



Planning applications committee

Date: Thursday, 12 July 2018

Time: 10:20

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

For further information please contact:

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Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Informal pre-application briefings from 9:00 in the Mancroft room.

Please note that there will be an informal briefing for members of the committee, ward councillors and interested parties on proposals for:

9:00 – Mary Chapman Court, Duke Street – Demolition of existing 2 student accommodation blocks; new build development for lecture theatre, teaching facilities, café, river front public space and approximately 104 student accommodation rooms with associated facilities.

9:40 – Car Park at Barn Road Redevelopment of the existing car park to provide a replacement ground floor car park with 129 car parking spaces and 302 bed student accommodation above, with associated access and landscaping

Please contact the committee officer above for further details.

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



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

Agenda

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To receive apologies for absence	
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(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)	
3 Minutes	5 - 14
To approve the accuracy of the meeting held on 14 June 2018	
4 Planning applications	
Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.	
Further information on planning applications can be obtained from the council's website: http://planning.norwich.gov.uk/online-applications/	
Please note:	
<ul style="list-style-type: none">• The formal business of the committee will commence at 10:20;• The committee may have a comfort break after two hours of the meeting commencing.• Please note that refreshments will not be provided. Water is available• The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.	
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Purpose - This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 1 October 2017 to 30 June 2018.

Date of publication: **Wednesday, 04 July 2018**



Planning applications committee

10:35 – 14:10

14 June 2018

Present: Councillors Driver (chair), Maxwell (vice chair following appointment), Bradford, Brociek-Coulton, Henderson (left meeting during item 9), Lubbock (substitute for Councillor Wright) (left meeting during item 9), Malik, Peek, Raby, Ryan (to end of item 5 below), Sands (M), Stutely, Trevor (to end of item 5 below)

Apologies: Councillor Wright

1. Appointment of vice chair

RESOLVED to appoint Councillor Maxwell as vice chair for the ensuing civic year.

2. Declarations of interest

Councillor Lubbock declared predetermined views in items 6 (below) Application no 18/00544/F - 21 Sotherton Road, Norwich, NR4 7DA, and 9 (below) Application no 18/00518/F - 10 Sunningdale, Norwich, NR4 6AQ.

Councillor Raby declared an other interest in item 4 (below), Application no 18/00437/F - Car Park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich as a member of the Norwich Church Preservation Trust. He also stated that he was a member of the Norwich Society.

Councillor Malik referred to item 10 (below), Application nos 18/00551/F and 18/00552/A - 13 Earlham House Shops, Earlham Road, Norwich, NR2 3PD and said that he had spoken to residents about the proposals for Earlham Road Shops in his capacity as ward councillor but did not have a pre-determined view.

3. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 May 2018.

4. Application no 18/00437/F - Car Park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich

(Councillor Raby had declared an interest in this item.)

(As a mark of respect for those killed and injured in the Grenfell Tower tragedy, a minute's silence was held during this item.)

The senior planner 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 comment from a member of the public who could not attend the meeting but had replied to the planning consultation on the application.

Six members of the public, including a proxy speaking on behalf of a resident who could not attend the meeting, addressed the committee and highlighted their objections to the scheme. Councillor Smith, Mancroft ward councillor, also addressed the committee on behalf of local residents and spoke against the application. Their concerns regarding the impact of the development on the amenity of residents of Carlton Terrace included loss of light; loss of outlook; overlooking and loss of privacy; noise and concern that a large number of bins for the proposed development would be sited adjacent to the boundary with Carlton Terrace; and loss of community and over studentification of the area. Other concerns included the impact on the character of the area and the conservation area, that it would produce a canyon effect with adjacent buildings and that the design was not sympathetic to the four storey Carlton Terrace; concern about wellbeing of residents and the local community and that a mixed development in line with the site allocation would be more suitable for this site. Residents also expressed concern about the disruption that would be caused during the construction of the development.

The agent responded on behalf of the applicant and spoke in support of the application. The applicants had worked with planning officers to address the reasons for refusal that the committee had given to the previous application, which was currently being appealed. This was a brownfield site in a sustainable location and would help meet demand for student accommodation and provide a pedestrian link through the site. She pointed out that the impact of the development would have a very low impact on the residents of Carlton Terrace. Only four windows did not meet the standard because of the existing use of canopies on the building. She referred to the distance of the nearest building to Carlton Terrace was 24 metres, which was acceptable in an urban city centre, and pointed out that none of the elevations directly overlooked Carlton Terrace or Sentinel House. The scheme would benefit the city and provide a choice of accommodation for students in the city.

The planner and the area development manager (inner) referred to the report and answered members' questions. This included clarification of distances from the proposed development to Carlton Terrace and Sentinel House and that the car parking provision in this sustainable location was policy compliant. Members were also advised that the council was still working on its evaluation of the need for student accommodation in the city but this was not a reason to refuse this application as the application before members had been amended to address the previous reasons for refusal. Community infrastructure levy was a lower rate for student accommodation. The senior planner provided a detailed explanation of the impact on the windows of Carlton Terrace and explained how the canopies meant that the windows failed the BRE standard rather than the proposed development itself. It was proposed that a condition of the planning consent would be that a management plan would be required. With regard to noise, windows facing Queens Road would be mechanically ventilated and could be kept closed to protect occupants from poor air quality and traffic noise. The buildings would be built to building control noise standards. The development was in a sustainable location; occupants could walk to services and access public transport. Although it was proposed to remove the roof terrace element, there would still be outside recreational amenity space, including the path way and courtyards, and easy access to parks in the city centre, which was

considered sufficient for the reduced number of students. Accessible units were spread out across the site rather than a concentration in one block.

The chair moved and the vice chair seconded the recommendations as set out in the report. Discussion ensued in which some members expressed concern that they did not consider that this application sufficiently addressed the reasons for refusal of the previous application and that the scale and mass of the development still took as its reference Sentinel House, considered to have a negative effect on the built landscape, rather than Carlton Terrace. Other members spoke in support of the application which would open up the site and was in a sustainable, brownfield site, accessible by public transport. A member pointed out that this application tried to mitigate the adverse effects of the previous application, which could be won at appeal. Development on this site would need to be dense because of its location and land values. It was unlikely that a lower density mixed use would come forward for this site. The application supported the five year land supply. Anecdotal evidence was given of the need for accommodation for the higher education establishments in the city and that 25 metres distance from the buildings was good for a city centre location.

On being put to the vote, with 6 members voting in favour (Councillors Driver, Maxwell, Lubbock, Ryan, Bradford and Peek) and 7 members voting against (Councillors Brociek-Coulton, Henderson, Trevor, Sands, Raby, Malik and Stutely) the motion to approve the application was lost.

Discussion ensued in which members considered reasons for refusal and were advised by the area development manager (inner) with regard to the changes that had been made between this application and the previous application.

Councillor Raby moved and Councillor Malik seconded that the application be refused on the grounds: that its height and mass and degree of separation from the proposed and neighbouring building would have a detrimental impact on the residents of Carlton Terrace; the scale and height of the proposed development would have an adverse impact on the conservation area and heritage buildings in the vicinity; and, that it was contrary to policy. On being put to the vote, it was:

RESOLVED, with 7 members voting in favour (Councillors Brociek-Coulton, Henderson, Trevor, Sands, Raby, Malik and Stutely) and 6 members voting against (Councillors Driver, Maxwell, Lubbock, Ryan, Bradford and Peek) to refuse Application no 18/00437/F - Car Park adjacent to Sentinel House 37 - 43 Surrey Street, Norwich for the following reasons:

1. By virtue of the height and mass of the proposed building and the degree of separation between the proposed and neighbouring buildings, the proposal will have a detrimental impact on the existing residents of Carlton Terrace, and an overbearing relationship. The development would therefore not accord to policy DM2 and DM12 of the Norwich Development Management Policies Local Plan (adopted 2014).
2. The scale, height and mass of the proposed development fails to respect the character of the adjacent non designated heritage asset of Carlton Terrace and other historic buildings in the conservation area and instead takes reference from Sentinel House and Norfolk Tower which are buildings

identified within the Norwich City Centre Conservation Area Appraisal as being negative. The development results in less than substantial harm to the non-designated heritage assets and to the conservation area and would therefore not accord with policy DM3 and DM9 of the Norwich Development Management Policies Local Plan (adopted 2014), policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, amendments adopted 2014) and sections 7 and 12 of the National Planning Policy Framework (adopted 2012).

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

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

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

During discussion members sought clarification that future residents would not be entitled to parking permits for the controlled parking zone and that visitors would be required to park in city centre car parks or short stay visitor parking bays. Road closure to enable the demolition of the corner building would be kept to a minimum. The windows would be sash windows and materials were subject to approval.

Councillor Sands said that he welcomed the scheme which would remove an eyesore and renovate the area. He suggested that consideration was given to naming it Blacksmiths Court to mark its historic background.

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

RESOLVED, unanimously, to approve application no. 18/00058/F - 41 - 43 St Augustines Street Norwich NR3 3BY and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Retail unit to be for A1, A2 or A3 purposes only.
4. Water efficiency – residential
5. Water efficiency – commercial
6. Materials to be submitted for approval
7. Cycle and bin storage and landscaping details of rear courtyard to be submitted for approval
8. Land contamination report to be submitted and measures implemented if required
9. Surface water drainage attenuation measures to be provided.
10. Archaeological written scheme of investigation
11. The building envelope shall be constructed so as to provide sound attenuation against external noise and ensure internal sound levels no greater than:

- (a) 35dB LAeq(16 hour) in the main living rooms of the dwelling(s) (for daytime and evening use); and

- (b) 30dB LAeq(8 hour)/45dB LAm_{ax}(fast) in the bedrooms of the dwelling(s) (for nighttime use) in line with World Health Organisation guidance, with windows shut and other means of ventilation provided.

- 13. Construction management plan to be submitted.
- 14. All windows should be sash style and not outward opening.

Article 35(2) statement

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

(The chair had agreed to amend the agenda order to take the next three applications in sequence. The area development manager (inner) referred to the supplementary report of updates to reports, circulated at the meeting, which set out the outcome of an appeal decision in relation to an application for a house in multiple-occupation (HMO) and explained that this would have implications for these items.)

6. Application no 18/00544/F - 21 Sotherton Road, Norwich, NR4 7DA

(Councillors Ryan and Trevor left the meeting during this item.)

(Councillor Lubbock, having declared a predetermined view, sat in the public seats, addressed the committee and then left the room. She did not take part in the discussion or determination of this application.)

The planner presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports, circulated at the meeting, and explained the implications for this specific application which was a fine balance between approval and refusal. The key concerns related to access and parking.

A resident spoke on support of 17 neighbours who were opposed to the application, pointing out that a number of properties were now houses in multiple-occupation (HMOs). No 19 had recently been purchased and no 23 was already an HMO. It was very difficult for vehicles, including emergency vehicles, to access the cul-de-sac. The area development manager (inner) read out a statement from a neighbour opposed to the proposal whose child's medical condition required regular attendance by ambulances and that the increase in occupants of the HMOs led to more noise and disturbance to other residents. Councillor Lubbock, Eaton Ward, also addressed the committee and outlined the residents' concerns including pointing out that the issues were similar to the outcome of the appeal decision, outlined in the supplementary report of updates to reports. There were concerns that too many properties in this street were student lets and parking at this property was reliant on co-operation of the neighbouring property. This HMO would be detrimental to residential amenity. She referred to planning policies DM13, DM30 and DM31 and said that there should be adequate parking for the residents of this HMO.

The chair moved and the vice chair seconded that the application be refused on the grounds of residential amenity and parking. The area development manager assisted with wording for the reasons for refusal in policy terms. During discussion members commented about the unsuitability of this site for a HMO, due to the constraints of the site on a cul-de-sac, that the access would be reliant on co-operation from the neighbouring property and that students should have satisfactory living conditions.

RESOLVED, unanimously, to refuse Application no 18/00544/F – 21 Sotherton Road, Norwich, NR4 7DA on the grounds of residential amenity and parking and to ask the head of planning services to provide the reasons in planning policy terms.

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

1. The proposed development by virtue of the number of occupants and the character of the local area would cause significant harm to the residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. The development does not accord with development plan policy in terms of Policies DM2 and DM13 of the Development Management Policies Local Plan 2014. These include provisions to protect residential amenity in terms of such aspects as noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.
2. The proposed development by virtue of the number of occupants and the sites location within a tightly constrained cul-de-sac causes significant harm to highway interests in terms of traffic generation and parking. The development does not accord with the development plan, particularly with reference to policies DM13, DM30 and DM 31, which include aims to ensure there are adequate levels of servicing and parking available for larger HMOs, and that these should be in accordance with the standards at Appendix 3 of the Local Plan.)

(Councillor Lubbock was readmitted at this point.)

7. Application no 17/01862/F - 2 Jordan Close, Norwich, NR5 8NH

The planner presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting.

During discussion members noted that car parking was not such an issue as the previous application. However a member said that Wilberforce Road was a busy road and that the side roads did get congested because of on-street parking. He also considered the proposal to be overdevelopment of the site.

The chair moved and Councillor Sands seconded that the application be refused because of its impact on residential amenity.

RESOLVED, unanimously, to refuse Application no 17/01862/F - 2 Jordan Close, Norwich, NR5 8NH on the grounds of its impact on residential amenity and to ask the head of planning services to provide the reasons in planning policy terms.

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

“The proposed development by virtue of the number of occupants and the character of the local area would cause significant harm to the residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. The development does not accord with development plan policy in terms of Policies DM2 and DM13 of the Development Management Policies Local Plan 2014. These include provisions to protect residential amenity in terms of such aspects as noise disturbance, and to ensure that larger HMOs do not have an unacceptable impact on the living conditions of neighbouring residential occupiers.”)

8. Application no 18/00648/U - 6 St Matthews Road, Norwich, NR1 1SP

The planner presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to reports which was circulated at the meeting. The area development manager (inner) explained that the HMO was in a controlled parking zone and would be eligible for two permits and visitor parking permits. The application was seeking an increase from 6 to 8 occupants. It was the officers' view that the application was acceptable.

During discussion the officers referred to the report and answered members' questions. The premises would be subject to separate licensing requirements which stipulated the size of kitchens and facilities. Members were advised that there was already space in the property to accommodate two extra occupants. The accommodation was not aimed at students.

Councillor Sands and Henderson said that they considered that the accommodation was overcrowded and there was not sufficient communal space.

RESOLVED, with 8 members voting in favour (Councillors Driver, Maxwell, Lubbock, Raby, Malik, Bradford, Peek and Stutely) and 3 members voting against (Councillors Brociek-Coulton, Henderson and Sands) to approve application no. 18/00023/U - 6 St Matthews Road, Norwich, NR1 1SP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No more than 8 residents at 6 St Matthews Road at any one time;
4. The layout as shown on approved plans 00920 01 shall be retained as such.
5. The smallest first floor bedroom at the front of the property will cease to be used as a bedroom.
6. Cycle and bin storage shall be provided prior to occupation as indicated on the approved plans (ref # 00920 01) and retained thereafter.

9. Application no 18/00518/F - 10 Sunningdale, Norwich, NR4 6AQ

(Councillor Lubbock, having declared a predetermined view, sat in the public seats, addressed the committee and then left the room. She did not take part in the discussion or determination of this application.)

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

Councillor Lubbock spoke on behalf of the immediate neighbours and asked for photographs of the view from Glenalmond to be shown to demonstrate the impact that the extension would have on the garden of this extensive property and its proximity to neighbouring properties. She also questioned the intended use of the extensive extension and that a scaled back extension would be more in keeping with the character of the neighbourhood.

(Councillor Lubbock left the meeting at this point. Councillor Henderson also left the meeting at this point.)

The area development manager (inner) said that there would be a condition proposed to ensure that the use of the extension was ancillary to the main house and could not be subdivided. Discussion ensued in which the planner and the area development manager (inner) referred to the report and answered members' questions, regarding the size of the extension, the access and confirming that change of use within C3 would be subject to a further planning consent.

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

RESOLVED, with 8 members voting in favour (Councillors Maxwell, Brociek-Coulton, Sands, Raby, Malik, Bradford, Peek and Stutely) and 1 member voting against (Councillor Driver) to approve application no. 18/00518/F – 10 Sunningdale, Norwich, NR4 6AQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glaze side window at first floor level;
4. Permission is granted for a C3 dwellinghouse only and removal of rights for any other use under C3 would require further planning consent.

10. Application nos 18/00551/F & 18/00552/A - 13 Earlham House Shops, Earlham Road, Norwich, NR2 3PD

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

The chair pointed out that the ATM would operate 24/7 and would provide a facility when the shop and post office were closed.

Councillor Malik expressed concern that the application was retrospective.

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

RESOLVED, with 8 members voting in favour (Councillors Driver, Maxwell, Brociek-Coulton, Sands, Raby, Bradford, Peek and Stutely) and 1 member voting against (Councillor Malik) to approve:

- (1) application no. 18/00551/F - 13 Earlham House Shops Earlham Road Norwich NR2 3PD and grant planning permission subject to the following condition:

1. In accordance with plans;
- (2) application no. 18/00552/A - 13 Earlham House Shops Earlham Road Norwich, NR2 3PD and grant planning permission subject to the following conditions:
 1. Standard advertisement conditions;
 2. In accordance with plans.

11. Enforcement Cases 18/00026/ENF - 113 Trinity Street and 18/00087/ENF - 114 Trinity Street

The planner presented both reports, at the request of the chair, with the aid of plans and slides. There was an Article 4 Direction in place which removed the right to remove the walls. The owner of one of the properties said that he had only removed the wall because the demolition of the adjacent wall had made his wall unsafe and that he was happy to replace it.

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

RESOLVED, unanimously, to authorise enforcement action, up to and including prosecution, to require the wall to be rebuilt in relation to the following cases:

- (1) 18/00026/ENF - 113 Trinity Street;
- (2) 18/00087/ENF - 114 Trinity Street.

CHAIR

Summary of planning applications for consideration (including enforcement cases) ITEM 4

12 July 2018

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	18/00004/F	161 Oak Street	Joy Brown	Demolition of existing buildings and erection of flats and houses (40 units) including associated access and landscaping.	Objection	Approve subject to s106
4(b)	18/00672/VC	Notcutts Garden Centre Daniels Road	Maria Hammond	Variation of Condition 1(g) of planning permission 12/01656/VC from 'Within the area hatched blue on Dwg. No. GNR005.41.1406 rev A for the sale of plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products only.' to 'Within the area hatched blue on Dwg. 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 upholstery'.	Objections	Approve
4(c)	18/00168/F	Site North Of 2 Wellington Road	Charlotte Hounsell	Demolition of existing outbuilding and erection of 1 No. three bed dwelling.	Objection	Approve

Item No.	Case Number	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(d)	18/00574/F	62 Eaton Road	Charlotte Hounsell	Two storey side extension.	Objection and Cllr Call In	Approve
4(e)	17/02024/F	Bowthorpe Road Methodist Church Bowthorpe Road	Stephen Polley	New church hall. Demolish dangerous structure.	Objection	Approve
4(f)	18/00713/F	144 North Park Avenue	Stephen Polley	Single storey rear extension.	Objection	Approve
4(g)	17/00068/ENF	1 Magdalen Street	Lara Emerson	Unauthorised painting of front elevation of listed building.	Seeking authorisation for enforcement action.	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

Item

12 July 2018

Report of Head of planning services

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

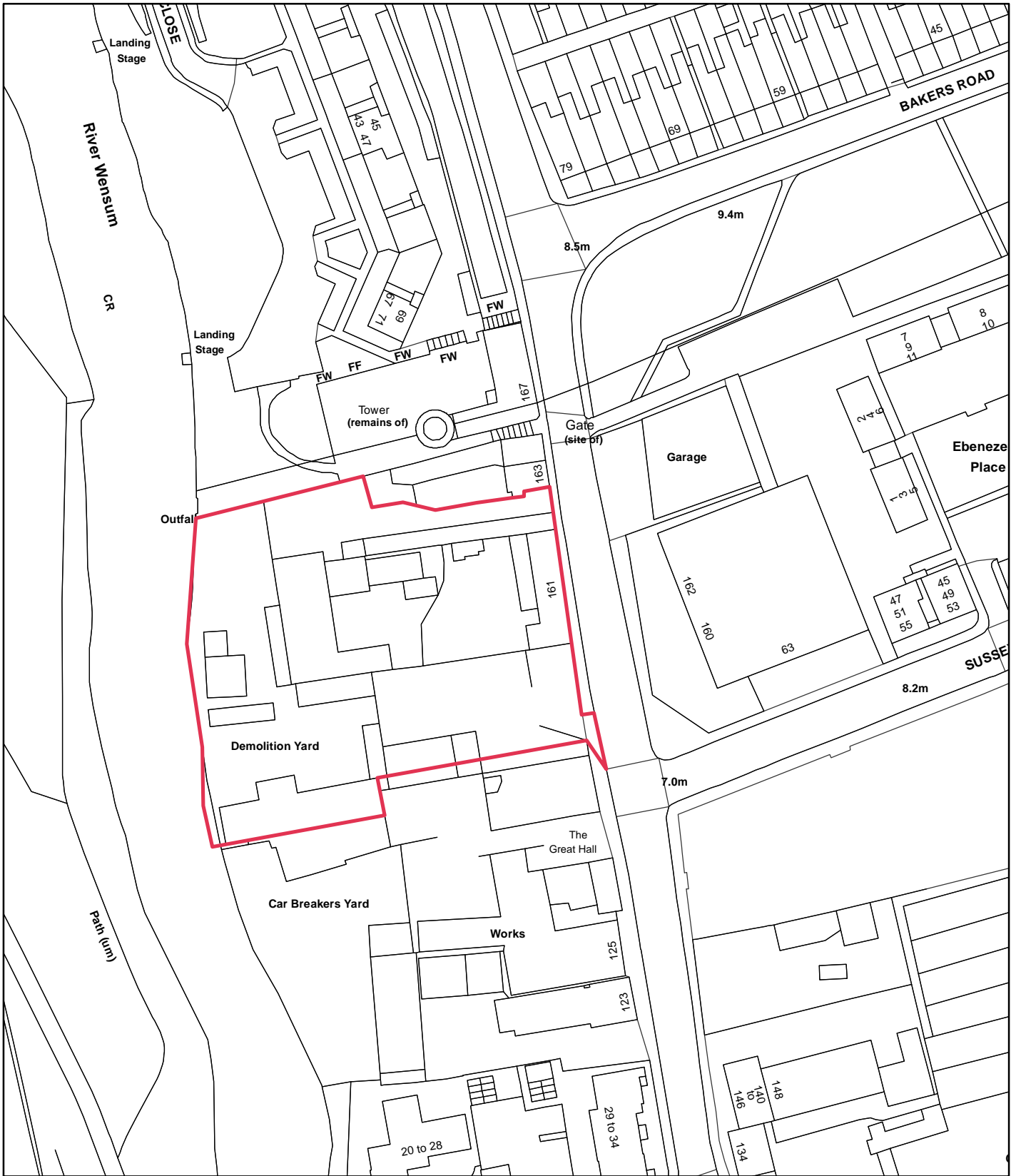
4(a)

**Reason
for referral** Objection

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

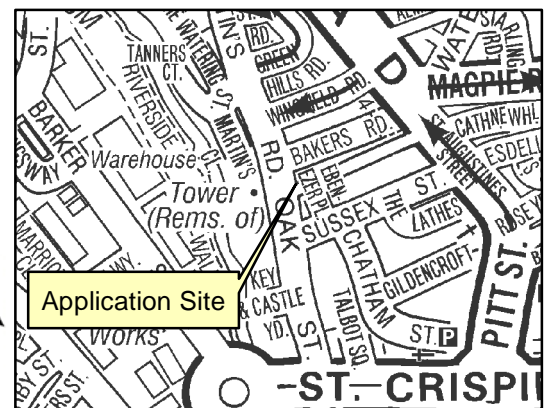
Development proposal		
Demolition of existing buildings and erection of flats and houses (40 units) including associated access and landscaping.		
Representations		
Object	Comment	Support
3	2	1

Main issues	Key considerations
1 Principle of development	Loss of business use and principle of residential use.
2 Design and heritage	Demolition of existing buildings, footprint, layout, height, mass, external appearance, external spaces and archaeology
3 Trees	Protection of Alder tree, loss of trees and replacement planting
4 Landscaping and open space	Landscape strategy, provision of informal open space
5 Transport	Access and traffic generation, car parking, cycle storage, bin storage
6 Amenity	Impact upon neighbouring residents/uses, living conditions for future residents and external amenity space
7 Energy and Water	10% energy saving and water efficiency
8 Flood risk	Fluvial and surface water flooding and sustainable urban drainage systems.
9 Biodiversity	Mitigation and enhancement
10 Contamination	Soil contamination
11 Affordable Housing viability	Provision of 5% affordable housing
Expiry date	30 April 2018 (extension of time agree until 19 th July 2018)
Recommendation	Approve subject to s106



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Planning application no: 18/00004/F
 Site Address: 161 Oak Street
 Scale 1:1,000



The site and surroundings

1. This 0.38 hectare site is located to the north of the city centre and is situated on the western side of Oak Street and slopes down to the River Wensum.
2. The site is currently vacant as the previous use ceased a few months ago. The previous use was a reclamation yard, car parts sales, vehicle re-spray service and joinery business. The site also contained a hot food outlet. There are a number of existing single storey and two storey buildings on the site which were used by a variety of businesses and there was also extensive areas of external storage. Some buildings have now been demolished.
3. Access to the site is directly off Oak Street with there being two access points. The main site entrance is to the south of the site with there being a second access to the north of the site adjacent to no.163 Oak Street which provides access to a garage at the rear of this property.
4. To the north of the site is residential with there being a pair of two storey semi detached residential dwellings fronting Oak Street directly to the north and further north there is a large three storey flatted development at St Martins Close.
5. To the south of the site is a car sales forecourt occupied by Oak Street Cars and a car breakers yard. To the east of the site on the other side of Oak Street there is a large commercial unit which is currently occupied by Mr Plastics. To the west of the site is the River Wensum and beyond this is Train Wood, a County Wildlife Site and large retail/industrial units located along Barker Street.

Constraints

6. The site is situated within the Northern Riverside character area of the city centre conservation area and is in close proximity to the Great Hall which is a grade II listed building. It is also in close proximity to remnants of the city wall/tower which dates to medieval times. This is a Scheduled Ancient Monument. The site is situated within the Area of Main Archaeological Interest.
7. The site is largely situated within flood zone 2 (medium risk of flooding) and the opposite side of the river is a County Wildlife Site which is called Train Wood.
8. There are very few trees on the site although there is a well-established tree near the River Wensum to the southwest of the site. The site slopes down significantly from Oak Street to the river.

Relevant planning history

Ref	Proposal	Decision	Date
15/00245/O	Outline application for demolition of existing buildings and erection of 27 flats and houses including means of access only.	APPR	28/07/2015

The proposal

9. The application seeks full planning permission for the demolition of all existing buildings on the site and the erection of 40 residential units which will consist of 12 dwellinghouses and 28 flats. A full application has been submitted rather than reserved matters as the proposed development is for a greater number of units (of which a higher proportion are flats) and does not fall within the parameters set within the outline application particularly with regards to heights. The applicant has indicated that the previous outline consent would be unviable.
10. With regards to the layout, it is proposed to have two blocks, one which fronts Oak Street and one which fronts the River Wensum with a central parking courtyard. Five terrace properties will front Oak Street towards the northern end of the site with a corner flatted building that will 'book end' the development towards the south. The flatted building will have a recessed fourth floor penthouse and will turn the corner to provide an active frontage onto the newly created access route which is to the south of the site. The block which fronts the River Wensum will consist of seven four storey terrace properties with a flatted block to the south which will have a recessed fifth floor penthouse and again will have an active frontage onto the new access route.
11. The proposal will provide a new access to the River Wensum and will also provide an area of open space and riverside walk which will link to the riverside walk to the north of the site. There will be a secondary pedestrian access from Oak Street to the courtyard to the north of the site.
12. The application has been amended during the process of assessing the proposal with the number of units increasing from 39 to 40 in order to allow the development to provide two affordable units. There was also concern with regards to the proposed scale, form and contemporary design of parts of the development. The main design changes have been the omission of the 'fluted roof' form to the apartment blocks with the upper floor instead being recessed, changes in the positioning of the entrance to the flats so it provides a better frontage to Oak Street, the reduction in the height of the terrace property adjacent to 163 Oak Street and changes to the materials and detailing to the Oak Street terrace properties.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	40 (12 dwellinghouses and 28 flats)
No. of affordable dwellings	2 x 1 bedroom flats
Total floorspace	3,735 sq m
No. of storeys	Varies from 2 to 5

Proposal	Key facts
Max. dimensions	Block fronting Oak Street – 40m width, 17.6m depth, 12.5m height Blocking fronting Riverside – 48m width, 27m depth, 16m height
Density	105 dph
Appearance	
Materials	Walls - Multiblend brick clad, zinc cladding, light coloured render Roof – slate and zinc Timber door, grey powdercoated aluminium windows, metal rainwater goods.
Construction	Cold rolled steel frame system with brick cladding system.
Energy and resource efficiency measures	Solar panels on south and west facing roofs.
Transport matters	
Vehicle access	From Oak Street
No of car parking spaces	28
No of cycle parking spaces	47 spaces for the 28 flats in a secure store Each dwellinghouse will have an individual bike store within the rear garden area.
Servicing arrangements	6 x 1,100 litre bins for block A and 4 x 1,100 litre bins for block B Each dwellinghouse will have space for the storage of bins within the rear gardens with the exception of the dwellinghouses which front Oak Street which will have space for the storage of bins within the front garden. There is a bin collection point within the rear courtyard.

Representations

13. The application as submitted was advertised on site and in the press. Adjacent and neighbouring properties were notified in writing. 6 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.

14. Revisions to the application were received and a 3 week period of consultation was undertaken with a new site and press notice and neighbours were notified. No further letters of representation were received.

Issues raised	Response
The design for this prime riverside location is soulless and out of character with the remaining character houses in Oak Street. The entire street is a hotchpotch of design and no thought has been given to what this area will look like in the future.	See main issue 2.
There is an acute shortage of affordable homes in the area and the Council has a policy that seeks 33% affordable provision. I can't believe that it is not viable to have affordable housing in current market conditions.	See main issue 11
The proposal will freshen up the brown field site and will not result in loss of light to the Great Hall or feel too high or imposing. Consideration should be given to how the site to the south could also be developed.	See main issue 2, 5 and 6
The area would benefit from a good development but the proposed building is out of scale. The proposed blocks are unsympathetic and the setting of the Great Hall should be taken into consideration.	See main issue 2.
The proprietors of the breakers yard to the south have concerns regarding a potential break in their security with a need to prevent the public access the site to the south from the new development. The developers need to build a secure, high wall between the breakers yard and the new development.	See main issue 6.
I am anxious about the narrowing of Oak Street and the loss of roadside parking.	The proposal will not narrow Oak Street or result in loss of roadside parking.

Consultation responses

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

Design and conservation

16. The demolition of the existing structures is not opposed subject to the remains being fully recorded. With regards to the proposed development, the layout is considered broadly acceptable as the two terraces will reinstate the building line along Oak Street and provide a link to the river as well as riverside walk. With regards to the application as submitted, there is some concern over the proposed scale. Form and contemporary design of parts of the development particularly as the 5 storey elements are well above the prevailing building height in the locality. The flatted development has a commercial appearance with full height corner glazing and fluted roof form and the front entrance fails to address Oak Street leaving this part of the development with a defensive and inactive frontage which will detract attention away from the nearby heritage asset (Great Hall).
17. It is important that the private gardens fronting the riverside walk are not overly sub-urban in order to maintain a sense of openness and further details are required of boundary treatments and landscaping across the site. It is regrettable that such a high level of surface car parking is proposed. The predominant use of brick is welcomed.
18. Overall it is considered that the development broadly meets the aims of the Conservation Area Appraisal but there are a number of improvements that could be made to minimise harm to the setting of the nearby listed building and conservation area. The design and conservation officer has been involved in discussions with the applicant and the revisions largely overcome previous concerns raised.

Historic England

19. We are generally supportive of the proposals but the tall block at the southern end of the proposed range facing Oak Street would result in harm to the significance of the conservation area and the listed Great Hall. The Council should consider any public benefit that might result from the proposal but as the application stands we would recommend that the application is refused.
20. We do not wish to comment in detail on the riverside buildings which we consider acceptable in form and scale.
21. The revised plans show some simplification of the block to the southern end of the Oak Street range with amendments to the roof form and elevations. This is an improvement and the associated changes to the terrace part of the Oak Street range are particularly welcome. However we do not feel that the amendments address the fundamental issue of the bulk of the block which can be seen on Oak Street and views of the side access to the site.

Environmental protection

22. Further investigation is required once the site has been vacated by the current occupiers. There are a number of previous and current potentially contaminative uses which need to be thoroughly investigated and the site remediated to remove contamination before development commences.

Environment Agency

23. No objection subject to conditions requiring a scheme to deal with the risks associated with contamination on the site. The samples of groundwater taken from the 2 boreholes on site have indicated the presence of contamination which should be investigated in more detail together with the proposed soil sampling once the site is vacated and demolition has taken place. With regards to flood risk if you are satisfied that the application passes the sequential test and is accommodated by a Flood Risk Assessment then a condition should be attached requiring compliance with the flood risk assessment and that finished floor levels are set no lower than 5.40 m above Ordnance Datum and that details are provided of the compensatory storage scheme.

Highways (local)

24. No objection on highway ground. The proposed site layout and means of access to the highway appear satisfactory and the development makes effective use of the site whilst allowing for access to a new riverside path. Vehicle tracking demonstrates access is possible and that vehicles can exit the site in forward gear. The provision of parking is acceptable and given the site is within a 24/7 controlled parking zone this will contain parking on site. Parking on site for the flats could become problematic so it is essential that spaces are well marked out and that people can't block the route to the river. The car parking will need to be managed. To maintain access to the river it is suggested that a s106 is in place. The route should be built to adoptable standard although will not be adopted. The riverside path needs to connect to the north and remain open. A construction management plan should be secured by condition and a parking management plan should be submitted. A communal bike store is required.

Anglian Water

25. There are assets owned by Anglian Water within or close to the development and an informative should be added to any future consent notifying the applicant that the layout of the development should take this into account. There is capacity for foul drainage at Whitlingham Trowse Water Recycling Centre and the sewerage system at present has available capacity for these flows. The proposed method of surface water management does not relate to Anglian Water operated assets.

Housing strategy

26. The development proposals for this city centre, brownfield site are welcomed however it is disappointing that no affordable housing is provided. Housing need in the area is for 1 bedroom flats, 2 bedroom house and larger family homes (4+ bedrooms). For flats we would prefer to see individual entrances and across the scheme it should be tenure blind. On the basis of the viability study, I would recommend referral to the district valuer.
27. With regards to the revisions and the provision of 2 affordable units it is noted that this is still not policy compliant but having reviewed the report of the district valuer and accompanying appraisal we concur that the development has a limited viability with only 8% profit on GDV so therefore the offer of 2 units of social housing should be accepted. The developer may struggle to attract registered providers for only 2 flats so an alternative commuted sum based on floor area would be considered.

Landscape

28. The details and specification for boundary treatment is incomplete. Whilst the outline scheme for boundary treatments is acceptable in principle, clarity is required on appearance of some elements of the scheme. The locations for proposed landscaped areas are acceptable; however some parts of the soft landscaping scheme are not appropriate particularly in terms of species. Additional information for landscaping should be sought or can be secured by condition

City wide services

29. The dwellinghouses should have their own bin and flats use the communal bin store. We need to ensure that there is a purpose built bin store for the communal bins.

Norfolk County Lead Local Flood Authority

30. We welcome that sustainable drainage systems (SuDS) have been proposed in the development. We have no objection subject to a condition being attached that the detailed design of a surface water drainage scheme shall be agreed prior to development. This should show how surface water runoff rates will be attenuated to 2.7 l/s and that the storage capacity of the attenuation tank is in line with the submitted FRA.

Norfolk historic environment service

31. There is potential that heritage assets with archaeological interest will be present at the site. We have reviewed and approved the revised Written Scheme of investigation for historic building recording and trial trenching. If planning permission is granted this should be subject to a post- determination programme of archaeological works.

