaces in the surrounding area as well as being on the Pink Pedalway for cyclists. Given the level of parking on site and high sustainability of the site with alternative travel options, the proposal is acceptable in this respect.

#### **Main issue 6: Amenity**

111. Key policies and NPPF paragraphs – DM2, DM11, DM13, Revised NPPF paragraphs 127, 180.
112. It is appreciated that this site is surrounded by residential dwellings on all sides and any development of it must be sensitive to this and not result in any unacceptable impacts on the amenity of neighbouring occupiers. Whilst the full impact on the amenity of neighbouring occupiers cannot be fully assessed at outline stage as the precise layout, scale and design of the conversion and new build dwelling(s) is not known, the indicative layout suggests the site could be developed with up to ten dwellings in a manner that would not result in such impacts. Should outline permission be granted, the representations concerning loss of light and privacy



could be taken into account in the detailed design to mitigate any unacceptable impacts.

113. Representations refer to disturbance, loss of privacy and overlooking from external terraces to the converted church. On the previous detailed scheme, it was not considered these would result in any unacceptable amenity impacts, however the existing church hall would screen views to the north. An assessment would need to be made of the impacts from any terrace on the north elevation without the church hall to screen views at reserved matters stage, however it is considered that any unacceptable impacts could be mitigated through the detailed design.
114. Should outline permission be granted, the representations concerning loss of light and privacy could be taken into account in the detailed design to mitigate any unacceptable impacts.
115. The standard of amenity for future occupiers of the development would also be fully assessed at reserved matters stage and the indicative layout and information from the previous conversion proposal does not suggest there would be any constraints on providing an adequate standard of amenity.

#### **Main issue 7: Flood risk**

116. Key policies and NPPF paragraphs – JCS1, DM5, Revised NPPF paragraphs 155-165.
117. The site is at risk of surface water flooding and this varies across the site with the lower portion to the western side at risk of flooding to a likely depth of up to 1 metre and surface water pooling around the existing buildings. This was a significant consideration in the determination of the previous application for conversion (15/01928/F) and whilst the majority of issues were satisfactorily resolved with mitigation measures, the LLFA maintained an objection to this scheme on the basis they considered it more appropriate to avoid the risk altogether.
118. The LLFA have an objection to this application which has not been overcome with the submission of additional information.
119. In accordance with Planning Practice Guidance, it is not necessary for proposals for change of use to pass the sequential test. It is, however, necessary for the sequential approach to be applied across the site and the most vulnerable elements of the development (the dwellings) must be placed in the areas of lowest risk. The LLFA have objected on the basis that this has not been satisfactorily demonstrated at outline stage as layout is a reserved matter and they consider it would be necessary for two of the ten dwellings to be sited in the area indicated for one new build. This is considered feasible on the basis of the indicative plan and this is the lowest risk part of the site. Only the lower ground floor of the church is at risk and a detailed scheme for the conversion over multiple floors can take account of this in due course.
120. The increase in risk from less to more vulnerable development and absence of an evacuation/emergency plan is also raised. As the precise details of the conversion are not known at this stage, it would be inappropriate to consider an evacuation/emergency plan until reserved matters stage, however it is noted that the previous conversion scheme (15/01928/F) was able to provide safe

access/egress and/or a safe refuge in each dwelling. In relation to the increase in vulnerability, the siting of more vulnerable development in flood risk zone 3 is not unacceptable, subject to passing the Exception Test.

121. To pass the exception test it must be demonstrated that:
- (a) the development provides wider sustainability benefits to the community that outweigh flood risk; and,
  - (b) a site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
122. With regards the sustainability benefits, the provision of up to ten new dwellings is a substantial benefit weighing in favour of this development and considered to outweigh the flood risk which affects only a portion of this site. In terms of the safety and risk on and off site, the development results in a significantly reduced footprint of buildings and hard surfaces across the site which, subject to the detailed design and assessment below, is likely to reduce surface water run-off and thus risk on and off site.
123. The other points of objection relate to more detailed considerations of a surface water management scheme with appropriate run-off rates and the management of off-site risks.
124. With regards run-off rates, it is appreciated that the LLFA would wish to see these at, or as close to, greenfield rates. The LLFA consider it necessary to agree an appropriate rate at outline stage in order for an appropriate scheme to be designed to meet this at reserved matters stage. It is considered that a substantial improvement from the existing situation could be achieved and it would not be inappropriate to leave agreement of an appropriate run-off rate to later consideration.
125. In terms of surface water management, the application suggests opportunities to provide on-site attenuation would be explored in detail at reserved matters stage, however the LLFA have requested information in relation to area required for storage features to demonstrate these are appropriate and achievable within the constraints of the site. An attenuation tank is proposed in the car park area indicated on the submitted plan, however if the number of new build dwellings were to be increase, this may impinge on the available area for and required volume of on-site attenuation.
126. In summary, as an outline proposal it must be considered whether the development is acceptable in principle in flood risk terms. In this case, it is considered that the site is broadly acceptable in flood risk terms and could pass the exception test in accordance with the Revised NPPF and Policies JCS1 and DM5. Whilst the LLFA's objection in the absence of full information at outline stage are appreciated, given the relatively small amount of new build and satisfactory resolution of flood risk matters on the previous proposal for conversion, it is considered that appropriate surface water management and flood risk mitigation measures could be satisfactorily secured with the use of appropriate conditions on any outline permission granted.

127. Representations have commented on the potential inadequacy of the local foul sewer to accommodate the proposed development. Anglian Water have confirmed that the sewerage system and Water Recycling Centre have capacity for the flows generated by the proposed development.

**Main issue 8: Affordable housing viability**

- 128. Key policies and NPPF paragraphs – JCS4, DM33, Revised NPPF paragraph 63.
- 129. The Revised National Planning Policy Framework (published 24 July 2018) advises that the provision of affordable housing should not be sought for residential developments that are not major developments. Major developments, in terms of numbers, are defined as those of ten or more dwellings.
- 130. It is therefore the case that if this site were to deliver ten dwellings, it would be necessary for it to make either on-site provision or a financial contribution in lieu to affordable housing. For less than ten, it is not appropriate.
- 131. The application was submitted prior to the publication of the Revised NPPF and seeks outline consent for up to ten dwellings and up to 1000 square metres of floorspace on the basis of previous Government guidance that contributions to affordable housing and tariff style planning obligations should not be sought from developments up to these limits. The proposal does not make any provision for affordable housing nor demonstrate that doing so would make the development unviable.
- 132. In accordance with the Revised NPPF, JCS Policy 4 and Affordable Housing SPD, if the maximum of ten dwellings were to be proposed on this site, this scale of development should provide 30% affordable housing, subject to adjustment to reflect vacant building credit. In the absence of any proposal or evidence this would not be viable, it must be considered that the proposal is contrary to JCS Policy 4 and paragraph 63 of the Revised NPPF as it fails to deliver an appropriate level of affordable housing. However, should outline permission be granted, it would be necessary for this to be subject to a Section 106 agreement requiring appropriate on-site provision or a financial contribution should a detailed proposal at reserved matters stage propose ten dwellings. No such S106 agreement has been provided.

**Compliance with other relevant development plan policies**

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Energy efficiency and renewable energy	JCS 1 & 3 DM3	Should ten dwellings be proposed, it would be necessary for renewable energy sources to be provided and this could be secured by condition. .
Water efficiency	JCS 1 & 3	Yes subject to condition. There is no known constraint on the water supply locally.
Trees	DM7	Yes subject to condition. It is noted there is some local support for the retention of the two Lawson cypress on the Avenue Road frontage and it is agreed these make a positive contribution to the street scene which is otherwise largely absent of street trees. As layout is a reserved matter, it is considered that suitable space could be designed to accommodate appropriate replacement planting that could make an equal or greater contribution long term.
Biodiversity	JCS1, DM6, Revised NPPF paragraph 175	An updated bat survey has been undertaken confirming continued bat use of the roof voids in the church and church hall. A license would be required as the loss of the bat roosts could not be avoided. A replacement bat roost feature would need to be provided in one of the new properties and other mitigation and enhancement measures could be secured by condition.
Contamination	DM11, Revised NPPF paragraphs 178-180	Yes, subject to condition. There is no history of contaminative uses on the site.

### **Equalities and diversity issues**

134. It is considered that the dwellings could be designed to be accessible and this would be considered at reserved matters stage. Should ten dwellings be proposed Policy DM12 (f) requires at least 10% to be built to Lifetimes Homes standard and this could be secured by condition. The proposal raises no other significant equalities and diversity issues.

### **Local finance considerations**

135. 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.

136. 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.
137. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

138. This outline application proposes converting the locally listed St Peters Methodist Church and demolishing all other buildings on site to provide up to ten dwellings. Access is the only detailed matter to be considered and the proposal is acceptable in this respect.
139. However, the loss of two important components of this group of buildings, consisting of the locally listed St Peters Methodist Church, the original church building latterly used as the church hall and the Boy's Brigade building, would cause harm to the significance of the Conservation Area and the degree of harm to the non-designated heritage asset of the church to be converted cannot be assessed. The harm to the designated heritage asset of the Conservation Area is considered to be less than substantial however it is not outweighed by any demonstrable public benefits of the scheme.
140. The Revised NPPF and development plan seek to sustain an enhance the significance of heritage assets and there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Whilst the local representations received do not object to the loss of the church hall or Boy's Brigade building, the proposal is considered unacceptable and contrary to the Revised NPPF and development plan.
141. The proposal also makes no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable.
142. The proposal is therefore contrary to development plan policies and the provisions of the Revised NPPF and there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

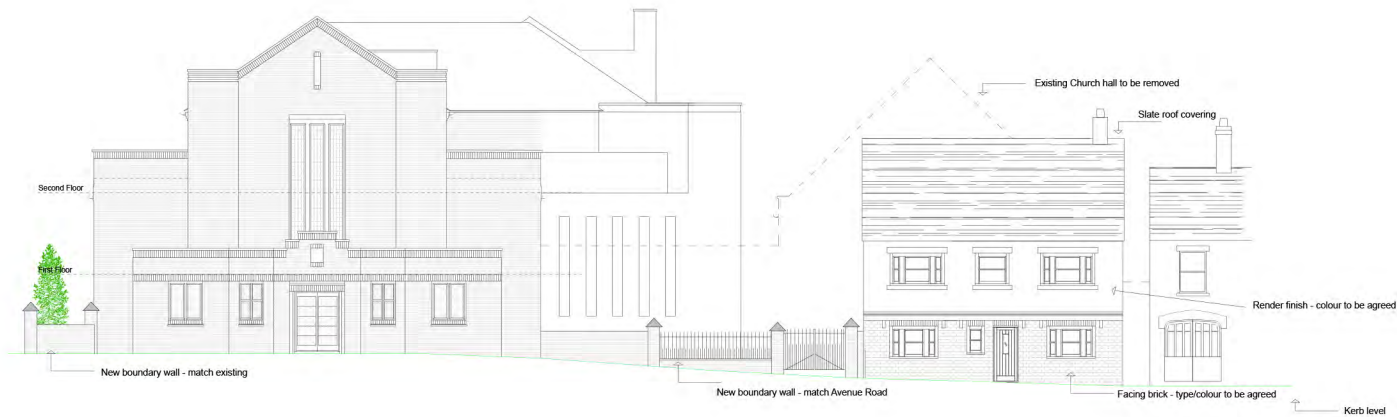
To refuse application no. 18/00504/O - St Peters Methodist Church Park Lane Norwich NR2 3EQ; for the following reasons:

1. The demolition of the church hall and Boy's Brigade building would cause less than substantial harm to the significance of the Heigham Grove Conservation Area. This harm to the significance of a designated heritage asset has not been justified nor is it demonstrably outweighed by any public benefits from the proposed development. This harm is therefore unacceptable and contrary to paragraphs 192, 193 and 196 of the Revised National Planning Policy Framework (2018) and Policy DM9 of the adopted Development Management Policies Local Plan 2014.

2. The application proposes up to ten dwellings with no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable. The proposal is therefore contrary to Policy JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policy DM33 of the adopted Development Management Policies Local Plan 2014 and paragraph 63 of the Revised National Planning Policy Framework (2018).

