



## **Planning applications committee**

**Date:** Thursday, 14 July 2016

**Time:** 09:30

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

### **Committee members:**

#### **Councillors:**

Herries (chair)  
Driver (vice chair)  
Bradford  
Button  
Carlo  
Henderson  
Jackson  
Lubbock  
Malik  
Peek  
Sands (M)  
Woollard

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## Agenda

### Page nos

#### 1 Apologies

To receive apologies for absence

#### 2 Declarations of interest

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

#### 3 Minutes

5 - 8

To approve the accuracy of the minutes of the meeting held on 9 June 2016

#### 4 Planning applications

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

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

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

Please note:

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

#### Summary of planning applications (including tree preservation orders)

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#### Standing duties

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<b>4(a)</b>	<b>Application no 16/00227/F – Flordon House, 195 Unthank Road, Norwich</b>	<b>13 - 24</b>
<b>4(b)</b>	<b>Application no 16/00410/F – 18 Lindford Drive, Norwich, NR4 6LT</b>	<b>25 - 34</b>
<b>4(c)</b>	<b>Application nos 16/00276/F and 16/00277/L- 5 Magdalen Street, Norwich</b>	<b>35 - 52</b>
<b>4(d)</b>	<b>Application no 16/00479/F - 134 Unthank Road, Norwich, NR2 2RS</b>	<b>53 - 70</b>
<b>4(e)</b>	<b>Application no 16/00404/MA - Land north side of Windmill Road, Norwich</b>	<b>71 - 82</b>
<b>4(f)</b>	<b>Tree Preservation Order [TPO], 2016. City of Norwich Number 496 ; 3 Albemarle Road, Norwich NR2 2DF</b>	<b>83 - 94</b>
<b>4(g)</b>	<b>Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Place Norwich, NR4 7QT</b>	<b>95 - 108</b>

Date of publication: **Wednesday, 06 July 2016**





**Planning applications committee****09:30 to 10:40****9 June 2016**

Present: Councillors Herries (chair), Driver (vice chair, following election), Ackroyd (substitute for Councillor Lubbock), Bradford, Button, Carlo, Henderson, Jackson, Malik, Peek, Sands (M) and Woollard

Apologies: Councillor Lubbock

**1. Appointment of vice chair**

**RESOLVED** to elect Councillor Driver as vice chair for the ensuing civic year.

**2. Declarations of interest**

There were no declarations of interest.

**3. Minutes**

**RESOLVED** to agree the accuracy of the minutes of the meeting held on 12 May 2016.

**4. Application no 15/00833/F - 28 Mousehold Lane, Norwich, NR7 8HE**

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

Discussion ensued in which the senior planner and planning team leader (development) (outer area) referred to the report and answered members' questions. The committee noted the Templemere Residents' Association concerns about surface water flooding and was assured that the installation of the bund would address the drainage issue and was supported by an engineer's report. Members requested that the works were implemented in a timely manner and it was agreed that the standard time limit could be varied to ensure that works were commenced within the next three to six months. The application regularised works already undertaken to prepare the site for development. It was likely that there would be further engineering works at the development stage.

A member pointed out that the issue of foul water drainage from the adjacent restaurant needed to be addressed but this was not part of the application for this site. Another member said that the site had flooded in 2014, but this was not frequent and had occurred when other parts of the city had also flooded. He considered that the development of this vacant site would be better for the residents of the adjacent Templemere site and therefore supported the application.

**RESOLVED**, unanimously, to approve application no. 15/00833/F - 28 Mousehold Lane, Norwich, NR7 8HE, and grant planning permission subject to the following conditions:

1. The temporary bund shall be installed within a period of six months;
2. In accordance with plans;
3. No development activities shall be carried out at the application premises without express consent from the local planning authority outside of the following hours:
  - before 07:00 hours and after 18:00 hours Mondays - Fridays;
  - before 08:00 hours and after 17:00 hours on Saturdays; and
  - not at all on Sundays or Public Holidays.

Informative:

1. Considerate construction;
2. The applicant is advised that contamination will be assessed as part of any future development proposal on site.
3. Proper care and consideration should be given to avoiding any harm to the existing boundary fences on the site during the works proposed as part of the current application.

Article 35(2) statement

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

#### **5. Application no 16/00381/F – 67 Melrose Road, Norwich, NR4 7PW**

The planning assistant presented the report with plans and slides. She referred to the comments from the objectors and the Norwich Society and said that the scheme had been amended to reduce the width of the extension so there was an approximately 1.4 m gap between it and the adjacent property.

Discussion ensued in which the planning assistant referred to the report and answered questions. She explained that the comments from the Norwich Society had been summarised in the report and pointed out that the proposed extension was similar to an extension at the neighbouring property. No additional comments had been received in response to the amended plans.

**RESOLVED**, unanimously, to approve application no. 16/00381/F – 67 Melrose Road, Norwich, NR4 7PW and grant planning permission subject to the following conditions:

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

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, 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.

**6. Application no 16/00570/F - 106 Trafford Road, Norwich, NR1 2QR**

The planning assistant presented the report with the aid of plans and slides.

