

**Report to** Planning applications committee

**Item**

10 March 2016

**Report of** Head of planning services

**Subject** Application no 16/00030/F - Orbit Housing  
Association, 14 - 16 St Matthews Road, Norwich,  
NR1 1SP

4(c)

**Reason  
for referral** Objection

**Applicant** Mr Chris Varvel - Eastern Prospective Holdings Ltd

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<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	James Bonner - <a href="mailto:jamesbonner@norwich.gov.uk">jamesbonner@norwich.gov.uk</a>

Development proposal		
Installation of entrance lighting, signage, landscaping and gates [retrospective].		
Representations		
Object	Comment	Support
2		

Main issues	Key considerations
1 Design and heritage	Impact on locally listed building and conservation area / visual amenity of area
2 Amenity	Light pollution / nuisance
3 Landscaping and trees	Impact of landscaping / loss of trees
4 Transportation	Impact of gate on highway safety
<b>Expiry date</b>	23 March 2016
<b>Recommendation</b>	Approve



## The site and surroundings

1. The site is located on the north side of St Matthews Road and features a late 19th Century hall which was previously been converted to offices. It has most recently been converted via prior approval to 14 flats, which are now occupied. There were several external changes including to the rotunda building which have also been completed.

## Constraints

2. The building, which is locally listed, is faced in flint with red brick quoins and window dressings and has a projecting gabled entrance on the south elevation. The surrounding area is predominantly residential and St Matthews Road is characterised by terraced, locally listed properties. Immediately to the east of the site is 'The Old Church' building which is also locally listed. The residential flats are surrounded predominately by residential houses. The site is within the St Matthews Conservation Area.

## Relevant planning history

3.

Ref	Proposal	Decision	Date
13/02082/PDD	Change of use from offices (Class B1) to 14 no. 1 and 2 bedroom flats.	Prior approval granted	10/03/2014
14/00722/TCA	Oak: Removal of lower branches overhanging front gates.	No TPO served	03/06/2014
14/01257/F	Erection of a dormer roof extension and entrance and porch enclosure to rotunda building, erection of a single storey cycle and refuse storage enclosures, installation of rooflights within roofs of main building and replacement doors and windows.	Approved	20/11/2014
15/00629/D	Details of condition 3: doors, windows, rooflights, dormer, porch and bin/cycle store finish of permission 14/01257/F.	Approved	26/06/2015
15/00925/TPO	T1 & T2 two small trees: remove; T3: crown reduction; T4 & T5 Limes: pollard; T6 Silver Birch: crown uplift; T7 & T8 bushes: remove; T9 & T10 dead Elms: remove; T11, T12 & T13 Sycamores: uplift over car park and T14 Oak: lift crown to 3m over footpath and 4m over access.	Approved	15/09/2015

## The proposal

4. In response to an enforcement complaint from a member of public, the developer has submitted an application which seeks retrospective permission for several matters, including:
- the erection of an entrance gate which is higher than 1m;
  - the provision of signage on the gate and above the entrance door;
  - external lighting around the front of the building, including four uplighters on the front elevation; and
  - landscaping around the site, in particular around the front.

## Representations

5. 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
Light pollution in the development is already an issue; more lighting would affect sleep (an additional objector claims the issue is already apparent).	See main issues 1 and 2. For the avoidance of doubt no additional lights are proposed, the proposal is retrospective and this has now been clarified in the description and the objector notified.
One tree has been cut down during the building works which provided privacy, visual amenity and biodiversity value. Landscaping works look good but further works should ensure better parking as the current situation leads to congested parking.	Trees and landscaping – see main issue 1 and 3.  Transport – see main issue 4.

## Consultation responses

6. 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

7. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description

to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

### **Highways (local)**

8. Gates look ok – they are set back from the highway.

### **Landscape**

9. No objection. Looking at Street View there is a Rowan tree on the frontage which has been removed. Without knowing the planning history is there any chance of getting a replacement? If so, I would suggest a small ornamental tree.

## **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
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - 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
  - 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
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Other material considerations**

12. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
  - NPPF7 Requiring good design
  - NPPF8 Promoting healthy communities
  - NPPF11 Conserving and enhancing the natural environment
  - NPPF12 Conserving and enhancing the historic 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.
14. Much of the confusion with this scheme revolves around the main conversion being done under prior approval with external changes to the building later approved via a full application. Given its scope this latter application was not able to include a condition on landscaping, and the works were undertaken separately. It is arguable as to whether the extent of the landscape constitutes development under s55 of the 1990 Town and Country Planning Act, and the same argument could be made for the lighting. In order to regularise these it was decided to include it within the application, which was required either way for the new gate which exceeds 1m adjacent to the highway. The main concerns are assessed in the relevant sections below.