### **Article 35(2) statement**

The local planning authority in making its decision has had due regard to paragraph 38 of the Revised National Planning Policy Framework as well as the development plan, national planning policy and other material considerations. The proposal in question is not considered to be acceptable for the reasons outlined above. The local planning authority has advised the applicant of alternatives which may be acceptable.



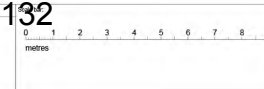
New Street Scene from Park Lane



New Street Scene from Avenue Road

NOTES:  
Do not scale from this drawing for construction purposes.  
All dimensions are to be checked on site prior to work commencing.  
Any discrepancies or contradictions are to be reported to the Architect immediately.  
This drawing is to be read in conjunction with the architect's and structural engineer's drawings and specifications, and all other issued information.  
If anything is unclear, please notify the Architect.  
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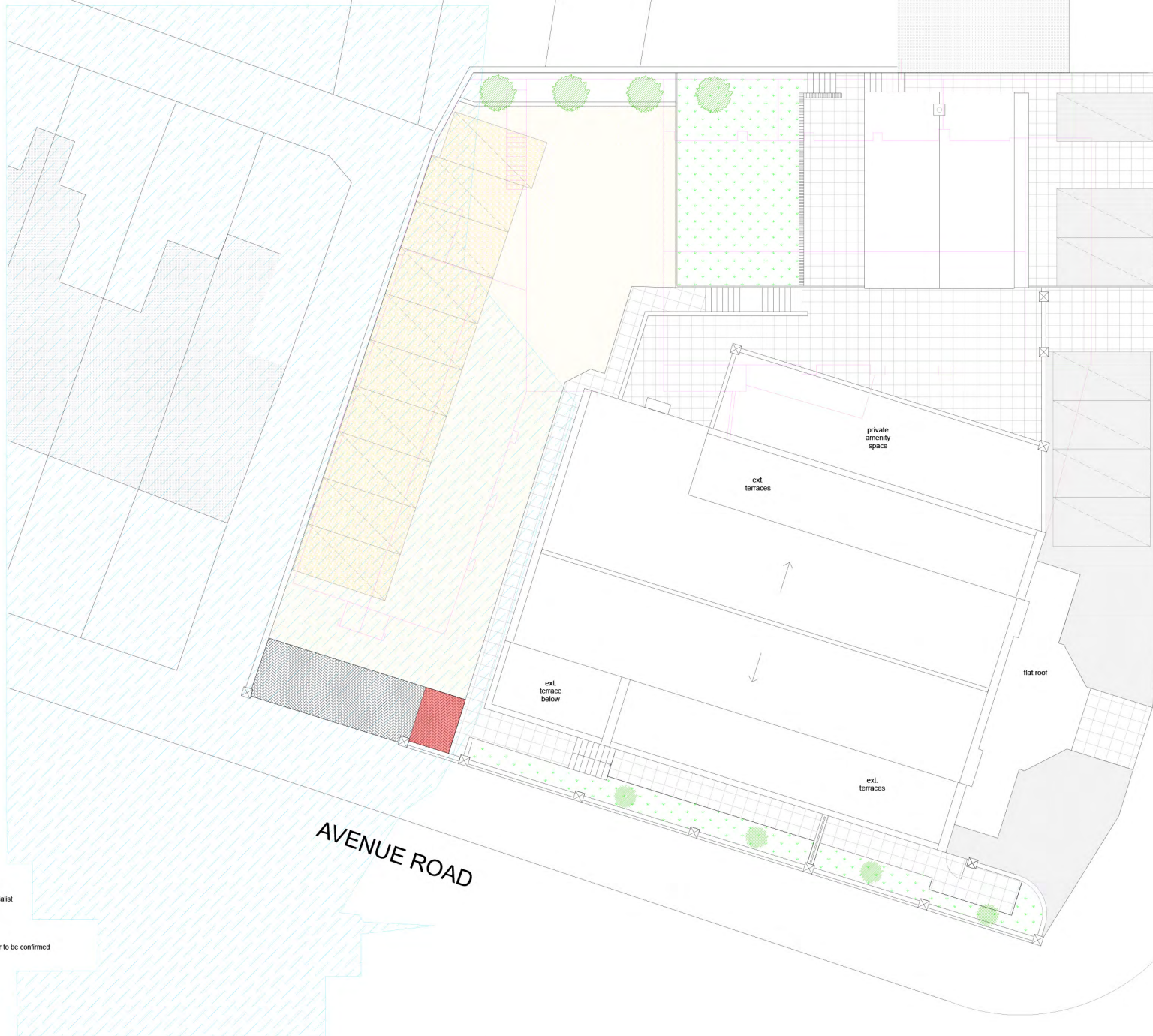
Rev.	Date	Description
A	01 Feb	Original
B	17 Apr	Change of materials and landscaping



pdappraisals

Client	The Interesting Building Company Ltd.
Project	St. Peter's, Park Lane

Drawing Title	Proposed New Street Scene		
Scale	1:200 @ A3	Date	16.2.18
Drawn By	SJ	Revision	B
Drawing No.	8001 / 01		



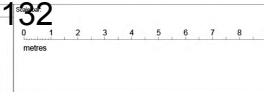
PARK LANE

AVENUE ROAD

-  Existing buildings to be demolished
-  Surface water
-  Retaining wall
-  Allocated parking space
-  Boundary wall to match existing
-  120mm closed panel fencing
-  Slabbed area - type/colour to be confirmed
-  Denotes new tree - type to be agreed by specialist
-  Presentation point for bin collection
-  Marshalls Driveline Multi Block Paving - colour to be confirmed
-  Tarmac finished road
-  Loose gravel - type/colour to be confirmed
-  Grass

**NOTES:**  
 Do not scale from this drawing for construction purposes.  
 All dimensions are to be checked on site prior to work commencing.  
 Any discrepancies or contradictions are to be reported to the Architect immediately.  
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Rev.	Date	Description
A	10 Jan	Original
B	10 Apr	Amended to show changes to the roof structure



pdappraisals

Client	The Interesting Building Company Ltd.		
Project	St Peter's, Park Lane		

Drawing Title			
Proposed Roof Plan			
Scale	1:200 @ A3	Date	10.1.18
Drawing No.	8001 / 02	Drawn By	SJ
		Revision	B



**Report to** Planning applications committee

**Item**

9 August 2018

**Report of** Head of planning services

**Subject** Application no 17/01338/F - Marwood Group Ltd,  
Diamond Road, Norwich, NR6 6AW

**4(d)**

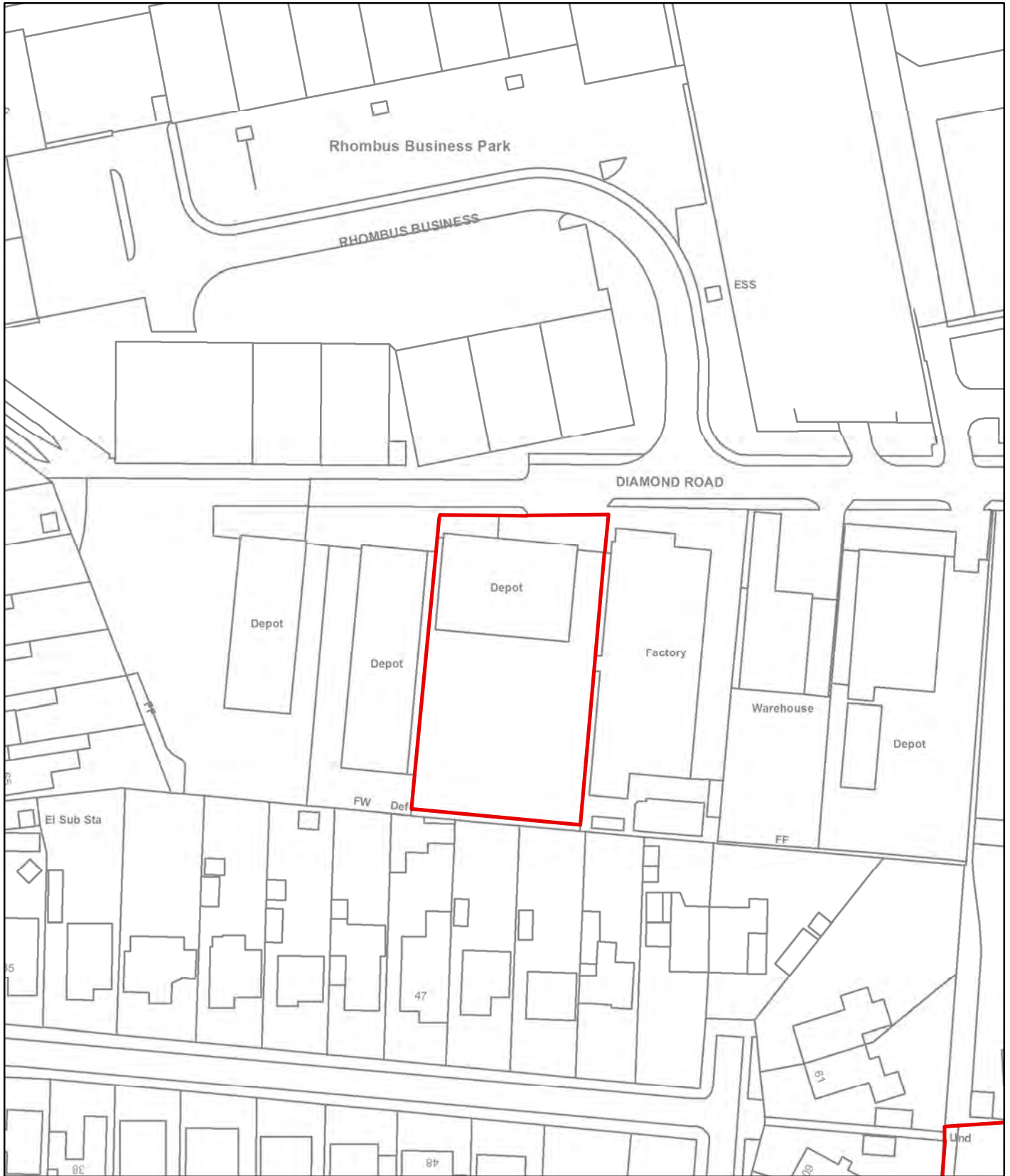
**Reason  
for referral** Objection

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<b>Ward:</b>	Catton Grove
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

<b>Development proposal</b>		
Construction of external racking in yard.		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Principle of Development	Expansion/intensification of business use
2 Scale and Design	The impact of the development within the context of the original design / surrounding area
3 Residential Amenity	The impact of the proposed development on the neighbouring properties located on Brabazon Road
<b>Expiry date</b>	17 August 2018
<b>Recommendation</b>	Approve

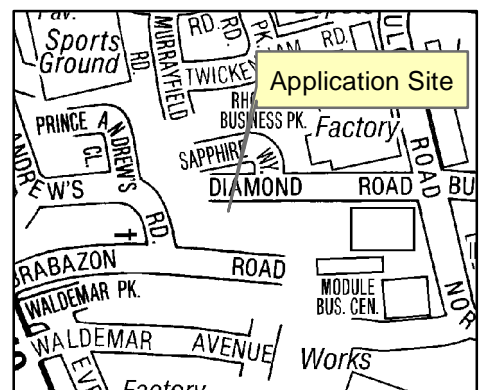


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Planning Application No 17/01338/F  
 Site Address Marwood Ltd, Diamond Road  
 Scale 1:1,000



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 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The site is located to the south side of Diamond Road, a cul-de-sac forming part of the Vulcan Road / Fifers Lane industrial estate to the north of the city. The predominant character of the area is a mixture of light industrial and warehouse storage units.
2. The site comprises of a pitched roof depot building accessed via Diamond Road which features an open storage area to the rear. The site is used for the storage of plant hire equipment associated with road works. Various equipment is currently stored in small groups around the open part of the site with forklifts used for its moving.
3. The site boundary to the rear is marked by a 2m tall metal fence and some sections of mature planting located within the rear gardens of neighbouring properties. The site is bordered by similar industrial units to the east and west. To the south of the site are a number of residential properties located on Brabazon Road. Nos 47, 49 and 51 abut the site, with no. 47 including an outbuilding on the shared boundary.