In response to a member's question, the planning assistant confirmed that the property comprised four self-contained flats. The proposed extension was to the ground floor flat and would not impede access to the side entrances to the two first floor flats.

**RESOLVED**, unanimously, to approve application no. 16/00570/F - 106 Trafford Road, Norwich, NR1 2QR and grant planning permission, subject to the following conditions:

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

Article 35(2) Statement

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

**7. Application no 16/00645/F - 1 Phillipa Flowerday Plain, Norwich, NR2 2TA**

The planning assistant presented the report with the aid of plans and slides.

During discussion the planning assistant referred to the report and answered members' questions. He explained that this application for an extension was unlikely to set a precedent because the garden for this plot was larger than the neighbouring plots. The committee also noted that guttering would be incorporated into the extension and would not overhang the side alleyway. The existing garden wall, which had been put up by the householder, would be removed to make way for the extension, which would be slightly stepped into the plot, increasing the width of the alleyway. The committee also noted that the gate into the garden would be retained and that there was separate access to the garages.

The planning team leader (development) (inner) commented on a member's suggestion that a green roof should have been considered instead of a pitched roof and reminded members that they needed to consider the application before them. A green roof would have greater impact on the neighbouring properties than the proposed pitched roof, which complemented the design of the building.

**RESOLVED** unanimously, to approve application no. 16/00645/F - 1 Phillipa Flowerday Plain, Norwich, NR2 2TA, and grant planning permission subject to the following conditions:

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

Article 35(2) Statement

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

**8. Enforcement Case 16/00028/ENF – 34-40 King Street, Norwich, NR1 1PD**

The planning assistant presented the report with the aid of plans and slides.

During discussion the planning assistant and the planning team leader (development) (inner), referred to the slides to demonstrate the visual impact of the white UPVC windows as opposed to the grey aluminium windows that been removed and had less impact on the street-scene and detracted from the adjacent listed buildings. The white UPVC windows had been installed without planning permission and had it been sought officers would have insisted on aluminium windows. A member suggested that the windows could be painted grey but was advised that this was not a feasible option. Members were also advised that both the UPVC and aluminium windows met current thermal efficiency standards.

**RESOLVED** with 10 members voting in favour (Councillors Herries, Driver, Button, Carlo, Henderson, Jackson, Ackroyd, Malik, Woollard and Bradford), 1 member voting against (Councillor Sands) and 1 member abstaining (Councillor Peek) to authorise enforcement action to secure the removal of the unauthorised white PVCu windows and replacement with windows approved under application no 16/00358/F; including the taking of direct action that may result in referring the matter for prosecution if necessary.

CHAIR

**Summary of planning applications (including tree preservation orders) for consideration**

**ITEM 4**

14 July 2016

<b>Item No.</b>	<b>Application no</b>	<b>Location</b>	<b>Case Officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
4(a)	16/00227/F	Flordon House 195 Unthank Road	Charlotte Hounsell	Conversion of office and dwelling to 5 No. flats and associated alterations	Objections	Approve
4(b)	16/00410/F	18 Lindford Drive	Charlotte Hounsell	Conversion of garage, construction of first floor side extension and two storey rear extension. Alterations to roof of front porch.	Objections	Approve
4(c)	16/00276/F and 16/00277/L	5 Magdalen Street	James Bonner (Mark Brown presenting)	Change of use to restaurant with take away facility, installation of extraction system and internal alterations.	Objections	Approve
4(d )	16/00479/F	134 Unthank Road	James Bonner (Mark Brown presenting)	Erection of 1No. Two bed dwelling	Objections	Approve
4(e)	16/00404/MA	Land North Side Of Windmill Road Norwich	Lee Cook	Minor-material amendments consisting of the reduction in height of rear wall, amendments to internal layouts and elevations, roofs cladding and angled box windows to be replaced with double glazed windows of previous permission 14/00847/F.	Unresolved comment/deemed objection	Approve
4(f)	TPO496	3 Albemarle Road	Mark Dunthorne	To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 496 3 Albemarle Road, Norwich NR2 2DF with modifications to the plan to show the correct position of the tree	Objections	Confirm TPO

Item No.	Application no	Location	Case Officer	Proposal	Reason for consideration at committee	Recommendation
4(g)	TPO498	5 Edenhurst Close	Mark Dunthorne	To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Close, Norwich, NR4 7QT without modifications	Objections	Confirm TPO

## **STANDING DUTIES**

**In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.**

### **Equality Act 2010**

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

### **Crime and Disorder Act, 1998 (S17)**

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

### **Natural Environment & Rural Communities Act 2006 (S40)**

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

### **Planning Act 2008 (S183)**

- (1) Every Planning Authority should have regard to the desirability of achieving good design

### **Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law**

#### ***Article 8 – Right to Respect for Private and Family Life***

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.