Natural areas officer

32. No objection subject to conditions relating to ecological mitigation, mammal access and bird nesting season.
33. There is a risk that increased light pollution from the development is likely to affect the commuting behaviour and foraging activities of noctule bats that roost within the woodland area on the opposite bank and disturb wildlife that uses the river corridor.
34. The mitigation measures that are recommended within the ecology report are supported and in addition during construction, measures should be implemented to prevent mammals from falling into trenches and other works. Furthermore the existing young Alder trees on the river bank should be protected and clearance work should occur outside the main nesting season for birds. Fencing across the southern ends of the riverside walk should be avoided to allow the movement of mammals and any fencing should have adequate openings to enable movement.
35. The riverside walk has the potential to enhance biodiversity and the landscaping scheme should include planting of native tree species. The integration of bird and bat boxes into the building would be preferable to the fixing of boxes later. The river edge is piled/reinforced with wood and metal sheet piling and the removal of this and the creation of a natural river edge would be welcomed.

Private sector housing

36. No comment

Tree protection officer

37. A condition should be attached to any future permission requiring that works shall be undertaken in accordance with the AIA, AMS and TPP. The main concern is that the tree is retained on the river bank at the south east corner of the site.

Norwich Society

38. The area would benefit from a good development but the proposed building is out of scale. The proposed blocks are unsympathetic to each other and the nearby Great Hall which is listed should be taken into consideration. The proposal should also have affordable housing. The revision do not overcome our concerns as the scale and layout appear essentially unchanged.

Assessment of planning considerations

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS11 Norwich city centre
- JCS20 Implementation

40. **Northern City Centre Area Action Plan adopted March 2010 (NCCAAP)**

- LU3: Residential development

41. **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
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- 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

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

- NPPF0 Achieving sustainable development
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

43. Supplementary Planning Documents (SPD)

- Affordable housing SPD adopted 2015

Case Assessment

44. 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

45. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
46. The site previously formed part of a wider housing land allocation under policy OSN2 of the Northern City Centre Area Action Plan (NCCAAP); however the NCCAAP has now expired and therefore has no weight. The site does however benefit from outline planning consent for the demolition of the existing buildings and the erection of 27 dwellings on the site and therefore the principle of the loss of the small businesses on the site and the principle of residential has already been established. Furthermore the site is within an area where the Council would like to see regeneration.
47. This application seeks planning permission for the erection of 12 dwellinghouses and 28 flats. The provision of 40 units of residential accommodation on this site will help to meeting the housing needs within Norwich as identified within policy 4 of the Joint Core Strategy. It will provide 7 no. 4 bedroom houses, 4 no. 3 bedroom houses, 1 no. 2 bedroom houses, 1 no. 3 bedroom flat, 18 no. 2 bedroom flats and 9 no. 1 bedroom flats. It is proposed that all will be market dwellings other than two of the 1 bedroom flats which will be social rent. The current housing need within this area is for 1 bedroom flats, 2 bedroom houses and larger family homes (4+

bedrooms). The dwellinghouses and larger flats will be suitable for family living. The proposal also provides private outdoor amenity space for a large number of the units and communal riverside outdoor space for the enjoyment of all residents.

48. Due to the proposed buildings being up to five storeys the density will be relatively high and although it will be higher than surrounding sites, this is an accessible location within the northern city centre and is within an area which needs regenerating. Furthermore, since the previous application, the draft revised National Planning Policy Framework has been published for consultation. Section 11 concerns the effective use of land and it is important to note that it is the Government's intention to combine a number of proposals from the housing White Paper which includes making more intensive use of existing land and buildings and pursuing higher density housing in accessible locations, while reflecting the character and infrastructure capacity of each area. It is considered that increasing the density of this development and increasing the number of units from 27 to 40 will make optimal use of the site whilst providing good living conditions for future residents, not having a significantly detrimental impact upon neighbouring residents and contributing positively to the streetscape and the conservation area.
49. Policy 4 of the Joint Core Strategy and policies DM12 and DM13 of the Local Plan set out the criteria against which residential developments will be assessed. These issues along with other material considerations are discussed within the report.

Main issue 2: Design and heritage

50. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
51. The site is situated within the Northern Riverside Character Area of the City Centre Conservation Area which has significant heritage value. The site features the remains of the Steward and Pattersons Maltings (non-designated heritage asset) remnants of which survive today. The existing single storey street frontage building is identified as a negative feature within the conservation area and with the current condition of the site being poor, development has the potential to significantly enhance the quality of the conservation area and the streetscene. The site lies within the setting of various heritage assets including: -
 - Grade II listed 15C Great Hall, Oak Street (formerly listed as no.123) 10m to the south,
 - Locally listed 167 Oak Street (former Dun Cow Public House) to the north.
 - The remains of the medieval city walls and tower (scheduled ancient monument) to the north.
52. The site's location within and in proximity to both the medieval city walls and the river is of interest from an archaeological and historic perspective. The northern bank of the river is said to have been used for medieval industries such as leather, cloth and beer production and this side of Oak Street and the application site evidences with its ruinous remains of the Stewarts and Pattersons Maltings and neighbouring Great Hall (with weavers window) evidences this. The site has most recently been used as commercial with there being a two storey warehouse/workshop building on the site.
53. Oak Street suffered damage during the Baedeker raids in 1942, when many of the historic buildings which lined the western side of Oak Street were lost. The site's

earliest known use is as Stewarts and Pattersons Maltings and residential yard (Little Buck Yard) associated with the neighbouring Buck Pub (dating back to at least 1794). Remains of the maltings survive on the site today, in ruinous form, unfortunately the public house and yard were lost.

Demolition of existing buildings

54. Whilst the ruinous remains of the 19C malting is of some heritage value, as one of only a handful of such structures to survive in the city, its dilapidated state does little to enhance the character and appearance of the conservation area and is not of townscape value. It is unlikely to be viable or feasible to incorporate the remains into a new development and provided that the remains of the Maltings are fully recorded and the information added to the HER, the demolition of the existing structures is considered acceptable.

55. Footprint and Layout

56. The proposed layout of the site to include blocks of accommodation, one fronting Oak Street and another fronting the river with an internal courtyard area accessed via the re-established Little Buck Yard is considered appropriate. The development will reinstate the building line along Oak Street in accordance with the City Centre Conservation Area Appraisal and the provision of a riverside walk and visual links to the river from Oak Street are also welcomed.

57. The block which faces onto Oak Street will consist of five dwellinghouses which are a contemporary take on traditional terrace properties with a flatted development to the south which has an active frontage onto both Oak Street and Little Buck Yard. The build line for the dwellinghouses is set back from the build line of the cottages to the north which is regrettable; however it is necessary to have steps on the Oak Street frontage due to floodrisk which as a result means the development needs to be set back. The block which fronts the River will consist of seven four storey townhouses with a flatted development to the south.

58. The development is well set back from the river for a number of reasons. Firstly the Environment Agency requires a buffer zone to the water's edge and secondly there is a foul sewer main running through the site which requires a 5m easement either side of this for access purposes. This setback has the benefit of providing a good sized area of publically access open space, a riverside walk and private gardens for the four story townhouses which front the river.

59. The layout allows for the provision of private gardens for all dwellinghouses and the internal courtyard provides 28 car parking spaces whilst not dominating the development. The courtyard car park also increases the distances between the rear of each terrace which reduces overlooking and increases day and sunlight to the properties and amenity areas. The layout of the site seeks to make efficient use of the site and provides a good mix between dwellinghouses and flats.

60. The proposed development would not prejudice the future development of the site to the south. The re-establishment of Little Buck Yard would provide a means of access and the opportunity for a frontage development in the future if the site to the south was to come forward for development.

Height and massing

61. Although the council considered that the layout of the proposed development was acceptable, the council had reservations with regards to the height, mass and form of some elements of the application as submitted. In particular it was felt that the 5 storey flats which fronted Oak Street would be incongruous and failed to preserve or enhance the character and appearance of the conservation area or the setting of the Great hall which is a grade II listed building to the south of the site. This was due to the block's overall height, fluted roof form and commercial appearance.
62. The developer subsequently amended the scheme and by changing the fluted roofs to recessed roofs, by simplifying the elevations and by having an entrance onto Oak Street it is felt that the proposed buildings sit much more comfortably within its surroundings. Although it is acknowledged that the buildings are still higher than the prevailing building height within the locality and that Historic England still have reservations regarding the height of the building fronting Oak Street, in this instance it is felt that it has been demonstrated that the relationship between the proposed development and neighbouring buildings works well and that the development will not detract from the setting of the nearby Great Hall.
63. Furthermore concern was raised with the applicant that the 2.5 storey terrace properties fronting Oak Street were significantly higher than the neighbouring cottages and therefore the application has been amended whereby the northern most property has been reduced to 2 storeys which means that the development has a much better relationship with the adjacent building.
64. Overall therefore it is felt that the new buildings will have a strong presence but it is not considered that they will dominate the view along Oak Street or have a detrimental impact upon the landscape setting of the river.

External appearance

65. The predominant use of brick cladding on the external elevations and slate roofs will create a good relationship with neighbouring buildings; whilst the use of zinc cladding, render and a black/grey engineering brick plinth will help break up the mass and add visual interest. Furthermore the top storey of the flatted developments will be set back and faced in zinc cladding which should be aesthetically successful in reducing the mass of the building.
66. The use of a light render on the courtyard facing elevations of the four storey townhouses is understandable given the need to reflect light into the courtyard and rear gardens. However it will be important that the render is specified correctly with anti-fungal coating and occasionally cleaned to avoid discolouration and staining.
67. Details of materials should be conditioned to ensure that the proposed development is of high quality.

External spaces

68. The proposed footprint allows a number of external spaces to be created for the enjoyment of future residents, some of which are shared and some of which are of private. In particular the riverside walk and open space should provide a nice setting for the development. All dwellinghouses will benefit from private garden space with the four storey townhouses facing the river benefiting from a private rear

yard, private space which fronts the river and balconies. The penthouses also have generous roof terraces and some of the flats have balconies.

69. The provision of a 5 storey flatted development to the south of the dwellinghouses will mean that a number of the amenity spaces are shaded for a large amount of the day; however residents would be aware of this when buying the properties.
70. Particularly given the proximity to private parks such as Gildencroft and Wensum Park it is considered that the external spaces are sufficient for residents. Details of landscaping should form a condition of any future consent to ensure that it is of high quality.

Archaeology

71. The site is situated within the Area of Main Archaeological Interest and there is a high potential that heritage assets will be present at the site. If planning permission is granted then this should be subject to conditions requiring a programme of archaeological mitigatory works.

Main issue 3: Trees

72. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
73. There are no trees within the main site although there are two Alders on the riverbank and a birch to the north in an adjacent plot. The Alder (T1) has been classed as category B and is in good condition and contributes to the landscape. A smaller Alder (T2) and a Birch (T3) have been classified as category C. An Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement have been submitted with the application and these set out that both Alder trees will be retained and protected during the works. The Birch tree will be removed which is considered acceptable subject to replacement planting. The site plan indicates the planting of a number of trees, details of which can form a condition of any future consent. A condition should also be attached requiring development to be undertaken in accordance with the AIA, TPP and AMS.
74. Although the site has a frontage of more than 10m, in this instance it is not considered that there is sufficient space for street trees particularly given that the proposed development is hard up against the highway.

Main issue 4: Landscaping and open space

75. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
76. The existing condition of the site is poor and does little to enhance the setting of the River Wensum and Train Wood. The proposal therefore presents an opportunity to improve the outlook from Train Wood, improve the street scene of Oak Street and address the transition from naturalised area to urban.
77. There were concerns with some element of the landscaping scheme as submitted; however the scheme has been amended in such a way that our concerns have been overcome. Norwich City Council's landscape officer has viewed the revised plans and feels that the landscape scheme is acceptable in principle. Full details of the soft landscaping, hard landscaping and implementation and management scheme should form a condition of any future consent.

78. There is no policy requirement for the development to provide onsite informal publically accessible recreational open space as the development is for less than 100 dwellings. Notwithstanding the above, the scheme provide a good sized area of open space, a riverside walk for the benefit of future residents of the development as well as the general public and a new public link through the southern part of the site.

Main issue 5: Transport

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

Access and Traffic Generation

80. The site is situated within the city centre and is well accessible by a variety of means of transport and the site is within walking and cycling distance of existing facilities and services.
81. The proposed vehicular access to the site will be towards the south of the site and the proposed road type and point of access would mean that it is capable of serving future development to the south of the site. The new shared surface would enable public access to the river frontage and to the new section of the riverside walk and the proposed type 3 access and turning head will ensure that traffic can exit the site in a forward gear. A pedestrian access will be retained to the north of the site which will provide pedestrian access to the parking courtyard and the rear of 163/165 Oak Street. New car parking spaces will be provided for these properties which will be accessed via the new courtyard.
82. A choice of access is provided from the development to the river frontage which includes steps and a ramp that will be disabled friendly and encourage people with pushchairs and bicycles. The new riverside path will contact to the riverside path to the north and this will link the development to places such as Wensum Park. A condition should be attached to any future permission to ensure that the riverside walk does not become gated and that it remains open 24 hours a day.
83. A transport statement has been submitted with the application which would suggest that the development would have less of an impact upon the highway network than the existing use as the development would result in an overall reduction in trips
84. Although the site has a frontage of more than 10m, in this instance it is not considered that there is sufficient space for street trees particularly given that the proposed development is hard up against the highway.

Car parking, cycle storage and bin storage

85. 28 car parking spaces will be provided for the new development with all dwellinghouses and penthouses being allocated a space. The level of car parking will mean that a large number of the flats are car free. This level of car parking is consistent with DM32 and acceptable for edge of city centre sites which offer scope for future residents to travel to work and everyday services/facilities by sustainable means. Details of the car park should be agreed by condition, A car park management strategy has been submitted to ensure that residents do not park additional cars on the new road which would block the route through to the riverside walk. Compliance with the strategy should form a condition of any future consent.

86. With regards to cycle parking, sheds will be provided within the garden spaces of the dwellinghouses. Detail of this will form the subject of any condition in order to ensure that the store is of sufficient size to accommodate 2 cycles for the 2 and 3 bed properties and 3 cycles for the 4 bed properties. For the flats an internal cycle store is provided at ground floor level within each block which is of sufficient size to accommodate a policy compliant number of bikes. Details of the tether have been provided.
87. With regards to bin storage, each dwellinghouse will have space within the garden for 2 x 240 litre bins. For the properties fronting Oak Street these will be provided within the front garden and for the properties fronting the river these will be within the private yards. There will be a bin collection point to ensure that the drag distance between is acceptable. Communal bin stores will be provided for each of the flats. Concern was raised with the applicant regarding the size of these bin stores but these have now been amended to ensure that they are of sufficient size to accommodate the required number of 1,100 litre bins and to ensure that they are manoeuvrable.

Main issue 6: Amenity

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

Impact upon neighbouring residents

89. With regards to the impact upon neighbouring residents and occupants the main issues for consideration are the impact upon the cottages to the north (163-165 Oak Street) and upon the car sales/breakers business to the south. Due to the distances involved it is not considered that the proposal will impact upon the flats to the north, the Great Hall to the south or Mr Plastics to the east.
90. With regards to the impact upon 163-165 there was some concern that due to the height of the dwellinghouses fronting Oak Street and due to the depth being greater than the existing properties that the proposal would result in an unacceptable level of overshadowing and loss of light and that the proposal could appear somewhat overbearing. The proposed dwelling closest to 163 Oak Street has subsequently been reduced in height and the rooms in the roof omitted which has helped overcome concerns and it is now considered that the relationship between the two properties is acceptable. The proposal will also increase overlooking to 163-165 Oak Street and in particular to their rear garden area however the level of overlooking will not be unusual within an urban area such as this. Furthermore it should be acknowledged that the proposed use of the site as residential should mean that there is considerably less noise than from the existing use of the site which will create a more pleasant living environment for the residents of the neighbouring cottages.
91. With regards to the car business to the south, due to the orientation, the proposal is not likely to result in significant loss of light or overshadowing to the premises. Concern has been raised by the proprietors of the business that the proposed development could leave their site open and create a break in their security. The site is a potential high risk accident area and the site does need to be secure under Environment Agency licensing rules. The proposal does include a new retaining wall between the development and the breakers yard to the south, details of which can form a condition. The noise impact assessment requires this to be of a height of

2.5m which should in turn provide the security that the site requires. Subject to this it is not considered that the proposal will unduly impact upon the business to the south.

Living conditions for future residents

92. The internal space for all dwellinghouses and apartments is considered sufficient to meet the needs of future residents. The flats range in size from 41 sq m to 124 sq m which mean all units meet minimum space standard with many of the flats being generously sized. The dwellinghouses range in size from 83 sq m to 159 sq m so again these are well proportioned to meet the needs of family living.
93. It is considered that all dwellinghouses and flats will benefit from good levels of light and where there has been concern about unacceptable levels of overlooking between properties, these have been addressed through the provision of screens to balconies and through the repositioning/omission of windows.
94. A noise impact assessment has been submitted with the application and the noise survey established that noise generated by road traffic is likely to result in noise intrusion to residents along the eastern edge of the proposed development. Consequently, mitigation measures are required in order for the site to be suitable for residential development. In addition it is suggested that there is a 2.5m barrier along the southern boundary of the site adjacent to the commercial operation. The assessment of potential noise generated by adjacent industrial/commercial units indicates that, with mitigation measures in place, resultant noise levels should not cause significant adverse impact. In summary subject to the mitigation measures being carried out the resultant noise levels within the dwellings and private garden and amenity area would meet reasonable guidance and would provide a suitable level of protection against noise for future occupants of the dwellings. Conditions would need to be attached to any future permission to ensure that this is carried out.

External amenity space for future residents

95. Policies DM2, DM12 and DM13 of the Local Plan set out that residential use should be permitted subject to the provision of satisfactory external amenity space (private or communal) adjoining the property with appropriately located bin storage, cycle storage and drying areas. For the proposed development all dwellinghouses will have private gardens which are of sufficient size for the enjoyment of residents. In addition the dwellinghouses facing onto the River Wensum will have balconies. There is some concern that some of the private yards will not benefit from a huge amount of sun due to the height of the apartments and this has been confirmed by shadow analysis which is regrettable but not considered to be of sufficient reason to justify a refusal. This should however be taken into consideration when selecting appropriate soft landscaping.
96. With regards to the flats, 17 flats have some form of balcony space with the penthouses having extensive roof terraces. There will be 11 flats with no form of private amenity space but taking into consideration the proposed on site open space and the proximity to the riverside walk and a number of publicly accessible recreational open space (Gildencroft park and Wensum Park), the level of amenity space is considered acceptable and satisfies the requirements of the Local Plan.

Main issue 7: Energy and water

97. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
98. Policy 3 of the Joint Core Strategy requires 10% of the site's energy requirement to come from low or no carbon sources. An energy statement has been submitted with the application which explores how site energy saving technologies and renewable energy sources can provide 10% of the predicted energy use. The report explores the use of solar thermal, photovoltaics, ground source heat pumps, air source heat pumps and shower heat recovery units. The conclusion of the report is that PV panels will reduce energy consumption by 10.66% and shower heat recovery units will reduce energy consumption by 6.17% so a mixture of the two technologies will be able to achieve at least a 10% saving. A condition will need to be attached to any future permission requiring full details.
99. In relation to water, Joint Core Strategy policy 3 sets out that new housing development must reach Code for Sustainable Homes level 4 for water. A condition should be attached to any permission to ensure that the development is constructed in accordance with G2 of the 2015 Building Regulations for water usage.

Main issue 8: Flood risk

100. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
101. The site is shown to be located predominately in Environment Agency Flood Zone 2 (medium risk of flooding) with the far extremities of the site shown to be in flood zone 1 (low risk of flooding). The NPPF and DM5 requires inappropriate development in areas at risk of flooding to be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.
102. The site was previously allocated for development and benefits from an extant outline planning consent and therefore the principle of development in this flood susceptible location has been established and therefore it is not considered necessary to undertake a sequential test. Therefore in this instance the prime consideration is whether the development has been designed to ensure safety and that the impact of flooding is minimised.
103. A flood risk assessment has been submitted with the application and this aims to identify and assess the risks of flooding and demonstrate how these flood risks would be appropriately managed. It also comprises an overview of a surface water drainage strategy to mitigate and address the potential for the new housing development and associated features, to prevent the site and surrounding land from flooding from surface water flooding.
104. The natural slope of the site offers protection to the eastern portion of the site and the FRA confirms that finished floor levels of the dwellings of at least 150mm above the local ground level will be sufficient to raise the dwellings well above the level up to the 1 in 100 storm event, which will be contained in the permeable paving, pipes and storage crates. Access and egress will not be impeded during this event. Fluvial flooding from the River Wensum could occur but only extreme flood events would affect the ground floor of the buildings and there is a safe route of escape via the eastern side of the buildings to the car parking areas.

105. Groundwater flooding could also occur but the floor levels will be raised above most storm events and due to the slow onset of this type of flooding, it is unlikely to cause a serious danger to life or property.
106. The FRA concludes that although the development is within a flood zone, the development is appropriate as the site adequately reduces runoff from the site and provides flood compensation. Given the previous commercial use of the site, ground conditions and the shallow level of the water table, infiltration surface water disposal is neither recommended nor feasible. It is therefore proposed that increased surface water flows will be attenuated by using SUDs storage with regulated discharge into the River Wensum via an existing outfall. The Local Lead Flood Authority and the Environment Agency have confirmed that this approach is acceptable subject to conditions.
107. The Environment Agency has provided comment on the application and has no objection to the proposed development subject to the floor levels being set no lower than 5.40 metres above Ordnance Datum and that further details are provided of the compensatory storage scheme. An informative should also be attached to any future permission notifying the applicant that they may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres from the River Wensum.
108. The LLFA has also commented on the application and they have no objection subject to the detailed designs of the surface water drainage scheme in order to ensure that the surface water attenuation storage is designed to accommodate the volume of water generated in all rainfall events and that surface water runoff rates will be attenuated to 2.7 l/s. They have also asked that finished ground floor levels are a minimum of 300mm above expected flood levels.
109. The applicant has confirmed that they intend to install permeable paving which will discharge into storage crates and discharge at a greenfield run off rate of 2.7 l/s to the River Wensum. Therefore the post development discharge rate would be a significant improvement on the current brownfield discharge rate which is welcomed.

Main issue 9: Biodiversity

110. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
111. The site was recently intensively used for commercial purposes but the location of the site adjacent to the River Wensum and opposite a County Wildlife Site, Train Wood, increases the likelihood that the site is used by wildlife, particularly bats. An ecological survey has been undertaken which established that the site is generally of low ecological value, although the mixture of buildings and tall walls around the site together with materials scattered around the area, provide suitable habitat for nesting birds and potentially bats. The river corridor also provides potential habitat for otters.
112. No evidence of bats or European Protected Species was found within the site during the surveys undertaken. There is however high potential for nesting birds to be present on the site and it is therefore recommended that any clearance works occur outside the main nesting season for birds and if this is not possible the area will be checked by a bird surveyor prior to clearance to confirm that works can

proceed. Based on the results of the surveys, it is also recommended that works take place under the submitted ecological method statement for bats and breeding birds which should form a condition of any future consent. This includes that prior to demolition commencing a bat box will be placed on site in a suitable location away from demolition works. The report also recommends that the river bank should be protected and materials/equipment should not be stored in this area during demolition and construction and works should avoid accidental pollution of the River Wensum and adjacent County Wildlife Site. The design of the site should also look at the effects of light pollution and the river adjacent to the site should be maintained as a 'dark corridor'.

113. In terms of enhancing biodiversity, the current site is environmentally poor and the residential scheme proposes betterment in the form of a green corridor along the river frontage and through tree planting. There is additional scope to provide further ecological enhancements through the provision of bird and bat boxes, details of which can form a condition.

Main issue 10: Contamination

114. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
115. Due to the previous use of the site and the surrounding area there is a high likelihood that areas of the site may be impacted by soil contamination. Therefore it will be necessary for further investigations to take place once the site is cleared in order to assess these areas and provide remedial advice. The environment agency has no objection to the proposed development subject to a number of conditions relating to contaminated land being attached to any future planning permission.

Main issue 11: Affordable housing viability

116. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
117. Development of this scale triggers a requirement for a proportion of the dwellings to be affordable. In accordance with JCS4, 33% of the units would need to be affordable with approximately 85% social rented and 15% intermediate tenures.
118. This proposed development will provide 2 no. 1 bedroom affordable flats which equates to 5% affordable units and as this is not a policy compliant level the District Valuer was instructed by the Council to look at the viability in order to establish whether there is a financial justification for any further affordable housing.
119. Daniel Connal Partnership (DCP) undertook a viability appraisal on behalf of the applicant which sought to support a conclusion that the provision of 2 affordable units plus the required level of Community Infrastructure Levy results in a level of developer's profit that is below industry norms and that any increase in affordable housing will make the scheme unviable. This report is available on Norwich City Council's website.
120. The district valuer has undertaken their own research into both current sales values and current costs and his findings are also available on Norwich City Council's website. In summary the District Valuer is of the opinion that the unit rates for both the flats and dwellinghouses adopted by DCP are within acceptable parameters and that the development costs are reasonable. DCP conclude that the proposed scheme generates a profit of £872,623 when a benchmark land value of £1,095,000

is adopted in their appraisal and this produces a profit on cost of 8.44% (this reflects a profit on GDV of 7.78%). DCP comment that a reasonable level of developer's profit would typically be 20% but at least 15% which the District Valuer concurs with. This means that whilst the proposed scheme does produce some profit (albeit significantly lower than normally considered reasonable), any increase in affordable housing towards a policy compliant requirement will negatively impact on viability. The applicant is willing to proceed at this reduced level of profitability (and therefore increase level of risk) due to historic connections with the site. The District Valuer agrees that the scheme is unable to support any additional on-site affordable housing above the 2 units currently offered, particularly as this is a brownfield site with inherent development risks.

121. Notwithstanding the above, as per the advice within the affordable housing SPD this would be subject to a review within 12 months if development has not commenced. Furthermore if development has commenced within 12 months of the decision being issued it is suggested that a review is undertaken if there has been no occupation within a further 24 months from commencement.
122. Based on the above it is considered that the proposal accords with policy 4 of the Joint Core Strategy as it has been demonstrated that it is not viable to provide 33% affordable units.

Compliance with other relevant development plan policies

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

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

Equalities and diversity issues

124. There are no significant equality or diversity issues. All dwellinghouse will have level access via either the front or rear of the property and the flats will be

accessible by lift. A ramp will be provided in order to provide an accessible route from the development to the riverside walk.

Local finance considerations

125. 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.
126. 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.
127. In this case local finance considerations are not considered to be material to the case.
128. The development will be CIL liable. The rate for the dwellinghouses is £104.80 per sqm and the rate for the flats is £90.83 as the blocks are five storeys (with the exception of the two affordable unit which is £0). As the proposal involves the demolition of 877sqm of floorspace this needs to be deducted. The overall CIL sum is therefore £272,197.22.

Conclusion

129. The principle of the demolition of the existing buildings and the provision of a residential development has already been established through the previous consent. The proposal would provide 12 dwellinghouses and 28 flats which would help meet the housing need in Norwich and provide family housing in a central, sustainable location. The layout of the proposal makes effective use of the land, reinstates the building line along Oak Street and provides a riverside walk and visual link to the river from Oak Street. The Council had concerns regarding the overall height, mass and form of some elements of the proposal however the scheme has been amended so the proposed building sit more comfortably within its surrounding and will not detract from the setting of the nearby Great Hall or the wider conservation area. The use of good quality materials will create a good relationship with neighbouring buildings and help break up the mass and add visual interest. The proposed layout also allows for a number of external spaces to be created including an area of open space adjacent to the river.
130. The proposal will provide good living conditions for future residents of the site with all flats and dwellinghouses meeting internal space standards and a large number of the units having private amenity space in the form of gardens, balconies or roof terraces. All units will have secure cycle parking and bin storage for the site is well located. The proposal will have minimal impact upon neighbouring residents and will have less impact upon the highway network than the existing use.
131. The proposal will provide 5% affordable housing which is significantly lower than the policy requirement of 33%. Notwithstanding the above, the applicant has undertaken an open book viability assessment which has been reviewed by the District Valuer, the conclusion of which is that the development would not be viable with any further affordable housing.

132. Overall therefore it is felt that the proposed development will help regenerate this site which is currently in a poor state and will enhance the setting of the conservation area and nearby listed building. The development is therefore 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. 18/00004/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.
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 or any other foundation designs using penetrative methods shall not be permitted.
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
32. In accordance with AIA, TPP and AMS

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.



The Great Hall

G	25/01/15	Excavation added, car parking amended	AC	MW
F	01/02/15	Excavation with overland water storage and landscaping amended, CPOs also amended, building groups to be built	DB	MW
E	25/04/15	Keep to outside walls added, hedge line removed to 6 bed townhouses, mainline grass added	DB	MW
D	16/04/15	Key window removed from end townhouse	DB	MW
C	12/04/15	BCP close amended on Oak Street, Capexing over added, garden cages (permeable overland), top retained wall to the end of 4 bed townhouse	DB	MW
B	05/04/15	Final details submitted to the retained plans provided to clients contracts	DB	MW
A	18/03/15	Amendments highlighted within previous sheets	VS	MW

REV / DATE / DESCRIPTION / DRAWN / CHECKED BY

Revisions

PLANNING

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Michael Greengrass Ltd
 Land at 161 Oak St
 Norwich

Proposed Site Plan

5531





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51 G

Check all dimensions and report any errors or omissions.

OCT 17 1:200

JA

MATERIALS KEY		
1.		Zinc
2.		Render - Colour TBC
3.		Red Brick - Multi Blend
5.		Slate Roof Tile
6.		Aluminum Windows & Doors - Colour Battleship Grey
7.		Rainwater Downpipes



West Elevation (3 bed townhouse courtyard)

J	23/02/19	Ground floor balcony removed, windows installed	AC	WV
H	23/02/19	PC panels added	L	WV
G	02/02/19	Flitch removed	CB	WV
F	01/02/19	Engineering steel girders, steel beams, trusses installed, windows, doors removed	CB	WV
E	25/04/19	End terrace roof removed, walls, balcony removed, window, patio doors installed	CB	WV
D	16/04/19	Parapet raised 100mm	CB	WV
C	11/04/19	Step removed for side, one panel added under window	CB	WV
B	02/04/19	The left hand garden levels added, masonry walls, external brickwork, fence ground floor patio area added, patio area added	CB	WV
A	28/03/19	Block 4 completed, to have more reference to Oak street, 100 level and windows amended for look	CB	WV
REV	04/02	0000000000	000000	CHECKED BY: Bauldrons

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 Land at 161 Oak St
 Norwich

**Proposed Elevations
 West Elevation (Courtyard)**

5531

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MATERIALS KEY		
1.		Zinc
2.		Render - Colour TBC
3.		Red Brick - Mull Blend
5.		Slate Roof Tile
6.		Aluminum Windows & Doors - Colour Battleship Grey
7.		Rainwater Downpipes



East Elevation (4 bed townhouse courtyard)









REV	DATE	DESCRIPTION	ISSUED	CHECKED BY
E	20/04/18	Redhouse removed, double doors added to ground floor flat on block A	DB	MB
D	13/04/18	Top floor window removed, two window panes added	DB	MB
C	11/04/18	Red brick shown to be back, side key window added	DB	MB
B	04/04/18	Render added to replace timber, penthouse detail amended	DB	MB
A	20/03/18	Block A amended to show flat roof	DB	MB

PLANNING

Michael Greengrass Ltd
 161 Oak St
 Norwich

Proposed Elevations
 East Elevations (Courtyard)

5531
 P022 E
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MATERIALS KEY		
1.		Zinc
2.		Render - Colour TBC
3.		Red Brick - Multi Blend
5.		Slate Roof Tile
6.		Aluminum Windows & Doors - Colour Battleship Grey
7.		Rainwater Downpipes



West Elevation (Riverside)



A	01.03.18	Engineering work plan issued against	08	-
B	02.04.18	Foundation construction	08	141
C	03.04.18	Site top works completed	08	141
D	11.04.18	Chimneys and site top works added	08	-
E	04.04.18	They have now started some work on the ground floor windows, doors and other external works. They have also started to work on the roof and other external works. They have also started to work on the roof and other external works.	08	-
F	05.03.18	Work is started on the roof and other external works. They have also started to work on the roof and other external works.	08	-

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**Land at 161 Oak St
Norwich**

**Proposed Elevation
West Elevation (Riverside)**

5531

PO24 F

NOV 17 1:00 @ A1

JA

MATERIALS KEY		
1.		Zinc
2.		Render - Colour TBC
3.		Red Brick - Multi Blend
5.		Slate Roof Tile
6.		Aluminum Windows & Doors - Colour Battleship Grey
7.		Rainwater Downpipes



South Elevation

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
J	28/03/18	Ground floor door changed to white	AC	MM
H	22/03/18	Site fence added	AL	MM
G	02/03/18	Engineering brick piers staggered at the end of block 8	DE	MM
F	01/03/18	Engineering brick piers around apartment 502	DE	-
E	14/02/18	Footpath added between	DE	-
D	11/04/18	Site piers added underneath windows, site entrance	DE	MM
C	04/04/18	Perthouse amended, brick and zinc made to regular pattern	DE	MM
B	18/03/18	Perthouse amended to brick & zinc piling amended, to brick & zinc piling Perthouse to Block 4 amended	DE	MM
A	16/03/18	Perthouse amended, window arrangement to brick & zinc piling, site amended	DE	MM

PLANNING

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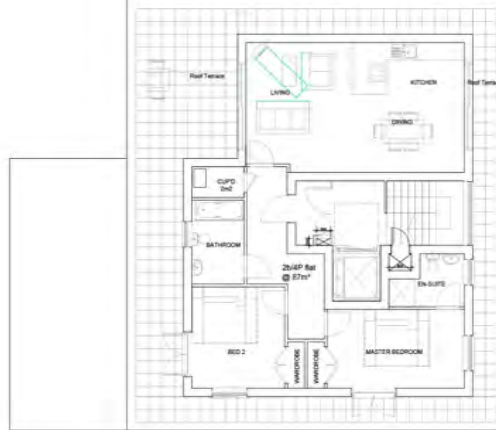
Proposed Elevation
 South Elevation

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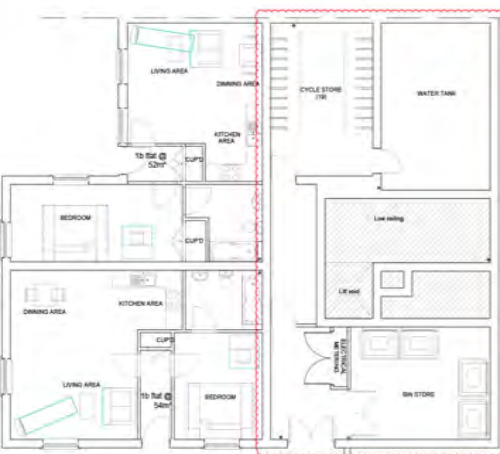
First & Second Floor Plan



Third Floor Plan



Ground Floor Plan



Lower Ground Floor Plan

F	20.05.18	Issue ground floor layout amended.	AC	N/A
		Ground floor plan layout amended.		
E	01.05.18	Control ball and valve use revised control.	SB	N/A
D	20.04.18	Issue ground floor furniture amended, amend the wall fixtures amended throughout, and furniture amended to be	SB	N/A
C	04.04.18	Issue ground floor arrangement amended, taking into account the revised floor. Do not amend the arrangement.	SB	N/A
B	18.03.18	Issue ground floor arrangement amended to show the 1st floor, the ceiling, floor, walls and furniture amended to suit.	SB	N/A
A	16.03.18	Issue ground floor arrangement amended to include the 1st floor, Ground floor & Cupola. To include the plan.	SB	N/A
REV	1/18	ISSUED FOR CONSTRUCTION	SB/MS	1/18/REV 01

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Proposed Apartment Block B (Oak Street)