## Constraints

4. Employment Area: Vulcan Road / Fifers Lane

## Relevant planning history

5. There is no relevant planning history.

## The proposal

6. The proposal is for the installation of a steel racking storage system along the southern boundary. The racking system is to extend across the entirety of the southern boundary and is to feature three tiers of racking with the supporting columns being a maximum height of 4.5m tall.

## Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two 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
Racking system is too tall; industrial appearance at rear of residential properties.	See main issue 2.
Racking system too tall / proximity to residential properties – will result in noise disturbance.	See main issue 3.

## 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. The proposal seems reasonable and should not cause residents living in the vicinity especially those at Brabazon Road any undue disturbance. The use of electric lift trucks really helps.

## Assessment of planning considerations

### Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
  - JCS5 The economy
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
11. **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
  - DM16 Supporting the needs of business

### Other material considerations

12. **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

### Case Assessment

13. 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

14. Key policies– DM16

15. The site is located within the Vulcan Road / Fifers Lane employment area which is covered by policy DM16 which seeks to support the needs of businesses. DM16 supports the expansion of established businesses and upgrading, improvement or redevelopment of existing premises within defined employment areas provided that proposal do not conflict with the requirements of policy DM2, which seeks to protect residential amenity. The acceptability of the proposal is therefore considered in more detail within the sections below.

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

16. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
17. The proposal will have a very limited impact on the overall character of the site, with the racking system being of a light industrial appearance.
18. Concern has been raised that the racking system and items stored upon it will be visible from the residential properties located to the rear on Brabazon Road, impacting negatively on the residential character of the area. Whilst it is accepted that some parts of the racking system may be visible from residential properties, it is not considered that this will cause significant harm. The majority of the shared boundary is well screened by tall mature planting, effectively obscuring the racking system from view. The section where planting is not present is marked by an outbuilding with a roof height of approximately 3.5m. As such, a portion of the racking system will be visible above the ridge line. At a minimum distance of 20m between the rear of the residential properties and the proposed racking system, it is not considered that the proposal will impact significantly on the residential character of the area, with it being common for some parts of the industrial sites to be visible from neighbouring residential properties.

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

19. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
20. The proposal will not result in any harm being caused to neighbouring residential properties by way of overshadowing, overlooking or loss of outlook as there is sufficient distance and screening between properties and the site to mitigate such harm.
21. Particular concern has been raised that the racking system will result in an increase in noise disturbances as plant equipment is stored close to the shared boundary. Following receipt of concerns, a noise impact assessment was carried out which includes an assessment of the existing site and a similar site in Aberdeen where a racking system of the same design is currently in situ. The assessment concluded that it is likely that the resultant noise from the proposal should have a 'less than' a 'low adverse impact', in accordance with BS4142.
22. It can therefore be considered that the proposal will not result in significant harm being caused to the residential amenities of neighbouring properties on Brabazon Road by way of noise disturbance.
23. Regard has however been given to the potential imposition of planning conditions designed to ensure that harm in the future does not occur. It has been concluded that it is not considered necessary to impose any additional conditions as the use,

hours of operation and activities within the site are to remain the same as the current situation. The proposed racking system allows for plant equipment which is already stored within the site to be better organised and manoeuvred.

### **Equalities and diversity issues**

24. There are no significant equality or diversity issues.

### **Local finance considerations**

25. 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.

26. 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.

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

### **Conclusion**

28. The proposal will result in an upgraded business located within a defined employment area in accordance with policy DM16 which does not cause significant harm to the residential amenities of neighbouring properties, in accordance with policy DM2.

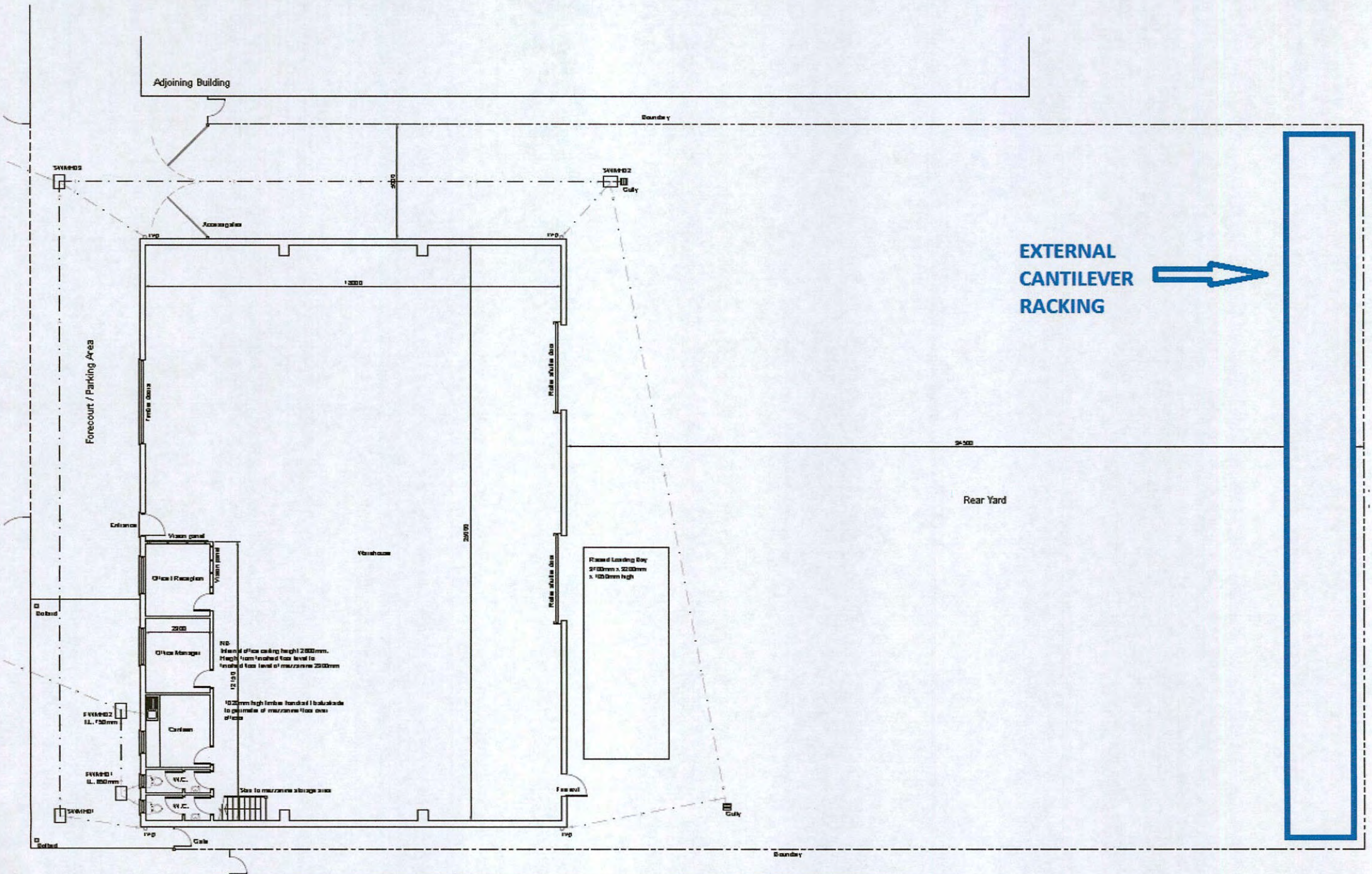
29. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

### **Recommendation**

To approve application no. 17/01338/F - Marwood Group Ltd, Diamond Road, Norwich, NR6 6AW and grant planning permission subject to the following conditions:

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

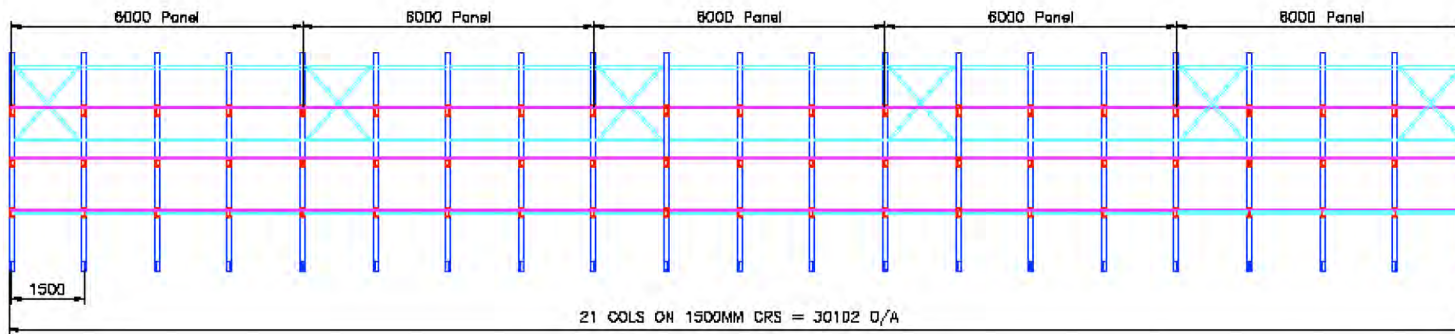
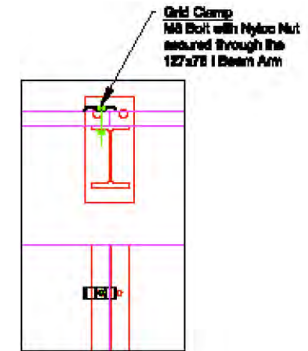
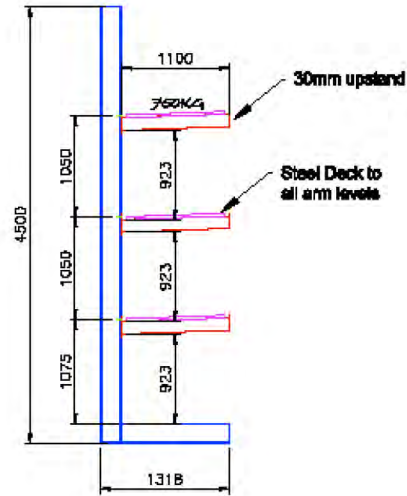
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FINAL POSITION OF RACKS TO BE AGREED WITH CLIENT



-	-	-	-
-	-	-	-
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REV.	By	Date	Description