**Report to** Planning applications committee

**Item**

14 July 2016

**Report of** Head of planning services

**Subject** Application no 16/00227/F – Flordon House, 195  
Unthank Road, Norwich

**Reason  
for referral** Objections

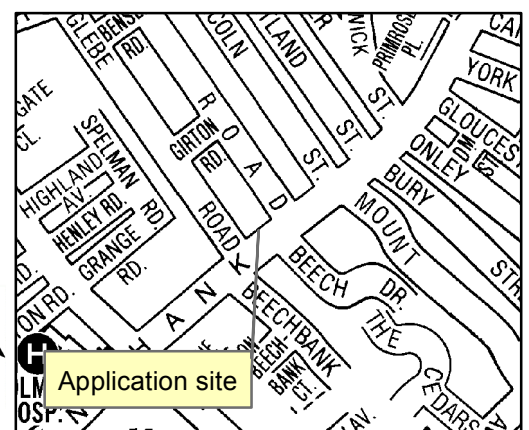
4(a)

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

Development proposal		
Conversion of office and dwelling to 5 No. flats and associated alterations		
Representations		
Object	Comment	Support
14	0	0

Main issues	Key considerations
1 Principle of development / impact upon the character of the surrounding area	Provision of new housing, and suitability of the proposals within the surrounding context.
2 Amenity	Potential impacts of the proposals upon amenity of neighbouring / future occupiers.
3 Parking and traffic	Access and servicing arrangements, car parking provision and impact upon parking in the surrounding area.
<b>Expiry date</b>	20 July 2016
<b>Recommendation</b>	Approve subject to conditions



## The site and surroundings

1. The subject property is located on the North East side of Unthank Road, West of the city centre. The property is a detached three-storey dwelling built circa 1900, is constructed of a cream rendered finish and clay roof tiles. The property is currently used as a dwelling with an office on the ground floor (class A2). At the front of the property is a garden space separated from the highway by a boundary wall. Access to the main property is via a front door and a side access on the South West elevation. At the rear of the property is a small garden with steps up to an existing parking area and garage which can also be accessed via an alley from College Road and Glebe Road. The properties in the surrounding area are a mix of Victorian semi-detached or terraced houses.

## Constraints

2. Located within the Unthank and Christchurch conservation area and is a locally listed building.

## Relevant planning history

- 3.

Ref	Proposal	Decision	Date
4/2003/0392	Extension and conversion of nursing home into 12 flats.	WDA	23/05/2003
03/00017/F	Conversion from nursing home into 16 student bed-sits.	REF	19/09/2003
03/00022/F	Conversion of nursing home into 6 bedsits and 6 flats. This application was refused due to concern that the proposals would result in an over-intensive occupation of the property and would be detrimental to residential amenity.	REF	19/09/2003
04/00109/U	Change of use from care home to private dwelling.	APPR	10/03/2004
04/00520/F	Construction of pitched roofs & external alterations at rear, and alterations to car port/garage.	APPR	27/07/2004
07/00791/C	Demolition of existing gate brick piers and replacement with new brick piers.	APPRET	23/08/2007

## The proposal

4. The proposal is for the conversion of the existing property which is currently in use as a dwelling and office on ground floor into 5 flats, with associated alterations to the parking area, front garden space, demolition of a small single storey side extension to provide access and addition of windows/doors.
5. The proposals have been revised as the bin storage area has been relocated to a more accessible location at the front of the property. The rear car park and garden area has also been reconfigured to make more efficient use of space and to provide screening between the amenity space and parking area.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	5
No. of affordable dwellings	0
No. of storeys	3
<b>Transport matters</b>	
Vehicular access	Via a small access alleyway that links College Road and Glebe road behind the houses on Unthank Road.
No of car parking spaces	5
No of cycle parking spaces	6 spaces shown
Servicing arrangements	Communal bin store in front garden

## Representations

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

<b>Issues raised</b>	<b>Response</b>
There are too many Houses in Multiple Occupation in the surrounding area and the proposals will lead to a further increase and erode the character of the community, and harm the character of the conservation area.	See main issue 1
There is insufficient parking to meet the needs of the development and the proposals will result in increased parking pressure in the surrounding area	See main issue 3
Proposals should be kept as a family home or converted to two semi-detached dwellings or three apartments.	See main issue 1
Planning applications for multi occupancy have been refused previously and there has been no change since then.	See main issue 1
Loss of views	This issue is not a material planning consideration.
The rear access way is unsuitable for access by five flats and will be dangerous.	See main issue 3
Noise disturbance	See main issue 2
Overlooking of neighbouring gardens	See main issue 2.
Proposed bin storage will detract from the appearance of the area.	See main issue 3.

7.

## **Consultation responses**

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

### **Design and conservation**

9. No comment.

### **Transportation**

10. No objection in principle on highway/transportation grounds but make the following suggested improvements

- That a bin store is created at the front of the property
- The cycle storage must be Sheffield stands
- Two of the parking spaces are impossible to use – need to remove the rear wall and gates entirely
- Informative: None of the new apartments would have parking permit entitlement
- Suggestion: relocate the refuse storage; create a bin store to conceal the bins
- Suggestion: reconfigure parking as show and wall and gates. Current layout as proposed can only work if gates and walls are entirely removed.