5531

P010 F

Nov 17 1.50 @ A1

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Fourth Floor



First / Second / Third Floor



Ground Floor

D	08.03.18	Set new management scheme (equipment, software, cycle mark increased to 28)	08	MS
C	03.03.18	Building work related to construction, scaffolding	08	MS
A	03.03.18	Performance completed on plus, lobby area, double doors and closed door bar gates	08	MS
A	08.03.18	Ground floor lobby, bin store and tank room completed, access reception completed. Performance Review completed on the 18th.	08	MS
REV	DATE	DESCRIPTION	DRAWN	CHECKED BY

PLANNING

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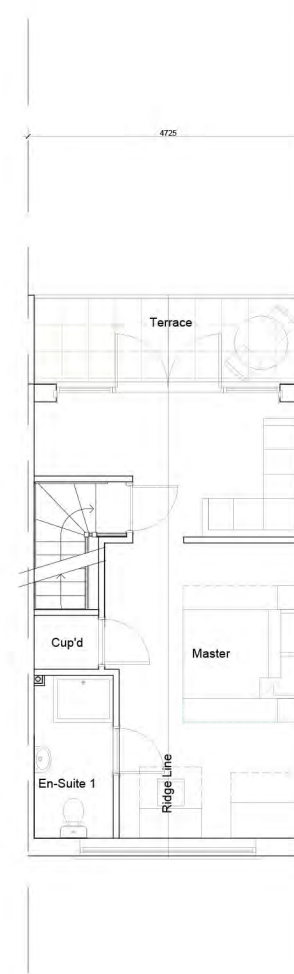
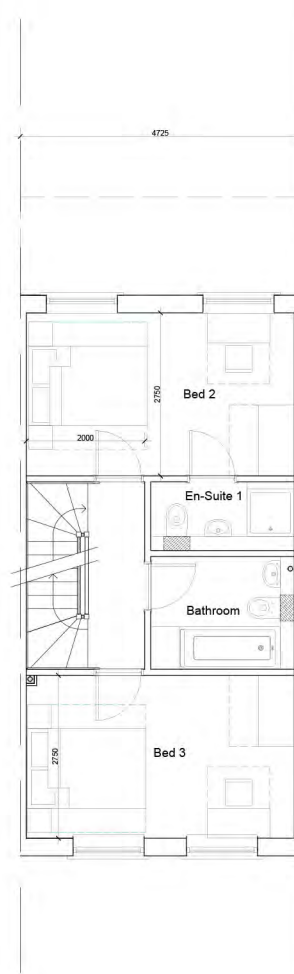
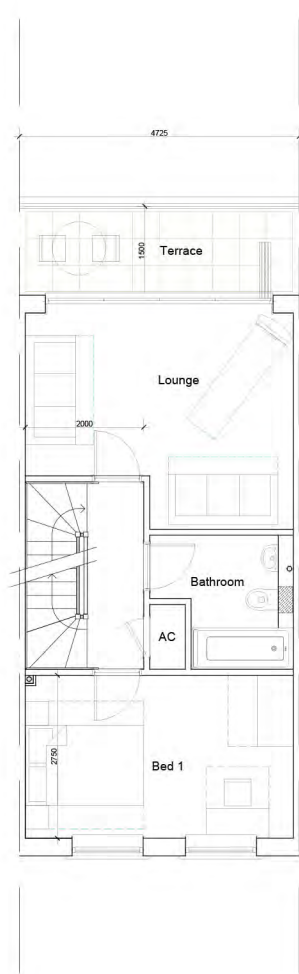
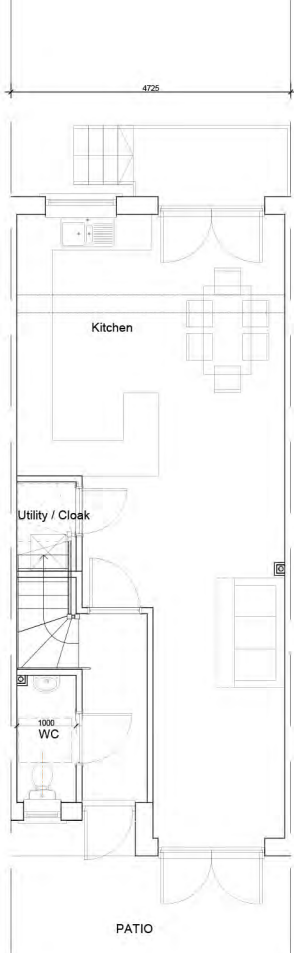
Also see:
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 Planning

5531

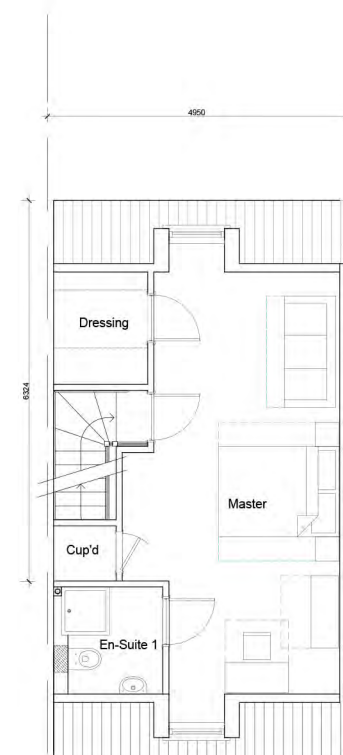
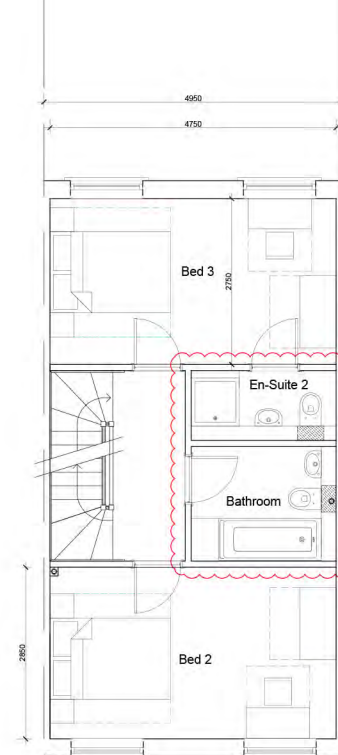
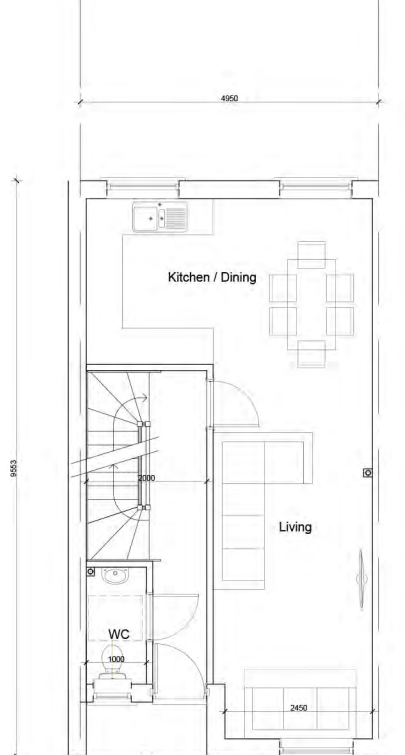
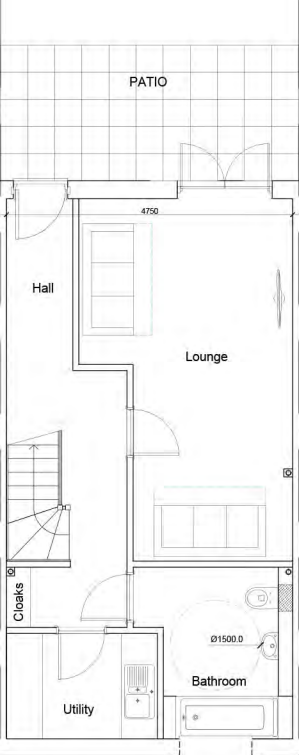
Proposed Apartment Block A (Riverside)

Nov 17 1:100 @ A1

JA



REV	DATE	DESCRIPTION	CAVW	CHECKED BY
A	2024/10	Revised on second floor replaced with bedrooms	DR	SAK
Revisions				
PLANNING				
<p>Michael Greengrass Ltd 11 Farnborough Road Bournemouth BH1 1GR Tel: 01202 700000 Fax: 01202 700001 www.michaelgreengrass.com</p> <p>Plot at: Land at 161 Oak St Riverside Norwich</p> <p>This drawing is copyright of the Architect and shall not be reproduced without their permission. Check all dimensions and report any errors or omissions.</p>				
<p>Proposed Townhouse Type B (Riverside)</p> <p>5531 5531 5531</p> <p>PD12 A Nov 17 1:50 @ A1 JA</p>				

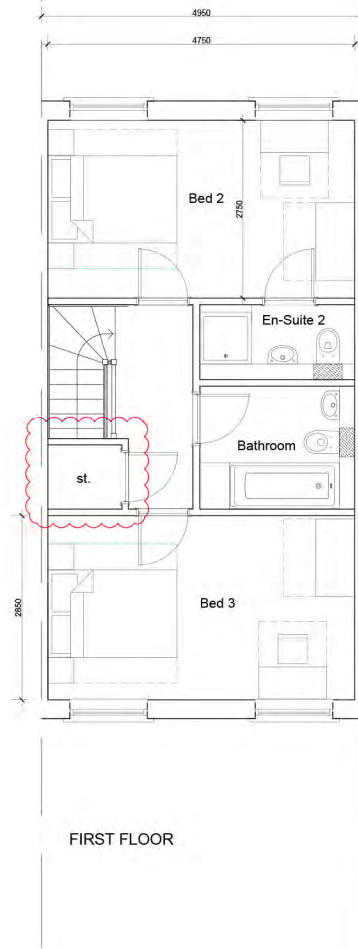
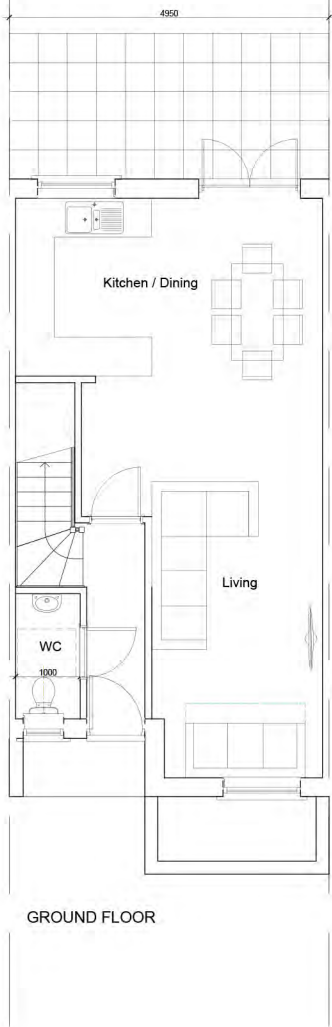


D	25/04/19	Bathroom on first floor, turned into bathroom and ensuite	CB	MR
C	25/04/19	en-suite changed to bathroom on first floor. Closets removed to floor converted.	CB	MR
E	04/04/19	Wood feature, less stone area added	CB	MR
A	16/03/19	Door added to access front back garden and stone path removed to restore first floor which is incorporated in site enclosure. Master bedroom ensuite removed & new corner window	VS	JA

REVISED BY: [Signature]

PLANNING

Michael Greengrass Ltd
 Land at 181 Oak St
 Norwich
Proposed Townhouse Type A
 5531
 P014 D
 Nov 17 1:50 @ A1
 JA



REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
C	01/03/18	Second floor removed, store added	DB	MB
B	25/04/18	Bed pack removed and second floor layout amended to suit	DB	MB
A	19/03/18	Door added to access Yard, back garden wall shown prior to removal to 200mm. One floor window repositioned to suit elevation. Master bedroom ensuite amended to be door to window	VS	JA

PLANNING

Michael Greengrass Ltd
 Land at 161 Oak St
 Norwich

Proposed Townhouse
Type C

5531

P013 **C**
 Nov 17 1:50 @ A1

JA

Claydon Partners Limited
 51 Tennoth Road
 Norwich
 NR7 6ET
 Tel: 01603 700000
 Fax: 01603 700001
 office@claydonpartners.com
 www.claydonpartners.com
 Name:
 Location:
 Winchester
 Southampton
 Great Testmarsh

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Report to Planning applications committee

Item

12 July 2018

Report of Head of planning services

Subject

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

4(b)

Reason

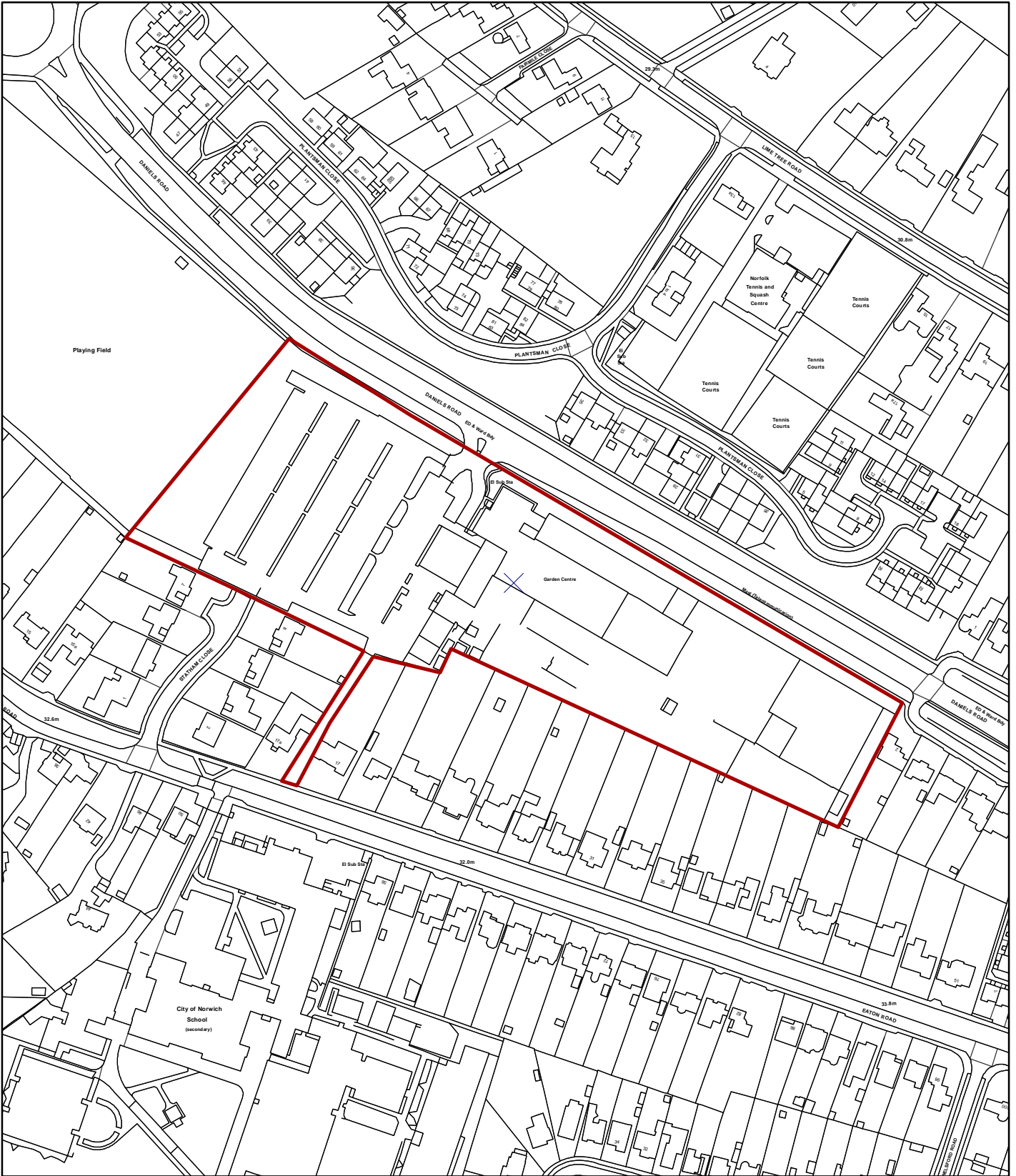
for referral

Objection

Ward:	Eaton
Case officer	Maria Hammond - mariahammond@norwich.gov.uk

Development proposal		
Variation of Condition 1(g) of planning permission 12/01656/VC from 'Within the area hatched blue on Dwg. No. GNR005.41.1406 rev A for the sale of plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products only.' to 'Within the area hatched blue on Dwg. 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'.		
Representations		
Object	Comment	Support
2	1	

Main issues	Key considerations
1 Principle of development	Acceptability of expanded retail use
2 Transport	Additional traffic generation
3 Amenity	Impact on neighbouring residential properties
Expiry date	2 August 2018
Recommendation	Approve

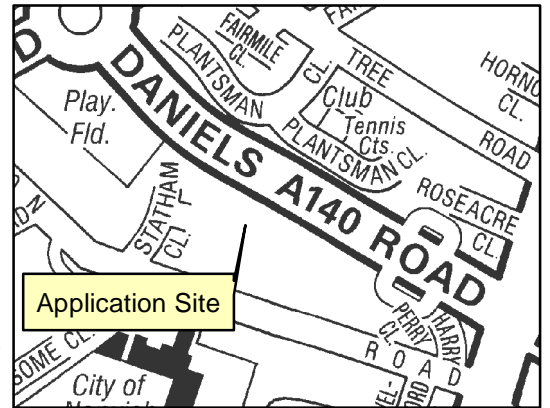


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Planning application no: 18/00672/VC
 Site Address: Nottcutts Garden Centre
 Scale 1:2,500



NORWICH
 City Council



The site and surroundings

1. The application site is the large Notcutts garden centre retail site on Daniels Road, between the Newmarket Road and Ipswich Road junctions, south of the city centre.
2. Notcutts is an established garden centre, whose retail offer has developed and expanded over the years to now include a range of complementary goods which can vary across the seasons. The range of goods that can be sold in different areas of the site is covered by a planning condition (condition 1 of planning permission 12/01656/VC). Permissions on the site have evolved over the years and the current condition is the result of careful negotiation to maintain an appropriate balance between garden centre and other goods appropriate to the out of centre location, whilst diversifying the income stream and enhancing the customer experience to ensure the long term viability of the core garden centre activities.
3. The application concerns one part of a single storey detached building that is situated at the south of the site, adjacent to and accessed directly from the car park serving the garden centre. In accordance with the existing planning permission, it last operated as a farm shop selling food and drink (for consumption off the premises) and has been vacant since late 2017.
4. Residential properties exist to the immediate south of the site on Statham Close and Eaton Road.

Constraints

5. The site is not within any defined centre.

The proposal

6. It is proposed to vary the planning condition which identifies the permitted uses across different parts of the site in accordance with a corresponding plan (condition 1 of permission 12/01656/VC). The proposed variation relates only to the unit formerly occupied by the farm shop and seeks to add upholstery to the goods permitted to be sold from it. The unit measures 90 square metres and, in the short term at least, a workshop would occupy part of the space to provide a furniture re-upholstery service on site. The longer term intention is for the unit to be solely a retail showroom with services undertaken off-site.
7. The proposed wording of the condition is:

'Within the area hatched blue on Dwg. 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.'

The proposed additional wording is underlined.
8. The existing garden centre access and car park would be utilised and it is proposed to use hand tools only.

Relevant planning history

9. As noted above, there is an extensive planning history at this site. The key applications relevant to this proposal and which manage the sale of goods from the site are listed below.

Ref	Proposal	Decision	Date
4/2002/0871	Redevelopment to provide extended garden centre retail area.	APPR	11/02/2003
12/01656/VC	Variation of condition 6 - the sale of certain goods within specified areas of planning permission 4/2002/0871 'Redevelopment to provide extended garden centre retail area'.	APPR	22/03/2013
12/01657/VC	Variation of condition 1 - restriction on the types of goods sold of planning permission 07/00414/VC 'Variation of condition 3 of planning permission 05/00673/F for replacement building and modified entrance/car park, to allow office/storage space to be used for garden centre retail use'.	APPR	28/01/2013

Representations

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

Issues raised	Response
Creeping commercialisation of this out of town site and establishment of precedent for further expansion in future.	See main issue 1.
No need for convenience food retail.	This is permitted by the existing permission and the proposal would not alter this.
Each expansion in the past has had a negative impact on neighbouring residents.	See main issue 3.
As a neighbour, expect some form of development to keep pace with growing needs.	Noted.

Consultation responses

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

Highways (local)

12. No objection on highway grounds. The scale of the proposed change of use is minor compared to the overall retail activity on the site.

Assessment of planning considerations

Relevant development plan policies

13. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS5 The economy
 - JCS19 The hierarchy of centres
14. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM18 Promoting and supporting centres
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

15. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy
 - NPPF2 Ensuring the vitality of town centres
 - NPPF4 Promoting sustainable transport

Case Assessment

16. 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

17. Key policies and NPPF paragraphs – DM18, NPPF paragraphs 23-27.
18. The application proposes expanding the range of goods that can be sold from part of this site which is in an out of centre location. In accordance with the sequential approach of the NPPF and Joint Core Strategy hierarchy of centres, retail uses should be directed to the city centre in the first instance and then other defined centres. Out of centre sites should only be considered if suitable sites in centres are not available and preference should be given to accessible sites that are well connected with the city centre.
19. Given that the application concerns a relatively small unit within a substantial, established site and proposes expanding the range of goods that can already be sold, the sequential test should be applied proportionately when assessing the principle of the proposal.
20. A Sequential Test has been submitted in accordance with Policy DM18 and the NPPF. This identifies a catchment area and considers the suitability of available sites within it for the proposed use. The catchment area excludes the whole of the city centre on the basis that the upholstery business requires parking in close proximity for delivery and collection of furniture, which is often heavy or in large quantities, by both staff and customers and city centre sites are unlikely to provide this. The proposal represents an expansion of the business which has an existing site at Europa Way that would be retained. Good connectivity by road between this and any new site is said to be crucial for the movement of staff and stock between sites. A catchment area south of the city centre has been defined on this basis and, given the scale and nature of the proposal, is not considered unreasonable.
21. Within this catchment, five available units in defined centres/employment sites have been identified but discounted as not suitable for the upholstery business. Other sites immediately outside the city centre have been identified and would be sequentially preferable to the application site, however they are currently in office use or unsuitable in size. The NPPF advises that sites must be suitable and available and the operational and amenity reasons presented for these available sites not being suitable are not considered unreasonable.
22. Given that the objective of the sequential test is to protect the vitality and viability of town centres and that this small scale unit is already in a restricted retail use and within an established garden centre site in an accessible location, it is considered that the sequential test has been adequately undertaken and the proposal would not significantly harm the city centre or other defined centres.
23. Furthermore, it is said to be operationally unfeasible for Notcutts to use the unit for garden centre sales and it has been marketed for a reasonable period and not attracted a new occupant for a use in accordance with the existing condition. Whilst an upholstery service and goods may not be directly associated with other garden centre goods, the unit represents approximately 1% of the site's retail area and would therefore be subsidiary and not detract from the main offer.
24. The addition of upholstery services and goods to the existing condition is therefore considered acceptable in principle.

Main issue 2: Transport

25. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
26. Unlike other areas selling complementary goods at the site, this unit is accessed directly from the car park, and not through the garden centre. Given the scale of the unit and likely level of custom, it is not considered it would attract any significant additional traffic either in combination with or independent of garden centre visits; indeed this use may generate fewer visits than the farm shop which previously occupied the unit. There is no objection on highway grounds and the proposal is acceptable in this respect.

Main issue 3: Amenity

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

The application proposes the upholsterers would only use hand tools, however in the interests of managing the impacts of any additional noise, odour or vibrations from any plant or machinery used by this or other future occupiers, a condition requiring agreement of any such equipment is considered necessary. Whilst it is appreciated that neighbouring residents are concerned about this proposal and potential future expansions of uses at the site, subject to this condition, it is not considered that the proposed use would result in any additional unacceptable impacts on the amenity of neighbouring occupiers. The proposed wording of the use condition would maintain a narrow range of non-garden centre uses across the site and any future proposals to vary or expand this would be considered on their own merits.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes, as existing
Car parking provision	DM31	Yes, as existing
Refuse Storage/servicing	DM31	Yes, as existing

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 application proposes varying an existing condition of a permission which restricts the range of goods that can be sold from a small unit within a large out of centre garden centre. The proposed variation would allow an upholstery business to occupy the unit for a workshop and sales area. Whilst it would be sequentially preferable for an additional non-garden centre retail use to be sited within the city or other defined centre, given the scale of the proposal and operational needs of the business it is accepted there are no suitable available units in more appropriate locations and that the vitality and viability of existing centres would not be significantly harmed by the proposal.
34. It is considered the proposal would support the expansion of a local business and continued operation of the wider garden centre site without generating any significant additional traffic or unacceptable impacts on amenity.
35. The development is therefore 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

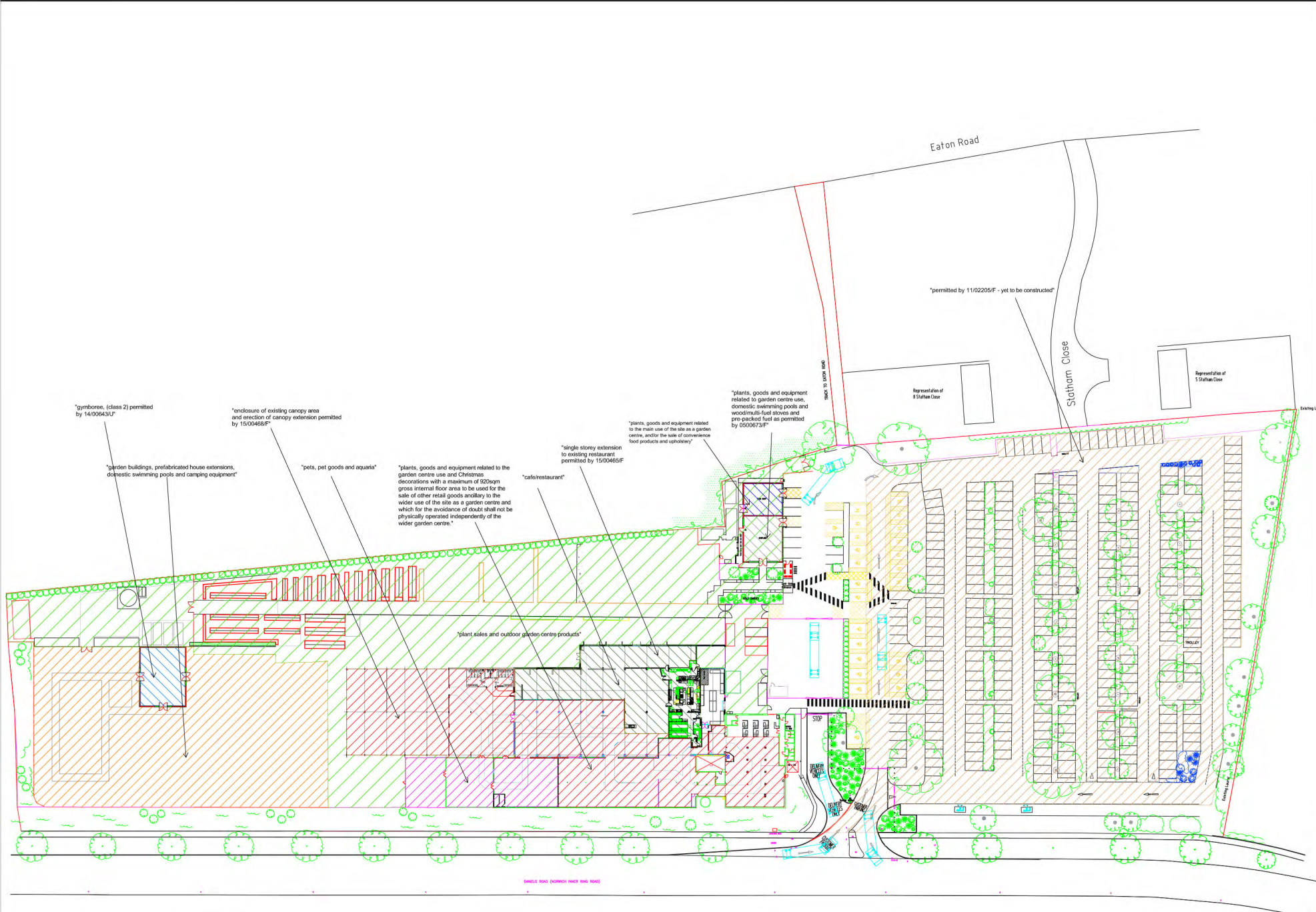
To approve application no. 18/00672/VC - Notcutts Garden Centre Daniels Road Norwich NR4 6QP and grant planning permission subject to the following conditions:

1. Restate existing use condition 1 A) to F) as existing, with G) varied as proposed:
'Within the area hatched blue on Dwg. 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.



Notes

GENERAL

1. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER ENGINEERS AND ARCHITECTS DRAWINGS AND THE SPECIFICATION.
2. ALL WORK IS TO THE SATISFACTION OF NOTCUTTS LTD AND THE LOCAL AUTHORITY BUILDING CONTROL.
3. ALL EXISTING DETAILS AND DIMENSIONS REFERRED TO IN THIS DRAWING ARE FOR GUIDANCE ONLY AND ARE TO BE CHECKED ON SITE BY THE CONTRACTOR AND VARIATIONS ARE TO BE RECORDED AND REPORTED TO NOTCUTTS LTD IMMEDIATELY.
4. THE CONTRACTOR IS RESPONSIBLE FOR AND MUST TAKE ALL NECESSARY PRECAUTIONS TO ENSURE THE STABILITY OF THE EXISTING STRUCTURES AND THE WORKING OF ALL SERVICES DURING CONSTRUCTION.
5. ALL WORKMANSHIP AND MATERIALS ARE TO BE TO CURRENT BRITISH STANDARDS.
6. DO NOT SCALE THE DRAWING. ALL DIMENSIONS ARE IN MILLIMETRES AND ANY CONFLICTANCES ARE TO BE REPORTED TO NOTCUTTS IMMEDIATELY.
7. ALL SERVICES ARE TO BE LOCATED AND PROTECTED AS NECESSARY BY THE CONTRACTOR PRIOR TO THE COMMENCEMENT OF THE WORKS.

KEY

- "Plants, goods and equipment related to the garden centre use and Christmas decorations with a maximum of 920sqm gross internal floor area to be used for the sale of other retail goods ancillary to the wider use of the site as a garden centre and which for the avoidance of doubt shall not be physically operated independently of the wider garden centre."
- "pets, pet goods and aquaria"
- "Plants, goods and equipment related to the main use of the site as a garden centre, and/or the sale of convenience food products and upholstery."
- "plants, goods and equipment related to garden centre use, domestic swimming pools and woodburning fuel stoves and pre-packed fuel as permitted by 05006734F"
- "permitted by 1102205F"
- "garden building, prefabricated house extensions, domestic swimming pools and camping equipment"
- "plant sales and outdoor garden centre products"
- "cafe/restaurant"
- "ymborone (Class D2) permitted" by 14/006734U"

Rev.	Date	By	Amendment

Notcutts
Helping gardeners since 1859

Head Office, Ipswich Road,
 Woodbridge, Suffolk IP12 4AF
 Tel: 01394 445453
 Fax: 01394 445479
 www.notcutts.co.uk

Garden Centre
 Notcutts Garden centre
 Daniels Road
 Norwich
 Norfolk
 NR4 6QP

Drawing Title
 Garden Centre Usage

Scale	Drawn	Date
A1@1:500	Betts	April 18
Dwg Number	Rev.	
GNR0005-41-1406	C	

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Report to Planning applications committee

Item

12 July 2018

Report of Head of planning services

Subject Application no 18/00168/F - Site North of 2 Wellington Road, Norwich

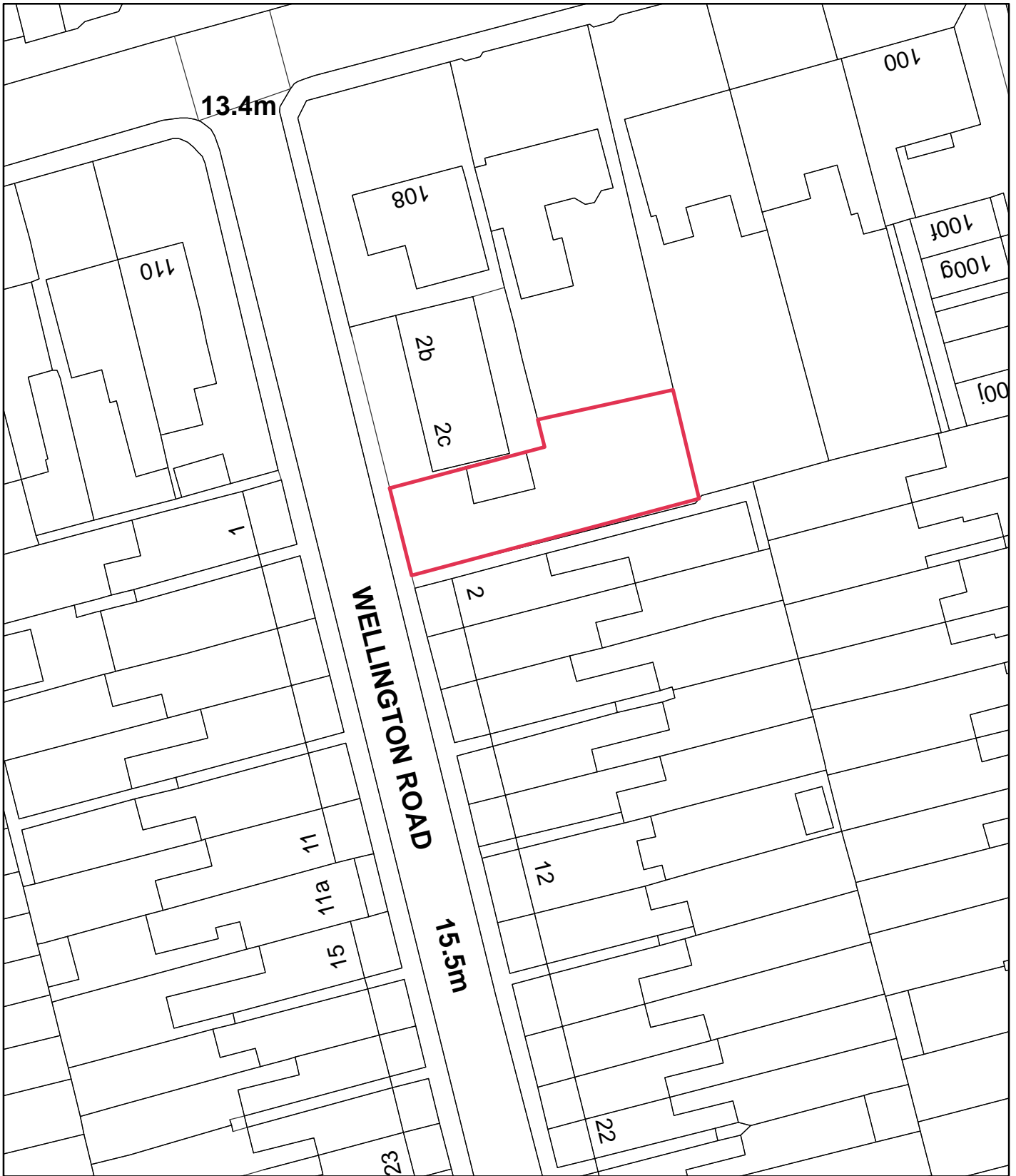
4(c)

Reason for referral Objection

Ward:	Nelson
Case officer	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

Development proposal		
Demolition of existing outbuilding and erection of 1 No. three bed dwelling.		
Representations		
Object	Comment	Support
6	0	3

Main issues	Key considerations
1 Principle	Location, infill
2 Design and heritage	Scale, materials
3 Amenity	Loss of light, loss of privacy
4 Trees	Loss of trees
5 Transport	On-street parking pressures.
6 Biodiversity	Loss of on-site biodiversity
Expiry date	11 April 2018
Recommendation	Approve



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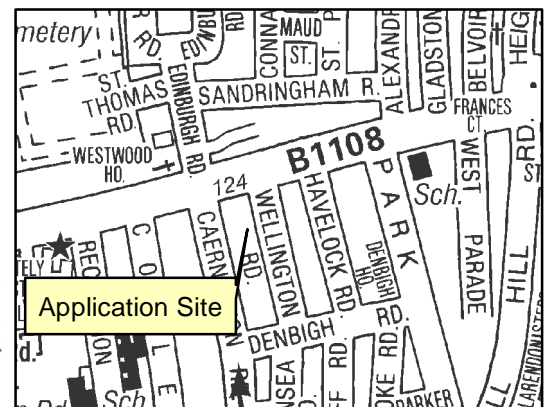
Planning application no: 18/00168/F

Site Address: Site North of 2 Wellington Road

Scale 1:500



NORWICH
City Council



The site and surroundings

1. The subject site is located on the East side of Wellington Road. The plot is somewhat unusual in that it is currently part of an existing L-shaped garden from one of the properties along Earlham Road. The plot is currently a garden area, with an outbuilding currently used for storage/as an office and comprises a number of trees. There are large gates which provide access to the garden from Wellington Road. The surrounding area is predominantly residential in character, largely made up of terraced dwellings. There is a flatted development to the North of the site which was previously constructed within the rear garden of No. 108 Earlham Road. The ground level slopes away towards the North so that the terraced dwellings are at a higher level than the flatted development. At present, the plot is an open area within the streetscene with vegetation which contributes to the surrounding visual amenity.