Drawn: PE  
 Date: 10/08/17  
 Dwg Number: PD14456/01

Chkd: -  
 Date: -

Client:  
 MARWOOD GROUP LTD  
 -NORWICH-  
 Title:  
 CANTILEVER RACKING  
 LAYOUT

Scale  
 NTS  
 Rev  
 Org



**Report to** Planning applications committee

**Item**

9 August 2018

**Report of** Head of planning services

**Subject** Application no 18/00835/F - 4 Nasmith Road, Norwich,  
NR4 7BJ

**4(e)**

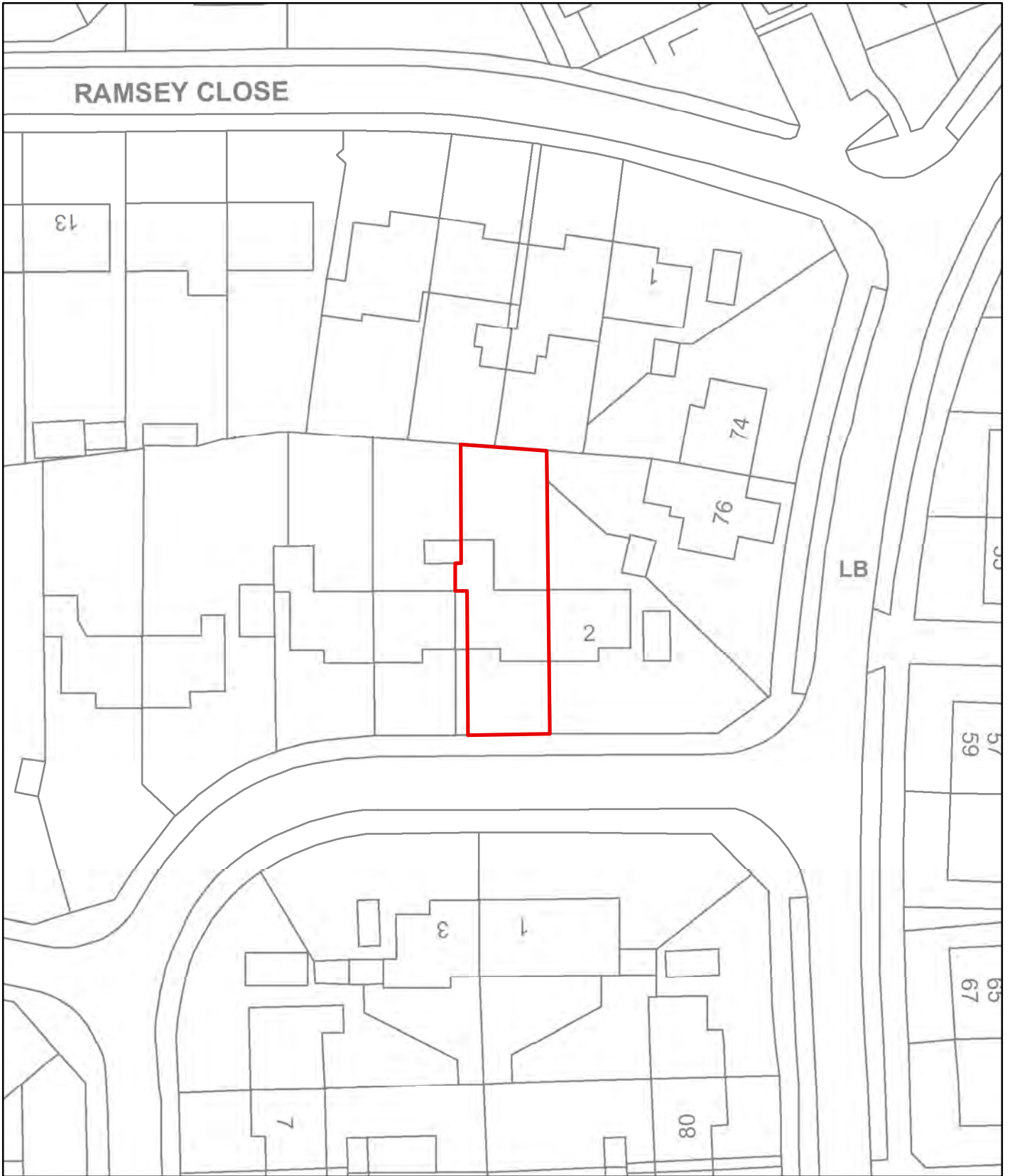
**Reason  
for referral** Objections

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

<b>Development proposal</b>		
Single storey rear extension.		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Scale, form and design	The visual impact on the character of the area
2 Residential amenity	Impact on amenity of neighbouring properties
<b>Expiry date</b>	13 August 2018
<b>Recommendation</b>	APPROVE

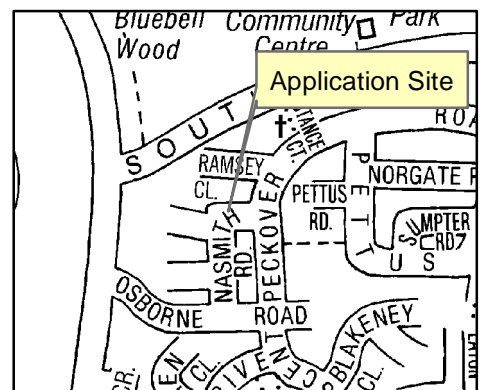


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Planning Application No 18/00835/F  
 Site Address 4 Nasmith Road  
 Scale 1:500



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## **The site and surroundings**

1. The subject property is situated on the north side of Nasmith Road, a suburban street 3km west of the city centre. The street is characterised by semi-detached and terraced local authority/ex-local authority two-storey dwellings of mid-20th century construction.
2. The subject property is a red brick, grey-tiled dwelling, second in a terrace of four and typical of the area, with a garden 12m long at the rear and 6m at the front.
3. There is a 3.5x1.9m outbuilding 2m from the north-west corner of the dwelling which appears to have been constructed at the same time as the house and adjoins a similar outbuilding next door at no.6. It is currently joined to the main dwelling by a temporary corrugated structure with two doors, one facing into the garden and one into a 0.9m wide covered alleyway between the respective ground floors of nos. 4 & 6.

## **Constraints**

4. None notable.

## **Relevant planning history**

5. None recent.

## **The proposal**

6. The proposal is to create a new extension by demolishing the temporary structure linking the outbuilding with the dwelling, and replacing it with a permanent flat-roofed structure, the design and materials of which will match the existing dwelling. A section of the outbuilding wall, which currently forms an internal wall facing into the temporary structure, will be demolished to create a single dining area.
7. The outbuilding currently has a small window facing north into the garden which will be replaced by a larger standard sized window. As at present, doors will open into the garden and side alley.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total floorspace	<b>The rebuilt section covers 4m<sup>2</sup>. The total area of the new extension (which includes the current outbuilding) will be 8.1m<sup>2</sup></b>
No. of storeys	<b>1 (to the extension)</b>
Max. dimensions	<b>The total length of the outbuilding and rebuilt section, which will form the new extension, is 4m. It is 3.5m wide at its widest, with the rebuilt section 2m wide and a flat roof 2.65m in height.</b>
<b>Appearance</b>	
Materials	<b>White uPVC doors and windows; red brick walls and flat roof to match existing.</b>

## Representations

8. Adjacent and neighbouring properties have been notified in writing. Two 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.

<b>Issues raised</b>	<b>Response</b>
The “proposed extension will be an eyesore and further exacerbate the already declining character and quality of the area.”	See issue 1
Increasing number of Houses of Multiple Occupation (HMOs) in the area causing noise, access and road safety concerns including increased pressure on parking and anti-social behaviour	See other issues

## Consultation responses

9. None requested.

# Assessment of planning considerations

## Relevant development plan policies

10. **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
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design

## Other material considerations

12. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
  - NPPF2 Achieving sustainable development
  - NPPF12 Achieving well-designed places

## Case Assessment

13. 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

14. Key policies – JCS2, DM3, NPPF2 and 12.
15. This is a very modest proposal which substantially improves on the current temporary structure and matches the design of the main dwelling. Its scale, form and design are acceptable.

### Main issue 2: Amenity

16. Key policies – DM2, NPPF12.
17. The proposals keep to the existing footprint of the building. The eaves height is relatively low at 2.65m. There are no overshadowing implications and no overlooking issues from the small increase in glazing.
18. Although the reconstructed section will almost certainly be used more, there are unlikely to be significant noise implications for the rear of the neighbouring property as the alley provides separation and the improved structure is likely to compensate for any extra noise relating to increased activity.

## **Other matters**

19. The two objections largely relate to implications resulting from the use of the house as an HMO. Change of use from C3 dwelling house to a C4 HMO, which covers up to a maximum of six unrelated individuals, is permitted development and is not the subject of this application. The implications of the use of the house as an HMO are therefore not material to this application's determination.

## **Equalities and diversity issues**

20. There are no significant equality or diversity issues.

## **Local finance considerations**

21. 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.
22. 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.
23. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

24. The proposals represent a clear improvement on the existing structure, are in keeping with the existing dwelling and will help to create a more usable living space. With no notable material implications for neighbouring amenity, the proposals are acceptable.
25. 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.

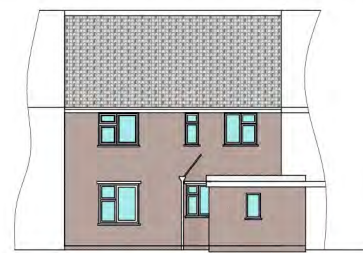
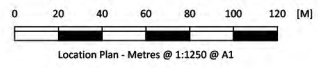
## **Recommendation**

To approve application no. 18/00835/F - 4 Nasmith Road Norwich NR4 7BJ and grant planning permission subject to the following conditions:

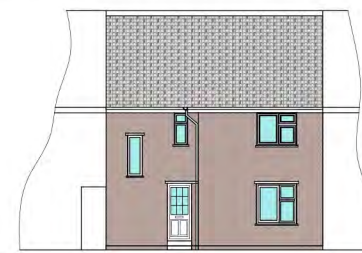
1. Standard time limit;
2. In accordance with plans.



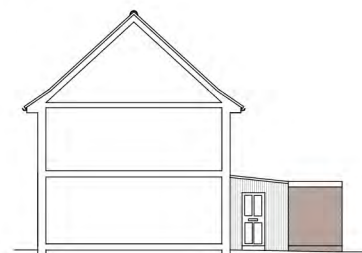
# EXISTING 4 NASMITH ROAD, NORWICH, NORFOLK, NR4 7BJ



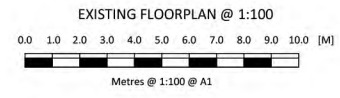
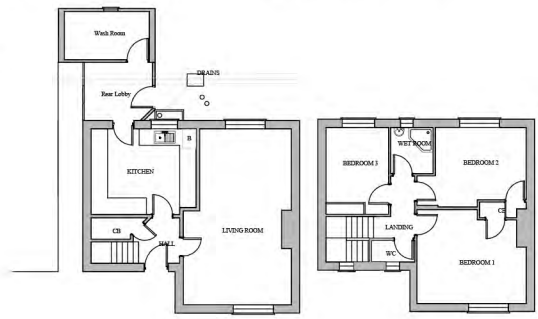
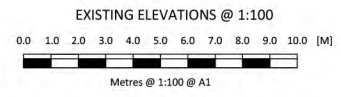
EXISTING NORTH ELEVATION



EXISTING SOUTH ELEVATION



INDICATIVE SECTION



### Material Schedule - Extension

Walls - Brickwork to be of a colour and texture to match that of the existing dwelling as closely as possible in size, colour, style and texture  
 Flat roof - Roofing to be to match the existing as closely as possible in size, colour, style and texture, with 120mm PIR insulation bonded over in-fill and existing.  
 Windows - Windows to be White UPVC in a style as indicated.  
 Doors - Doors to be White UPVC in a style as indicated.  
 Fascias, Soffits and Bargeboards - Fascias, Soffits and Bargeboards to be white UPVC in a style as indicated.  
 Rainwater Goods - Guttering and Downpipes to be black UPVC, guttering to be 115mm deep flow with U section with 68mm down pipe.

### SEWER NOTES:-

Since 1st October 2011 any drain serving two or more properties has become the responsibility of Anglian Water and therefore certain standards have been introduced to make sure the sewers operate in a safe and efficient manner.

Should contractors discover any drains which may be effected by the proposed development they should seek advice from the Local Authority Building Control Officer as how to comply with current standards as set out by Anglian Water and The Building Regulations.

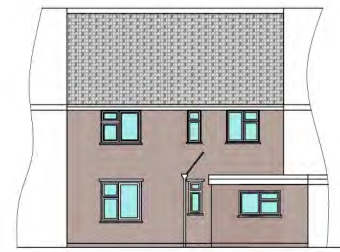
Anglian Water follow a standard criteria to assess all build over/near proposals within 3 metres of a public sewer. The criteria has been made available and is as follows.

- 1 Sewer less than 3 metres deep
- 2 Sewer 150mm diameter or less
- 3 Length of sewer under a building must not exceed 6 meters
- 4 No manholes or access point permitted under/in a building
- 5 Gravity sewer and not pumped
- 6 Suitable foundation design to ensure that no loads are imposed on the public sewer.

To comply with all of the above criteria there is a requirement to make an application to build over or near to the public sewer, to Anglian Water.

Should any drains be discovered which fall within Anglian Waters responsibility, work should be stopped until clarification has been obtained from all relevant parties (ie Local Authority Building Control, Anglian Water and the Designer).