### **Norwich Society**

11. We understand there are objections but as there are no external alterations we have no comment.

### **Private sector housing**

12. No comment.

## **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)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS20 Implementation
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
  - DM9 Safeguarding Norwich's Heritage
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation
  - DM28 Encouraging sustainable travel
  - DM29 Managing car parking demand in the city centre
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

### **Other material considerations**

15. **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

## **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 / impact upon the character of the surrounding area**

17. Residential: Key policies and NPPF paragraphs – DM12, DM13, JCS4, NPPF paragraphs 49 and 14.
18. The principle of providing housing in this area is considered acceptable. According to DM12, development is expected to maximise opportunities for conversion and reuse of existing residential premises where this is achievable and does not have a detrimental impact on amenity and the character of the surrounding area, that cannot be rectified by condition. These further assessments have been made in the following paragraphs.
19. As such the conversion of the property to flats is acceptable in principle subject to meeting the criteria within policy DM12. Concerns are noted that the proposals could represent an overly intensive use in relation to the surrounding area, which is predominantly characterised by dwellings. Officers have had regard to the character of existing building, and its previous and current uses when considering this issue.
20. It is noted the property was previously used as nursing home until 2003 when a change of use occurred to a dwelling with an estate agent office (class A2) on ground floor. The A2 use does not benefit from planning permission, but appears to have existed for a considerable period of time (since 2003) and is likely to be immune from enforcement action. As such the property has not been used as a conventional dwelling house for some period of time. The current use generates some visits by customers and staff to and from site which would be likely to be greater than that experienced by a single dwelling house.
21. The property is of considerable scale and use as very large single dwelling would not represent the most efficient use of the site as encouraged by policy DM12. Consideration has also been given to conversion to a smaller number of flats or two dwellings. The existing building is not considered suitable for conversion to two semi-detached dwellings, as this would be impractical and

require significant internal and external alterations. Conversion to a smaller number of flats would be more achievable, but is also considered to be impractical, as it would result in very large flats on upper floors with no private outdoor amenity space. In addition the current proposals provide a good standard of amenity for future occupiers as noted below.

22. When all the above factors are taken into account it is not considered that the proposals would be unduly intensive use of the building or which would detract from the character of the surrounding conservation area, in accordance with policy DM12 and DM9.
23. Concerns are also noted that the proposals would result in provision of Houses in Multiple Occupation (HMO). This is not correct as the current proposals are for five self-contained flats and not HMOs. Use of any of the flats as an HMO would require a separate application for planning permission. In any case it is less likely that the proposed flats would be used as an HMO (due to their smaller size) in comparison the existing use.

## **Main issue 2: Amenity**

24. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
25. Concerns were raised regarding the loss of privacy due to overlooking. The proposal includes the provision of two additional windows in the North East elevation facing onto No. 193 and serving a lounge/dining area. It is noted that these windows have the potential to result in a loss of privacy to the neighbours and therefore a condition will be included that these windows should be obscure glazed. No additional windows are proposed in the rear elevation. While it is noted that an increased occupancy increases the potential for overlooking, the windows in this elevation are extant and therefore there is unlikely to be a significant change. In addition, concerns were raised over the potential for overlooking/lights shining into houses from the raised parking area to the rear. In order to remedy this, a screen has been proposed around the parking area, details of which will be agreed by condition.
26. The proposed development does not involve the enlargement of any part of the building and therefore is not considered to have a significant impact on light received to the neighbouring properties.
27. The proposal is not considered to be of a use class that will generate any odour nuisance. Concerns were raised that there would be significant noise disturbance from the increase in comings and goings of residents in the area. However noise associated with the proposed use is what would be expected for a residential area and is not considered to be significantly different from the existing use as a dwelling and office. Concerns were also raised regarding the potential impacts on visual amenity due to the inclusion of bin storage at the front of the building. The bin storage area has been located at the front of the property at the request of Environmental Services so that they can meet requirements of collection teams. The location is considered appropriate as the bin store will be located behind the front boundary wall/fence and will therefore not impact on the street scene in the conservation area. Details as to the



precise number of bins required and exact size and design of the bin storage area are required by condition.

28. In addition subject to revision of the layout of flat 3 from a 2-bed to a 1-bed flat all the proposed flats complies with the DCLG Technical housing standards – nationally described space standard and provide an adequate amount of internal space. Sufficient communal external amenity space is provided for all flats to the front and rear. As such the conversion provides a good standard of amenity for all future occupiers The proposal is considered to provide satisfactory living conditions for both neighbours and occupiers in compliance with DM2.

#### **Main issue 4: Parking and traffic**

29. Key policies – DM28, DM31 and DM32
30. Concerns were raised over the under-provision of parking which would result in additional pressures on non-permit zones in the surrounding area. Parking standards as set out appendix 3 of the DMPP state that the appropriate parking provision is accessible sites such as this would range from 0.5 to 1.33 spaces per dwelling. As such the proposals would be in accordance with these standards. Amendments were made to the parking area as per the Transportation Officer's suggestion to allow for easier access/egress and to ensure all spaces could be properly utilised. In addition, the residential units would not qualify for parking permits in the nearby zones or in zones that may become controlled in future.
31. It should be noted that the property is located along a sustainable transport link and has the provision of cycle storage, (details to be secured by condition) and therefore the proposal promotes low car housing as per DM32.
32. Concerns were also raised regarding the use of the access alley to the rear with the potential for an increase in noise from traffic, exacerbating damage and safety concerns. While it is noted that there will likely be an increase in the number of vehicles using this alleyway, this is an extant access that currently accommodates traffic to the residential and A2 class premises and could accommodate the small increase in trips that could result.