Constraints

2. The plot is located within the Heigham Grove Conservation Area and covered by an Article 4 direction.
3. It should be noted that the plot is within the conservation area and covered by the direction above by virtue of the host property along Earlham Road being location within this area. The rest of Wellington Road is not included.
4. The host property along Earlham Road is locally listed.
5. The property is located within a critical drainage area.

Relevant planning history

6.

Ref	Proposal	Decision	Date
4/1990/1132	Change of use from residential (Class C3) to office use (Class B1). Includes No 3	REF	07/02/1991

The proposal

7. The proposal is for the demolition of the existing outbuilding, subdivision of the plot and erection of 1No. 3 bedroom dwelling.
8. The proposal also includes alterations to boundary walls and creation of a parking area.
9. Members should note that the proposal has been revised to reduce the scale of the building, in particular reducing the two storey projection at the rear in an attempt to allay concerns over overshadowing and overbearing impact. In addition, there have been minor design amendments and changes to the front garden area.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
Total floorspace	132m2 – exceeds space standards
No. of storeys	2
Max. dimensions	7.20m x 16.30m 5.60m at eaves, 9.00m at ridge
Appearance	
Materials	Proposed brick, render and cladding. To be secured by condition.
Transport matters	
No of car parking spaces	On-street parking
No of cycle parking spaces	Able to be accommodated on site. To be secured by condition.
Servicing arrangements	Bin stores indicated. To be secured by condition

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 6 letters of representation have been received in objection and 3 letters in support, 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
Garden grabbing	See Main Issue 1
Additional dwelling would be an asset	See Main Issue 1
Modern design is out of character and does not follow existing building lines	See Main Issue 2
Adequate space for a dwelling	See Main Issue 2
Loss of light and privacy	See Main Issue 3

Issues raised	Response
Loss of outlook/views	See Main Issue 3
Loss of vegetation/green space	See Main Issue 4
Impact on on-street parking pressures and problematic access for construction vehicles	See Main Issue 5
Loss of wildlife	See Main Issue 6
Construction noise/dust	See other matters
Impact on property values	See other matters
Structural damage to surrounding dwellings	See other matters

Consultation responses

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

Design and conservation

12. 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)

Original comments

13. No objection on highway grounds. Not clear whether a car will gain access to the proposed driveway. Vehicles left on the street are acceptable. Ideally a vehicle tracking diagram would be submitted. The site is not in a controlled parking zone and on street parking is unrestricted. If a CPZ were implemented in this area, the dwelling would be entitled to permits if occupied prior to the CPZ implementation. If occupied after CPZ implementation the dwelling would not be entitled to permits.

Revised comments

14. Remain sceptical as to whether a car can park on site. Preference for the dwelling to be car free and designed as such. It would be better if the car were parked perpendicular to the road. Comments regarding CPZ as per paragraph 12.

Natural areas officer

Original comments

15. It is not quite clear from the application what condition the small building which would be demolished is currently in. The concern would be that if it has not been used recently and is vacant/derelict it could be used by bats. Having looked on google streetview and at a photo of the building in the Tree report I tend to think that the structure has low potential for bats. I therefore think that an ecological assessment is not necessary. There would be a loss of a small amount of habitat in terms of trees and garden area. The proposed landscaping would help towards mitigating this. Some additional compensation in the form of a bird box or 2 would be beneficial.

Revised comments

16. Boundary treatments appear to be mainly walls with some fencing in the rear garden I suggest that small mammal accesses are provided. This could be conditioned with BI4 Small mammal access. Arboricultural Impact Assessment: Seven B category trees and six C category trees would be removed for development purposes. The 5 no. proposed replacement trees are ornamental species and would be of fairly small size. These trees are welcomed but would not fully replace those lost in terms of biomass. As previously, in view of the loss of habitat some additional ecological mitigation should be provided: Suggest bat tubes and sparrow terrace. To avoid the risks to nesting birds when the site is cleared condition B13 Bird Nesting Season should be applied.

Tree protection officer

Original comments

17. The proposed development will result in the loss of a number of garden trees, many of which contribute positively to the local area. The AIA report shows the lime trees at the west of the site on Wellington Road as retained with appropriate protection measures described, but the planting plan submitted with the application shows tree being planted on top of retained trees' location. I have asked for the consulting arborists to clarify this detail. Please could you condition TR7 Works on site in accordance with AIA, AMS and TPP and once the planting plan has been clarified please could you also condition TR12 Mitigatory replacement tree planting.

Revised comments

18. The revised AIA makes more sense in terms of the replacement planting locations, the tree removals, and the tree protection measures there is adequate replacement planting to mitigate the tree removals.

Assessment of planning considerations

Relevant development plan policies

19. **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

20. 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
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

22. 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

23. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
24. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF states development in residential gardens, for example where development would cause harm to the local area. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.

25. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in below given that:
- The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.

Main issue 2: Design and heritage

26. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
27. Concerns were raised that the proposed dwelling would be out of keeping with the character of the surroundings.
28. The site is located between an attractive Victorian terrace and a 1960s flatted development. The flats to the North are a negative building that detracts from the character of the area. Whilst the proposed dwelling is of a more contemporary design, it features similarities to the terraced dwellings, including similar window proportions, following the same building line and stepping down in height to following the slope of the ground level. The property would not come forward of the more traditional properties along the street and whilst it is slightly wider than those properties, its reduced height aims to prevent it becoming an overly dominant building in the street scene. Therefore, the proposed dwelling is considered to be of an appropriate height, scale and form to its surroundings.
29. Due to the proposed layout, the new dwelling would occupy a plot with direct access to Wellington Road with a rear garden of a similar size to the adjacent properties. Therefore the proposal is also considered to be in keeping with the pattern of surrounding development.
30. The proposed materials have also been raised as a concern. The initially proposed materials include brickwork and slate roof, which would match the terraced dwellings. The property includes more contemporary materials, such as render, timber cladding and aluminium windows. Whilst these materials are not necessarily common to the surrounding area, they are not considered to be detrimental to its character and would ensure the dwelling appears clearly as a contemporary addition to the street. It should be noted that full details of materials will be secured by condition.

Main issue 3: Amenity

31. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
32. The proposal would provide future occupiers with a good standard of amenity. The property would comply with space standards and offers ample outdoor space.
33. Concerns were raised that the new dwelling would result in additional opportunity for overlooking. The property would be located a sufficient distance from

neighbouring properties that overlooking is not considered to be a significant concern. There are also no windows in the side elevations of the flats or No. 2 Wellington Road.

34. Concerns were also raised regarding the loss of light to both neighbouring rooms and gardens. Due to the height and orientation of the property, it is likely that there would be a loss of evening light to the neighbouring garden. Officers raised concerns with regard to the original scheme as it was considered to be overbearing and result in a significant loss of light to ground floor windows at No.2 Wellington Road and the flats to the North. It should be noted that the flats already have a poor quality outdoor area to the rear. The proposal has been amended so that the first floor does not project past the rear of No.2 in order to minimise the impact upon windows to the rear. In addition, the property has been pulled away from the boundary with the flats and a pitched roof used to minimise the impact.
35. Concerns were also raised regarding loss of outlook of a green area and views of the cathedral. Preventing loss of outlook is covered in DM2, however this relates to avoiding development that has an overbearing impact. In this instance, concerns over loss of private views of a distant feature/object are not a material planning consideration.

Main issue 4: Trees and landscape

36. Key policies and NPPF paragraphs – DM3, DM7, DM8, NPPF paragraphs 9, 17, 56, 109 and 118.
37. Concerns were raised regarding the loss of trees on site. The proposal includes the removal of 13 trees on site. It is acknowledged that this will change the character of this part of Wellington Road. However, the scheme also includes a replacement planting scheme for trees, which the tree protection officer considers is acceptable to mitigate the loss of existing trees. In addition, it has been raised that the currently proposed replacement planting scheme would not fully account for the loss of biomass on site. The tree protection officer has asked for further replacement planting details by condition and a full landscaping scheme will be secured by condition to ensure that replacement planting is secured which will also aim to secure vegetation at the front of the site to soften the appearance of the dwelling.

Main issue 5: Transport

38. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
39. Concerns were raised that a new dwelling in this location would result in increased parking pressures. At present, this road is congested and is not in a controlled parking zone.
40. The proposal originally included a driveway to provide one off-road parking space. The scheme has been revised to address amenity concerns and replacement tree planting indicated in the front garden which has resulted in the reduction of space at the front of the site. The property is now shown as car free development which the Transportation Officer has indicated is acceptable.

41. The Transportation Officer also highlighted that, if a controlled parking zone (CPZ) were to be introduced in future, the dwelling would only be entitled to a parking permit if it were occupied prior to the introduction of the CPZ.
42. Members should also note that the proposed dwelling would be located in a sustainable location with good walking, cycling and bus routes within close proximity.

Main issue 6: Biodiversity

43. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
44. Concerns were raised that the proposal would result in the loss of biodiversity on site. It is acknowledged that the construction of a dwelling within this rear garden space would result in a less verdant character to this plot.
45. However, the natural areas officer did not raise any objection. They highlighted that the outbuilding, given that it is in use as an office, is unlikely to provide a suitable habitat for bats and therefore an ecology assessment was not required. In addition, they have recommended that a condition is included to ensure that no works are undertaken during bird nesting season, and also to include biodiversity enhancement measures.

Compliance with other relevant development plan policies

46. 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 – On-street space unrestricted.
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

47. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
48. Concerns were raised regarding disturbance from construction noise and dust. Whilst this is not a planning matter, an informative should be included recommending considerate construction practices.

49. Changes to property values as a result of the development (whether positive or negative) are not a material planning consideration.
50. Structural damage to surrounding properties is not a planning matter. Structural considerations will be dealt with separately by building control.

Equalities and diversity issues

51. There are no significant equality or diversity issues.

Local finance considerations

52. 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.
53. 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.
54. In this case local finance considerations are not considered to be material to the case.

Conclusion

55. It is acknowledged that the proposal will result in changes to the amount of light received to neighbouring windows/garden and that the appearance of the site will change from a garden space to that of a new dwelling. However, the proposal is considered to be of an appropriate design and in keeping with the pattern of surrounding development. The proposal can provide for sufficient mitigate for the loss of garden space, which would be secured by condition, and is located in a sustainable location.
56. The proposal will provide benefits in terms of the provision of additional housing. 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

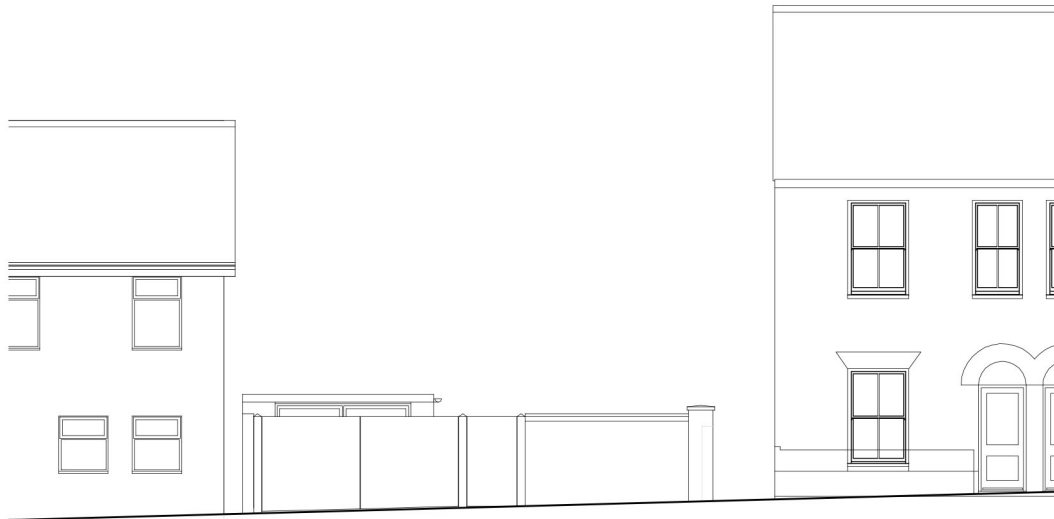
To approve application no. 18/00168/F - Site North Of 2 Wellington Road Norwich and grant planning permission subject to the following conditions:

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

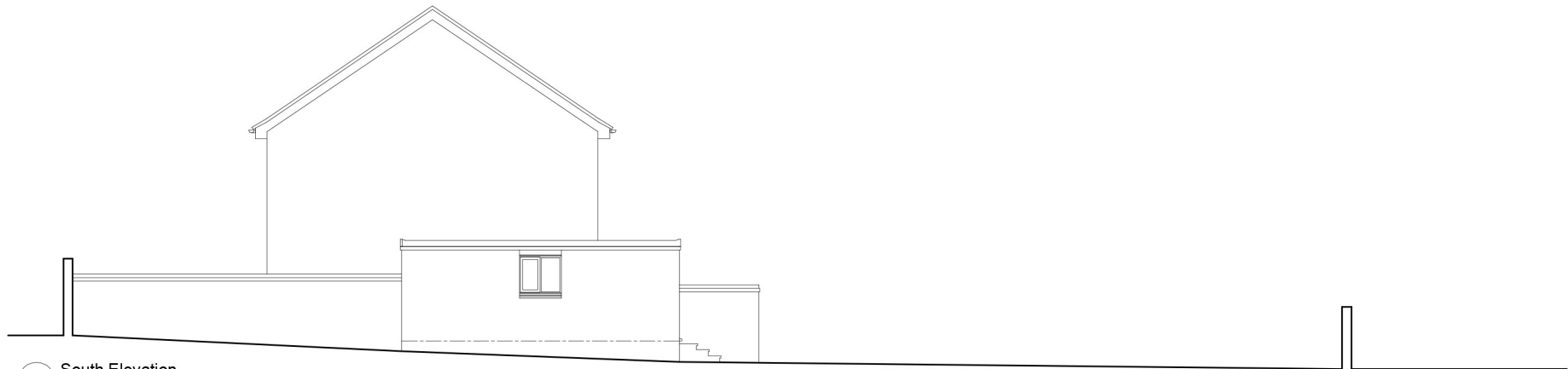
- 1. Parking permits
- 2. Protected species
- 3. Considerate construction
- 4. Works to the highway
- 5. Bins
- 6. Addressing



05 West Elevation
scale 1:100 @ A3



06 East Elevation
scale 1:100 @ A3



03 South Elevation
scale 1:100 @ A3

James Henman Chartered Architect
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Revisions:

Date:	Rev:	Note:

Page 79 of 168

Project: New House adjacent to 2 Wellington Road, Norwich.

Client: Mrs A J Anderton.

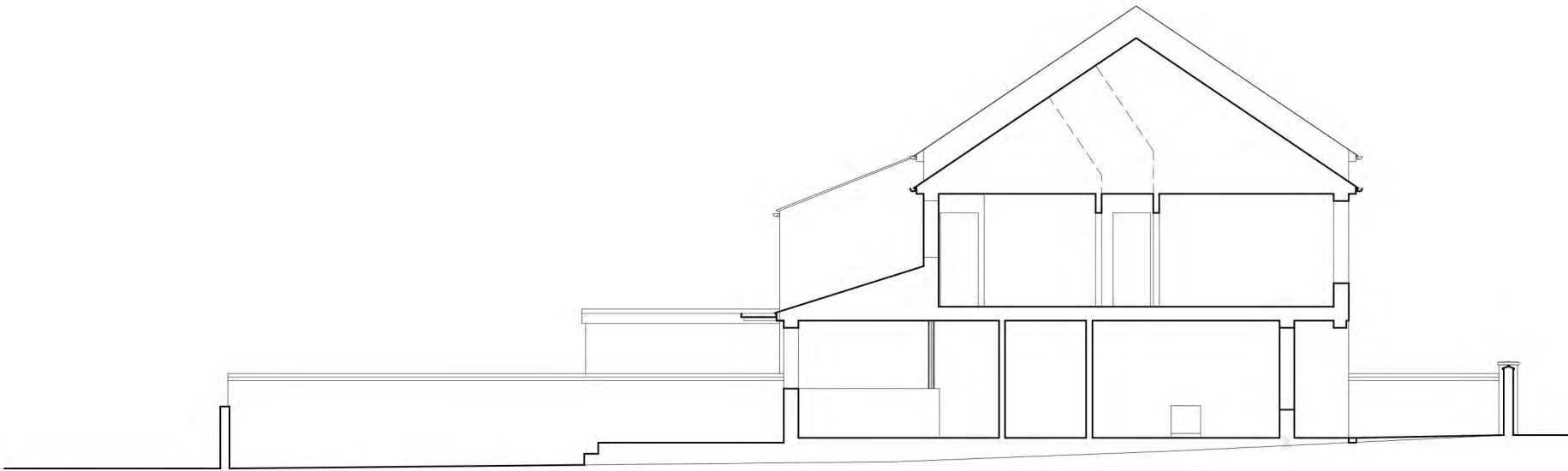
Dwg Title: Existing Elevations

Scale: 1:100

Date: 10/1/18

Dwg. No: JHA/17/22-2

Rev:



08 Section A-A
scale 1:100 @ A3



07 West/Street Elevation
scale 1:100 @ A3

existing gate removed
new hedge planting
new pedestrian gate

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Revisions:

Date:	Rev:	Note:
30/6/18	A	New hedge and gate to frontage

Page 80 of 168

Project: New House adjacent to 2 Wellington Road, Norwich.

Client: Mrs A J Anderton.

Dwg Title: Street Elevation and Section A-A

Scale: 1:100

Date: 30/6/18

Dwg. No: JHA/17/22-7

Rev: A



03 South Elevation
scale 1:100 @ A3



05 West Elevation
scale 1:100 @ A3

1. Natural slate roofing
2. Iroko vertical cladding (naturally silvered)
3. Powder coated aluminium windows (dark grey)
4. Through-coloured render (K-Rend, grey)
5. Mid grey GRP flat roofing with grey aluminium powdercoated trims
6. Rooflight Company Neo rooflight
7. Brickwork (reclaimed or new of type similar to existing boundary walls)
8. Timber doors (grey painted finish)
9. Fixed glazed rooflight
10. Timber fencing

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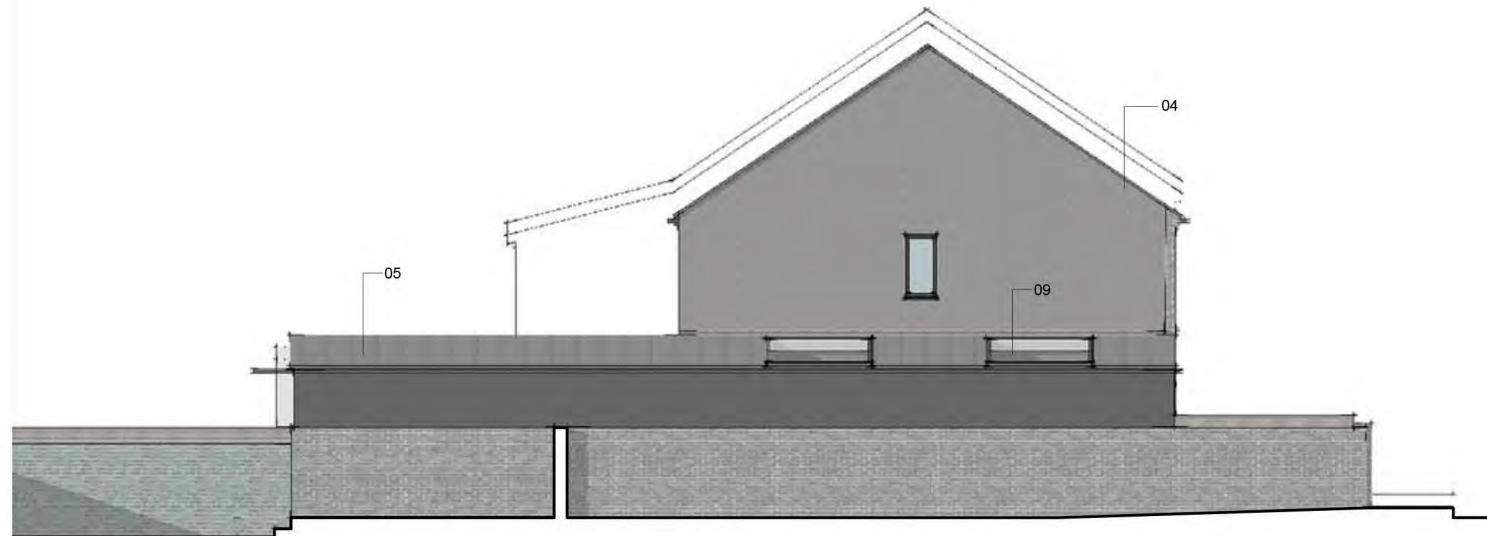
Revisions:		
Date:	Rev:	Note:
Page 81 of 168		

Project: New House adjacent to 2 Wellington Road, Norwich.	
Client: Mrs A J Anderton.	
Dwg Title: Proposed South and West Elevations	
Scale: 1:100	Date: 28/4/18
Dwg. No: JHA/17/22-6	Rev: B



06 East Elevation
scale 1:100 @ A3

1. Natural slate roofing
2. Iroko vertical cladding (naturally silvered)
3. Powder coated aluminium windows (dark grey)
4. Through-coloured render (K-Rend, grey)
5. Colourcoat Urban standing seam roof in mid grey
6. Rooflight Company Neo rooflight.
7. Brickwork (reclaimed or new of type similar to existing boundary walls)
8. Timber doors (grey painted finish)
9. Fixed glazed rooflight
10. Timber fencing



04 North Elevation
scale 1:100 @ A3

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Revisions:

Date:	Rev:	Note:

Page 82 of 168

Project: New House adjacent to 2 Wellington Road, Norwich.

Client: Mrs A J Anderton.

Dwg Title: Proposed North and East Elevations

Scale: 1:100

Date: 28/4/18

Dwg. No: JHA/17/22-5

Rev: B



01 Ground floor plan
scale 1:100 @ A3

0m 5m 10m

- New Tree Planting:
- T1. Paperbark Maple Acer Griseum
 - T2. Cornus Kousa Miss Satomi
 - T3. Cercis Canadensis Forest Pawsey
 - T4. Cherry Prunus Kursar
 - T5. Ilex Aquifolium Nellie Stevens

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Revisions:		
Date:	Rev:	Note:
30/6/18	C	New hedge and gate to frontage
Page 83 of 168		

Project: New House adjacent to 2 Wellington Road, Norwich. NR2 3HT	
Client: Mrs A J Anderton.	
Dwg Title: Proposed Ground Floor Plan/Site Plan	
Scale: 1:100	Date: 30/6/18
Dwg. No: JHA/17/22-3	Rev: C



02 First floor plan
scale 1:100 @ A3

0m 5m 10m

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Revisions:		
Date:	Rev:	Note:
Page 84 of 168		

Project: New House adjacent to 2 Wellington Road, Norwich.
Client: Mrs A J Anderton.
Dwg Title: Proposed First Floor Plan/Site Plan
Scale: 1:100 **Date:** 6/5/18
Dwg. No: JHA/17/22-4 **Rev:** B

Report to Planning applications committee

Item

12 July 2018

Report of Head of planning services

Subject Application no 18/00574/F - 62 Eaton Road, Norwich,
NR4 6PR

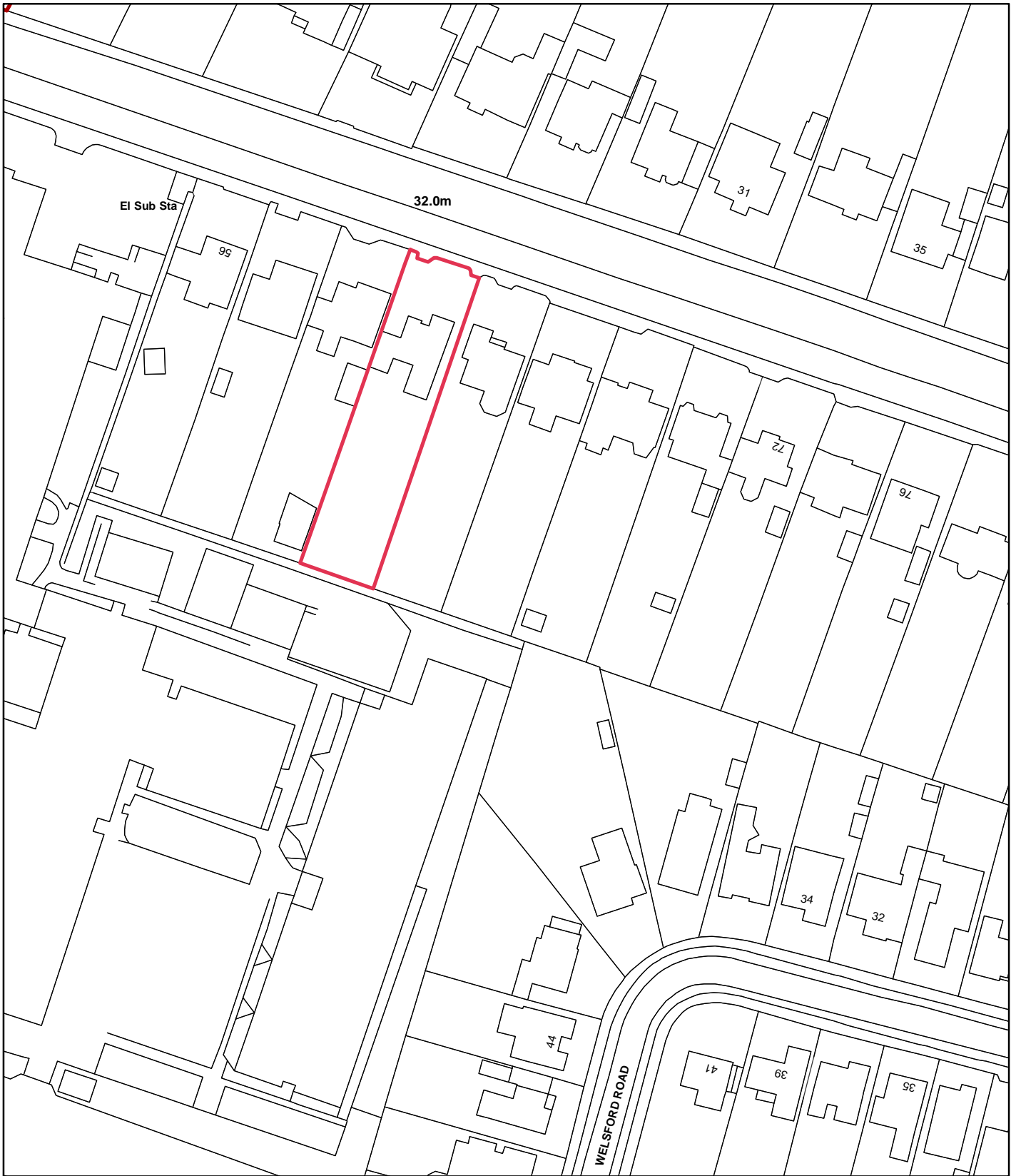
4(d)

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

Ward:	Eaton
Case officer	Charlotte Hounsell - charlottehounsell@norwich.gov.uk

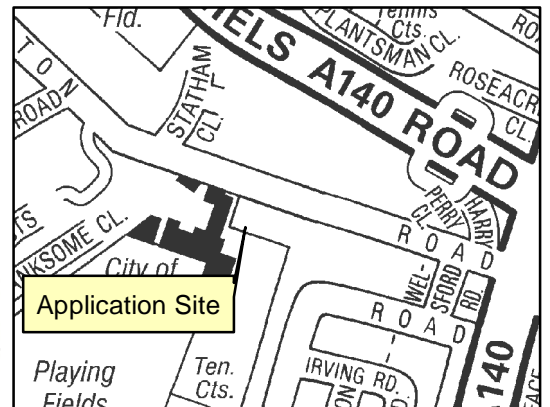
Development proposal		
Two storey side extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Design	Scale, form and materials
2 Amenity	Loss of light, outlook and privacy
Expiry date	13 June 2018
Recommendation	Approve



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Planning application no: 18/00574/F
 Site Address: 62 Eaton Road
 Scale 1:1,000



The site and surroundings

1. The subject property is located on the South side of Eaton Road, South West of the City Centre. The detached dwelling is constructed of painted brick and clay pantiles. There is a single storey garage attached to the side of the property, with a large front garden and driveway which provides off-road parking. To the rear of the property is a large mature garden bordered by approximately 1.80m boundary fencing. The dwelling has previously erected single storey rear extensions. The existing property is located close to the boundaries with the neighbouring dwellings. The properties in the surrounding area are of mixed age and design.

Constraints

2. There are no constraints on this site.

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
14/01516/PDE	Erection of single storey extension to rear of dwelling. The extension extends 5100mm beyond the rear wall of the original dwelling. The height at the eaves is 2100mm. The height at the highest point of the extension is 3000mm.	CEGPD	17/11/2014

The proposal

4. The proposal is for the construction of a two storey side extension.
5. The extension would be above the existing garage.
6. It should be noted that the proposal has been amended to remove the balcony to address concerns around overbearing impact and loss of light.

Summary information

Proposal	Key facts
Scale	
No. of storeys	Two
Max. dimensions	3.80m x 10.20m, 5.00m at the eaves and 8.00m at maximum height.
Appearance	

Proposal	Key facts
Materials	Painted brick, western red cedar cladding, pantiles

Representations

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. One letter of representation and one letter from an elected member 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
Excessive size of the extension	See Main Issue 1
Loss of light to neighbouring windows and garden	See Main Issue 2
Overlooking from balcony	See Main Issue 2
Access to land for scaffolding	Access rights to land are a civil matter and not a planning matter. This issue has therefore not been considered further.

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.

Tree protection officer

9. I have reviewed the application and have no comments to make
10. The tree is in a poor location and issues will continue to arise as it gets bigger. Removing the tree to make way for the extension is acceptable.

Assessment of planning considerations

Relevant development plan policies

11. **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

12. 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
- DM7 Trees and development
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities

Case Assessment

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Design

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. The proposed extension would be approximately 3.80m x 10.20m (maximum measurements).
17. The extension is considered to be of an appropriate form and includes a smaller gable which mirrors the existing gable on the property. In addition, whilst the extension would come forward of the existing garage position, it would not be forward of the existing building line and would be consistent with the pattern of surrounding development.
18. The proposal also includes the use of western red cedar cladding, which is not commonly seen in the surrounding area. However, the properties along Eaton Road are of mixed designs and utilise a variety of materials. In addition, the recently approved dwelling adjacent to 82 Eaton Road (Ref: 18/00402/MA) uses the same material. Therefore whilst the dwelling will differ in appearance compared with the existing, the use of materials is not considered to be significantly detrimental to the character of the house and surrounding area.
19. Concerns were raised that the extension would be of an excessive size. It is acknowledged that the extension is of considerable size. However, the existing property is located within a large plot that is able to accommodate the size of the

proposed extension. In addition, the extension has been designed so as to appear subservient. Therefore, the size of the extension is not considered to result in an overly dominant addition.

Main issue 2: Amenity

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
21. The proposal would improve occupier amenity by providing additional living accommodation.
22. Concerns were raised that there would be increased overlooking from the balcony to the rear of the site. This proposal has been revised and the balcony element removed from the scheme to address this issue. Although there will be an additional window at first floor, the level of overlooking from this window is not considered to differ significantly from the existing situation.
23. Concerns were also raised regarding loss of light and outlook to a ground floor window and an outdoor patio area of the neighbouring dwelling. As above, the balcony element has been removed from the scheme. In the revised proposal, the extension does not extend past the existing rear elevation of the dwelling. Therefore, the impact upon light and outlook to the outdoor patio area and the kitchen windows within the rear elevation is considered to be acceptable.
24. The side elevation ground floor window serving a study will be impacted by the development. At present, this window is located approx. 1m away from the existing 1.80m boundary fence and already receives a reduced amount of light. It should be noted that this window is currently obscure glazed. The proposal would be built up to the boundary with the neighbouring dwelling. This would likely result in a significant reduction of light to this room. Members should note, however that a study would not be considered as a primary living space. There are a number of other windows within the side elevation of the neighbouring dwelling, however, these either do not serve primary living spaces (i.e. landings/bathrooms etc.) or they have secondary window to either the front or rear. Officers acknowledge that the impact upon side elevation windows at the neighbouring property is not ideal, however is considered acceptable on balance.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	As existing
Car parking provision	DM31	Loss of garage but ample off-road parking on driveway
Refuse Storage/servicing	DM31	As existing

Other matters

26. Concerns were raised that access would be required onto neighbouring land for construction and that consent would not be given for this access. Rights of access and land ownership are not a planning matter and have therefore not been considered further.
27. One tree is proposed for removal to make way for the extension. The tree officer has confirmed that they would have no objection to the removal of the tree.

Equalities and diversity issues

28. There are no significant equality or diversity issues.

Local finance considerations

29. 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.
30. 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.
31. In this case local finance considerations are not considered to be material to the case.