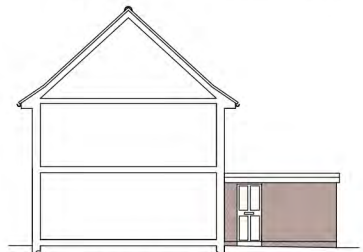
# PROPOSED ALTERATIONS TO 4 NASMITH ROAD, NORWICH, NORFOLK, NR4 7BJ



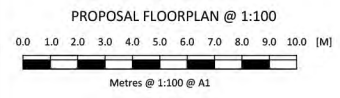
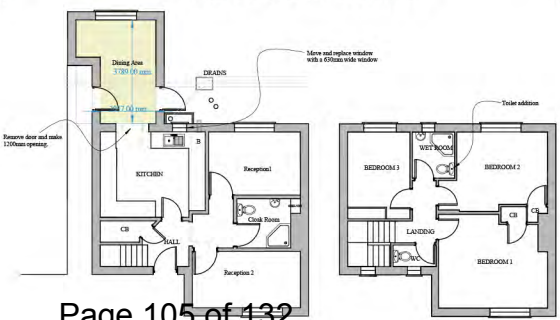
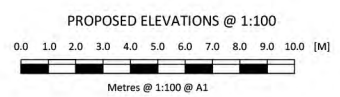
PROPOSED NORTH ELEVATION



PROPOSED SOUTH ELEVATION



INDICATIVE SECTION



# EXISTING AND PROPOSED

**K GARNHAM DESIGN**

01603 616884 • www.kgarnham.co.uk  
 info@kgarnham.co.uk

Project - 4 NASMITH RD, NORWICH, NORFOLK, NR4 7BJ	Client - Mr Liam Betts	Scale - as dim	Drawing Number - 1486
		Drawn By - ALBERT	Sheet Number - 1
	Date - 22.05.2018		Revision Number - A

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**Report to** Planning applications committee

**Item**

9 August 2018

**Report of** Head of planning services

**Subject** Application no 18/00796/VC - 7 Dowding Road, Norwich,  
NR6 6DD

**4(f)**

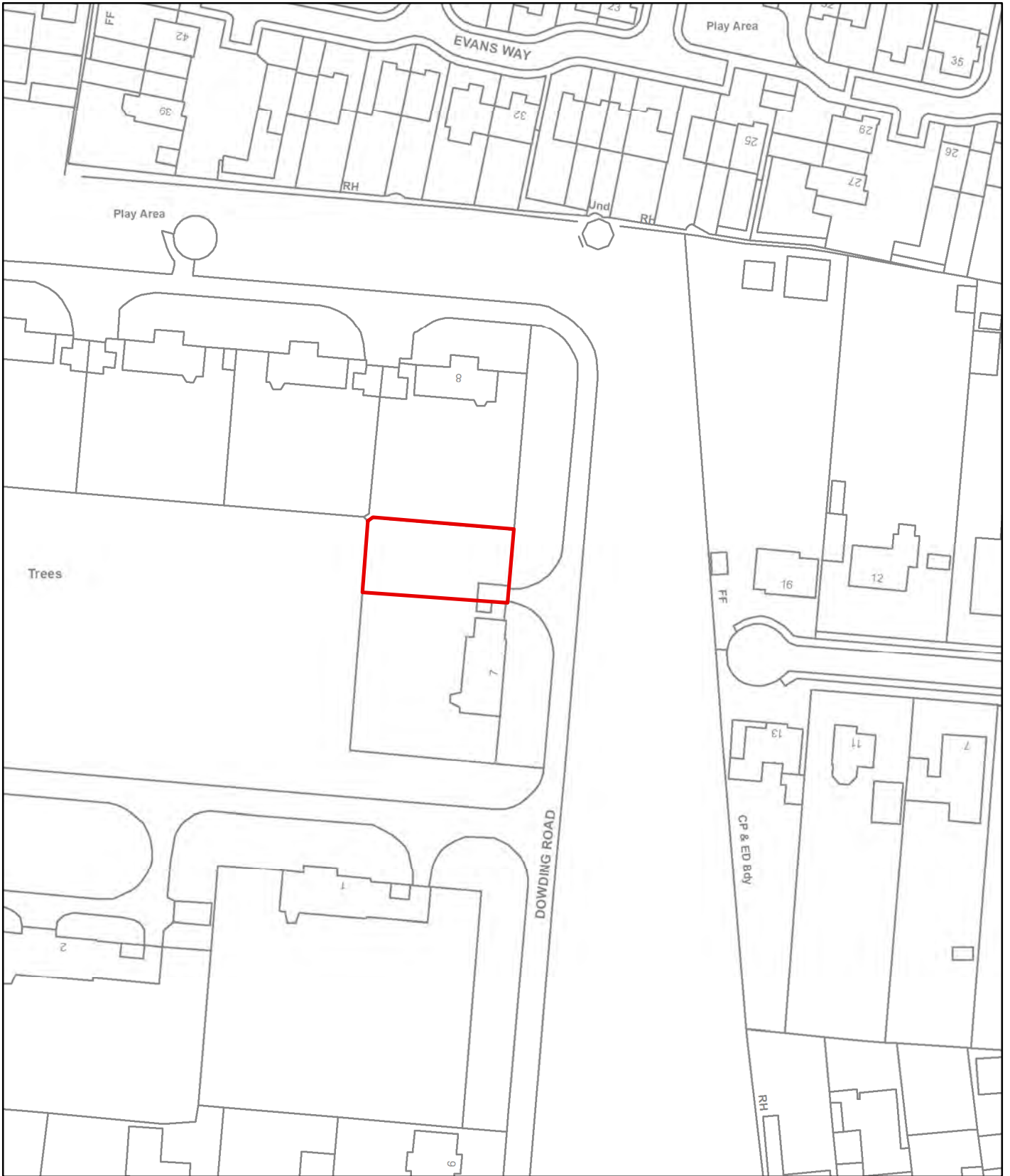
**Reason  
for referral** Objections

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<b>Ward:</b>	Catton Grove
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

<b>Development proposal</b>		
Variation of Condition 2 of planning permission 16/01017/F to amend approved plans. (Erection of garage to main dwelling and new single storey dwelling.)		
<b>Representations</b>		
Object	Comment	Support
3	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Design	Higher roof is intrusive and out of scale
2 Amenity	Overlooking of neighbouring gardens and dwellings
3 Trees	Damage to protected trees
4 Transport	High traffic volumes, poor road condition
<b>Expiry date</b>	26 July 2018
<b>Recommendation</b>	Approve

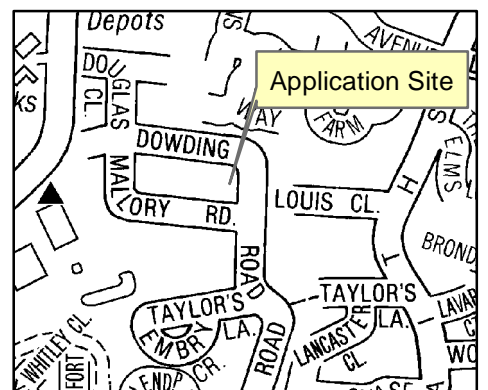


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Planning Application No 18/00796/VC  
 Site Address 7 Dowding Road  
 Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES



## The site and surroundings

1. The subject property is located on the West side of Dowding Road, North of the City Centre. The detached property is constructed of buff brick and plain roof tiles. The properties in the surrounding area are large two storey dwellings set within generous garden plots. This residential part of Norwich is particularly characterised by large amounts of open green space with mature trees, which is protected under policy DM8 of the Local Plan. A number of the properties in the surrounding area have garages, both attached and detached, and there is an example of a large car port building nearby.

## Constraints

2. The property is located within a critical drainage area. There are several TPO trees located nearby the property. The property is surrounded by open space.

## Relevant planning history

- 3.

Ref	Proposal	Decision	Date
16/01017/F	Erection of garage to main dwelling and new single storey dwelling.	APPR	21/04/2017
17/01052/F	Single storey garage.	APPR	21/08/2017

## The proposal

4. The proposal is to vary condition 2 of permission 16/01017/F. The 2016 permission was for the subdivision of the plot and the construction of a new single storey dwelling.
5. This proposal is to amend the design of the previously approved property from a bungalow to a 1.5 storey dwelling. This includes raising the roof height by approx. 1m, inclusion of roof lights within the side roof slope and addition of a dormer window to the rear roof slope. The proposal also includes a small increase to the footprint of the building by approximately 16m<sup>2</sup>.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total no. of dwellings	<b>1</b>
Total floorspace	<b>133m<sup>2</sup></b>
No. of storeys	<b>1.5 storey</b>
Max. dimensions	<b>Approx. 14.00m x 9.60m, 2.50m at eaves, 6.40m max. height</b>
<b>Appearance</b>	
Materials	<b>To match 7 Dowding Road</b>
<b>Transport matters</b>	
Vehicular access	<b>Extant driveway</b>
No of car parking spaces	<b>2 No. spaces on driveway</b> <b>New garage already completed at No. 7</b>

## Representations

6. 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.

<b>Issues raised</b>	<b>Response</b>
Higher roof is intrusive and out of scale	See Main Issue 2
Overlooking of neighbouring gardens and dwellings	See Main Issue 3
Damage to protected trees	See Main Issue 4
High traffic volumes, poor road condition	See Main Issue 5
Protected trees in parkland area to rear being cut back	See Other Matters
Detrimental impact on property values	See Other Matters
Addition of second storey by stealth	See Other Matters

## Consultation responses

7. 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)

8. No objection on highway grounds.

### Tree protection officer

9. As discussed, please approve AIA and TPP in previous application 16/01017/F. In particular the details on hand digging along the boundary edge when the build is in close proximity to T3 and tree protection fence round, T1, T2, T3, T4 and to the rear of the property T19 and T17.

## Assessment of planning considerations

### Relevant development plan policies

10. **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
  - JCS4 Housing delivery
  - JCS11 Norwich city centre
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM8 Planning effectively for open space and recreation
  - 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

12. **Relevant sections of the National Planning Policy Framework 2018 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF4 Decision-making
  - NPPF5 Delivering a sufficient supply of homes

- NPPF8 Promoting healthy and safe communities
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

## **Case Assessment**

13. 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**

14. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 11, 12, 14 and 118.
15. Members should note that the new version of the NPPF was published in July 2018. The assessment below is based upon this up to date version of the NPPF.
16. The principle of development has already been accepted through the approval of 16/01017/F. The revisions to the NPPF do not affect the consideration of this application and the previous policy on development of garden land is carried forward to paragraph 70 of the NPPF. Therefore the only matters under consideration are the changes to the scheme, which are assessed in the following sections. NPPF 5 and 11

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

17. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 95, 110, 122, 127-131.
18. The proposal is very similar to the previously approved scheme. However, concerns have been raised that the changes would result in a property that appears intrusive and out of scale to the plot and surroundings.
19. As outlined above, the proposal includes an increase in the foot print of the dwelling of approx. 16m<sup>2</sup> and an increase in the roof height of approx. 1m. Although the dwelling will be larger in scale, its impact upon the street scene and setting within the plot is not considered to be significantly different from the previously approved scheme. The property will still be of a lower height than the neighbouring dwelling and set back from the highway. Therefore the alterations to the scheme are not considered to be significantly detrimental to the character of the area.

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

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 91.



21. Concerns were raised that the alterations to the scheme would result in a significant loss of privacy to neighbouring dwellings.
22. The proposal involves the addition of rooflights to the side roof slope and a dormer window to the rear roof slope. The nearest property to the proposed dwelling (aside from 7 Dowding Road) is approximately 25m away. In addition, the trees and vegetation along the boundaries are to be retained (see Main issue 4). Therefore the distance to the neighbour properties and the retention of screening is considered sufficient to mitigate any additional overlooking impacts.

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

23. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 170 and 175.
24. Concerns were raised that the proposal would result in the removal of trees along the boundary with the neighbouring property. It has been confirmed that the trees will not need to be removed in this area and will therefore not result in a loss of characteristic trees or removal of essential screening. In addition, the tree officer has confirmed (verbally) that the arboricultural report received for the previous application is still applicable for this proposal and therefore the decision would include conditions requiring compliance with the report and would include a site meeting with the tree officer to ensure the protection of the trees on site.
25. It is noted that an additional door has been provided within the side elevation of the property. Given that there is the potential for additional hard surfacing to be provided in this area for access, it is considered necessary to remove permitted development rights for hard surfacing and request that supplementary arboricultural information is submitted for these works to ensure the protection of trees along the boundary.
26. Concerns were also raised regarding works to trees within the parkland area to the rear of 7 Dowding Road. This area does not form part of the application site, nor is it within the same ownership. The area contains trees covered by TPOs and this issue has been reported to the Tree Protection Officer.