### **Main issue 1: Design and heritage**

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
16. With the exception of the landscaping and external lighting, it appears that the scheme has been done in accordance with the external changes approved in 14/01257/F. As noted above, it is not entirely clear cut as to whether the lighting constitutes development. As per s55 of the 1990 Act the question must be one of whether the works materially affect the external appearance of the building – they are both visible in the day and night, the latter by virtue of their illumination. Despite neighbouring objection, the extent of this visual effect is relatively minor. The impact is perhaps exacerbated by the increased activity on the site, including higher levels of light pollution via the numerous windows now occupied, in particular the internal porch light of the rotunda.
17. The prior approval application was particularly controversial at the time of its assessment but it must be accepted that this is now an established residential use practically within the city centre. The lights are directed upwards onto the building in the case of the entrance lighting and as a relatively low-level freestanding lighting elsewhere, such as near the entrance to the rotunda. In both instances the lighting is designed to either illuminate the building or the path/entrance, such as near steps. Neither are considered to cause undue light pollution in the urban context and certainly not do not undermine the visual amenity of the area.
18. As with the lighting, the landscaping is of a scale bordering the need for planning permission. As noted in main section 3, it is considered to be acceptable in the context of the scheme.

19. The gate definitely needs permission but is setback from the road and designed to sit comfortably with the adjoining fence. This raises no concerns for the visual amenity of the area.
20. The sign on the gate is non-illuminated and small enough to have deemed consent under Schedule 3, Part 1, Class 2C of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Similarly the sign above the door is approximately small enough to have deemed consent as per Class 2A. Despite the presence of the nearby lights this sign would also be considered non-illuminated. If an assessment had to be made, neither are considered visually inappropriate by virtue of their scale, design and position.
21. All of these aspects, both individually and cumulatively, do not undermine the setting of the locally listed building or those neighbouring, nor is there adverse harm to the character of the wider conservation area.

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

22. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
23. In one of the representations it is not clear as to whether the issue of light pollution is from the residential windows or the external lighting. There has been no response from the objector to this question but there are not excessive numbers of external lights and none are purposefully directed toward neighbouring windows. Given the relatively non-intensive nature of the lighting this does not represent an unacceptable nuisance to neighbours. If the neighbours feel there is a statutory nuisance, particularly as a result of the internal lighting, then the Environmental Protection legislation may be the best means of addressing this.

### **Main issue 3: Trees and Landscaping**

24. Key policies and NPPF paragraphs – DM3, DM7, DM8, NPPF paragraphs 9, 17, 56, 109 and 118.
25. The landscaping that has been carried out is of a suitably high standard and provides a relatively low-maintenance scheme suitable for the communal space while retaining areas of soft landscaping. Although there appears to be a stark difference between the previous grassed area and the current, it should be remembered that the new planting will require some time to establish. The parking area effectively replaces existing hardstanding and the overall the completed works would represent a satisfactory landscaping scheme if applied for formally.
26. The removal of trees on site was previously approved via the standard procedure of notice served to the council – when assessed by the tree officer it was determined that the trees were not worthy of TPO(s). Attempts were made during this current application process to secure a replacement tree, which were unsuccessful. While unfortunate this is not a reason to refuse the application.

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

27. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

28. The gate is set back from the highway and is designed appropriately to ensure no adverse highway issues will result. None of the retrospective changes affect parking provision. As per the prior approval assessment, the surrounding area is a controlled parking zone and the flats are not given parking permits.

### **Equalities and diversity issues**

29. There are no significant equality or diversity issues.

### **Local finance considerations**

30. 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.
31. 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.
32. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

33. 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. 16/00030/F - Orbit Housing Association 14 - 16 St Matthews Road, Norwich, NR1 1SP and grant planning permission subject to the following condition:

1. In accordance with plans.

### **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 and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.





ST MATTHEW'S PLACE







## The image shows the exterior entrance of St Matthew's Place. The architecture is characterized by a large, pointed archway made of red brick. Within this arch is a large, multi-paned stained glass window with a colorful, abstract design. Below the window is a dark grey rectangular sign with the words "ST MATTHEW'S" and "PLACE" in white, serif, all-caps font. The entrance door is made of light-colored wood and features a small, square, frosted glass window in the center. The door is flanked by two grey panels. On the left grey panel, there is a small sign that reads "Through the door" and a list of names. On the right grey panel, there is a similar sign with a list of names. The door has a silver handle and a lock. The overall appearance is that of a well-maintained, modern building with a traditional architectural style.

1991. *Journal of Applied Behavior Analysis*, 24, 1-12.





ST MATTHEW'S PLACE