Conclusion

32. In summary, the proposal is considered to be of an appropriate scale and form for the plot and in the context of the surrounding area. The scheme has been revised to remove the balcony element which addresses concerns of overlooking and reduces the impact upon kitchen windows and the outdoor patio area. However, it is acknowledged that, whilst the study is not a primary living space, the proposal would likely have a significant impact upon light and outlook to this window and members will need to consider the weight they give to this.
33. On balance, 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

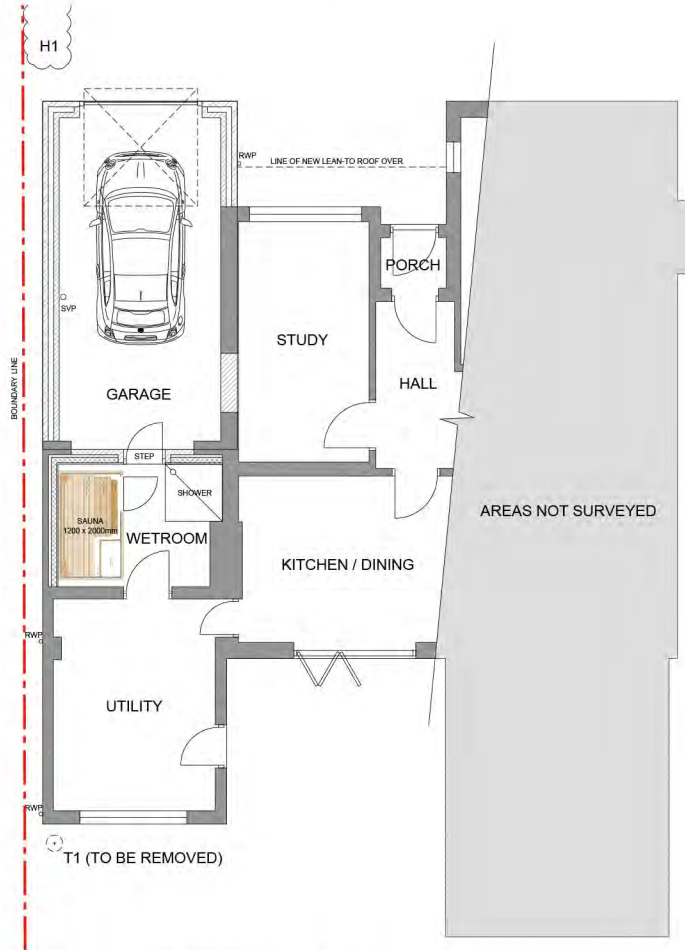
To approve application no. 18/00574/F - 62 Eaton Road, Norwich, NR4 6PR and grant planning permission subject to the following conditions:

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

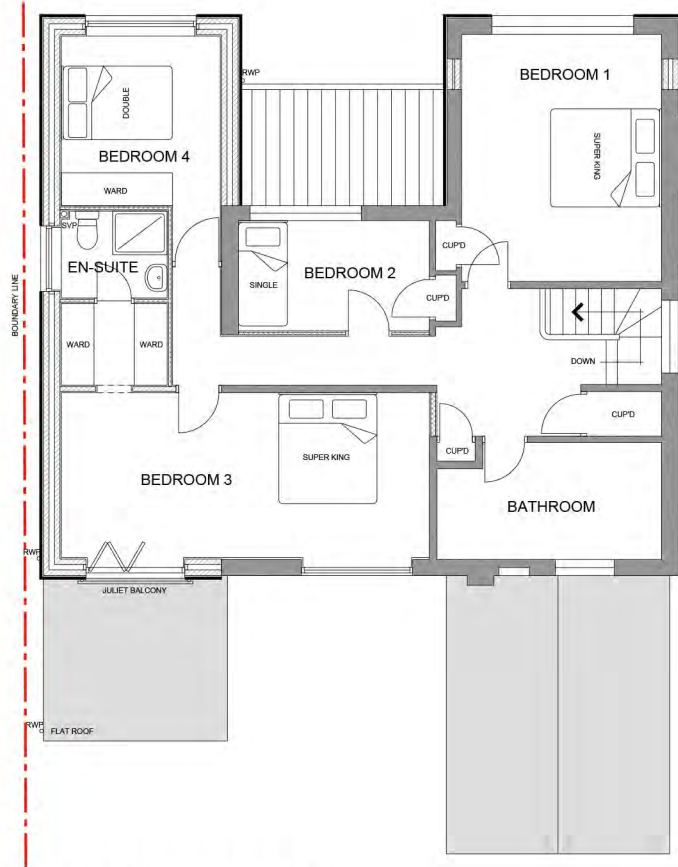
OVERALL ROOM DIMENSIONS:

	(mm)	(feet & inches)
GARAGE	2965 x 5932	9' 9" x 19' 6"
WETROOM	3017 x 2248	9' 11" x 7' 5"
BEDROOM 2	3504 x 2021	11' 6" x 6' 8"
BEDROOM 3	6753 x 3028	22' 2" x 9' 11"
BEDROOM 4	2915 x 3109	9' 7" x 10' 2"
EN-SUITE	1940 x 1594	6' 4" x 5' 3"
WALK-IN-ROBE	1940 x 1500	6' 4" x 4' 11"

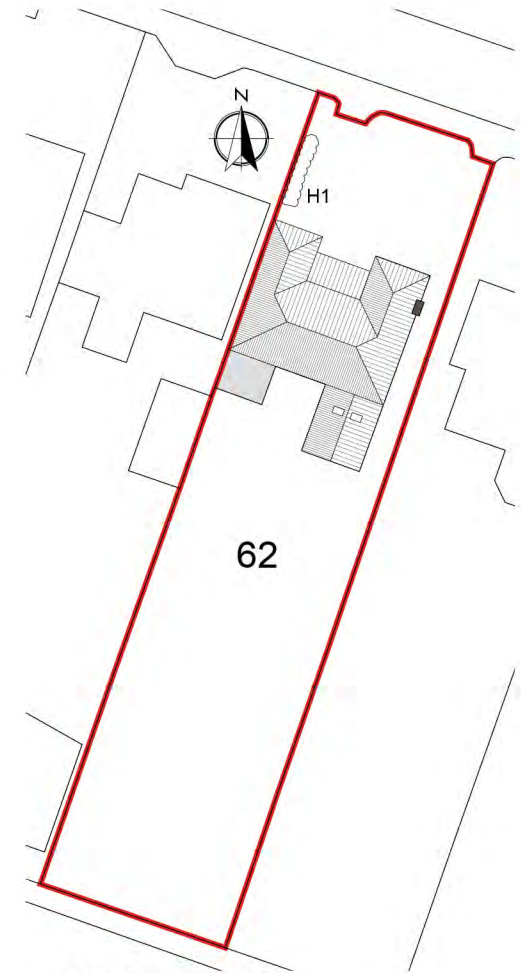
Dimensions are approximate only and subject to change.



GROUND FLOOR PLAN. 1:50



FIRST FLOOR PLAN. 1:50



SITE PLAN. 1:200

REV	DATE	DESCRIPTION
B	27/06/18	ROOF BALCONY REMOVED. JULIET BALCONY ADDED.
A	13/04/18	DOOR ADDED BETWEEN GARAGE & WETROOM.

John Goddard Associates
 chartered building surveyors
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 f: 01603 617704 w: www.jgasurveyors.com

CLIENT:
 MR & MRS M. FITCH
 62 EATON ROAD
 NORWICH

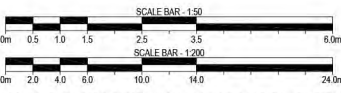
PROJECT:
 EXTENSION & ALTERATIONS.

DRAWING TITLE:
 PROPOSED FLOOR PLANS &
 SITE PLAN.

DATE	SCALE	DRAWN BY	CHECKED
APR 2018	1:50,200 @ A1	PJ	JG

STATUS	DRAWING NO.	REV.
I	18-01-05 / 03	B

[Draft, Preliminary, Information, Tender, Construction]



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FRONT (NORTH) ELEVATION. 1:50



SIDE (WEST) ELEVATION. 1:50



REAR (SOUTH) ELEVATION. 1:50



PART SIDE (EAST) ELEVATION. 1:50

PROPOSED MATERIALS (GENERALLY TO MATCH EXISTING):

PERIMETER PLINTH: NATURAL COLOURED RENDER.

WALLS (BRICKWORK): CREAM / OFF-WHITE PAINTED BRICKWORK ABOVE RENDERED PLINTH TO FIRST FLOOR LEVEL. SOLDIER COURSE DETAILING OVER GARAGE DOOR.

WALLS (CLADDING): WESTERN RED CEDAR, VERTICAL, TIMBER CLADDING, FROM FIRST FLOOR LEVEL TO SOFFIT.

ROOF: CLAY PANTILES TO MATCH EXISTING. REUSE EXISTING TILES FIRST (PREVIOUSLY CAREFULLY REMOVED), AROUND NEW FRONT HIPPED ROOF FIRST. DARK GREY CLAY PANTILES TO REMAINING SIDE AND REAR ELEVATIONS OF FIRST FLOOR EXTENSION.

FENESTRATION: WHITE PVC-U.

GARAGE DOOR: TIMBER CHEVRON TO MATCH CLADDING.

JULIET BALCONY: GUARDING (1100mm HIGH), CLEAR GLAZED PANELLING. ALUMINIUM FRAMING.

FASCIAS, SOFFITS & BARGEBOARDS: WHITE PAINTED TIMBER.

RAINWATER GOODS: BLACK ANGULAR SECTION GUTTER & SQUARE SECTION RWPS.

REV	DATE	DESCRIPTION
A	27/06/18	ROOF BALCONY REMOVED. JULIET BALCONY ADDED.

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St Francis House, 141-147 Queens Road, Norwich, NR1 3PN

CLIENT:
MR & MRS M. FITCH
62 EATON ROAD
NORWICH

PROJECT:
EXTENSION & ALTERATIONS.

DRAWING TITLE:
PROPOSED ELEVATIONS.
(CLADDING OPTION).

DATE: APR 2018 SCALE: 1:50 @ A1 DRAWN BY: PJ CHECKED: JG

STATUS: **I** DRAWING NO.: **18-01-05 / 05** REV: **A**

[Draft, Preliminary, Information, Tender, Construction]

SCALE BAR - 1:50



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FRONT (NORTH) ELEVATION. 1:50



SIDE (WEST) ELEVATION. 1:50



REAR (SOUTH) ELEVATION. 1:50

EXISTING MATERIALS:

PERIMETER PLINTH: NATURAL COLOURED RENDER.

WALLS (BRICKWORK): WHITE PAINTED BRICKWORK ABOVE RENDERED PLINTH TO UNDERSIDE OF FIRST FLOOR WINDOWS. SOLDIER COURSE DETAILING OVER GROUND FLOOR WINDOWS & DOORS AND TO PERIMETER UNDER FIRST FLOOR WINDOWS.

WALLS (RENDER): WHITE COLOURED RENDER FROM SILL OF FIRST FLOOR WINDOWS TO SOFFIT.

CHIMNEY STACK ABOVE ROOFLINE: RED / BROWN FACE BRICKWORK.

ROOF (ORIGINAL HOUSE): CLAY PANTILES.

ROOF (EXISTING EXTENSION): DARK GREY, CLAY PANTILES.

FENESTRATION GENERALLY: WHITE PVC-U.

FRONT ENTRANCE DOOR: DARK GREEN PAINTED TIMBER.

GARAGE DOOR: DARK GREEN PAINTED METAL.

FASCIAS, SOFFITS & BARGEBOARDS: WHITE PAINTED TIMBER.

RAINWATER GOODS: BLACK ANGULAR SECTION GUTTER & SQUARE SECTION RWPS.

REV	DATE	DESCRIPTION

John Goddard Associates
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CLIENT: MR & MRS M. FITCH

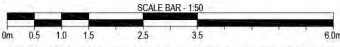
62 EATON ROAD
NORWICH

PROJECT: EXTENSION & ALTERATIONS.

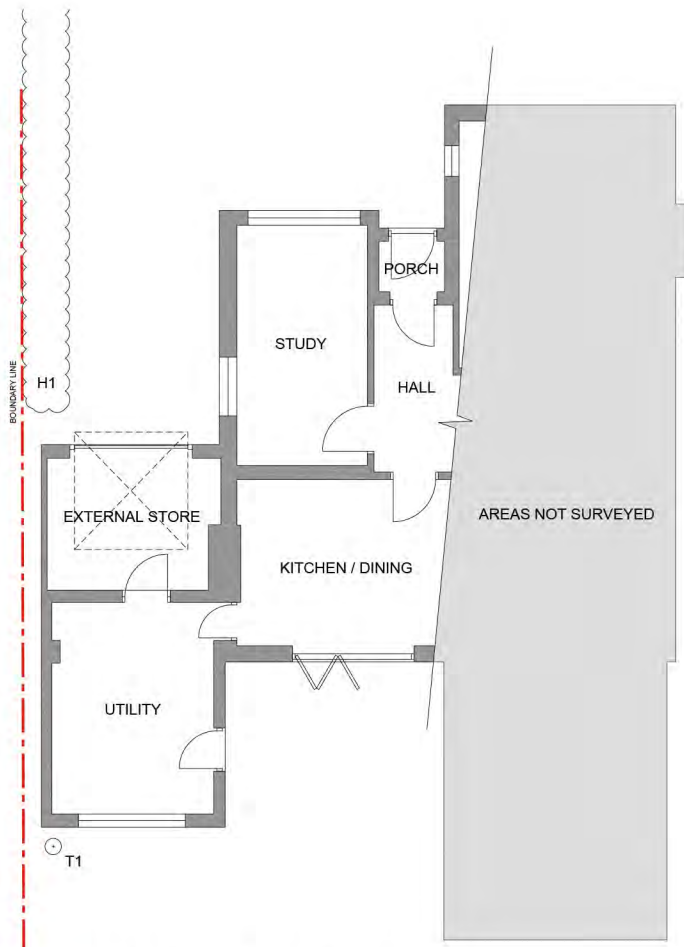
DRAWING TITLE: EXISTING ELEVATIONS.

DATE: FEB 2018	SCALE: 1:50 @ A1	DRAWN BY: PJ	CHECKED: JG
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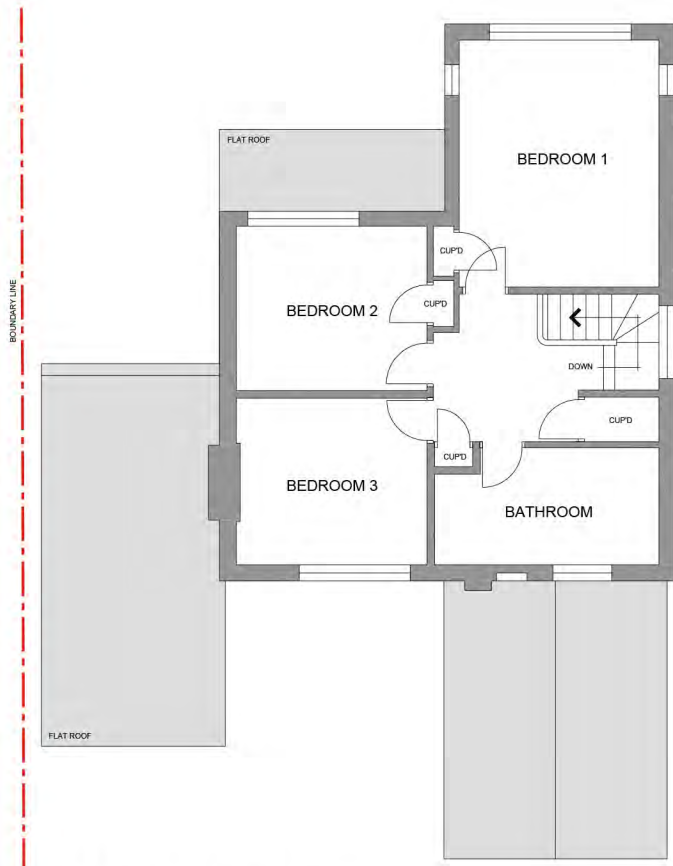
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[Draft, Preliminary, Information, Tender, Construction]



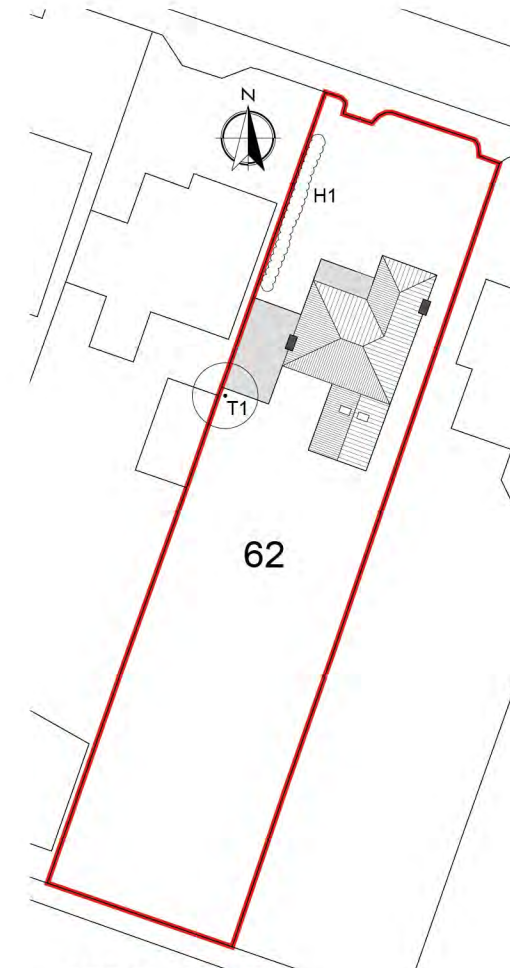
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GROUND FLOOR PLAN. 1:50



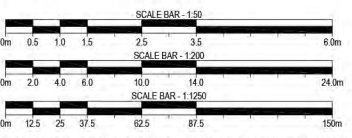
FIRST FLOOR PLAN. 1:50



SITE PLAN. 1:200



SITE LOCATION PLAN. 1:1250



REV	DATE	DESCRIPTION

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CLIENT:
 MR & MRS M. FITCH
 62 EATON ROAD
 NORWICH

PROJECT:
 EXTENSION & ALTERATIONS.

DRAWING TITLE:
 EXISTING FLOOR PLANS &
 SITE/SITE LOCATION PLANS.

DATE: FEB 2018	SCALE: A.S. @ A1	DRAWN BY: PJ	CHECKED: JG
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STATUS: I	DRAWING NO: 18-01-05 / 01	REV:
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Report to Planning applications committee **Item**
 12 July 2018

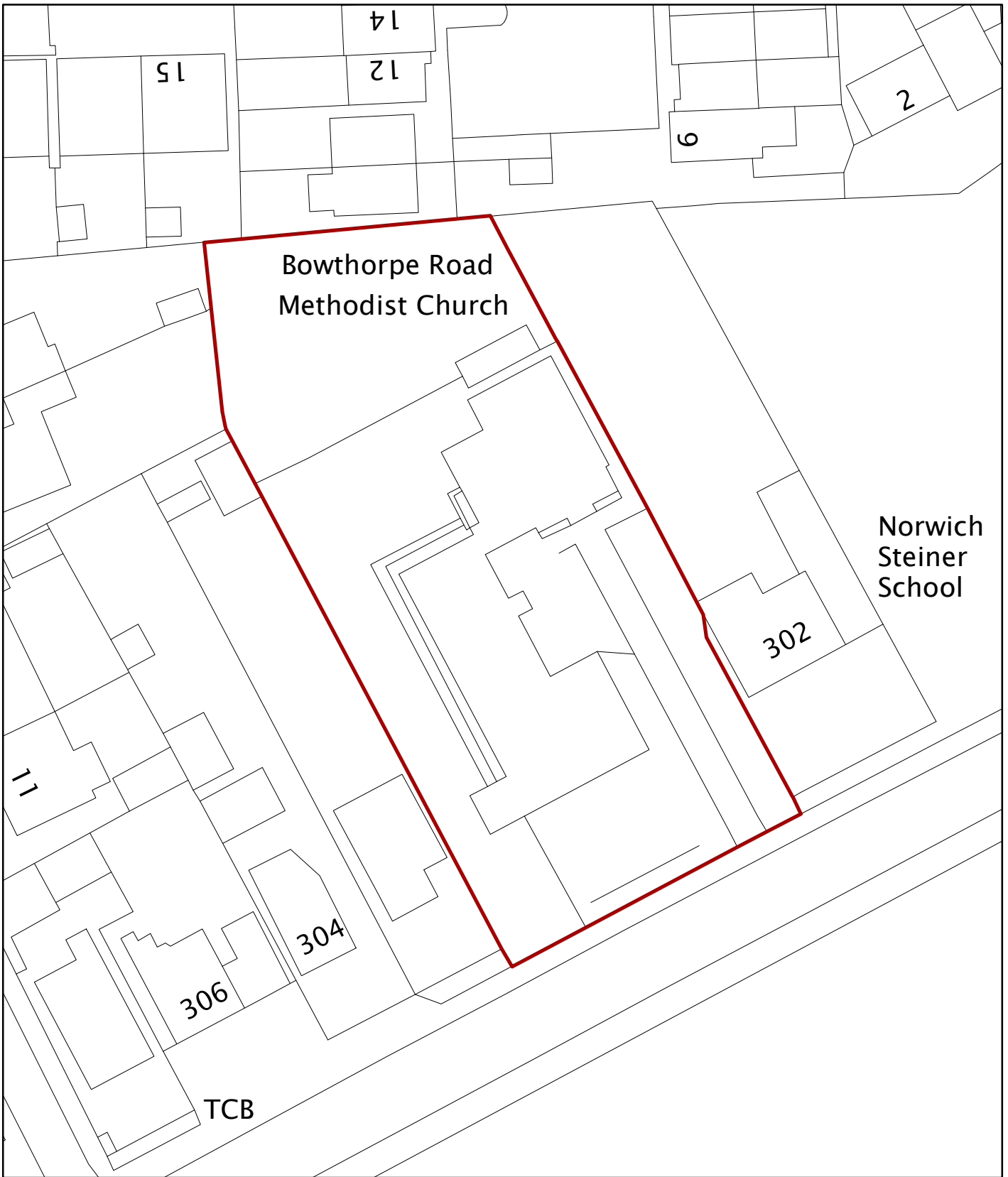
Report of Head of planning services

Subject Application 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB **4(e)**

Reason for referral Objection

Ward:	Wensum
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
New church hall. Demolish dangerous structure.		
Representations		
Object	Comment	Support
4	0	0



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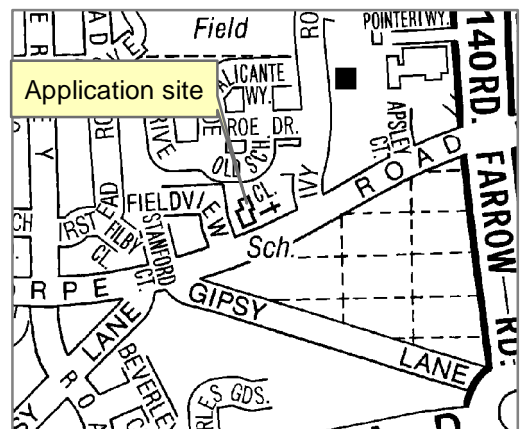
Planning Application No 1702024/F
 Site Address Bowthorpe Road Methodist Church

Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



Background and update to case

1. This case was reported to planning applications committee on 8 March 2018, the officer report and relevant extract from the minutes of that meeting are appended to this update report.
2. During the course of the planning applications committee meeting held on 8 March 2018, it was decided that the decision would be deferred to allow for further information on the options available to the applicant to be reported back to a future meeting. During discussion at that meeting members had considered whether it was feasible to find a solution to the concern which included a hipped roof or shortening the building to reduce the impact of the development as built upon the neighbouring property, 10 Old School Close. This decision was reached as the officer's report indicated that the development would cause some harm to the residential amenity of the neighbouring property by way of overshadowing, however it was concluded that the level of light remained adequate in terms of compliance with BRE guidance. The application was recommended for approval, however members were advised to make a balanced decision based on the negative impacts of the development on the neighbouring property against the benefits of providing a new community facility.
3. Following the meeting the applicants have spent some time considering their options. The options considered are the shortening of the church hall, the hipping of the gable end nearest the neighbouring property or to proceed without changes to the proposal. The applicants determined that it was not feasible to shorten the hall and have instead considered the potential impact of hipping the roof. The results of their assessment have been presented by way of an additional statement and sunlight analysis.
4. It should be noted that the applicants' latest assessment indicates a revised roof design with a partial hip only, rather than a full hip which extends to the eaves. The sunlight assessments submitted are for mid-December and the Spring-equinox. The applicant's assessment concludes that the proposed hipping of the roof would result in only a negligible difference to the original design in terms of its impact upon the amount of sunlight reaching the neighbouring property. This assessment includes shading diagrams but a full re-assessment against BRE guidance with a hipped roof has not been produced. Therefore a comparison cannot be made against the vertical sky component and daylight hours calculations for the gable roof (as detailed at paragraphs 30 and 31 of the March report). As a result of their findings, the applicant has subsequently declined to submit a revised scheme for formal consideration.
5. It should also be noted that members raised concerns during the previous meeting that the rear gable would result in the new church hall having an overbearing presence on the outlook of the occupants of the neighbouring property. In proceeding to determine the application without revisions, the applicants have also declined to seek to mitigate such concerns. The applicants have made the case that as the level of light to neighbouring

properties remains adequate in terms of compliance with BRE guidance the proposal should be approved.

6. In the absence of such revisions it is therefore now necessary to determine the application as submitted.

Recommendation and conclusion

7. The officer assessment and recommendation remains as stated in the appended planning committee report of 08 March 2018.
8. As per the original recommendation, the application represents a finely balanced case where the benefits of providing a new community facility should be weighed against the harm caused to the neighbouring property.
9. Should members decide to refuse the application, it is recommended that members also resolve to take enforcement action against the unauthorised building. Potential enforcement options could include the removal of the building in its entirety, however if members consider that the harm could be mitigated by reasonable alterations to the building (i.e. such as the hipping of the roof) then an enforcement notice could be served requiring such alterations to be undertaken.

Attachments

- Plans
- Report to planning applications committee 8 March 2018 (appended report and plans)
- Extract from the minutes of the planning applications committee held on 8 March 2018

Please note that the agenda and papers for the meeting of the planning applications meeting held on 8 March 2018 are available on the council's website:

<https://cmis.norwich.gov.uk/live/Meetingscalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/423/Committee/3/SelectedTab/Documents/Default.aspx>



Revisions:

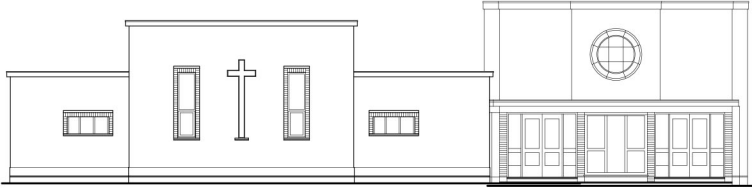
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Job Title: Bowthorpe Road Methodist Church		
Drawing Title: Proposed site location plan		
Scale: 1:1250	Drawn By: MC	Date: Nov 2015
Job Number: C765/3	Drawing Number: 02/A	

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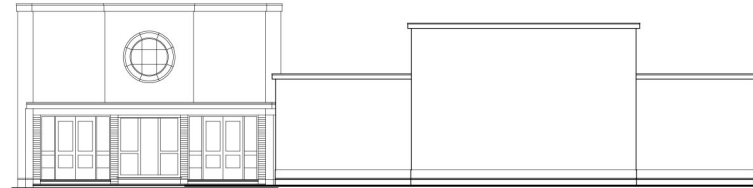
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NORTH ELEVATION (Scale: 1:100)



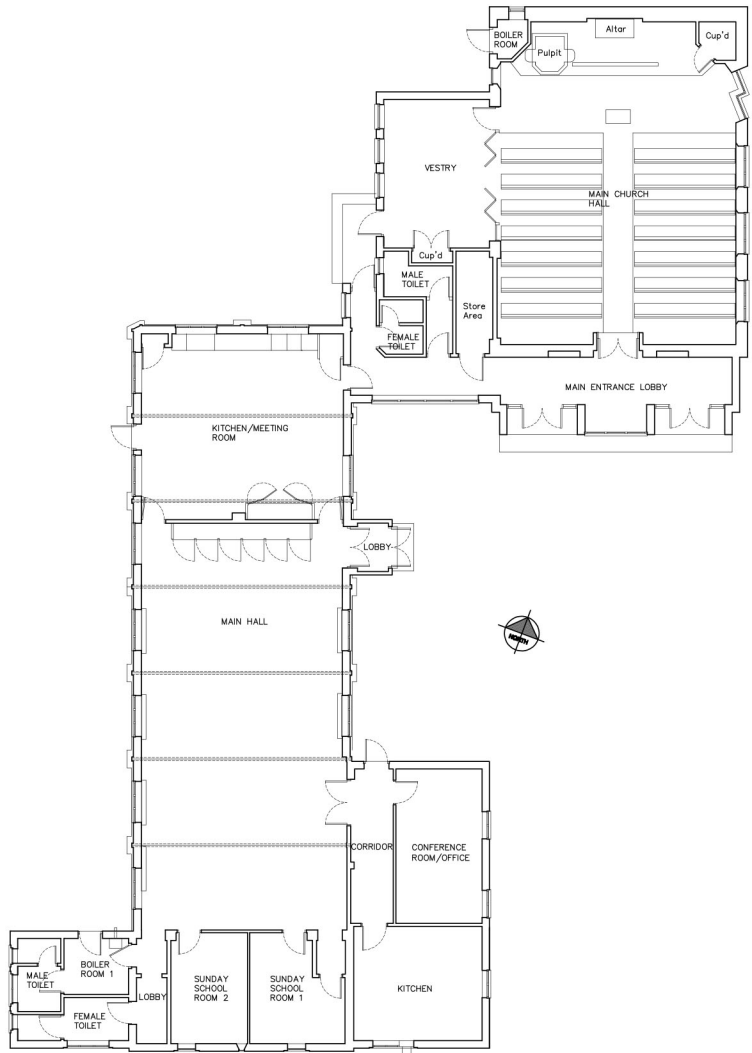
EAST ELEVATION (Scale: 1:100)



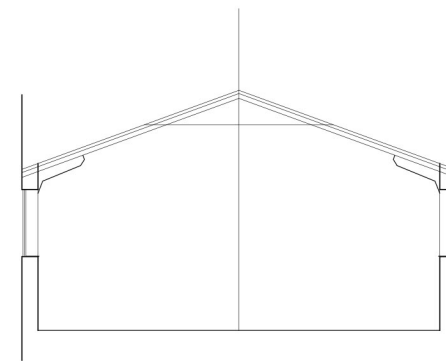
WEST ELEVATION (Scale: 1:100)



SOUTH ELEVATION (Scale: 1:100)



GENERAL LAYOUT PLAN (Scale: 1:100)



SECTION A-A (Scale: 1:50)

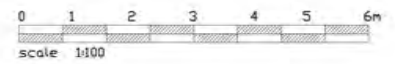
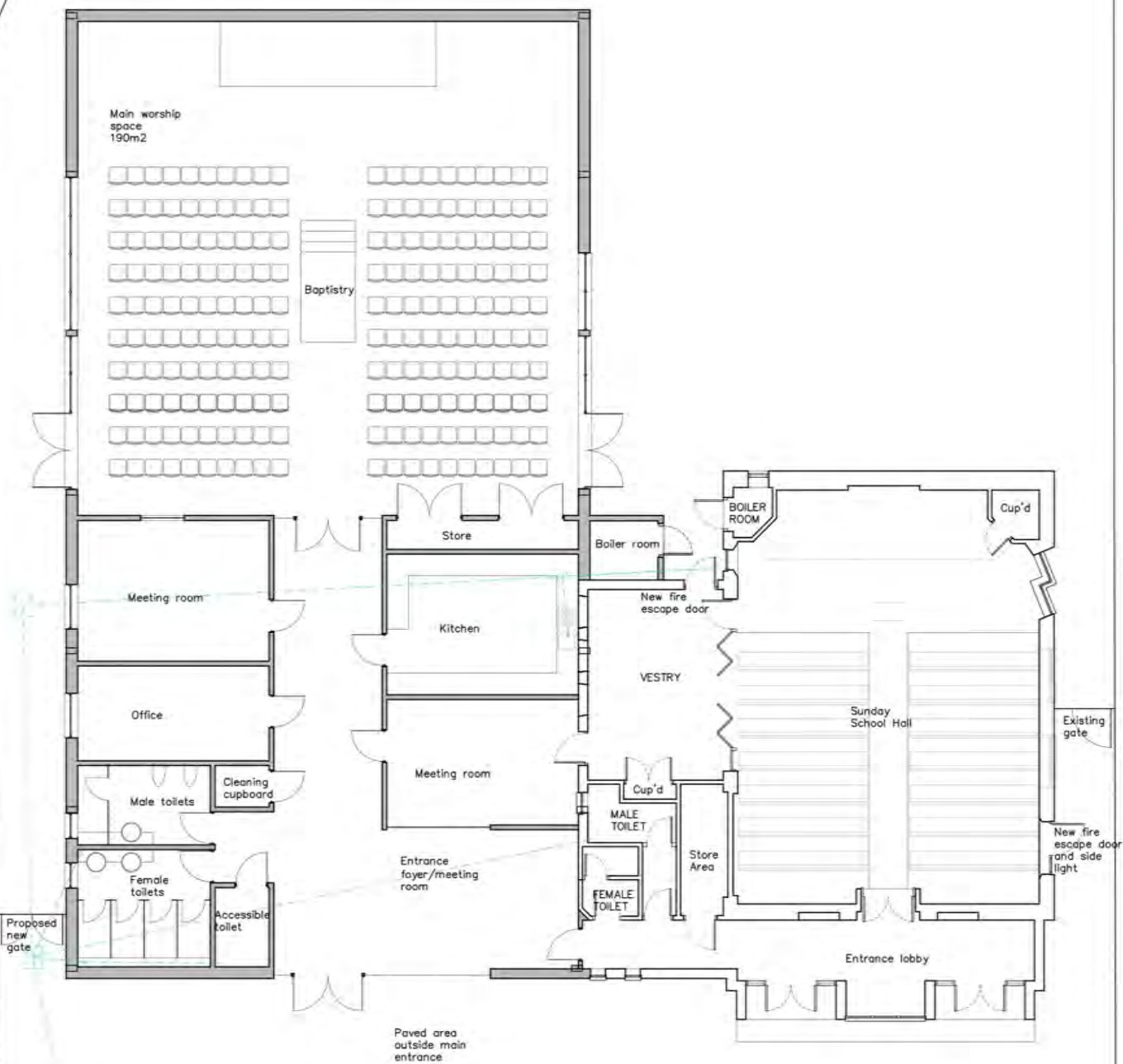
Revisions:

Client:		
NORWICH METHODIST CIRCUIT		
Job Title:		
BOWTHORPE METHODIST CHURCH, BOWTHORPE, NORWICH		
Drawing Title:		
GENERAL PLAN - EXISTING		
Scale:	Drawn By:	Date:
1:100	B.J.H.	AUGUST 2015
Job Number:	Drawing Number:	
C765/2	01	

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Revisions:

Client: Bowthorpe Road Methodist Church
 Job Title:

Proposed New Church building
 Drawing Title:

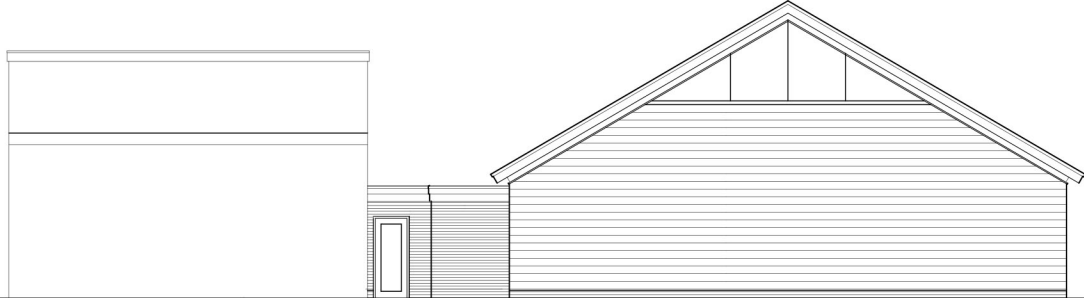
Proposed plan
 Scale: 1:100 @ A2 Drawn By: MC Date: Feb 2016
 Job Number: C765/3 Drawing Number: 04A

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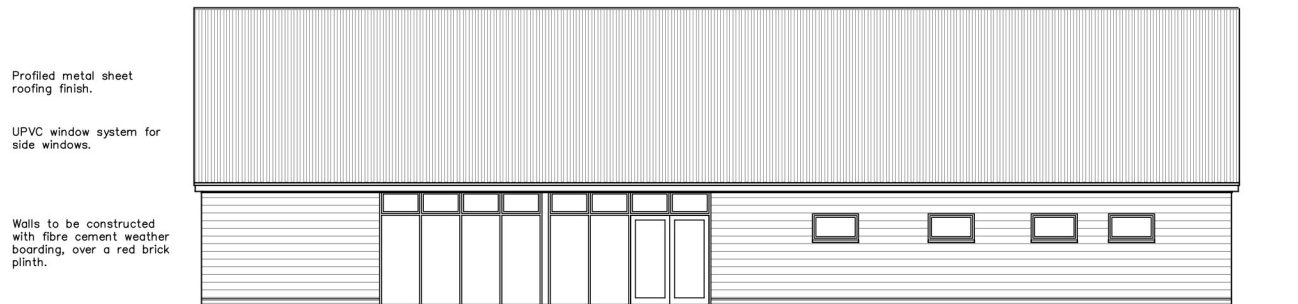


Aluminum curtain walling for apex glazing.

Aluminum verge flashings with white finished metal sheet fascia and underliner to soffit.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth.