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

27. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 102 and 108-110.
28. Concerns were raised that the proposal would result in an increase in the volume of traffic on roads which are in a poor condition.
29. The proposal includes an additional bedroom at the property which could result in additional traffic. However, this is not considered to be a significant increase compared with the already approved scheme. The site can provide for sufficient car parking and new parking has already been provided for No. 7 Dowding Road. It is considered that the increase in traffic would not be significantly different from the current situation and will be for access only. In addition, there was no objection from the Transport Officer.

## Compliance with other relevant development plan policies

30. 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
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

## Other matters

31. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
32. As this application is an amendment of the previously approved scheme, all relevant conditions from the 2016 application will be re-imposed on this permission.
33. Concerns were raised that the proposal would be detrimental to surrounding property values, however this is not a material planning consideration.
34. Concerns were also raised that, by virtue of including rooms within the roof, foundations would be laid for a two storey property which could be approved in future. This application is for a 1.5 storey dwelling and has been assessed on this basis and not upon speculative future development.

## Equalities and diversity issues

35. There are no significant equality or diversity issues.

## Local finance considerations

36. 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.
37. 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.

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

## **Conclusion**

39. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

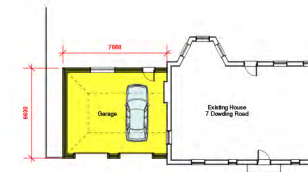
## **Recommendation**

To approve application no. 18/00796/VC - 7 Dowding Road Norwich NR6 6DD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Provision of bin and cycle storage
4. Development to meet Part G of Building Regulations
5. Provision of SUDS for new dwelling
6. Materials to match main dwelling
7. In accordance with AIA
8. Pre-commencement tree site visit
9. Details of boundary treatments and landscaping including biodiversity enhancing measures
10. Removal of PD rights for extensions and hard surfacing



Proposed Street Elevation 1:100 @ A1



Proposed Garage Layout Plan 1:200 @ A1

The Proposed Garage has been Completed on Site



Proposed Garage Side Elevation 1:200 @ A1

Proposed Garage Rear Elevation 1:200 @ A1

Garage Materials:  
 Brickwork - To match 7 Dowding Road  
 Roof Tiles - To match 7 Dowding Road  
 Windows - Timber Sash to Front Elevation



Proposed Rear Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1



Proposed Side Elevation 1:100 @ A1

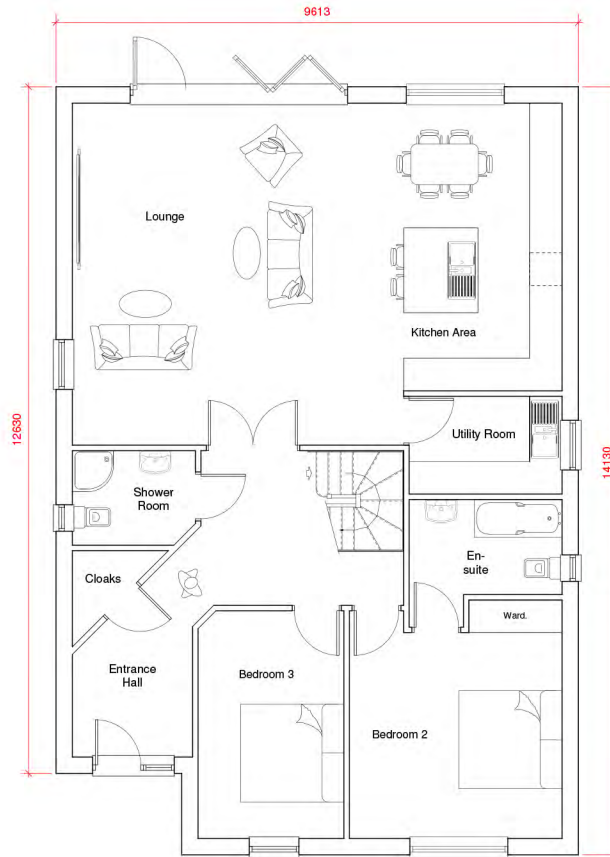


Proposed Front Elevation 1:100 @ A1

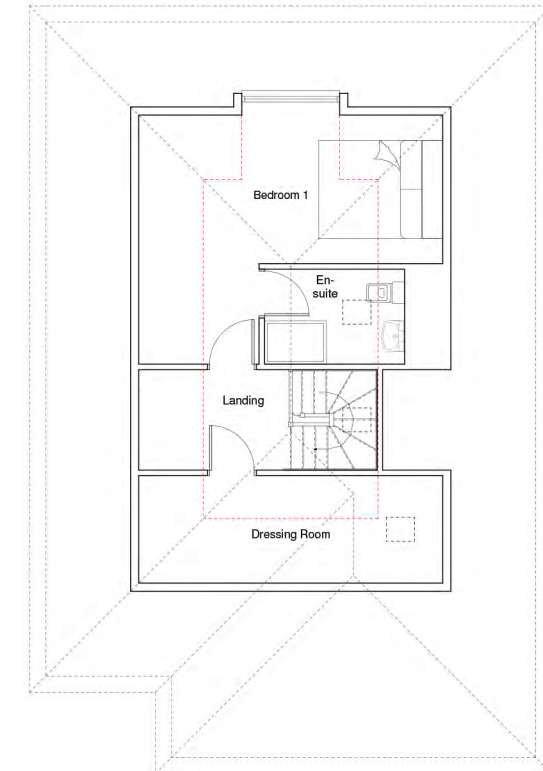
Bungalow Materials:  
 Brickwork - To match 7 Dowding Road  
 Roof Tiles - To match 7 Dowding Road  
 Windows - Timber Sash to Front Elevation,  
 Timber casements to sides and rear



Approved Front Elevation 1:100 @ A1



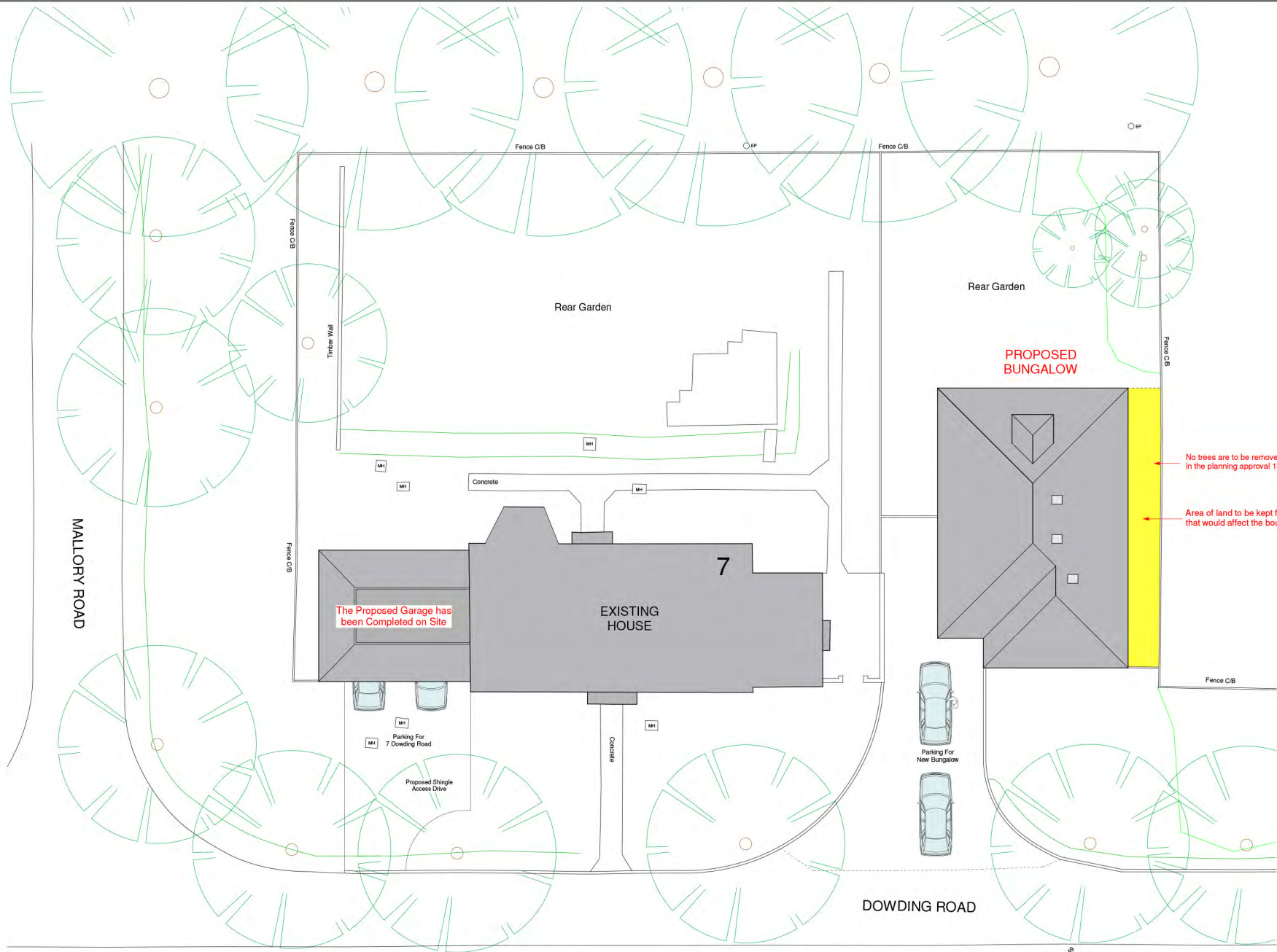
Proposed Ground Floor Layout Plan 1:50 @ A1



Proposed First Floor Layout Plan 1:50 @ A1

Revision 0 00/1/16 Priority 0/0/00  
 Revision 1 00/1/16 0/0/00

**PROPOSED RESIDENTIAL BUNGALOW AND RESIDENTIAL GARAGE AT 7 DOWDING ROAD, NORWICH, NR6 6DD.**  
**FOR MR. K. PURNELL**



Proposed Site Layout Plan 1:100 @ A1

Revision 3: 2017.10 Planning Application  
 Revision 2: 2016.10 Client Briefing

**PROPOSED RESIDENTIAL BUNGALOW AND RESIDENTIAL GARAGE AT 7 DOWDING ROAD, NORWICH, NR6 6DD.  
 FOR MR. K. PURNELL**

**PROPOSED SITE LAYOUT PLAN PLANNING APPLICATION ISSUE**



**Report to** Planning applications committee  
09 August 2018  
**Report of** Head of planning services  
**Subject** Enforcement Case 18/00003/ENF – Land at Holt Road,  
Norwich