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

33. A number of development plan policies include key target for matters that have not been discussed in detail above. The table below indicated the outcome of the officer assessment in relation to these matters.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>

## **Equalities and diversity issues**

34. There are no significant equality or diversity issues.

## **Local finance considerations**

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

## **Conclusion**

38. The proposals would make efficient use of the site and provide additional housing units and would not detract from the character and appearance of the surrounding area or the amenity of neighbouring occupiers.
39. Sufficient parking has been provided along with cycle storage and the sustainable transport location means the proposal is promoted as a low car housing site.
40. As such the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

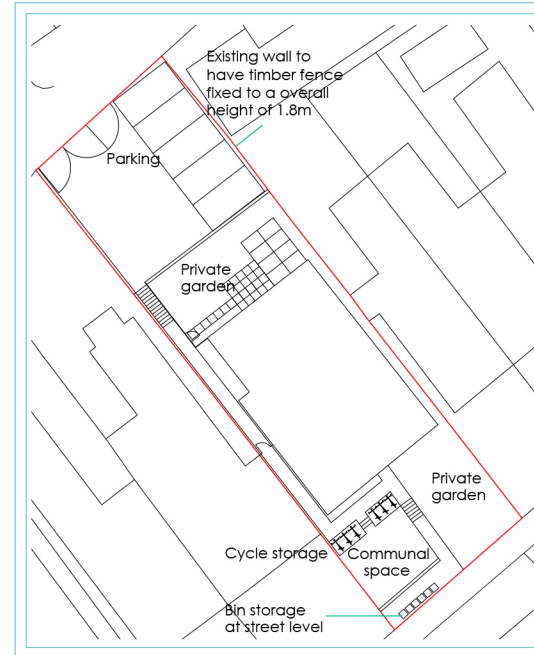
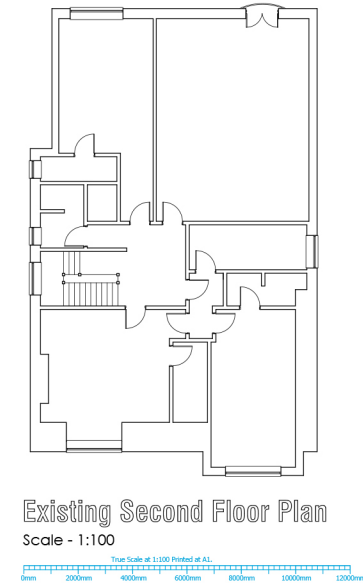
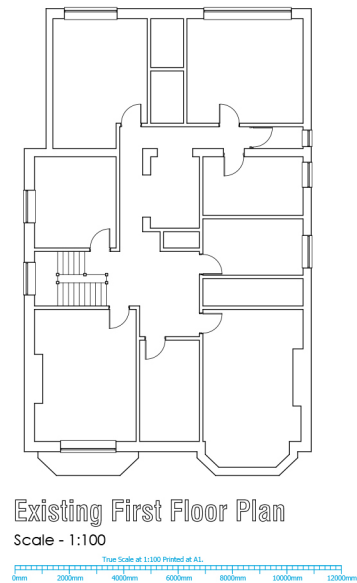
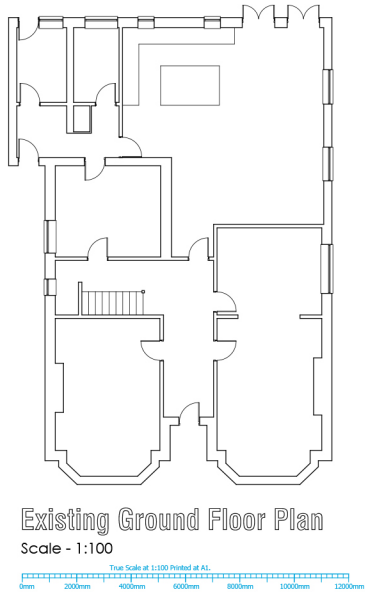
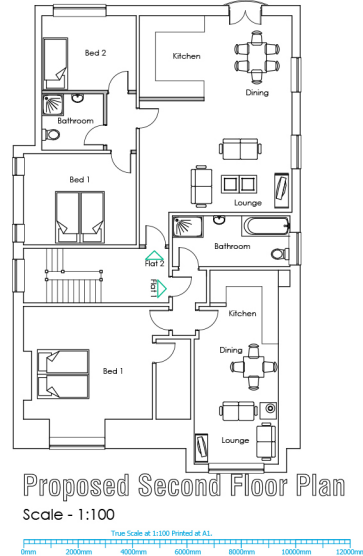
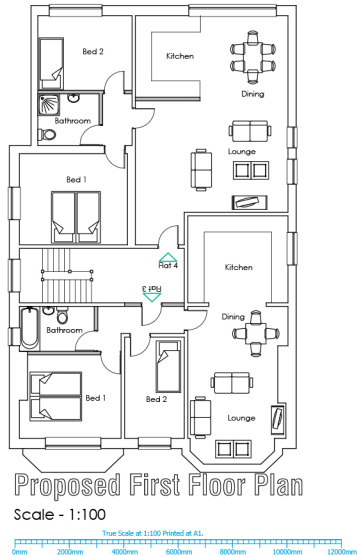
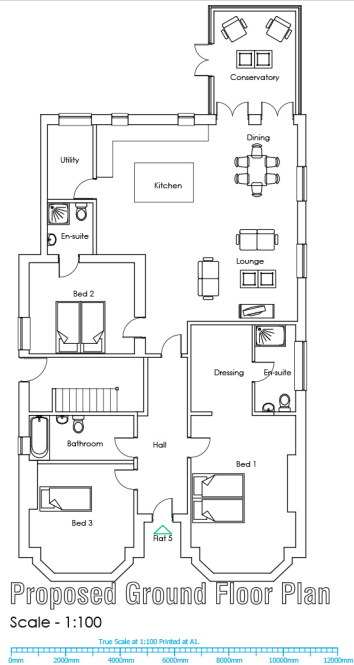
## **Recommendation**