Proposed North Elevation (Scale:1:100)

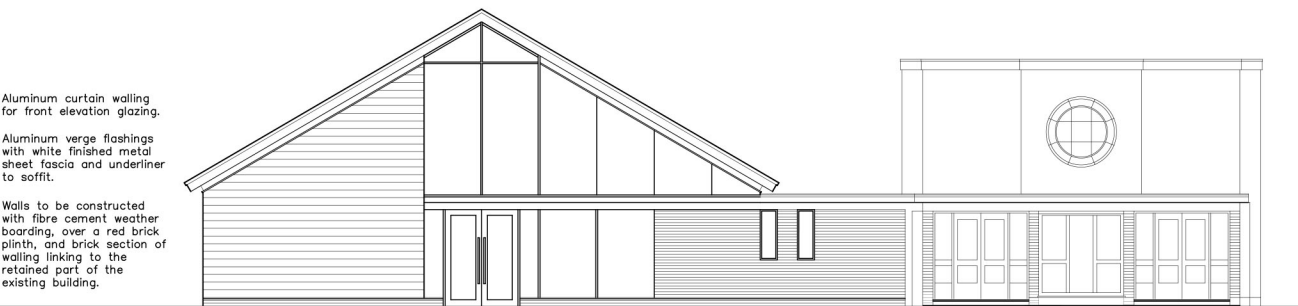


Profiled metal sheet roofing finish.

UPVC window system for side windows.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth.

Proposed West Elevation (Scale:1:100)



Aluminum curtain walling for front elevation glazing.

Aluminum verge flashings with white finished metal sheet fascia and underliner to soffit.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth, and brick section of walling linking to the retained part of the existing building.

Proposed South Elevation (Scale:1:100)

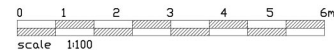


Profiled metal sheet roofing finish.

UPVC window system for side windows.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth.

Proposed East Elevation (Scale:1:100)



Revisions:

Client:

Bowthorpe Road Methodist Church

Job Title:

Proposed New Church building

Drawing Title:

Proposed elevations

Scale: Drawn By: Date:

1:100 @ A2 MC Feb 2016

Job Number: Drawing Number:

C765/3 15/A

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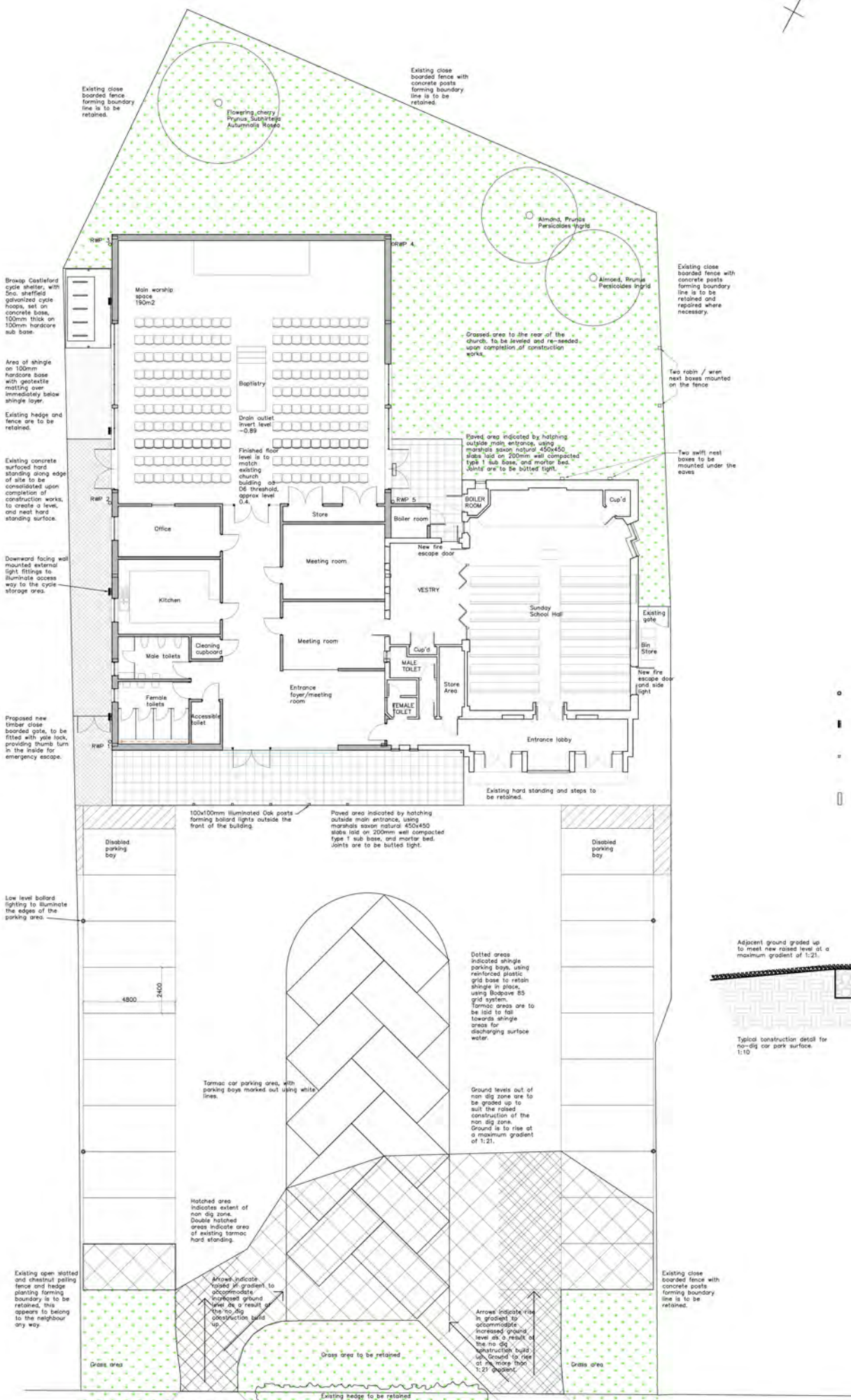
1 The Close, Norwich, Norfolk, NR1 4DH

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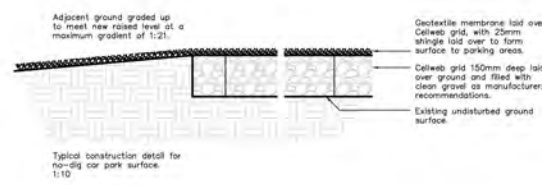
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- External lighting key**
- Low level bollard lighting to illuminate the edges of the parking area. To be Cylin by Lutec
 - ▬ Downward facing wall mounted external light fittings to illuminate access way to the cycle storage area. To be Mini LEDspot by Lutec
 - ▬ 100x100mm illuminated Oak posts forming bollard lights outside the front of the building. To be constructed in accordance with detailed drawing.
 - ▬ Bulk head light over rear door as Tamble Eurlex



Revisions

- Rev A - Minor amendments - June 2017
- Rev B - External lighting added - June 2017
- Rev C - Non-dig construction details added - August 2017
- Rev E - planting and nest boxes added - December 2017

Client
Norwich Methodist Circuit

Job Title
Bowthorpe Methodist Church, Bowthorpe, Norwich

Drawing Title
Proposed external works plan

Scale
1:100 @ A1

Drawn By
MC

Date
Nov 2016

Job Number
0365/3

Drawing Number
52/E

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Report to Planning applications committee

Item

8 March 2018

Report of Head of planning services

Subject Application no 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB

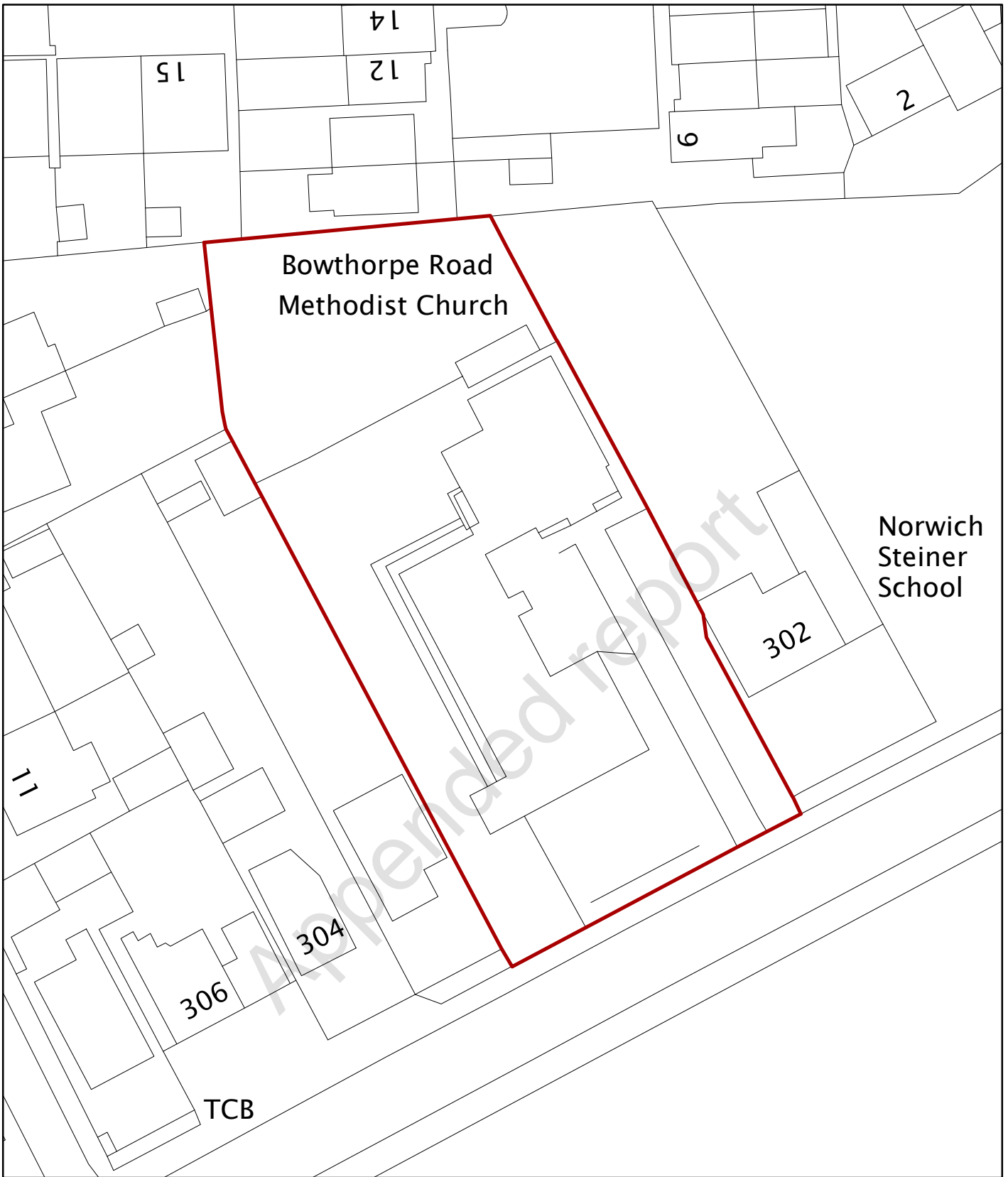
4(h)

Reason for referral Objection

Ward:	Wensum
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

Development proposal		
New church hall. Demolish dangerous structure.		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1 Principle of development	The expansion of a community facility
2 Amenity	The impact of the development on neighbouring properties (no. 10 Old School Close to the north and others)
3 Design	The impact of the development on the character and appearance of the area.
4 Trees	The impact of the development on the trees located on / close to the site.
5 Landscaping	The suitability of the landscaping scheme submitted.
6 Transport	The suitability of the access and transport arrangements on site.
7 Biodiversity	The impact of the development on the biodiversity of the site.
Expiry date	15 February 2018
Recommendation	Approve



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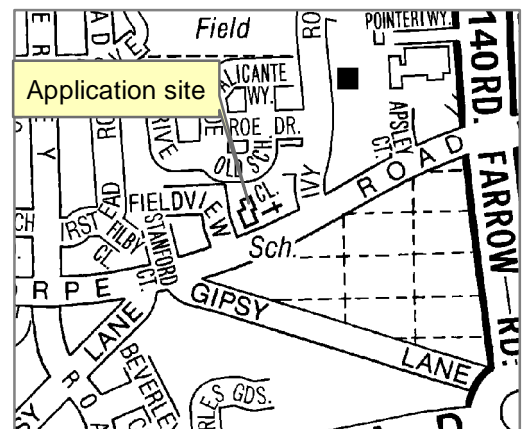
Planning Application No 1702024/F
 Site Address Bowthorpe Road Methodist Church

Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



The site and surroundings

1. The site is located on the north of Bowthorpe Road to the west of the city. The site until recently featured 2 no. church halls constructed separately during the 1950's and 1970's which had been joined together to form one larger premises. The front building was constructed using red bricks and featured a flat roof, while the main hall building was located directly behind. This building was of a much simpler traditional hall design typical of the post-war era featuring a dual-pitched tiled roof constructed using pre-cast concrete panels. To the rear of the site is the later church hall which features a more ornate front elevation and was constructed wholly from brick. A link annexe was also built to connect the 2 elements.
2. The site is accessed via 2 separate entrances to the front, one on the west side led to a parking area at the rear and the other on the east leads to the 70's built church hall. In front of the site is grassed area with a number of trees and beyond the concrete parking area to the rear is another garden area marking the northernmost portion of the site.
3. The site is bordered by 302 Bowthorpe Road to the east, a detached house recently used as a physiotherapy clinic which now has planning permission to be converted into a large HMO. To the west is number 302A Bowthorpe Road, a detached dwelling and to the north are properties located on Old School Close, the closest of which is no. 10 a two storey semi-detached dwelling which includes a conservatory to the rear.
4. The prevailing character of the area is a mixture of residential, small shops and religious with the Earlham Cemetery being located directly across the road to the south. The site has previously operated as a traditional Methodist Church throughout its life, however following its sale to the Chinese Methodist Church improvements are now being sought to create more usable site as parts of the current premises are in a poor state of repair.
5. There are a number of mature trees located within and adjacent to the site.

Background and context

6. This application has been submitted following an enforcement investigation which identified that a previous approval on site incorrectly showed the distance between an approved Church Hall Extension and its boundary.
7. This proposal is a resubmission of the previously approved application (ref. 16/00414/F) which was submitted with an inaccurately drawn site layout plan. The northern site boundary was originally shown to be a greater distance from the approved building than the correct distance. As a result, the replacement church hall currently under construction is being built closer to the northern boundary shared with properties on Old School Close. The disparity in distance is 4.5m at its greatest point which is considered to have materially different impacts to the originally approved application.
8. Constructed work has commenced on site following the granting of an earlier consent. The demolition of the church hall has nearly been completed in full and the replacement hall has been partly constructed.

Relevant planning history

9.

Ref	Proposal	Decision	Date
16/00414/F	Demolition of some existing structures. Erection of church hall extension.	Approved	11/07/2016
17/01061/D	Details of Condition 3: Materials, Condition 4: Landscaping, Condition 5: Ecology and arboricultural statement, Condition 6: Refuse and cycle storage, and Condition 7: AIA, tree protection and method statement of previous permission 16/00414/F.	Pending consideration	

The proposal

10. The proposal is for the demolition of one of the church halls and for the construction of a replacement church hall. The proposal also includes alterations to the existing access and parking arrangements.
11. A larger replacement church hall is to be constructed towards the rear of the site, the front elevation of which is close to being in line with the rear most existing church hall. The replacement hall measures 26.8m x 14m in plan form and will feature a dual pitched roof with an eaves height of 3.2m and a maximum ridge height of 7.7m.
12. It was discovered that the originally approved site layout plan had been drawn incorrectly following the raising of concerns from the neighbouring property to the north that the replacement church hall was being constructed in the wrong location. During a site visit carried out in November 2017, various key measurements were recorded. The findings concluded that the replacement church hall was being constructed to the correct design and size, however the northern boundary was closer to the development than previously indicated. Three points were measured, from the north-east corner of the replacement church hall – due north to the boundary, from the northern apex of the site – due south to the replacement church hall, and the mid-point between the two.
13. The originally approved layout plan indicated distances from east to west across the three points of 11.5m, 13m and 15m. The correct distances recorded were in fact 7m, 9.5m and 11.7m. This has therefore resulted in a difference in distances measured of 4.5m, 3.5m and 3.3m.

Summary information

Proposal	Key facts
Scale	
Total floorspace	375m ²
Max. dimensions	26.8m x 14m x 7.7m
Appearance	
Materials	Profiled metal sheet roofing Fibre cement weather boarding Aluminium façade panels to front elevation Red brick UPVC and aluminium windows and doors
Operation	
Opening hours	Sunday 11:30-17:30 Monday 11:00-16:00 Some Saturdays in Summer for UEA student 15:00-21:00 Coffee morning Tuesday to Friday from 9:00-12:00. No use beyond 10.00pm.
Transport matters	
No of car parking spaces	36
No of cycle parking spaces	10

Representations

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 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
Loss of light / overshadowing to main living space of no. 10 Old School Close.	See main issue 2
Increase in noise pollution	See main issue 2
Value of property will decrease	See other matters

Consultation responses

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

Environmental protection

16. No comments made.

Highways (local)

17. No comments made.

Tree protection officer

18. Condition compliance with the Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS).

Assessment of planning considerations

Relevant development plan policies

19. **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
 - JCS8 Culture, leisure and entertainment
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
20. **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
 - DM22 Planning for and safeguarding community facilities
 - DM28 Encouraging sustainable travel

- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities

Case Assessment

22. 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

23. Key policies and NPPF paragraphs – JCS7, JCS8, DM22 and NPPF paragraph 8.
24. The site has been in use as a Methodist Church since the construction of the original church hall in the 1950's. The expansion of the site in the 1970's with the additional church hall was reflective of the demand at the time. The site has recently been purchased by the Chinese Methodist Church which is currently experiencing an expansion in the numbers of its congregation. As the original church hall is currently in a poor state of repair, its replacement represents the best means for the continued use of the site.
25. The proposal is therefore considered to be in accordance with policy DM22 of the local plan which seeks to assist in the safeguarding of community facilities.

Main issue 2: Amenity

26. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17
27. Particular concern has been raised regarding the potential loss of light and overshadowing of the main living spaces of the neighbouring property to the north, 10 Old School Close, caused by the proximity of the replacement church hall to the boundary.
28. A shadow assessment has been submitted by the applicant which assesses the impact of the replacement church hall on the neighbouring property to the north, 10 Old School Close. The shadows assessment indicates that the replacement church hall is likely to result in some overshadowing of the neighbouring rear garden and conservatory across the months of November, December, January and February during the middle part of the day.

29. A detailed assessment of the impacts of the daylight and sunlight reaching the neighbouring property has been submitted by the applicants. Planning policy and building regulations do not define requirements for the amount of daylight reaching a dwelling. As a result, the assessments have been carried out using the criteria defined by the BRE in 'Site Layout Planning for Daylight & Sunlight (SLPDS)', and 'BS 8206-2- Code of practice for skylighting'. The assessment considered the impacts of the replacement church hall on the daylight, sunlight and amenity space.
30. The initial part of the assessment seeks to confirm the distance between the replacement church hall and the main living space. The test results confirm that the distance of the new development is less than three times its height above the lowest window. As such, the following test seeks to confirm whether the replacement church hall will subtend more than 25 degrees at the lowest window. The test confirmed that the angle is greater than 25 degrees, requiring that a more detailed assessment was then required. The ratio of the direct skylight illuminance falling on a vertical face at a reference point (the centre of a window) to the simultaneous horizontal illuminance under an obstructed sky, is known as the vertical sky component (VSC). The BRE test requires that VSC will be adversely affected if after a development it is both less than 27% of the overall available diffuse light and less than 0.8 of its former value. The distribution of daylight reaching the neighbouring rooms was also assessed. The test results confirmed that all the windows met the BRE planning guidance for VSC and the daylight distribution. Whilst some windows were below 27% this was the case pre-development and available diffuse light post development would be 0.98 of its former value for those windows (this ranges between 0.95 and 1 depending on the window).
31. The total available sunlight hours reaching the neighbouring property were also assessed. The test confirms whether windows in habitable rooms in domestic buildings that face within 90 degrees of due south receive a minimum of 25% of the total annual probable sunlight hours, to include a minimum of 5% of that which is available during the winter months between September 21 and March 21. The test result confirmed that all of the assessed windows that face within 90 degrees of due south meet the BRE planning guidance for available sunlight hours with percentages of total annual probable sunlight hours ranging between 47 to 72% and 8 to 23% for winter months (depending on the window). As a proportion of its former value this ranged between 0.94 to 1 for year round sunlight hours and 0.8 and 1 for winter.
32. Finally a test was carried out to determine the impacts of the replacement church hall on the outdoor amenity space of the neighbouring property. The test seeks to confirm that at least 50% of the garden receives no less than two hours of direct sun on the spring equinox, 21 March. In this instance, the test results confirmed that the amount of light reaching the amenity space meets the BRE guidance (being 54%).
33. It can therefore be concluded that the replacement church hall will have some negative impacts upon the residential amenities of 10 Old School Close. Some overshadowing during parts of the day will occur over the winter months. In spite of this, the test carried out confirms that the occupiers of the neighbouring property will continue to benefit from sufficient sunlight and daylight to be considered to have an adequate level of amenity under BRE guidance.

34. Particular concern has been raised by the occupiers of other properties located to the north and northeast of the site, nos. 14 and 9 Old School Close respectively. The large size of the building and the impacts upon light reaching neighbouring properties are noted as their main concerns. These properties are considered to be a sufficient distance from the replacement church hall for there to be no significant impacts on their residential amenities and any impact would be less than 10 Old School Close, hence the focus the impacts on number 10.
35. Concern has also been raised that the replacement church hall has been built too close to the neighbouring boundary of 15 Fieldview to the west and a loss of light will occur as a result. The rear garden of the neighbouring property abuts the application site and the neighbouring dwelling is located approximately 15m from the boundary. As such, the layout of the site, design of the replacement church hall and distance between buildings will ensure that significant harm is not caused by way of overshadowing or loss of light.
36. With regard to noise and light pollution emanating from the site, it is expected that the proposal will result in an intensification of the use of the site, resulting in greater numbers of visitors. It is not however expected that this will result in significant harm being caused to neighbouring residential amenities by way of noise or light pollution as the site is well screened from neighbouring properties and the hours of operation are to be predominantly focused around times of worship.
37. The replacement church hall is therefore considered to have some detrimental impacts on the neighbouring property to the north, however such impacts are not considered significant enough to refuse the application on amenity grounds. The impacts of the development on other neighbouring properties are limited only.

Main issue 3: Design

38. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
39. The design is to be relatively simple however the front elevation is to include a central section of full height glazing creating a feature of the main entrance, with the aluminium curtain wall forming a cross. The apex of the rear gable end is also to be finished with a glazed section.
40. The proposed hall is to be finished using contemporary materials in contrast to the existing 1970's brick built church hall. The sides and rear are to be finished using Marley Eternit Cedral Lap fibre cement weather boarding, the roof is to be finished with metal sheet roofing embossed in aluminium and the side windows made from UPVC. The front elevation is to also feature a section a Trespa solid colour glazing panels.
41. Overall, the proposed replacement church hall is of a relatively high standard of design. The reorganisation of the site will allow for a more efficient use of the space as the new hall is sited towards the rear. The retention of the 1970's structure to be used as a Sunday school is welcomed as it features an ornate front elevation which will form a more prominent feature of the site. The glazing panels to the front elevation will create an open and light internal space which will vastly improve on the current structure.

42. A detailed landscape layout plan and associated details have been submitted which outlining the finish materials to be used. The materials chosen are from a contemporary pallet which is considered to be appropriate for the site.

Main issue 4: Trees

43. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
44. A number of mature trees are located within the site including 4 no. Lime Trees marking the front boundary and 3 no. fruit trees towards the rear of the site. There are also a number of mature trees located within neighbouring sites close to the site boundary.
45. The 4 no. Lime Trees to the front of the site contribute significantly to the verdant character of the area which is partly created by the close proximity of the cemetery opposite. Their retention within the scheme is welcomed.
46. The 3 no. fruit trees to the rear are to be removed as they lie within the proposed footprint of the church hall. In order to mitigate their loss, replacement trees are to be planted in accordance with the submitted AIA.
47. Trees neighbouring the site will not be removed or harmed as part of the construction provided that works are carried out in accordance with the submitted AIA.

Main issue 5: Landscaping and open space

48. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
49. The detailed landscape layout plan also includes details of the external landscaping features. The details include low level lighting to aid security and navigation within the site, new tarmac area to the front to provide the new car parking spaces, and much of the existing soft landscaping to the boundary is to be retained.
50. The existing close boarded fencing and sections of hedgerow marking the boundary are to be retained. The retention of the existing trees and hedgerows will help to preserve the verdant character of the front of the site. The overall landscaping details area considered to be acceptable.

Main issue 6: Transport

51. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
52. The site is accessed directly from Bowthorpe Road with 2 no. vehicular entrances fronting the highway. The demolition of existing buildings on the site allows for the front section of the site to be used as a car parking area.
53. The existing accesses are to be retained with there being an entrance and exit point. 31 no. car parking spaces are to be provided with 10 no. being located along the west and east boundaries respectively. 11 no. spaces are to be arranged in a chevron formation within the central section of the car parking area. A revised car park layout has been submitted following consultation with the transportation officer to ensure easy egress to and from the site.

54. The site is located within close proximity of one of the main bus routes serving surrounding residential areas. The route operates between the UEA and city centre, with services available 7 days a week.
55. 10 no. covered cycle spaces are to be installed to the side of the new church hall, beyond a lockable gate. The stands are to be Sheffield style cycle stands, secured to the ground underneath a curved roof Castleford shelter, manufactures details of which has been submitted. .

Main issue 7: Biodiversity

56. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
57. The site contains a number of mature trees and hedges as well as an area of open green space. The site is therefore likely to form the habitat for some species however it has been determined that the site is of low ecological value, unsuitable for protected species.
58. The submitted ecology report concludes that the roof spaces of the buildings already demolished did not form roosting spaces for bats. The report also concludes that none of the trees on or adjacent to the site contain bat roosting features. No evidence relating to other protected species was collected from the site.
59. The ecology report concluded that there is little or no habitat on the site likely to be suitable for any endangered species. As such, the submitted landscaping scheme ensures that the majority of mature trees and hedgerows are to be retained on site and the grassed areas are to be reinstated upon completion of construction.
60. The loss of habitat provided by the 3 no. fruit trees is to be mitigated by the planting of replacement trees. The detailed landscaping scheme indicates that the existing hedge and grass areas adjacent to the entrance of the site are to be retained, the existing grassed area to the rear is to be re-levelled and re-seeded and replacement fruit trees planted to the rear of the site.

Equalities and diversity issues

61. There are no significant equality or diversity issues.

Local finance considerations

62. 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.
63. 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.
64. In this case local finance considerations are not considered to be material to the case.

Conclusion

65. The development will cause some harm to the neighbouring property to the north of the site, no. 10 Old School close as some overshadowing occurs particularly in the middle part of the day during winter months. The level of residential amenity remains adequate in terms of the BRE guidance. The negative impacts in terms of amenity must be weighed against the benefit of providing a new community facility on the site and in this case it is not considered that the harm outweighs the benefits in this case.
66. The development will result in an improved and expanded church hall which is considered to be of benefit to the local community, in accordance with policy DM22 of the local plan.
67. The design of the replacement church hall, layout of the site and landscaping details are all considered to be acceptable.

Recommendation

To approve application no. 17/02024/F - Bowthorpe Road Methodist Church Bowthorpe Road Norwich NR5 8AB and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans and materials details;
3. In accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan;
4. Implementation of landscaping scheme and replacement trees;
5. Provision of cycle and refuse storage.



Revisions:

Client:
Norwich Methodist Circuit

Job Title:
Bowthorpe Road Methodist Church

Drawing Title:
Proposed site location plan

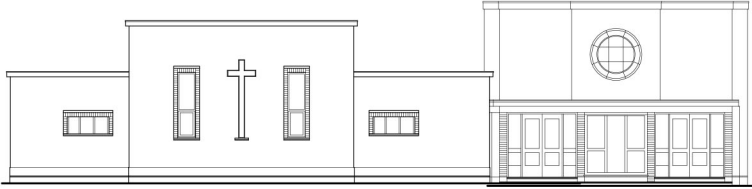
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Job Number: C765/3	Drawing Number: 02/A	

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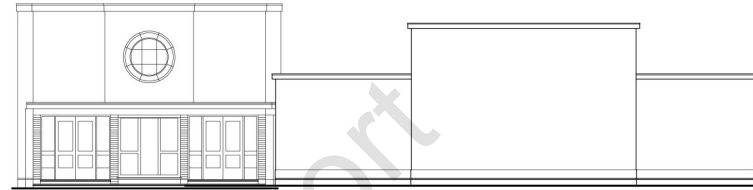
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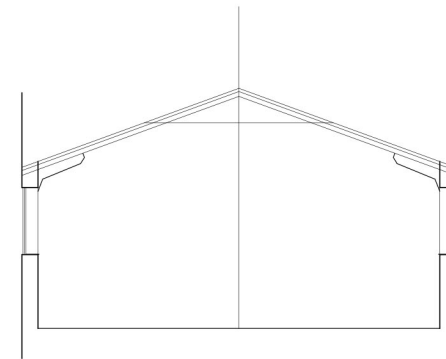
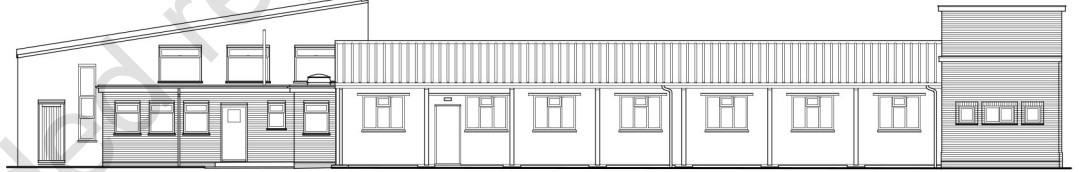
NORTH ELEVATION (Scale: 1:100)



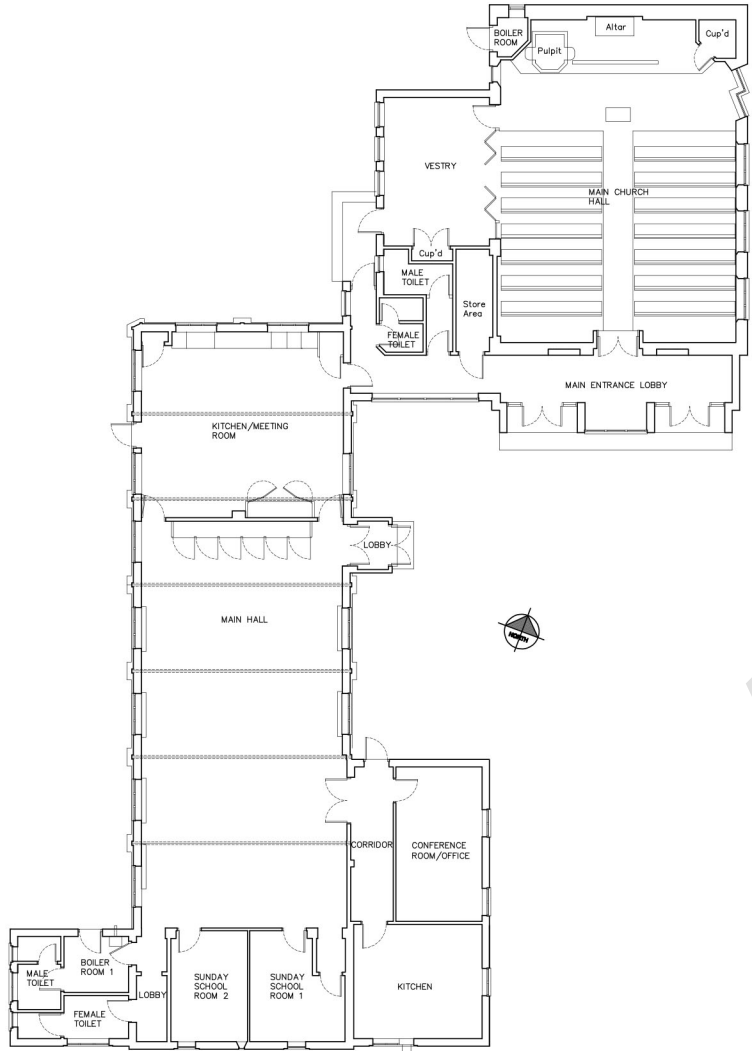
EAST ELEVATION (Scale: 1:100)



WEST ELEVATION (Scale: 1:100)



SECTION A-A (Scale: 1:50)



GENERAL LAYOUT PLAN (Scale: 1:100)

Revisions:

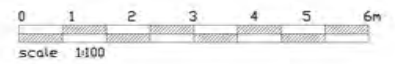
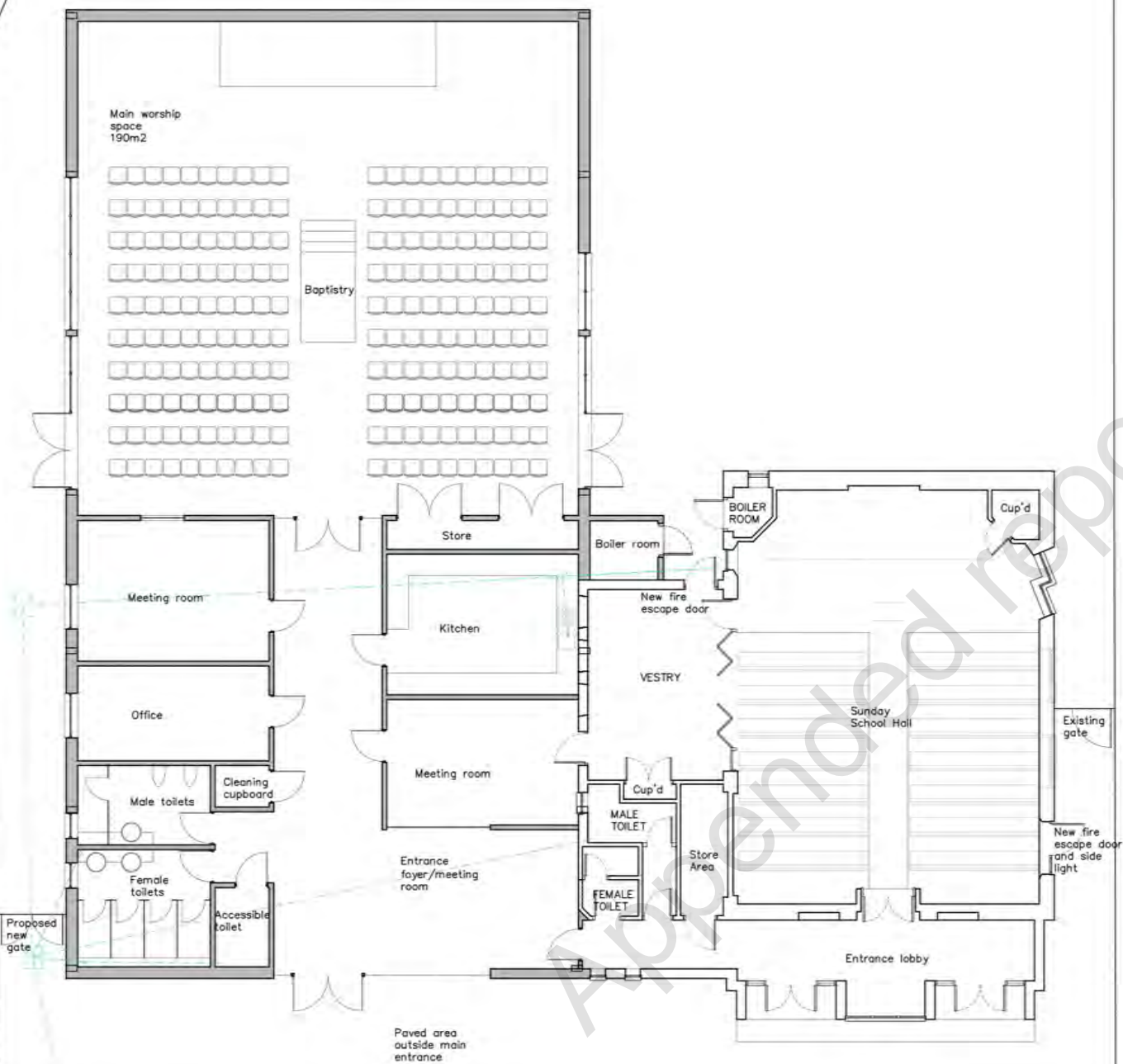
Client:		
NORWICH METHODIST CIRCUIT		
Job Title:		
BOWTHORPE METHODIST CHURCH, BOWTHORPE, NORWICH		
Drawing Title:		
GENERAL PLAN - EXISTING		
Scale:	Drawn By:	Date:
1:100	B.J.H.	AUGUST 2015
Job Number:	Drawing Number:	
C765/2	01	

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Appendix report



Revisions:

Client: Bowthorpe Road Methodist Church

Job Title: Proposed New Church building

Drawing Title: Proposed plan

Scale: 1:100 @ A2 Drawn By: MC Date: Feb 2016

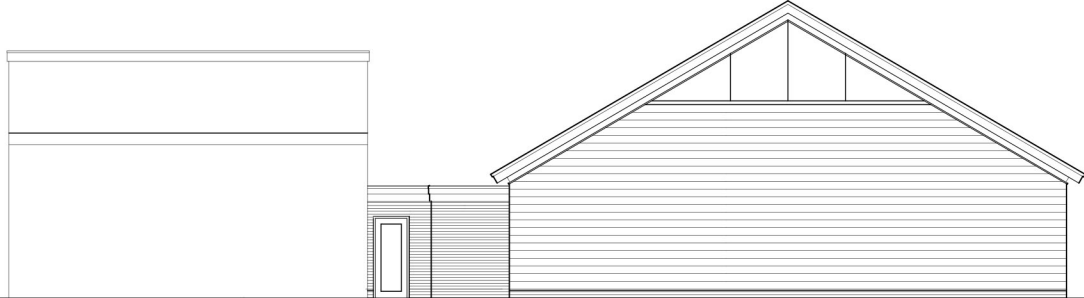
Job Number: C765/3 Drawing Number: 04A

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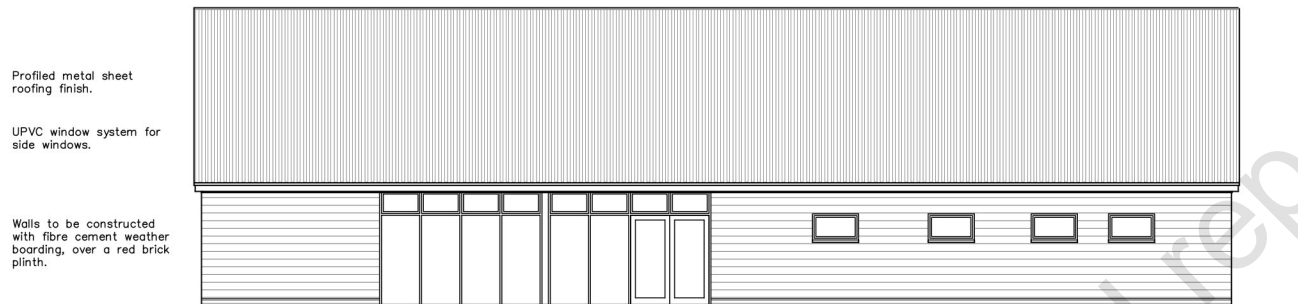


Aluminum curtain walling for apex glazing.