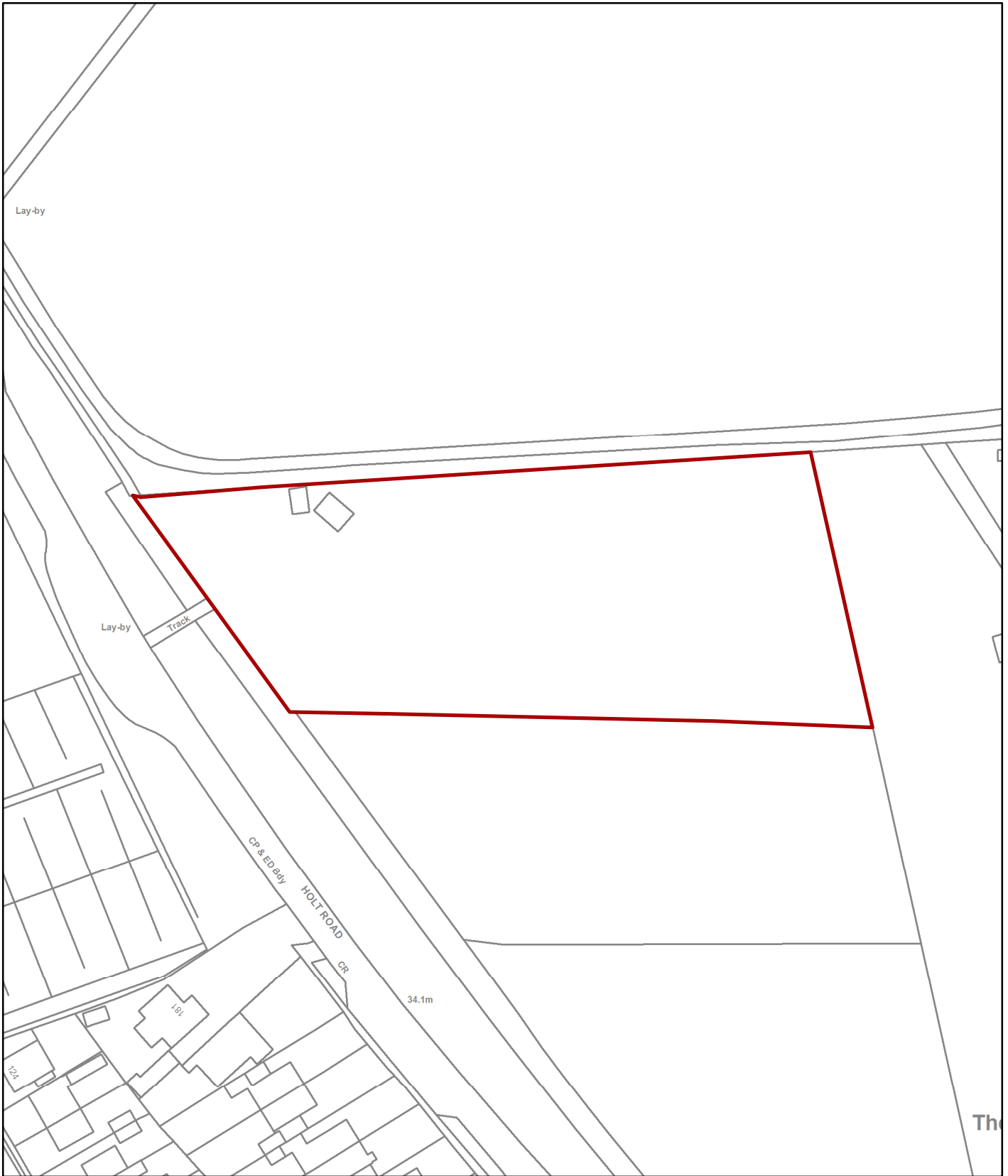
**Item**

**4(g)**

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**Summary**

<b>Description of breach</b>	Without planning permission, the use of the land for the stationing of caravans for residential purposes, the laying of a hard surface, the stationing of a portaloo, the storage of waste and the erection of a 2m boundary fence and gate.
<b>Recommendation</b>	Authorise enforcement action to cease the use of the land for the stationing of residential caravans and remove any caravans, portaloo, frontage fence and hardstanding.
<b>Ward</b>	Catton Grove
<b>Contact Officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>



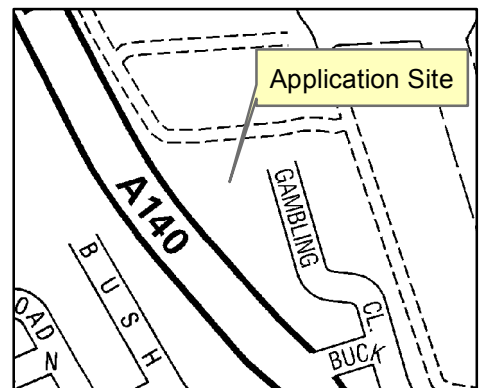
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Planning Application No 18/00003/ENF  
 Site Address Land at Holt Road  
 Scale 1:1,250



**NORWICH**  
**City Council**

**PLANNING SERVICES**





## **The site**

1. The site is a paddock next to the A140 Holt Road, adjacent to land controlled by Norwich Airport and immediately to the south of the main airport runway. To the east is Gambling Close, including the headquarters of the East Anglian Air Ambulance Service. To the south are further paddocks, with the A140 to the west and allotments on the opposite side of the road. The site is accessed via an informal vehicle access from Holt Road. The caravans and portaloo are located close to the access on the western side of the site next to Holt Road. The majority of the site which includes the remainder of the paddock remains undeveloped.

## **Relevant planning history**

2. There is no relevant planning history for the site.

## **The breach**

3. The breach of planning control is that without planning permission the land is being used for the stationing of residential caravans. Additional development which does not benefit from planning permission includes a 2m high (approx.) fence alongside the frontage with Holt Road, the siting of a portaloo, an area of gravel surfacing, and an area where waste has been deposited and is being stored.
4. The breach was reported to planning officers in January 2018. In the first instance, officers visited the site to ascertain what works had been carried out. A Planning Contravention Notice was served in May 2018 in order to establish the facts of the case. Officers have subsequently met with the family and partner services to establish their circumstances. The family are ethnic Romany gypsies and have stated that they have occupied the land since October 2017.
5. In terms of the unauthorised development, at the time of writing (July 2018), there are two touring caravans on the land which are being occupied for residential purposes and a portaloo. There is a close boarded timber fence on the front (western) boundary which is approximately 2m high and requires permission by virtue of its height and the fact it is adjacent to a highway. In addition there is gravel hardstanding at the point of access and within the western part of the site, and there is an area where waste has been deposited close to the northern boundary.
6. There are a number of structures which have been stationed/erected which do not require planning permission. These include animal huts, gates and fencing within the site which is not higher than 2m and is not adjacent to a highway. Historic photos suggest there has been an informal access from Holt Road at this location for some time. It is likely this was used to access the paddock on an infrequent basis. It is therefore not suggested that a new vehicular access has been created, however the laying of gravel has formalised the access and the residential occupation has led to an intensification of its use.

7. In terms of landownership, the occupiers have stated they are the owners of the land, however no evidence has been forthcoming to prove this. No other person claiming to own the land has come forward. The land is currently unregistered. The planning merits of the development are assessed irrespective of land ownership.

### **Assessment**

8. The government's definition of gypsies and travellers, for the purposes of planning policy, is set out in the *National Planning Policy for Traveller Sites, August 2015* document. This states "gypsies and travellers" are:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

9. The family has stated that they are ethnic Romany gypsies who in the past have led a nomadic habit of life. However they have sought to find a permanent base in order to provide their young children with a more settled environment, in particular to help them get an education. It is considered therefore that the occupiers meet the government's definition of gypsies and travellers for the purposes of planning policy, and relevant policies pertaining to gypsies and travellers apply.
10. In accordance with planning law, the merits of the case are determined in accordance with relevant development plan policies, which include policies within the Norwich Development Management Policies Document (adopted 2014), the Norwich Site Allocations and Site Specific Policies Document (adopted 2014) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, amendments adopted 2014). Material considerations include policies in the revised National Planning Framework (NPPF) July 2018, the National Planning Policy for Traveller Sites, August 2015, the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below.
11. In terms of the planning merits of the case, there are a number of factors weighing for and against the development. These must be weighed as part of a planning balancing exercise in order to determine whether it is expedient to take enforcement action or whether the use of land is considered acceptable and it is not expedient to take action.

### **Development plan policy**

12. The site is part of a larger site specific allocation within the Site Specific Allocations and Site Specific Policies Plan, under policy R30, for airport related development or business development for B1/B2/B8 purposes. Outline planning permission has recently been granted for a commercial vehicle hire company to operate from the southern part of the allocated site, to the south of the paddock

which is occupied by caravans. In addition the Norwich Northern Distributor Road (NNDR) has recently been completed, which improves road links within close proximity of the site. It is reasonable to assume these factors are likely to result in demand for the remainder of the site to be developed for commercial uses in the future. The use of the land for residential purposes is not consistent with this allocation and this weighs against the use of the land for residential occupation.

13. Policy DM14 of the Development Management Policies Plan sets out criteria for dealing with proposals for new gypsy and traveller sites. The policy states:

“Proposals for the development of additional sites within Norwich to meet the identified needs of the traveller community will be permitted where:

- (a) safe access to the site can be obtained through an appropriate layout with good visibility, without the loss of natural screening;
- (b) the site has good access to public transport, services and community facilities including shops, healthcare facilities and schools;
- (c) the development will not have a significant detrimental impact on the character and amenity of the area; and
- (d) the proposed site is of sufficient size and in a location to meet the on-site needs of occupiers, having regard to current national standards for site design and management, including for the provision of appropriate services and infrastructure.”

14. With regard to criterion (a), there is significant concern about the transport implications of the proposal. Norfolk County Council Highways has indicated that it objects in principle to the more intensive use of the access associated with residential use at this point on the A140, because increased vehicle turning movements in this location impacts upon the free-flow of traffic on what is part of the strategic highway network. It should be noted that Policy DM 30 of the Development Management Policies Plan document states that new access onto such routes will only be permitted where there is no practical alternative from a more minor route and they would not prevent or restrict the implementation of necessary highway or junction improvement works associated with the corridor.

15. A further problem is that there is no pedestrian footpath leading directly to or from the site. Anyone wishing to walk to or from the site needs to walk along a grass verge and cross the busy A140 to get to the nearest footpath. Access on foot is therefore not particularly safe and the arrangement is likely to lead to a reliance on the private car. This is not considered to represent a safe or sustainable location/access for the siting of a residential caravan(s), and conflicts with policies DM28 and DM30 of the Development Management Policies Plan Document and policy 6 of the Joint Core Strategy.

16. With regard to criterion (b), although the site is located close to the urban area of Norwich, with its associated facilities, as stated above there is no footpath access to the site. Trips to local services and facilities are therefore likely to rely on the use of the car, or by an unsafe walking route.

17. In terms of criterion (c), the site is enclosed by a severe looking and large timber fence, which is not sympathetic to the character of the area, which is generally one of hedgerow boundaries. The current situation therefore causes harm to the character of the area, contrary to the provisions of policies DM3, JCS2 and JCS12. However this could potentially be mitigated by an alternative form of boundary treatment, which may include some planting. In terms of other amenity impacts, it is not considered that material harm would occur because the use is residential for one family and there are currently no other properties immediately adjacent to the site.
18. With regard to criterion (d), the site is of a sufficient size to meet the on-site requirements of the occupiers. However another factor weighing against the proposal is the close proximity of the Norwich airport runway and airport land which is directly to the north of the site. Whilst exact noise levels are unknown, it is reasonable to assume that the presence and proximity of the runway is likely to cause significant noise disturbance for occupiers when planes are taxiing, taking off and landing. The caravans are also sited very close the A140, which in combination with the airport is likely to result in high levels of background noise which are unlikely to be suitable for residential occupation, particularly given the low levels of sound insulation provided by a typical caravan. This conflicts with policy DM2 of the Development Management Policies Plan Document.
19. A further consideration is that the development represents a very low density form of development, being for one family on a relatively large piece of land. Such a low density of development does not make for an efficient use of the land and also means the benefits of the proposal are somewhat limited.
20. In addition, policy DM14 states:
- “The council is committed to meeting the recognised need for at least 21 additional pitches for Gypsies and travellers in Norwich over the remainder of the plan period, of which a minimum of 8 pitches should be provided by the end of March 2016. The council is seeking to meet at least the immediate needs through grant applications to be submitted by the end of 2014. This may also address some or all of the remaining need to 2026.
- Should it not be possible to identify sites capable of meeting needs up to 2026 through the above process, the council will produce a short focussed Local Plan which will have the objective of identifying and allocating additional sites for Gypsies and travellers to meet identified needs up to 2026. The Local Plan may be produced for Norwich or a wider area through joint working with adjoining local authorities and, if needed, will be commenced within one year and completed within two years of adoption of this plan.”
21. The aim of providing 8 additional pitches by the end of March 2016 has not been met. Planning permission for a further 13 pitches at the existing site in Swanton Road was granted in January 2017 however this has not yet been delivered due to an ongoing legal dispute. To date the Council has not produced a ‘short focussed Local Plan’ as potentially envisaged by the second paragraph.

22. In terms of assessing the development against the requirements of policy DM14, whilst the proposal does not accord with the criteria for new sites, it is also concluded that to date the Council has not met the identified need set out within the final two paragraphs of the policy.

### **National guidance**

23. The revised NPPF contains a number of relevant policies which are pertinent to the development. Paragraph 59 emphasises the importance of addressing the needs of groups with specific housing requirements which taken in isolation, the use accords with this aim.