To approve application no. 16/00227/F – Flordon House, 195 Unthank Road, Norwich, NR2 2PQ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. All new windows proposed in the third floor of the North Eastern side elevation shall be obscure glazed;
4. Details of refuse, cycle storage and boundary treatments shall be provided and installed prior to occupation and retained as such.
5. Water efficiency
6. Car parking to be provided prior to occupation of the development.

**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.



**NOTES :**  
DO NOT SCALE from this drawing.  
Contractors must verify all dimensions on site before setting out.  
Commencing work, ordering materials or making any shop drawings.

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Any discrepancies and/or conflicting information or specified is to be notified to Practical Architecture, prior to construction on site.

Construction should only proceed from drawings issued for construction purposes unless prior written consent is obtained.

Should any site personnel, or those employed to carry out the works on their behalf choose alternative materials, or components to those specified on Practical Architecture drawings, without prior written agreement then they do so at their own risk.

The information contained in this drawing is representational and has been compiled from a dimensional survey only and does not warrant nor certify the structure of the buildings or neighbouring structures at the time of construction.

The contractor is to visit the site to make himself acquainted with the building's and surroundings and undertake any investigation work or make all allowances to ensure that a full and final quotation for the works will be submitted, taking into account all eventualities.

Failure to do so will be at the contractors own risk and no additional payments shall be countenanced for any amendments to the work.

The contractor is to carry out all works in full compliance with the Health and Safety Commission's Approved Code of Practice 'Managing Construction for Health and Safety' and Construction (Design and Management) Regulations 1994. All work and working practices on the site shall be carried out in accordance with the above and to ensure that there is no risk to the site operatives, visitors or public.

The contractor is to include all preliminary allowances to cover the prevention of accidents and injury. All works are to be carried out to comply with manufacturers, supplier and industry guidelines, local authority regulations, good standards, fire safety recommendations, specialist subcontract recommendations and services supply and installation regulations. All manufacturers literature is to be kept on site. Provide all relevant guarantees in duplicate for presentation to the client.

Allow at necessary attendance and liaison with CA's [ and CA personnel ] specialist subcontractor trades. Ensure all notifications are submitted to the Local Authority, Building Control and submit materials as required to the local Authority Planning Department.

Carefully examine the drawings and notify any discrepancies to the CA for instruction prior to proceeding.

Check all dimensions on site prior to ordering materials and notify any discrepancies to the CA for instruction prior to proceeding.

This drawing and design is for use solely in connection with the project described below.

No Responsibility For Any Error Or Omission in this Specification Will Be Recognised Unless brought to the Attention Of The Client Or His Agent Prior to Signing The Contract.

C. 05.04.16 C.C. Bin storage moved, parking altered  
B. 31.03.16 C.C. Planning alterations  
A. 27.02.16 C.C. Planning alterations

Rev : Date : Int : Amendment :



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**Proposed Change of use at:**

**195 Unthank Road  
Norwich  
NR2 2PQ  
for Mr & Mrs Codling**

**Drawing Title:**  
**Planning Application  
Plans & Site Location**

**Drawn By :**  
Colette Codling

**Job Number :**  
**251**

**Date :**  
Jan. 2016

**Scale:**  
As noted at A1

**Drawing No:**  
**001 C**

All dimensions are in millimetres.

All dimensions to be checked on site.