Aluminum verge flashings with white finished metal sheet fascia and underliner to soffit.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth.

Proposed North Elevation (Scale:1:100)

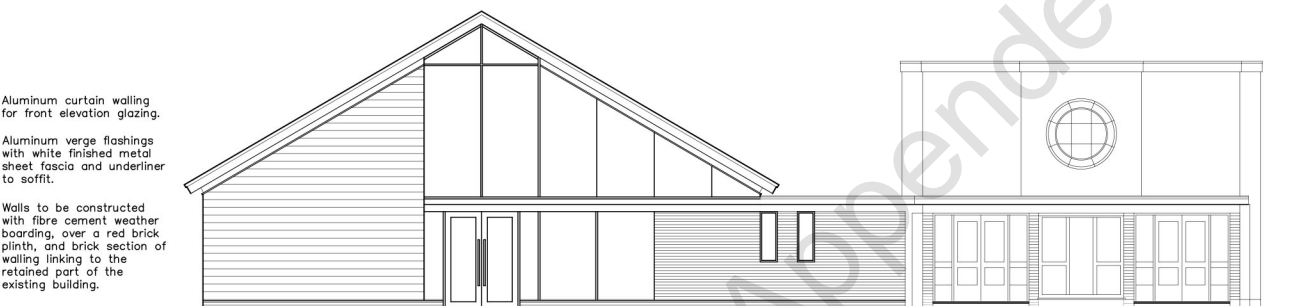


Profiled metal sheet roofing finish.

UPVC window system for side windows.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth.

Proposed West Elevation (Scale:1:100)



Aluminum curtain walling for front elevation glazing.

Aluminum verge flashings with white finished metal sheet fascia and underliner to soffit.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth, and brick section of walling linking to the retained part of the existing building.

Proposed South Elevation (Scale:1:100)

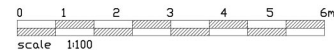


Profiled metal sheet roofing finish.

UPVC window system for side windows.

Walls to be constructed with fibre cement weather boarding, over a red brick plinth.

Proposed East Elevation (Scale:1:100)



Revisions:

Client:

Bowthorpe Road Methodist Church

Job Title:

Proposed New Church building

Drawing Title:

Proposed elevations

Scale: 1:100 @ A2 Drawn By: MC Date: Feb 2016

Job Number: C765/3 Drawing Number: 15/A

Job Number: C765/3 Drawing Number: 15/A

Job Number: C765/3 Drawing Number: 15/A

Job Number: C765/3 Drawing Number: 15/A

Job Number: C765/3 Drawing Number: 15/A

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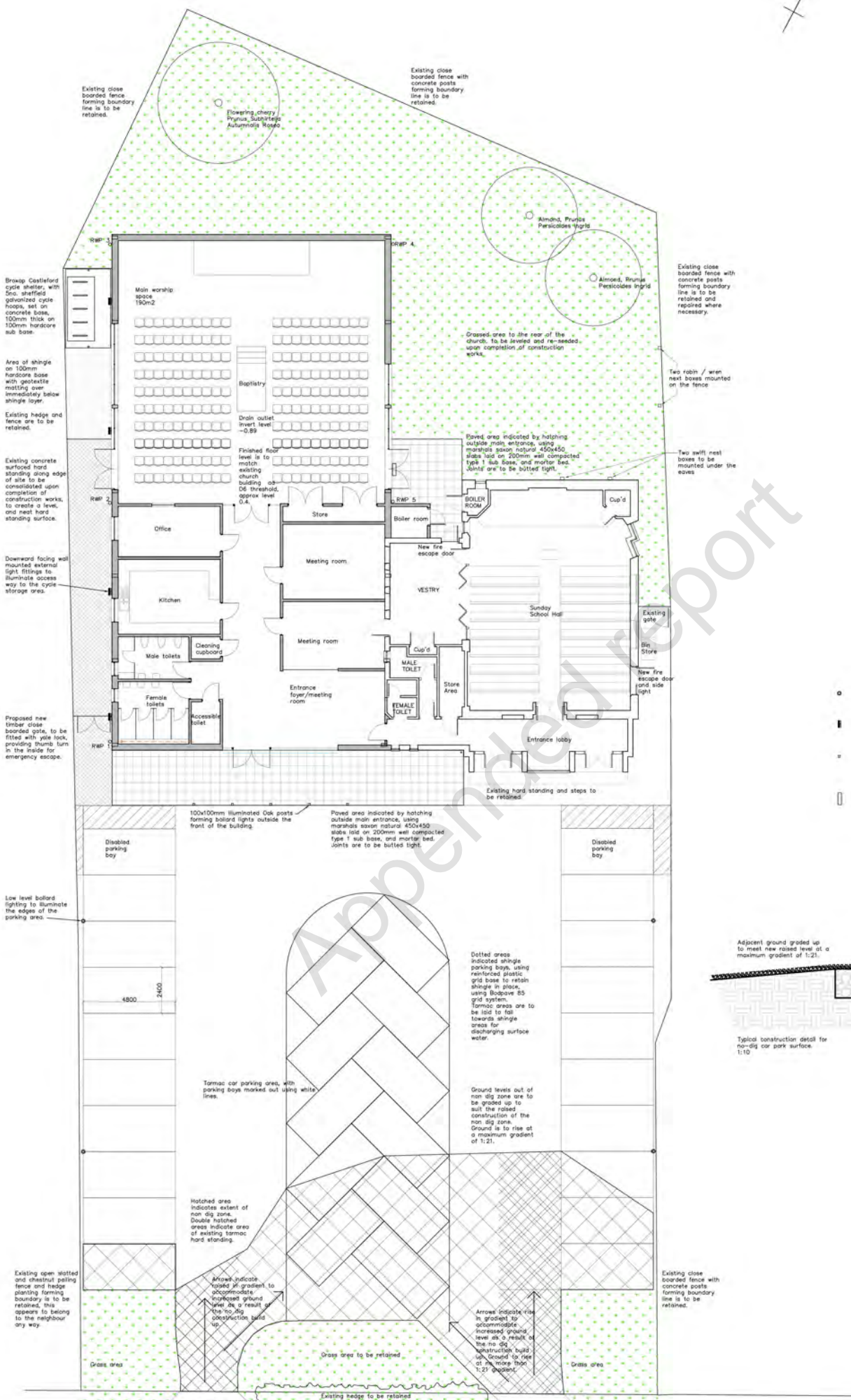
Job Number: C765/3 Drawing Number: 15/A

Job Number: C765/3 Drawing Number: 15/A

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- External lighting key
- Low level bollard lighting to illuminate the edges of the parking area. To be Cylin by Lutec
 - ▬ Downward facing wall mounted external light fittings to illuminate access way to the cycle storage area. To be Mini LEDspot by Lutec
 - 100x100mm illuminated Oak posts forming bollard lights outside the front of the building. To be constructed in accordance with detailed drawing.
 - Bulk head light over rear door as Tamble Eurlex

Revisions

- Rev A - Minor amendments - June 2017
- Rev B - External lighting added - June 2017
- Rev C - Non-dig construction details added - August 2017
- Rev E - planting and nest boxes added - December 2017

Client
Norwich Methodist Circuit

Job Title
Bowthorpe Methodist Church, Bowthorpe, Norwich

Drawing title
Proposed external works plan

Scale: 1:100 @ A1
Job Number: 0365/3

Drawn By: MC
Drawing Number: 52/E

Date: Nov 2016

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Planning applications committee

Extract from the minutes of the meeting held on 8 March 2018

6. Application no 17/02024/F - Bowthorpe Road Methodist Church, Bowthorpe Road, Norwich, NR5 8AB

(Councillor Peek having declared a pre-determined view in this item spoke as a member of the public and then left the meeting taking no part in the determination of the application.)

The planner presented the report with the aid of plans and slides. He explained that the distance of the building from the boundary had been inaccurate in the applicant's original plans.

The adjacent neighbour addressed the committee and expressed his objection to the new church being built so close to his boundary and the impact that this would have on his property. He also referred to the sunlight assessment not being to scale and concern that there would be increased noise from the church.

Councillor Peek, Wensum Ward councillor, addressed the committee and pointed out on the slide how close to the boundary the church was. Other residents in Field View had objected to the church building being so close to their boundaries. He said that the applicant should have stopped the building work when it was apparent that the agreed plans were wrong.

The agent for the applicant confirmed that measurements had been accurately recorded and any loss of daylight was within the BRE guidelines. There would be a reduction in noise to properties at the rear. The new church would be more suitable for the needs of the congregation. The words "not to scale" meant that the plans could not be scaled with a ruler.

(Councillor Peek then left the meeting at this point.)

The planner commented on the issues raised by the speakers. He said that the impact was to the north rather than to the properties to the west. The previous application had received no objections at all from residents of neighbouring dwellings in Fieldview and one objection had since been received. The impact of the proposal would be at the end of their large gardens rather than to living accommodation.

Discussion ensued. In response to the chair the planner said that steps were being taken to ensure that architects submitted accurate plans to prevent this situation occurring in future. Members were advised that the planner visited the site in November when the error was brought to his attention. The area development manager (outer) said that while the council could serve a stop notice the work had gone so far that a temporary stoppage of the works would not prevent harm to the adjacent neighbours. If members did not agree the planning application before them then enforcement action could be taken. He pointed out that the officer recommendation was to approve and that there was some impact on the neighbouring property but it met the BRE daylight guidelines.

Discussion ensued in which the planner and the area manager development (outer) referred to the report and answered questions. Members considered whether it was feasible to find a solution to the concern which included a hipped roof or shortening the building. The chair proposed and Councillor Jackson seconded that the application be deferred to enable the planning officers to discuss with the applicant the feasibility of scaling back the building, and it was:

RESOLVED, unanimously, to defer consideration on Application no. 17/02024/F - Bowthorpe Road Methodist Church Bowthorpe Road Norwich NR5 8AB to allow for further information on the options available to the applicant to be reported back to a future meeting.

Report to Planning applications committee

Item

12 July 2018

Report of Head of planning services

Subject

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

4(f)

Reason

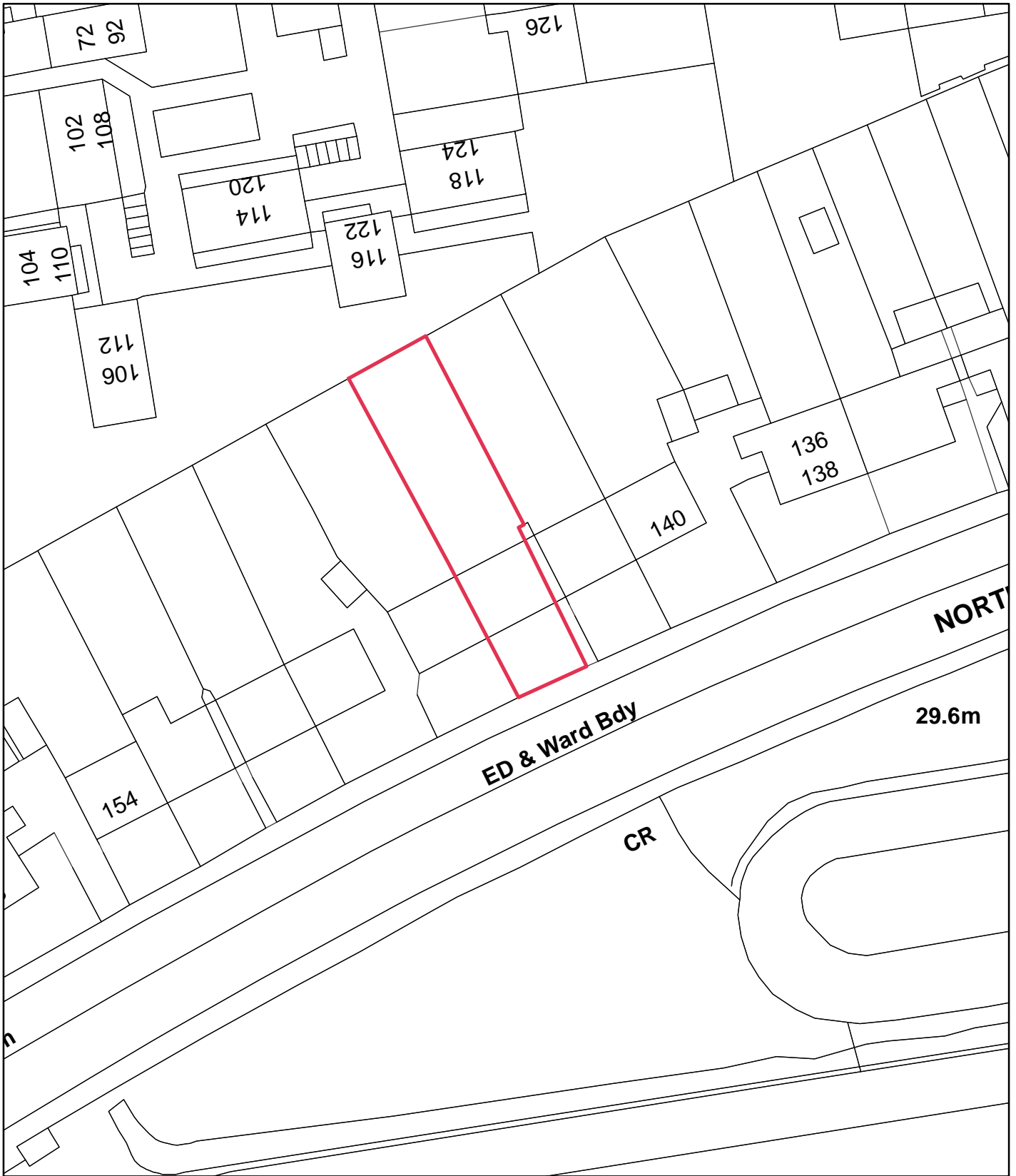
for referral

Objection

Ward:	University
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk

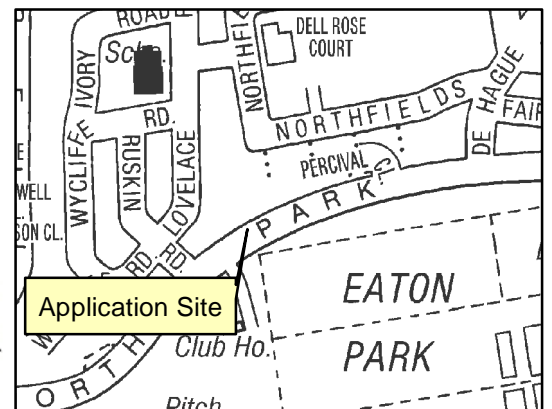
Development proposal		
Single storey rear extension.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Scale and Design	The impact of the development within the context of the original design / surrounding area
2 Residential Amenity	The impact of the proposed development on the neighbouring properties, nos. 142 and 146; privacy, noise, smell.
Expiry date	6 July 2018
Recommendation	Approve



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Planning application no: 18/00713/F
 Site Address: 144 North Park Avenue
 Scale 1:500



The site and surroundings

1. The site is located to the north side of North Park Avenue to the west of the city. The predominant character of the area is predominantly residential, primarily consisting of two storey semi-detached and terraced dwellings constructed circa 1950 as part of a wider housing development, bordering Eaton Park. Properties have typically constructed on plots with small front gardens and larger rectangular rear gardens.
2. The subject property is a two storey mid-terrace dwelling constructed circa 1950 using buff coloured bricks and concrete pantiles. The site features a parking area to the front, covered passageway which leads to a larger garden to the rear. The site boundaries are marked by a 1.5m close boarded fencing to the rear and some mature planting.
3. The site is bordered by the adjoining terrace properties to the west and east, nos. 146 and 142 respectively. A small block of flats is located approximately 25m to the rear and Eaton Park is opposite the site to the front. The property has most recently been used as a small scale 4 bedroom HMO let to students studying at the UEA which is a short distance from the site. The proposal allows for the conversion of the original living room to be used as an additional bedroom with the extension serving as a new communal living space.

Constraints

4. There are no particular constraints.

Relevant planning history

5. There is no relevant planning history.

The proposal

6. The proposal involves the construction of a 3.9m x 3.6m single storey extension to the rear of the property. The extension is of a simple sloping roof design with an eaves height of 2.6m and a maximum height of 3.6m.
7. The design has been revised during the course of the application so that the extension is slightly smaller in scale now being 2.5m from the boundary shared with no. 146 and 0.8m from the passageway. The design has also been revised so that the proposal now includes high level casement windows on each of the side elevations, approximately 2m above ground floor level and a set of rear facing patio doors.
8. The extension is to be constructed using matching materials including buff coloured bricks, concrete pantiles and white coloured UPVC windows and doors.

Representations

9. 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
Proposal will result in a loss of privacy to the neighbouring property to both adjoining properties.	See main issue 2.
Proposal will result in noise disturbance to both neighbouring properties.	See main issue 2.
The proposal will result in smell from the boiler entering the neighbouring property (no. 142).	See main issue 2.
The design of the windows does not match the existing.	See main issue 1.
The property could become a larger HMO if communal room is converted to a bedroom.	See other matters.

Consultation responses

10. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

11. **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

12. **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

13. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF7 Requiring good design

Case Assessment

14. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Design

15. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
16. The proposal will have a limited impact on the overall appearance of the subject property as the extension will not be visible from the highway. The extension is of a relatively modest scale, only occupying approximately half of the rear elevation of the ground floor. It should also be noted that a number of neighbouring properties already have constructed extensions of a similar scale, albeit typically in the form of conservatories. The proposed extension is to be constructed using matching materials and as such will blend well with the original design. The proposal is therefore considered to be of an appropriate scale and design.
17. Concern has been raised that the proposed windows do not match the existing windows, in particular that top vents are missing. The proposal has been revised from having two large facing windows one each side elevation to now being only narrow high level casements. As discussed in more detail below, the proposed windows are considered to represent an appropriate design choice, not impacting significant upon the character and appearance of the subject property or surrounding area. The proposal is therefore considered to be acceptable in design terms.

Main issue 2: Amenity

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. The proposal will result in an enlarged living space without significant loss of the external amenity space. Access to the rear via the covered passageway remains unaltered. As such, the proposal is considered to provide an acceptable standard of amenity for the occupants of the subject property.
20. Concern has been raised that the proposal will result in a loss of privacy to both properties adjoining the site, nos. 146 and 142 North Park Avenue. The concern primarily relates to the inclusion of large windows on both side elevations, and a door on the east elevation which have since been removed from the plans. The proposal now includes high level windows only on each side elevation and set of rear facing patio doors. As such, the revised design will ensure that privacy of the neighbouring properties is not significantly impacted upon.
21. Particular concern has also been raised that the increase in occupants and use as a student house will result in problems pertaining to noise disturbances. Whilst it is accepted that the proposal may facilitate an increase in the number of occupants

living at the property, the proposal would remain a small C4 HMO and therefore the proposed use of the property is not within the scope of this application. The revised design with significantly smaller windows to the side elevations will also assist in reducing the transmission of noise to neighbouring properties. It is also relevant to note that the extension could have been proposed via the prior approval process which only allows for a consideration of neighbour amenity. Whilst the applicant has submitted a full householder application this route is still open to them.

22. Particular concern has also been raised that the proposal will result in smells from the boiler transferring to the neighbouring property to the east, no. 142 as the existing boiler vent is expected to be relocated. The proposal does not involve the relocation of the boiler vent on the original rear elevation and as such does not change the current situation.
23. The scale, siting and design of the extension ensures that significant harm will not be caused to neighbouring properties by way of overshadowing, loss of light or loss of outlook. As such, the proposal is considered to be acceptable in terms of amenity.

Other matters

24. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
25. Concern has been raised that the communal living room could be converted into a further bedroom, resulting in an over-intensification of the use of the site. It is considered reasonable to add a condition limiting the number of occupants and requiring the property to remain in use as a C3 or C4 dwelling.

Equalities and diversity issues

26. There are no significant equality or diversity issues.

Local finance considerations

27. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
28. 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.
29. In this case local finance considerations are not considered to be material to the case.

Conclusion

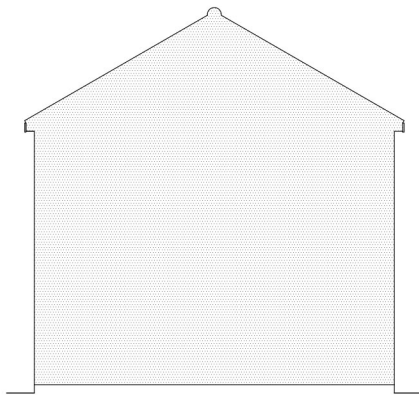
30. The proposal will result in an extended dwelling which is of an appropriate scale and design and does not cause significant harm to the character of the surrounding area.

31. The proposed development will have a limited impact upon the residential amenities of neighbouring properties with no significant harm being caused by way of loss of privacy, noise, odour, overshadowing, overlooking or loss of outlook.
32. 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. 18/00713/F - 144 North Park Avenue Norwich NR4 7EQ and grant planning permission subject to the following conditions:

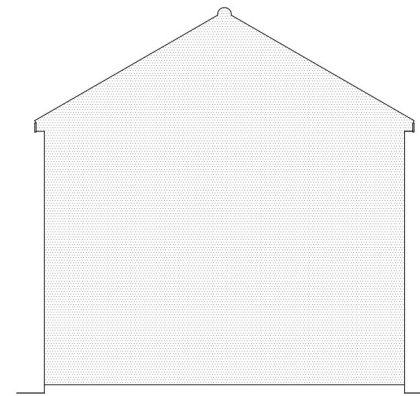
1. Standard time limit;
2. In accordance with plans;
3. Limit on number of occupants and property to remain in C3/C4 use.



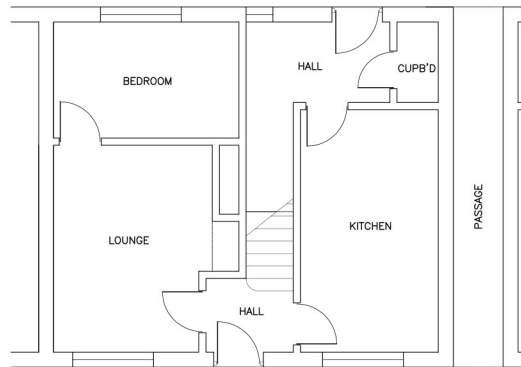
EXISTING EAST ELEVATION



EXISTING REAR ELEVATION



EXISTING WEST ELEVATION



EXISTING GROUND FLOOR PLAN

NOTES

This drawing to be read in conjunction with JSCE drawing no. 462/02.

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Tel: 07717 842131

Job

144 NORTH PARK AVENUE
NORWICH NR4 7EQ

Title

EXISTING PLAN AND ELEVATIONS

Client

Mr J Bond

Scales 1:50 @ A1 Drawn JS Date April 2018

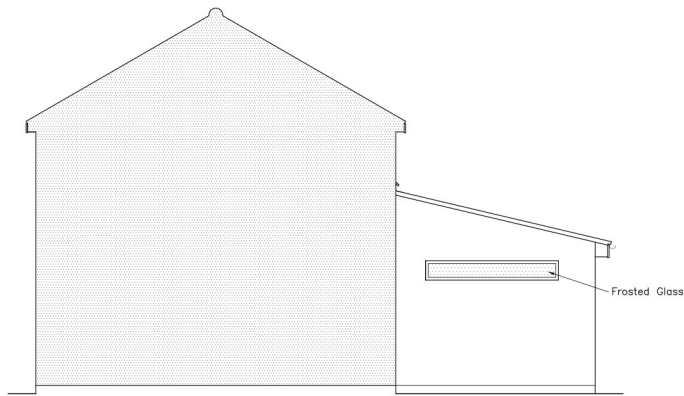
REVISIONS

REV	DATE	DESCRIPTION
-	10.05.18	PLANNING APPLICATION ISSUE

Drawing No. JSCE 462/01 Rev. -



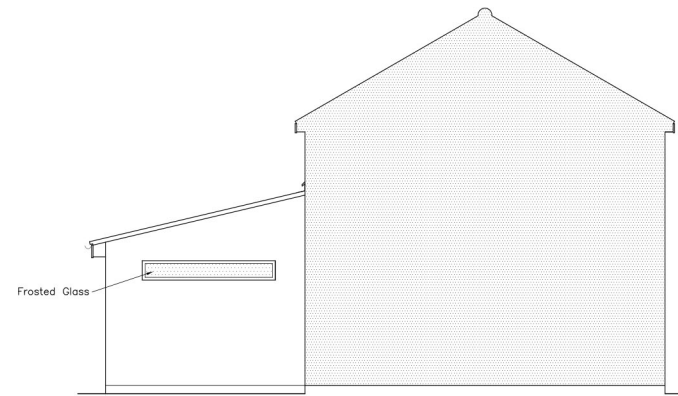
NOTES
 This drawing to be read in conjunction with JSCE drawing no. 462/01.
 All materials to match existing.



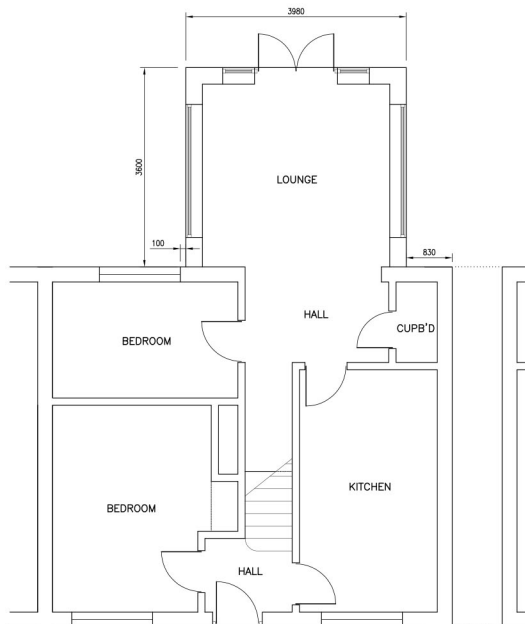
PROPOSED EAST ELEVATION



PROPOSED REAR ELEVATION



PROPOSED WEST ELEVATION



PROPOSED GROUND FLOOR PLAN

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 Tel: 07717 842131

Job
 144 NORTH PARK AVENUE
 NORWICH NR4 7EQ

Title
 PROPOSED PLAN AND ELEVATIONS

Client
 Mr J Bond

Scales 1:50 @ A1 Drawn JS Date April 2018

REVISIONS		
REV	DATE	DESCRIPTION
-	10.05.18	PLANNING APPLICATION ISSUE
A	15.06.18	PLAN & ELEVATIONS REVISED

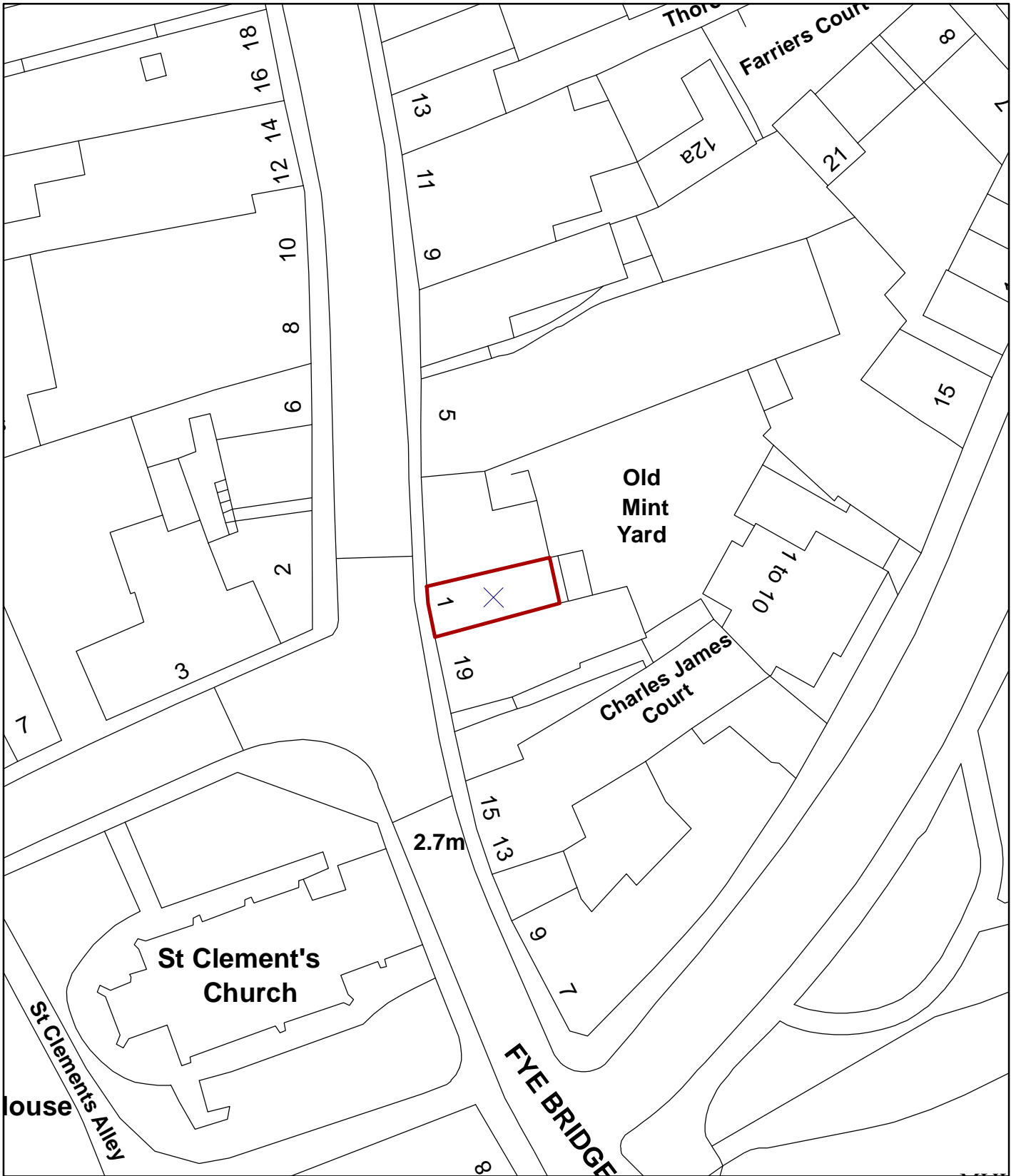
Drawing No. JSCE 462/02 Rev. A

Report to Planning applications committee
12 July 2018
Report of Head of planning services
Subject Enforcement Case 17/00068/ENF – 1 Magdalen Street

Item

4(g)

Summary	
Description	Unauthorised painting of front elevation of listed building.
Reason for consideration at committee	Enforcement action recommended
Recommendation	Authorise enforcement action to return the building to its former state or implement listed building consent ref 17/01635/L.
Ward	Mancroft
Contact Officer	Lara Emerson laraemerson@norwich.gov.uk

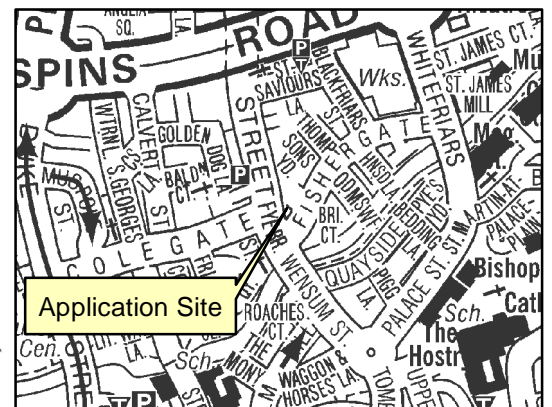


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Planning application no: 17/00068/ENF
 Site Address: 1 Magdalen Street
 Scale: 1:500



NORWICH
 City Council



The Site

1. 1 Magdalen Street is in the Colegate Character Area of the City Centre Conservation Area, which is considered high significance. 1 Magdalen Street is considered to be part of an area of positive frontage. The setting contains multiple statutorily listed buildings, one of which is the Grade I listed church of St Clements, considered a local landmark.
2. List description:
TG 2309 SW MAGDALEN STREET (east side) 11/480 5.6.72. No. 1 (formerly listed with Nos. 3 and 4A). GV II Shop. C19. Painted brick. Slate roof. 3 storeys. 2 bays. Late C19 shop front. Sash windows with glazing bars and rubbed brick flat arches. Box cornice.

Relevant planning history

3. After the unauthorised redecoration of the front elevation and joinery in a dark grey colour was carried out in early 2017, officers sought to negotiate a solution with the property occupiers. An application for the repainting of the render in an acceptable colour (off-white) was subsequently received and approved in late 2017 (application reference 17/01635/L).

The Breach

4. Unauthorised painting of the front elevation and joinery of the listed building, impacting upon its architectural and historic significance.