24. Paragraph 80 states that “significant weight should be placed on the need to support economic growth, and productivity, taking into account both local business needs and wider opportunities for development”. Paragraph 91 emphasises the importance of creating healthy communities, including enabling and supporting healthy lifestyles and layouts which encourage walking and cycling. Paragraph 102 requires consideration to be given to the impact of development on transport networks, and paragraph 108 aims to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 109 expects planning permission to be refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 123 states “where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...local planning authorities should refuse applications which they consider fail to make efficient use of land”. Paragraph 124 deals with good design, and emphasises the need to ensure that developments “will function well and add to the overall quality of the area...are visually attractive...are sympathetic to local character...which promote health and well-being, with a high standard of amenity for existing and future users.” The development is considered to conflict with all of these requirements.

25. Paragraph 58 states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

26. Guidance within the National Planning Policy for Traveller Sites is a material consideration in the assessment of the breach. Although there is no specific policy or guidance relating to enforcement, in relation to planning applications it states that:

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

(a) the existing level of local provision and need for sites;

- (b) the availability (or lack) of alternative accommodation for the applicants;
- (c) other personal circumstances of the applicant;
- (d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- (e) that they should determine applications for sites from any travellers and not just those with local connections.”

27. In terms of criterion (a), there are no sites currently available for travellers in the Norwich Area. There are plans to extend the traveller site at Swanton Lane in Mile Cross, but it is anticipated it may be another year before additional pitches are available. In terms of the need for sites, data from the *Norfolk Caravans and Houseboats Needs Assessment* (October 2017) states that demand for gypsy and traveller pitches in the ‘Greater Norwich’ area (which includes Broadland, Norwich and South Norfolk) currently exceeds supply. Between 2017 and 2022, for families that ‘have not permanently ceased to travel’, it is estimated that based on a supply of 22 pitches and a need of 37 pitches, an additional 15 pitches are required.
28. It is concluded that the lack of current available pitches, together with the evidenced need for more sites between 2017 and 2022, weighs in favour of the use of the land.
29. With regard to criterion b), it is understood that although the family who are occupying the site have family in the local area, they do not currently have alternative accommodation in terms of a permanent pitch available to them. They have stated that they have an aversion to living in bricks and mortar, which is a characteristic which is commonly held by gypsies and travellers. In relation to criterion (c), the occupiers have stated that they have sought to find a permanent base in order to provide their daughters with a more settled environment, in particular to help them get an education. It is considered that the need of the family is genuine, and weight should be attached to their circumstances.
30. In terms of (d), the *Norfolk Caravans and Houseboats Needs Assessment* (2017) sets out likely key considerations in identifying new sites to include:
- (a) The affordability of land suitable for the development of new sites and the cost of development
  - (b) The need to ensure that new provision are within reasonable travelling distance of social, welfare and cultural services
  - (c) The need to carefully consider the proximity of new provisions to existing provisions i.e. whether social tensions might arise if new provisions are located too close to existing provisions
  - (d) The sustainability of new provisions i.e. ensuring that they do not detrimentally impact on the local environment and do not place undue pressure on the local infrastructure.

31. The document also identifies the need to connect to public transport and provide highways access and utilities. The suitability of the site in terms of the suggested criteria is therefore mixed because it meets some but not all of the locational criteria, notwithstanding the planning policy considerations which have been set out in this report.
32. The family do have local connections, with members of their extended family residing in South Norfolk. It is therefore considered that criterion (e) is not relevant.

### **Housing land supply position**

33. The matter of housing land supply is relevant both in terms of consideration of the permanent use of the land for the stationing of caravans to be occupied by gypsies and travellers, and also for the temporary use of the land as such. The current five year housing land supply for the Norwich Policy Area (NPA) is set out within the Greater Norwich Growth Board's Joint Core Strategy annual monitoring report on 14 March 2018. The housing land supply assessment shows that against the Joint Core Strategy (JCS) requirements there is 4.61 years supply in the Norwich Policy Area, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date.
34. Paragraph 11 of the revised NPPF reaffirms the presumption in favour of sustainable development. For decision taking, the revised NPPF sets out that where the policies which are most important for determining the application are out-of-date, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. A situation where relevant policies may be out-of-date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. It is therefore necessary to establish whether the proposal represents sustainable development, as defined within paragraph 8 of the NPPF, which refers to the economic, social' and environmental objectives.
35. **The economic objective** - The use of land would not result in much economic benefit, except for the very modest impact of an additional family spending money in the area. It does however have the potential to prevent the development of land for employment purposes or airport related development, which represents a significant adverse impact in terms of the economy. There is also the possibility that the presence of a traveller site in such close proximity to the airport could give rise to future complaints about airport expansion which could inhibit economic growth. The proposal therefore has a significant adverse effect in terms of the economic objective.
- 36 **The social objective** - In terms of this objective the use assists in meeting the needs of one family in terms of the requirement for land on which to settle. However this land is not considered to be a safe or accessible location for residential development. The impact in terms of the social objective is therefore considered to be neutral.

37. **The environmental objective** - Regard is had to the current visual appearance of the site, which is not in keeping with the character of the area. Consequently the development is considered to have a moderate adverse effect in terms of the environmental objective.
38. Overall, when measured against the above objectives, the development does not represent sustainable development. It is therefore considered that the presumption in favour of development as set out in paragraph 11 of the revised NPPF does not apply to the permanent use of the land for the stationing of residential caravans.
39. A further material consideration, applying to the grant of temporary planning permission is set out in paragraph 27 of the *National Planning Policy for Traveller Sites* document. This states:
- “If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).”
40. Whilst an application for temporary permission has not been made, it is necessary to consider the merits of a temporary use when deciding whether it is expedient to take enforcement action. Whilst significant weight is attached to the land supply situation, it is noted that significant conflict has been found with a number of development plan policies which do not relate to housing supply, and are therefore considered up-to-date. Further significant conflict with the revised NPPF has also been identified. The level of conflict is such that it would be inappropriate to grant any form of planning permission. However, in having regard to the land supply situation and the needs of the family, a lengthy period with which to comply with the notice (18 months) is recommended.

### **Planning balance**

41. In terms of the planning balance, it is clear that there are factors weighing strongly both in favour and against enforcement of the unauthorised development. The following matters weigh significantly in favour of the development and against enforcement:
- (a) The current lack of gypsy and traveller site provision in the Norwich area;
  - (b) The lack of a 5 year housing land supply;
  - (c) The personal circumstances of the family concerned that have ceased to travel due to the educational needs of their children.
42. The following matters weigh significantly against the development and in favour of enforcement:



- (a) The objection in principle from the highway authority to the formalisation and intensification of the vehicle access onto the A140. An alternative option would be to provide an access from Gambling Close, however this would not be easy to secure because the land is in private ownership. It would not therefore be reasonable to require the occupier to move the access, and therefore the harm caused cannot be easily mitigated.
- (b) The lack of a footpath leading to the site combined with the position of the site on a busy 'A' road where vehicles travel at high speed means the access is not safe for pedestrians and likely to lead to a reliance on transport by private car. This could be mitigated by the provision of a new pathway, but it would need to be a very long pathway which would not be proportionate to require, and the occupier does not have control of the land to help secure such a path. It is therefore considered this harm is not easy to mitigate against.
- (c) The proximity to the airport runway and associated significant noise impacts from airplanes taking off and landing on occupiers of the site. By its nature, a caravan is unlikely to contain particularly good sound insulation and noise from aeroplanes is likely to be very difficult to mitigate.
- (d) The visual harm to the character of the area caused by the appearance of the land, in particular the close boarded fencing on the site frontage. It is considered this could be mitigated with a replacement boundary treatment which is more in keeping with the character of the area.
- (e) The conflict with the site allocation for employment/airport development. It is not possible to mitigate against this conflict.

43. The following matters weigh moderately against the development:

- (a) Locating new residential development in such close proximity to the airport runway may inhibit future expansion by Norwich Airport, to the detriment of the local and regional economy. It would not be possible to mitigate against this conflict.
- (b) The development is very low density and does not make an efficient use of the land.

44. On balance, whilst the needs of the family are acknowledged and there are clear factors which weigh in favour of the development, it is noted that the benefits are limited to one family. The factors weighing against the proposal are considerable and most of them are very difficult or impossible to mitigate against. In this instance it is considered that the harm outweighs the benefits, because despite the identified need the site is simply not suitable or sustainable for residential occupation, when assessed against policies of the development plan and national guidance. The proposal conflicts with development plan policies DM2, DM9, DM28, DM30 of the Norwich Development Management Policies document, policy R30 of the Site Allocations and Site Specific Policies

document, policies JC2, JCS6 and JCS12 of the Joint Core Strategy and relevant policies of the revised NPPF.

### **Equality and Diversity considerations**

45. The Human Rights Act 1998 came into effect on 2 October 2000. :

- (a) Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient, proportionate and in the public interest.
- (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the potential enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

46. Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. This states the following:

“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 this right except such as is 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 protection of the rights and freedoms of others.”

47. Enforcement action to require the occupation of the land for residential purposes to cease would represent an interference of the rights contained within Article 8(1). However it is noted that the ECHR provisions do not go as far as to allow an individual's preference for their place of residence to override the general interest. The planning merits of the development have been assessed in accordance with planning law and it has been found by officers that the harm caused to the general interest outweighs the needs of the individuals in this case. In addition a generous period of compliance is recommended, which allows the occupiers to continue living on the land in the short term and represents a reasonable time period to find an alternative site. It is therefore concluded that the Article 8 rights are not violated.

### **Equality Act 2010**

48. As part of the Public Sector Equality Duty (PSED), which is set out in section 149 of the Equalities Act 2010, A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

49. In addition, the following further requirement at section 149(3) of the above mentioned act applies:

“Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.”

50. A ‘relevant protected characteristic’ includes race, which is relevant in this case because it concerns ethnic Romany people.

51. In interpreting this legislation, a case could be made that in light of the current lack of provision for traveller sites in the Norwich area, it would not be expedient to take enforcement action to require the use of land to cease because this would run counter to the aims of the PSED legislation. Accordingly weight is attached to this matter in the overall balancing exercise. However weight is also attached to the unsuitable nature of the site for long term residential occupation, which it should be noted is considered to be just as unsuitable for a C3 general needs residential dwelling as it is for the stationing of caravans for residential use by travellers. It is therefore considered that allowing travellers to reside at land which is considered unsuitable for any form of residential occupation could represent a form of discrimination, which the Act aims to prevent.

52. On the basis of this balancing exercise, it is concluded that taking action to ensure the use of the land ceases would not conflict with the PSED requirements. In addition, allowing a reasonably lengthy period for compliance, as set out below, is considered to be a proportionate measure which would assist in meeting the requirements of the PSED legislation.

### **Recommendation**

53. On the basis of the above assessment it is recommended that the planning committee authorises enforcement action, up to and including to ensure the use of the land for the stationing of residential caravans ceases, together with ensuring the removal of the caravans, portaloo, frontage fencing, gravel surfacing and waste, up to and including .

54. Taking account of the needs of the family, relevant appeal history and case law in similar circumstances in other parts of the country, it is recommended that a relatively long period of compliance is imposed. This will allow the family to

continue living at the site in the short term, minimising disruption to them whilst allowing them ample time to relocate. It is therefore recommended that a compliance period of 18 months is imposed from the date of an enforcement notice being served.

### **Alternative options**

55. Members may not wish to take enforcement action, but this option is not encouraged because it would lead to an unsustainable form of development as outlined above.
56. Members may wish to authorise enforcement action but impose a shorter compliance period, to ensure the use ceases more quickly. Having looked at similar instances where local authorities have attempted this for a single family unit, Inspectors have tended to impose longer compliance periods following appeals. This is because of the needs and rights of the individuals concerned, and the fact that it is not easy to find alternative accommodation or land, particularly where family members attend a local school or have health issues and attend a local GP practice. Therefore a shorter compliance period is not recommended.
57. Members may wish to authorise enforcement action but impose a longer compliance period. Having had regard to other cases involving unauthorised traveller pitches a timescale of 18 months is fairly consistent with the approach taken elsewhere. Members may have their own view taking into account the facts of the case, but in this instance 18 months seems a reasonable length of time that balances the need for the occupiers to find alternative land whilst ensuring that the harm that is caused by their occupation of the site does not persist longer than is necessary.