**Report to** Planning applications committee

**Item**

14 July 2016

**Report of** Head of planning services

**Subject**

Application no 16/00410/F – 18 Lindford Drive, Norwich,  
NR4 6LT

**Reason**

**for referral**

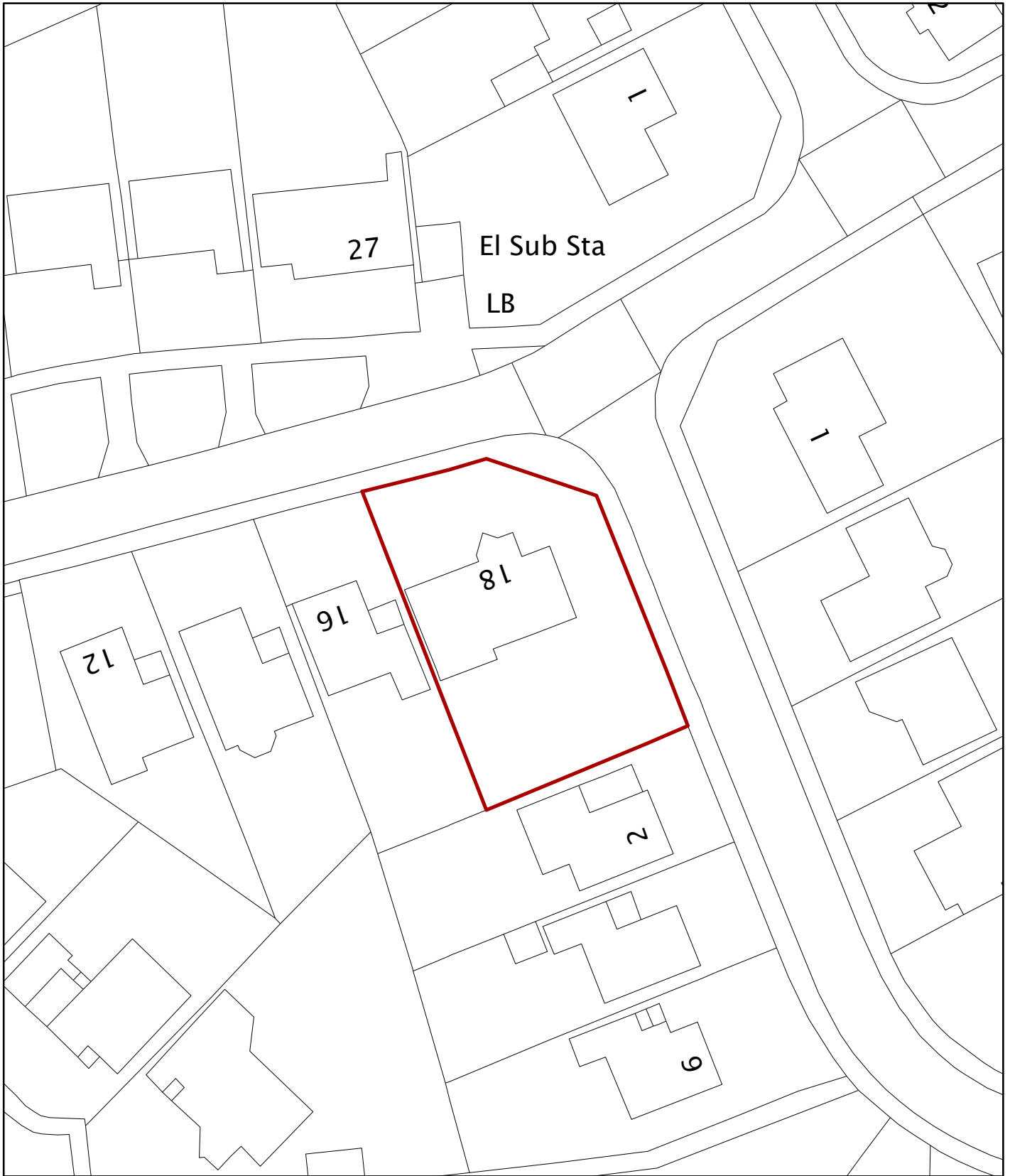
Objections

4(b)

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

Development proposal		
Conversion of garage, construction of first floor side extension and two storey rear extension. Alterations to roof of front porch.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Design	Impact upon appearance of host dwelling and streetscene.
2 Amenity	Potential impacts in terms of loss of light, noise disturbance, overlooking, loss of views
<b>Expiry date</b>	20 July 2016
<b>Recommendation</b>	Approve



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Planning Application No 16/00410/F

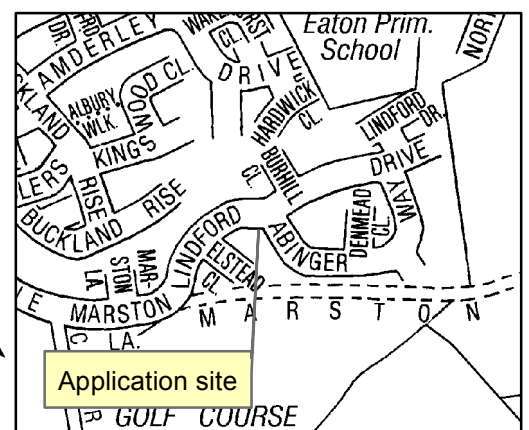
Site Address 18 Lindford Drive

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The site is located on the South Side of Lindford Drive, South West of the city centre. The detached property, built circa 1960-70, is constructed of red brick and concrete roof tiles. To the West side of the property is a flat roofed garage that separates it from the neighbouring house. The garden steps down in level away from the house at the rear. A large driveway provides parking at the front of the property. The properties in the surrounding area are staggered so the subject property is located furthest from the road.