Policies and Planning Assessment

S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (March 2012):

- Paragraphs 9, 17, 56, 60-66 & 128-141.

Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan 2014:

- JCS2 Promoting good design

Norwich Development Management Policies Local Plan adopted Dec 2014:

- DM1 Achieving and delivering sustainable development
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage

Justification for enforcement

5. The council considers it expedient to issue the notice having regard to the adverse effects of the works on the character of the building and the wider conservation area.

6. In line with current Historic England guidance the external re-decoration, in the manner undertaken, of this Grade II listed building is deemed to impact upon its special architectural and historic character:

“A change in the character of the pointing, or painting exposed surfaces including concrete, can be visually and physically damaging and is likely to require listed building consent, as may a change in external paint colour”
(Historic England, Making Changes to Heritage Assets; Historic England advice note 2. 2015)

7. Subject to section 7 of the Planning (Listed Buildings & Conservation Areas) Act 1990 ‘no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised’
8. 1 Magdalen Street is within the city centre conservation area; Colegate character area. This is an area deemed ‘High’ significance, due to the concentration of historic buildings and the retention of key architectural details, along with their quality and the general quality of the townscape. 1 Magdalen Street is an area of positive frontage and forms a part of the termination, along with the Grade I listed Church of St Clements, of a positive vista, looking east along Colegate. Magdalen Street itself has a good variety of C17-C19 shopfronts, some of which are later facades concealing more historic cores. It is mostly characterised by brickwork/painted brickwork facades and timber shopfronts. This has historically been a ‘vibrant’ area and building decoration would have reflected this.
9. Research into the history of Norwich has confirmed that the rendered facades in the historic quarters of the city would have been lime-washed in a variety of colours and the texture of the lime-wash, along with the varied palette, is a key characteristic of the historic streets and thus the city generally. Further research into the historic colour palette of the city has been undertaken and resulted in a heritage colour palette for both joinery and render/brickwork.
10. The colours chosen for the redecoration of this Grade II listed building are not identified as historically accurate according to the aforementioned research and neither do they appear to be in the ‘spirit’ of the defined heritage colour palette. It should also be noted that the lack of contrast between the joinery detail and the brickwork is of further detrimental impact upon the special character of the building and the wider setting, which is a conservation area and setting of multiple statutorily listed buildings.
11. The colour scheme selected, which is dark and heavy when viewed in context of the wider setting is inappropriate for the setting and is in contrast to the historically appropriate colours for a building of this type, in this location. These colours have been determined by a major study of seven European cities with a history of colour. It is worth noting that the study, commissioned by the Sikkens Foundation, had specifically identified Magdalen Street as an area of potential interest and study, no doubt due to its vibrancy and history of colourful decoration.

12. The applicant has been reminded on a number of occasions of the need to carry out the approved works (or return the building to its former condition) as soon as possible to remedy the breach. The applicant has been given the chance to carry out the works to avoid formal enforcement action with a reasonable timeframe of 6 months from the date of the decision (30 June 2018). However, the applicant has been reluctant to do so and since no such work has been carried out, officers now consider it expedient to serve a listed building consent enforcement notice.

Equality and Diversity Issues

13. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:

- a. Article 1 of the First Protocol (the peaceful enjoyment of ones 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 and in the public interest.
- b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the 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.

Conclusion

14. The council considers it expedient to issue the notice having regard to the adverse effects of the works on the character of the building and the wider conservation area. The perpetrator should be required to return the building to its previous condition or implement the approved scheme which is attached to this report at Annex A.

Recommendation

15. Authorise enforcement action against the repainting of the front elevation of the listed building. The perpetrator is required to either: a) Return the property to its former state; or b) Repaint the front elevation of the Building in accordance with the scheme approved via Listed Building Consent reference 17/01635/L.

APPENDIX A: Approved document from Listed Building Consent reference 17/01635/L

HERITAGE IMPACT ASSESSMENT AND DESIGN AND ACCESS STATEMENT

PP-06441126

S T A N D E N M A Y

1 MAGDALEN STREET

A Heritage Impact Assessment has been made in light of applying for Listed Building Consent so as to enable exterior changes to a listed building. The HIA relates to the change in colour of 1 Magdalen Street's building facade. The LBC application is being made following advice from Norwich City Council following a formal complaint from a local member of the public. We are applying for retrospective planning consent changing its existing colour to a more considered choice so as to remain sympathetic to the local area.

1 Magdalen Street, Norwich is situated opposite Colegate, where Fye Bridge Street meets the start of Magdalen Street. The building's coordinates are as follows, the map found within the supporting documents submitted shows this in detail. (Easting 623201 Northing 309079).

The proposal is being made so as to comply with changes to a listed building, including the appearance of the exterior facade. The proposal was advised as the new business (StandenMay) opened in May 2017. Chris Brownhill (Norwich City Council) advised us of a formal complaint made towards the new choice of colour chose in refurbishment of the interior (cosmetic changes), where an interior designer chose to tie in the feel of the interior with the exterior not knowing Listed Building Consent was needed for such a change.

The property's list description at present is as follows;

Reference: 07/01143/II Grade II
No.1 Magdalen Street (east side) (formerly listed with No's 3 and 4A)

Shop. C19 Painted brick Slate roof 3 storeys. 2 bays. Late C19 shop front Sash windows with glazing bars and rubbed brick flat arches. Box cornice.

Since meetings with our Assistant Conservation & Design Officer (Christopher Brownhill) and Planner Development Manager (Lara Emerson) we were advised that the change in building was not applied for and that a more appropriate choice of colour to provide contrast between the rendering and joinery should be made with a plan of action to make said changes once approved after Listed Building Consent was granted.

Although we feel personally, that the colour choice worked well within the setting, we can whole-heartedly understand the reasoning behind such need for change. The

current 'Downpipe' colouring by Farrow and Ball (see supporting document CurrentAppearance.PDF) when used for both rendering and joinery can look imposing and darkening upon the wider setting. As the building is open towards Colegate, those looking towards it from this direction can look harsh and suppressive for a tall, narrow premises.

The appearance would be greatly improved if lightened and softened to blend better amongst the surrounding properties, business fronts and conservation area – particularly as a backdrop when approaching 1 Magdalen Street from Colegate and in respect of the Grade I listed church in the near vicinity.

Our intent would be to change the colour of the rendering from 'Downpipe' grey and paint it using Farrow & Ball's exterior masonry paint, with a 2% sheen in colour 'Cornforth' to provide light, and a clear contrast between the rendering and joinery, including window frames, shop front and door. See colour reference: (No. 228) <http://bit.ly/2g1AfxU>

As with all work done for 1 Magdalen Street, the quality of paint and workmanship will be of upmost quality using local craftsmen to complete the work to a high standard for an impeccable finish. Consultations with craftsmen and scaffolding companies to allow for the works to be carried out have advised a non-disruptive work time of 2 working days to complete the work in full at most (weather dependant).

The past appearance of the front of 1 Magdalen Street has been painted white with joinery in black. As you can see from supporting document (BeforeWorks.png) the building looked slightly tatty, particularly around the windows and above the shop front joinery.

The current appearance of the front of 1 Magdalen Street is painted a dark grey so as to blend with the shop front joinery and joinery to the left at 3 Magdalen Street. The colour was chosen based on design influences from our interior designer and to mimic the colouring of a number of new local business buildings which are successful throughout the city (please see supporting document 'Vicinity.pdf'). However, this current state does not provide a good contrast between both joinery and rendering and appears dark. The colour was chosen to avoid wearing from the heavy pollution from the tens of double-decker buses that pass down the narrow street every day as other lighter coloured building can be seen to have large areas of discolouration from the lack of upkeep and traffic pollution.

The proposed colour (Cornforth White) has been chosen to blend better with the characteristics of the local conservation area, by which it has been informally looked upon favourably by our contacts at Norwich City Council (Lara Emerson & Christopher Brownhill) subject to this application. The lighter shade will provide a positive contrast between the rendering and Joinery (Downpipe) whilst staying within close remit to the approved palette provided by Norwich City Council to use as a guide (see supporting document ApprovedPalette.pdf). The lighter tone will provide a more light-reflective finish when walking towards the building from Colegate and more sympathetically related to the Grade I listed church building opposite.

These tonal colours have been considered to create a historic feel to the street, for which StandenMay is bringing affluent clients to the area which is often considered rundown at present. We hope that the area will become more sought-after with similar businesses to follow in our footsteps to create a varied and multicultural side of Norwich whilst working in harmony with other similar businesses in Norwich that have used a similar palette to re-invent areas.

The impact of our alteration on the building as a whole will be positive, so as to preserve its upkeep from regular painting works and cleaning, with the addition of natural window boxes in the spring time to work well against the greenery to the Grade I listed church. The building will then be regularly protected from the traffic pollution and work to improve the appearance of the street as a whole.

The assessment has been made following a request to change the colour of the building from Norwich City Council to preserve the historic interest of the local area in a more appropriate light, as this change is a positive for the building, we conclude that the impact of our proposal is of no harm to the building and surrounding area.

We believe the impacts described above are acceptable in terms of current legislation, policy and guidance and so hope that the colour change is looked upon favourably.

Overall, we feel that the change of colour to 1 Magdalen Street's building facade should be carried out to improve its appearance, sympathetic to its historic interest and work well within the local conversation area, whilst updating the look and upkeep of the area to encourage footfall and custom to the area in support of new local businesses.

Yours Sincerely,

Paul & Callum Standen-May
paul@standenmay.com
callum@standenmay.com

01603 616396

1 Magdalen Street
Norwich, Norfolk
NR3 1LE

Report to	Planning applications committee 12 July 2018	Item
Report of	Head of planning service	5
Subject	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).	

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and planning enforcement action for the quarter covering the period 01 October 2017 to 30 June 2018.

Recommendation

To note the report.

Corporate and service priorities

The report helps to meet the corporate priorities a safe clean and low carbon city, a prosperous and vibrant city, a fair city and a health city with good housing.

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard

Contact officers

Graham Nelson, Head of planning services	01603 212530
Mark Brown, Development Manager (Outer)	01603 212542
David Parkin, Development Manager (Inner)	01603 212505

Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.
3. The last performance reports was presented to committee on 11 January 2018.

Performance of the development management service

4. The cabinet considers quarterly reports which measure the council's key performance targets against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
5. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
6. For the 2017-18 financial year, of all the decisions that are accounted for by the governments NI157 indicator, some 766 applications out of 838 were dealt with by officers (a delegation rate of 91.4 per cent) and 72 applications were dealt with by committee.
7. For the first quarter of 2018-19, 162 applications out of 178 were dealt with by officers (a delegation rate of 91 per cent) and 16 applications were dealt with by committee.
8. The above compares to a delegation rate of 86.4% in 2016-17 and 90.6% in 2015-16.

Appeals

9. There are currently 16 pending planning appeals as listed within the appendix to this report. Pending appeals are currently far higher than is typically experienced, this may in part be due to delays with the planning inspectorate, however there has been an increase in planning appeals in the last 12 months.
- 10.2 appeals have been allowed, reference details for which are appended to this report. A brief summary of each is provided below:

a) 158 Wellesley Avenue South – Extension to dwelling – Delegated refusal

The application was refused on design grounds due to the proposals form and massing being over-dominant and incongruous in the street scene, having a negative impact on the surrounding Conservation Area. A particular concern was the proximity to the boundary and the effect of closing the gap between dwellings.

The inspector considered there whilst most properties were detached and set back from the road, there was a variance in the size and design of dwellings in the area. He also considered that a number of properties in the area were

constructed close to the boundaries. The inspector considered the design would harmonise with the original dwelling and not be incongruous and would preserve the character of the conservation area. The appeal was therefore allowed.

b) 12A Old Palace Road – 2 Storey extension to facilitate change of use to large HMO – Delegated refusal

The scheme was refused for reasons of overdevelopment of the site given the scale of the proposed extension. The inspector considered two main issues at the appeal being the effect of the development on (a) the character and appearance of the area and (b) the living conditions of neighbouring occupiers, with particular regard to outlook.

The inspector considered on the first point that the dwelling in question was distinctly different from its neighbours in the surrounding area and given its immediate context the proposal would not represent overdevelopment and whilst it would be visible the location did not have such a strong character that the proposed development would be either overly dominant or incongruous.

In relation to the second main issue the neighbouring property in question was a Sikh temple and the inspector agreed that whilst there would be some effect on the rear of the temple, this would not be harmful due to the community rather than residential use of the property.

The appellant also made an application for costs against the Council which was refused.

11.8 appeals have been dismissed, reference details for which are appended to this report. A brief summary of each is provided below:

a) 55 Cunningham Road – Change of use to large HMO – Committee decision to take enforcement action

The appeal case relates to a semi-detached property on Cunningham Road which has been extended and converted to an 8 bedroom House in Multiple Occupation (HMO). The appeal was against an enforcement notice which required that the property was returned to a C3 dwellinghouse or a small C4 HMO (up to six residents). The enforcement appeal was considered on the ground that planning permission ought to be granted for the development in question.

The inspector considered the following three main issues:

- 1) The effect of the alleged development on living conditions for occupants of the appeal property in terms of space standards, daylight and ventilation.
- 2) The effect of the alleged development on residential amenity for occupants of nearby dwellings in terms of noise, general disturbance, and privacy.
- 3) The effect of the alleged development on highway interests in terms of traffic generation and parking.

Whilst the inspector was satisfied that the proposal would not have a detrimental effect on future occupants of the HMO (main issue 1) the appeal was dismissed due to concerns with respect to main issues 2 and 3.

With regard to main issue 2 the inspector considered the proposal causes significant harm to residential amenity for occupants of nearby dwellings in terms of noise, and general disturbance. The inspector considered that when compared to a family dwelling a property occupied by eight otherwise unrelated occupants would result in an increased number of comings and goings – including those by private car and taxi – an increased number of separate social events, delivery of meals and other purchases, and people visiting for other reasons. The inspector considered that this increase in activity is likely to have a significant impact as a result of increased noise and disturbance.

In relation to main issue 3 the inspector concluded that the development would cause significant harm to highway interests in terms of traffic generation and parking. The inspector considered that the occupancy by 8 unrelated occupants is likely to result in a relatively high level of car ownership compared with a family dwelling as well as increased visitors and associated need for parking. The inspector considered that it was probably that this increase in demand would exacerbate any shortage of on-street spaces particularly outside working hours.

b) 168 Thorpe Road – Extensions to facilitate create 9 bed HMO (from 8 bed) – Delegated refusal

The application was refused on three grounds (a) due to overlooking of neighbours from a proposed dormer window, (b) due to the wall of the side extension causing an overbearing impact on neighbours and (c) the 9 bed HMO use proposed would be over-intense with insufficient external and internal amenity space.

In relation to the first two reasons, the inspector agreed with the Council's refusal noting that the extension (which in part involved the infilling of an L shaped terrace) would include a blank 3m high wall less than 2m from the neighbours boundary which would adversely affect their outlook. In relation to the dormer whilst there was an established level of overlooking from existing windows within the building, the inspector considered that new dormer would be at an obtuse angle directly facing a range of windows in the neighbouring property. The inspector also considered that fitting the proposed new dormer with obscure glazing would not be desirable as this would not provide suitable amenity for the bedroom it serves.

With regard to the final reason for refusal the inspector considered that the proposal would not have an adverse effect on the living conditions of future occupants and that suitable internal and external amenity areas would be provided and that sufficient cycle parking facilities could also be provided.

The inspector also noted that the scheme did not have any off-street parking and the scheme could add to existing local issues of on street car parking potentially affecting the conservation area. However, given the small increase in the number of bedrooms the inspector did not consider that this would lead to a significant level of harm.

c) 40 Bull Close – Extensions to create 7 flats – Delegated refusal

The case was refused on four grounds being (a) an over-intense form of development given the scale of the proposals and close proximity to neighbouring properties, (b) poor design which would have a negative impact on the

conservation area, (c) unacceptable living conditions for future residents with no external amenity space and (d) loss of amenity to neighbouring properties.

In relation to the first two reasons the inspector agreed that the proposal would cause less than substantial harm to the conservation area. The inspector noted that the proposals would deliver benefits but that given the scale of the development these would be limited and would not outweigh the harm.

The inspector also agreed that the proposal would impact the amenities of neighbours, noting that the proposal would increase the level of overlooking and result in an oppressive and overbearing development in relation to the neighbouring properties. The inspector also considered that it had not been demonstrated that the proposals would not affect the living conditions of neighbours by overshadowing.

On the matter of external amenity space for future residents the inspector noted that the 1 bed flats would not appeal to families and considered that not all flatted development is provided with external amenity space and occupiers rely on public open spaces for recreation and relaxation. Whilst there was a technical conflict with the aims of the development plan which seeks to secure external amenity space within residential developments, the inspector considered that the living conditions of the occupiers would not be compromised as access to public open spaces are within walking or cycling distance of the site.

d) 96A Angel Road – Redevelopment of site for 4 dwellings – Delegated refusal

The case was refused on the basis of overdevelopment of the site which would result in a poor standard of amenity for future residents due to a lack of external amenity space and proximity to a public house.

The inspector considered that the terrace would dominate the site and that garden areas would be extremely limited in size. Consequently the inspector considered that the development would appear cramped and discordant and would fail to respond positively to the prevailing pattern of development in the area.

With regard to rear garden space whilst the inspector acknowledged that there is no clear statement of what the minimum size of a garden area should be, the proposed private spaces were rather small (3.7 m x 4.1m for three of the units and 4.6m x 3.7m for the fourth unit), would be oppressively confined spaces and would be rather small in comparison to the prevailing size of gardens in the area and would be of limited practical use for the occupiers. Consequently the inspector considered that the proposal would not provide an acceptable level of outdoor garden space.

In relation to noise and disturbance from the pub, the inspector noted that it is very common for dwellings to be sited close to public houses and they appear to happily co-exist. The inspector suggested that the matter could be overcome through the imposition of a planning condition requiring soundproofing measures such as appropriate windows and doors for each unit if approved. The inspector also noted that the proposed dwellings would be no closer to the public house than 72 Angel Road, which also appears to happily co-exist with it.

e) 9 Osborne Court – Replacement windows – Delegated refusal

The appeal site is a block of 12 apartments with the proposal being to replace 12 windows within one flat with uPVC replacements. The main issue in this appeal was if the development would preserve or enhance the character or appearance of the Newmarket Road Conservation Area. The inspector found that the uPVC windows would fail to fully replicate the existing windows and as such the proposal would disrupt the coherent character of the building leading to less than substantial harm to the character of the conservation area. Whilst the appellant argued that uPVC windows were required to reduce maintenance and improve insulation, the inspector did not consider that there was any public benefit from the use of uPVC which would outweigh the harm caused.

f) 147A Magdalen Road – Change of use to dwelling with associated alterations – Delegated refusal

The case was refused on four grounds (a) amenity for future residents due to inadequate internal and external amenity space as well as the proximity to a hot food takeaway and lack of natural light to the ground floor, (b) insufficient evidence that the A2 premises could not be used for other business purposes, (c) the loss of the unit would have a harmful impact on the vitality and diversity of services in the local centre and (d) insufficient evidence that the proposed bin and cycle store at the front would not have a harmful impact on the character of the nearby conservation area.

With regard to the amenity of future occupiers, the inspector commented as follows:

- (a) Internal space would be considerably below national and local space standards and would be inadequate;
- (b) No noise assessment was submitted and no measures were proposed to mitigate against noise and odour from the adjacent hot food takeaway. In the absence of sufficient information on noise and odour the inspector could not be certain that the development would not have an adverse effect on future occupiers;
- (c) The ground floor would have a deep footprint and much would be reliant on artificial light, the outlook from the ground floor would also be poor given the cycle and refuse storage at the front;
- (d) The inspector did not consider proximity to the road to be of concern;
- (e) The property lacked usable external amenity space and despite Sewell Park being within 100m of the site the inspector considered that some external amenity space would be reasonable for the size of property and given that similar properties in the area have a level of rear amenity space.

In relation to grounds (b) and (c), the inspector considered that there was insufficient information to conclude that the site is no longer viable, feasible or practicable to retain for business use, particularly as there is little evidence of marketing the appeal site for rent at an appropriate level for the Local Centre rather than sale (the site had been marketed freehold as a development opportunity). The inspector also considered that the loss of the unit from the local centre would harm the diversity of services in the local centre (whilst noting that the vacant unit was not contributing to the character of the area).

The inspector did not consider that the potential for cycle and refuse storage at the frontage of the property would harm the nearby conservation area.

In applying the planning balance the inspector noted the lack of a five year housing land supply but concluded that the benefits of the development did not outweigh the identified harm.

An associated claim for costs by the appellant was also refused.

g) Legarda Court, Pearcefield – Conversion of roof space to provide 4 flats with associated alterations – Delegated refusal

The main issues in this appeal were (a) the effect of the proposed development on the living conditions of neighbouring occupiers at Legarda Court and Tillett Road East, with particular regard to noise and disturbance, external amenity space, and overlooking; and (b) the adequacy of refuse storage provision.

With regard to the first issue the inspector considered that the new windows and balcony would give rise to greater overlooking of neighbouring properties and would cause material harm. The proposals would also see the loss of a grass amenity area which was to be replaced by an access and car parking area. The inspector considered that loss of the area would be harmful to the amenity of existing residents of Legarda Court and that the use as a parking area would harm the amenities of neighbouring residents through noise and disturbance.

On the second issue the inspector agreed that the proposal would not make adequate provision for refuse storage on site. In applying the planning balance the inspector noted benefits of the scheme and the lack of a five year housing land supply but concluded that the benefits of the development did not outweigh the identified harm.

h) Heath House, Gertrude Road – Redevelopment of bowling green to 4 dwellings – Committee refusal

The reason for refusal and main issue in the appeal related to the loss of the existing open space on the site which is protected by local plan policy DM8. The inspector addressed each of the criteria of DM8 in turn and considered that whilst proposals met two criteria it failed three others.

With regard to the open spaces amenity and biodiversity value (DM8 a. of second part) the inspector stated that the proposed development would undoubtedly change the nature of the appeal site from open space. However, given the presence of the trees and surrounding vegetation, and its position behind Heath House, he considered that the main part of the appeal site was not highly visible from public vantage points, with only limited views from the bend of Maltby Court. As such, the loss of the green open space would not cause harm in terms of visual amenity. Furthermore, given its generally mown nature when in use, the biodiversity value of the bowling green would not be particularly high. The inspector also noted that the majority of trees would be retained therefore maintaining their amenity and biodiversity value. The inspector also concluded that the terrace of houses would not be at odds with the character of the surrounding area or the locally listed public house.

The inspector agreed with both parties that the appeal site is no longer required for its original intended purpose and that its facilities would be demonstrably unsuitable for this purpose (DM8 b. of second part).

With regard to criteria c. of the second part of DM8 the inspector considered that on the basis of the evidence provided the appeal site has not been appropriately marketed for alternative open space uses. Noting the interest of local residents in seeking the ACV status, the inspector considered that all options for viably restoring or re-using this open space for alternative purposes have not yet been exhausted.

The inspector did not considered that the proposal would result in an overall qualitative or quantitative improvement to recreational facilities (DM8 criteria a) of the first part). The inspector considered that as drafted the £15,000 off-site contribution towards pitch and putt facilities at Mousehold Heath would not meet the tests for planning obligations, particularly as it related to a different form of open space. The inspector also considered that the sum would not represent a sufficient sum of money to replace the bowling green elsewhere and it would be likely to provide only very modest enhancements to another recreational facility in the city, as such the benefits to sport or recreation would not outweigh the loss of that open space (DM8 criteria b) of the first part).

In applying the planning balance the inspector noted benefits of the scheme and the lack of a five year housing land supply but concluded that the benefits of the development did not outweigh the identified harm.

Enforcement action

12. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 2 with an updated on the current status. Items are removed once resolved and the resolution has been reported to committee.

Planning Appeals Pending

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal started	Type of appeal	Decision
17/00011/REF Application No. 17/00005/F	APP/G2625/W/17/3181627	Franchise House 56 Surrey Street	Conversion to residential (Class C3) to provide 4 residential units.	Withdrawn	Written reps.	Appeal Withdrawn
17/00011/REF Application No. 17/00006/L	APP/G2625/Y/17/3181629	Franchise House 56 Surrey Street	Conversion to residential (Class C3) to provide 4 residential units.	Withdrawn	Written reps.	Appeal Withdrawn
17/00013/REF Application No. 16/01925/L	APP/G2625/Y/17/3181822	Bethel Hospital Bethel Street	Repair works to gable wall, west wall, attic floor and cornice and reinstatement of former d	23.10.2017	Written reps.	Pending
17/00022/REF Application No. 15/01928/F	APP/G2625/W/17/3190739	St. Peters Methodist Church Park Lane	Demolition of modern extensions and conversion to provide 20 residential units (class C3).	20 March 2018	Hearing	Hearing on 08 August 2018
18/00001/REF Application No. 17/01292/F	APP/G2625/W/18/3193974	1A Midland Street	Retrospective application for changes to access and boundary treatments and the temporary siting of	30 May 2018	Hearing	Statement Due 4 July

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal started	Type of appeal	Decision
			two workshop structures until 30 September 2018.			
18/00002/REF	APP/G2625/W/18/3194708	474B Earlham Road	Conversion of garage accommodation to dwelling.	01 June 2018	Written reps.	Statement Due 6 July
18/00003/ENFPLA	APP/G2625/C/18/3194781	1A Midland Street	Enforcement notice against changes to access, boundary treatments, siting of workshop structures.	30 May 2018	Hearing	Statement Due 11 July
18/00005/REF	APP/G2625/W/18/3196441	Sovereign Motor Company Mountergate	Continued use of site to provide short/medium stay public car park for a period of one year.	06 June 2018	Written reps.	Statement Due 11 July
18/00009/ENFPLA	APP/G2625/C/18/3197471	10 Ruskin Road	Enforcement notice against two storey extension	Awaiting start date	Written reps.	Awaiting start date
18/00006/REF	APP/G2625/Y/18/3197928	18 The Crescent Chapel Field Road	Roller shutter doors in garage doorway and re-forming car port roof.	Awaiting start date	Written reps.	Awaiting start date
18/00008/REF	APP/G2625/D/18/3198007	18 The Crescent Chapel Field Road	Roller shutter doors in garage doorway and re-forming car port roof.	Awaiting start date	Written reps.	Awaiting start date

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal started	Type of appeal	Decision
18/00010/REF	APP/G2625/W/18/3199271	39 Prince Of Wales Road	Change of use of second floor to two bedroom flat (Class C3).	06 June 2018	Written reps.	Statement Due 11 July
18/00011/REF	APP/G2625/W/18/3199892	Car Park Adjacent To Sentinel House 37 – 43 Surrey Street	Redevelopment of site to provide 285 student bedroom development with associated access and landscaping.	06 June 2018	Written reps.	Statement Due 11 July
18/00012/ENFPLA	APP/G2625/C/18/3200317	159 Drayton Road	Enforcement notice – front boundary wall, engineering works and front outbuilding	Awaiting start date	Written reps.	Awaiting start date
18/00013/REF	APP/G2625/D/18/3201012	108 Eaton Road	New domestic garage.	Invalid	Written reps.	Appeal cancelled as invalid
18/00014/REF	APP/G2625/W/18/3202230	9 Bracondale	Construction of three-storey apartment block to provide 3 apartments and associated external works.	06 June 2018	Written reps.	Statement Due 11 July
18/00015/REF	APP/G2625/W/18/3204095	Car Park Rear Of Premier Travel Inn Duke Street	Redevelopment of car park site to provide student accommodation.	Awaiting start date	Written reps.	Awaiting start date

Application ref no	Planning Inspectorate ref no	Address	Proposal	Date appeal started	Type of appeal	Decision
18/00016/COND	APP/G2625/W/18/3204745	171 Newmarket Road	Appeal against condition restricting access via the rear lobe	Awaiting start date	Written reps.	Awaiting start date
18/00017/REF	APP/G2625/D/18/3205108	1 Hanover Court	Removal of existing conservatory and erection of single storey side extension.	Awaiting start date	Written reps.	Awaiting start date

Planning appeals allowed – Quarters 3-4 2017-18 & Quarter 1 2018

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
17/00021/REF Application No. 17/01390/F	APP/G2625/D/17/3190638	158 Wellesley Avenue South	Two storey side extension with front porch. Single storey rear extension. Dormer window to front elevation.	29 Jan 2018	Written reps.	Allowed
17/00020/REF Application No. 16/01927/F	APP/G2625/W/17/3190273	12A Old Palace Road	Two storey rear extension and change of use to Sui Generis (large HMO).	01 June 2018	Written reps.	Allowed

Planning appeals dismissed – Quarters 3-4 2017-18 & Quarter 1 2018

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
17/00005/ENFPLA Enforcement Reference: 15/00167/ENF	APP/G2625/C/17/3174414	55 Cunningham Road	Without planning permission, the change of use of 55 Cunningham Road from residential (Class C3)/HMO (Class C4) use to residential sui generis use.	30 May 2018	Written reps.	Dismissed
17/00014/REF Application No. 17/00725/F	APP/W2625/W/17/3183295	168 Thorpe Road	Single storey side and rear extensions and new attic room with dormer to create a 9 bed HMO.	22 Feb 2018	Written reps.	Dismissed
17/00015/REF Application No. 17/00869/F	APP/G2625/W/17/3187022	40 Bull Close	Extension of the ground, second and third floors to create 7 No. flats with associated works.	22 June 2018	Written reps.	Dismissed
17/00016/REF Application No. 17/00817/F	APP/G2625/W/17/3187694	96A Angel Road	Redevelopment of site and erection of 4 no. dwellings.	15 June 2018	Written reps.	Dismissed
17/00017/REF Application No. 17/01082/F	APP/G2625/W/17/3188185	9 Osborne Court	Replacement windows.	16 May 2018	Written reps.	Dismissed

Application ref no	Planning Inspectorate ref no	Address	Proposal	Decision Date	Type of appeal	Decision
17/00018/REF Application No. 17/00932/F	APP/G2625/W/17/3189585	147A Magdalen Road	Change of use from office (Class B1) to dwellinghouse (Class C3) including installation of 1 No. new window to first floor rear elevation and low level front wall to match existing adjacent wall.	06 June 2018	Written reps.	Dismissed
17/00019/REF Application No. 15/00455/F	APP/G2625/W/17/3190065	Legarda Court Pearcefield	Raising of the eaves and conversion of existing roof space of Legarda Court into 4 no. one bedroom flats. To include new vehicular access from Pearcefield and new parking area.	06 June 2018	Written reps.	Dismissed
18/00004/REF	APP/G2625/W/18/3194937	Heath House 99 Gertrude Road	Redevelopment of bowling green to 4 no. dwellings and car parking.	12 June 2018	Written reps.	Dismissed

Enforcement action

Status report on all items previously reported to planning applications committee (items are removed once resolved)

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
13/02087/VC &13/02088/VC	Football ground area	River bank, landscaping, street trees, etc	6 March 2014 08 Dec 2016	<p>Revised landscaping proposals and timeframes for provision were agreed at the committee meeting of 08 December 2016.</p> <p>The decision has not yet been issued due to difficulties in agreeing wording of the Section 106 agreement, these matters are now coming towards a resolution.</p> <p>Despite the above the first phase of landscaping works along Geoffrey Watling Way has been undertaken. The final phase of landscape work is scheduled to take place by the end of the year.</p>	Tracy Armitage
16/00167/ENF	55 Cunnigham Road	Change of use from C3/C4 to large HMO	12 Jan 2017	The enforcement notice has been issued and was subject to a planning appeal, the appeal has now been dismissed (see the planning appeals section of the main report) and compliance is required by November 2018.	Ali Pridmore/ Lara Emerson
16/00020/ENF	66 Whistlefish Court	Conversion of garage to a separate unit of residential accomodation (C3) and change	09 Feb 2017	The notice was served on 03 March 2017 and came into force on 14 April 2017 with a six month compliance period. It is understood that the notice has not been complied with and further action is currently being considered.	Ali Pridmore

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
		of use from C3/C4 to large HMO.			
16/00020/ENF	67 Whistlefish Court	Conversion of garage to a separate unit of residential accommodation (C3) and change of use from C3/C4 to large HMO.	09 Feb 2017	The notice was served on 03 March 2017 and came into force on 14 April 2017 with a six month compliance period. It is understood that the notice has not been complied with and further action is currently being considered.	Ali Pridmore
17/00026/ENF	21-23 St Benedicts Street	Mechanical extration and ventilation plant and flue	13 July 2017	The notice has been served and complied with.	Sam Walker
17/00078/ENF	10 Ruskin Road	First floor extension and creation of large HMO	13 July 2017	The notice has been served and came into effect on 08 March 2018 with a six month compliance period. An appeal against the notice has been received.	Rob Webb
17/00028/ENF	2 Field View	Change of use from C3/C4 to large HMO and change of use of garage to independent office unit	13 July 2017	The resolution was to serve an enforcement notice against the use of the garage and against the use of the main dwelling as a large HMO if required. The latest situation is that applications are expected by 09 July 2018.	Rob Webb

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
17/00112/ENF	2B Lower Goat Lane	Conversion of A1 unit to C4 HMO in breach of condition 2 of 16/00695/U	13 July 2017	Enforcement notice is being drafted and will be served shortly.	Ali Pridmore/ Rob Webb
17/00076/ENF	1A Midland Street	Erection of two fabrication units and associated works	10 August 2017	The notice has been served and comes into effect on 31 January 2018 with a six month compliance period. The notice has been appealed.	David Parkin / Sam Walker
17/00157/ENF	5 Nutfield Close	Subdivision of dwelling to create four residential units	12 October 2017 & 12 April 2018	The enforcement notice was served on 11 December 2017. At the meeting on 12 April 2018 members resolved to withdraw the above notice and issue a revised notice requiring the implementation of revised approval for two residential units on the site (permitted via reference 18/00005/F). The former notice was withdrawn and new notice service on 22 May.	Stephen Polley
17/00136/ENF	142 Dereham Road	Positioning and use of a hot food takeaway van on forecourt.	12 October 2017	The use of the van has ceased and this remains the case. A planning application for change of use of the shop to A3 was permitted in October. Whilst members authorised enforcement action to secure the removal of the van, members indicated that they did not want to be heavy handed and wished officers to monitor the situation to allow time for the change of use to be implemented and van removed. No notice has therefore been issued to date.	Lydia Tabbron

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
17/00006/ENF	17-19 Castle Meadow	Basement in residential use.	08 March 2018	The enforcement notice was served on 09 March 2018 with a compliance date of 06 July 2018.	Lara Emerson
17/00118/ENF	159 Drayton Road	Front retaining wall, engineering works and outbuilding to the front of the dwelling.	08 March 2018	The enforcement notice came into effect on 24 April 2018 with a six month compliance period. An appeal has been received against the enforcement notice.	Stephen Polley
17/00131/ENF	2 Mornington Road	Erection of wooden garage/garden room structure.	08 March 2018	Following the resolution of the committee there have been discussions with the site owners and their representatives with a view to identifying possible alternative solutions. This matter is ongoing but a notice will be served shortly if the matter is not resolved via negotiation.	Stephen Polley
17/00186/ENF	111 Earlham Road	Erection of fence and shed in front garden.	12 April 2018	The enforcement notice is drafted and will be served imminently.	Charlotte Hounsell
15/00046/CO NSRV/ENF	13 Magdalen Street	Removal of timber sash windows and installation of uPVC windows.	12 April 2018	A planning contravention notice has been served to ascertain relevant parties on whom to serve the notice. A response is required by 03 July 2018.	Samuel Walker
18/00022/ENF	2 Bracondale	Front garden being used as off street parking.	12 April 2018	The notice has been drafted and will be served imminently.	Stephen Little

Case no.	Address	Development	Date referred to committee	Current status	Lead Officer
18/00026/ENF	113 Trinity Street	Demolition of wall fronting highway to form off-street parking area.	14 June 2018	The notice has been served and comes into effect on 19 July with a 90 day compliance period.	Lara Emerson
18/00087/ENF	114 Trinity Street	Demolition of front boundary wall.	14 June 2018	The wall is currently being re-built without the need to serve an enforcement notice.	Lara Emerson