## Constraints

2. There are no constraints on this site.

## Relevant planning history

3. There is no relevant planning history.

## The proposal

4. The proposal is for a garage conversion, construction of a second floor side extension which extends slightly to the rear and incorporates a single storey section, along with alterations to the front porch.
5. The maximum dimensions are as follows: 5.50m x 14.10m, 5.30m height at the eaves and 7.00m height at its maximum point.
6. The single storey rear portion extends an additional 2.50m from the two storey section, with an eaves height of 2.80m and maximum height of 3.50m.
7. The alterations to the porch roof include a change from flat to pitched roof. This will result in an eaves height of 2.00m and maximum height of 3.50m.
8. The proposals have been revised during the course of the application in an attempt to address concerns over the impact of the proposals. The rear extension has been reduced in depth at first floor level by 3m, so as to reduce impacts on the adjoining property to the west.

## Representations

9. Adjacent and neighbouring properties have been notified in writing. Two letters of representation were received. The representations cite 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
Extension comes forward of the front elevation	See main issue 1

<b>Issues raised</b>	<b>Response</b>
The extension is of a disproportionate scale and an overdevelopment of the plot	See main issue 1
There will be a loss of light from the extension	See main issue 2
There will be a loss of privacy from the extension	See main issue 2
Loss of views	See main issue 2
The extension will be too close to the boundary	See main issue 2
Noise disturbance	See main issue 2
Loss of trees in the rear garden	At the time of submission trees were shown in the rear garden. However, during the course of the application these trees have been removed. No consent was required for this removal as the trees were not protected and the property is not located in a conservation area.
Loss of parking provision	The proposal involves conversion of the garage and extension above, therefore none of the existing parking space on the driveway is proposed to be lost. There is the potential that there may be an increase in the number of cars, however the property is not located within a controlled parking zone and the surrounding area is not considered to have an particular parking problems.

## Consultation responses

10. There are no consultation responses for this application.

### Relevant development plan policies

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

### **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.
15. The principle of residential extensions is acceptable with the main issues to assess in this case being design and amenity.

### **Main issue 1: Design**

16. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56, and 60-66.
17. Concerns were raised that the extension is of poor design as it comes forward of the front elevation of the house at the second storey. It is noted that as a general principal, extensions should not come forward of this elevation. Alterations were made to the rear of the extension to deal with amenity concerns and therefore the space was required at the front of the property to accommodate the applicant's needs in terms of space. In addition, the properties along this part of Lindford Drive are, with No. 18 being set back from the road by the greatest distance. The proposed extension would not project beyond the front elevation of the adjoining property to the west. Therefore while the extension is forward of the front elevation, it is not considered to be over-dominant on the street scene due to the layout of the properties.
18. Concerns were raised that the proposal would result in an overdevelopment of the plot. It is noted that the extension is large in scale. However, the majority of the works will be undertaken within the existing footprint of the building. The increase in the footprint of the building due to the part of the extension that protrudes from the rear is approximately 5.50m x 5.50m. The property is located within a large plot and it is considered that there will be sufficient outdoor space remaining post works. In addition, amendments were made to the application to reduce the size of the second storey section in an attempt to alleviate these concerns. The proposals would therefore appear as a subservient addition to the main building and would not detract unduly from the appearance of the surrounding area.

## **Main issue 2: Amenity**

19. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 9 and 17.
20. Concerns were raised that the extension would result in a loss of view from the rear windows at No. 16 and from No. 27. Loss of view in this instance is not considered to be a material planning consideration, although impact upon outlook is a consideration and is considered further below.
21. Concerns were also raised that there would be a loss of daylight and sunlight to the neighbouring landing window and rear windows. An assessment has been undertaken to assess potential loss of daylight / sunlight to rear windows of no.16 in relation to BRE guidelines. The revised proposals would not intersect a 45 degree line (in both plan and elevation) taken from the rear windows of no.16. As such there is unlikely to be a significant loss of daylight or sunlight to the primary living space windows of this property. In addition no.27 is some distance from the site and will also not experience any undue loss of daylight / sunlight.
22. No.16 also has a first floor window within the side elevation facing the application site. However this window appears to be a non-habitable landing area. As such loss of daylight / sunlight to these windows cannot be protected to the same extent as windows to primary living spaces.
23. Concerns were also raised that the extension would be an overbearing and dominant presence to the neighbouring property. The neighbouring property at No. 16 has a single storey carport and garage adjacent to the boundary with No. 18. Therefore, while the extension will be noticeably closer to the neighbouring property, a approximately 3.00m gap will be maintained to the neighbouring house. The revised proposal reduces the depth of the rear extension and would also reduce potential overbearing impacts. This will be sufficient to ensure that the proposed extension would not be unduly overbearing when viewed from the windows or gardens of no.16.
24. Concerns were also raised that the extension would result in a loss of privacy to the neighbouring garden. Whilst it is noted that there will be additional windows at closer proximity to the neighbouring house, this is not considered to differ significantly from the current situation. In addition the windows in the rear elevation are proposed to be obscure glazed, and no new windows are proposed on the side elevation of the extension.
25. Objections were received regarding potential noise disturbance. As the dwelling is still to be used as a dwelling (class C3), no significant increase in noise is expected. Noise during the construction period is not considered to be a material planning consideration.

## **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 proposed development is considered to be acceptable in terms of design, scale and amenity whilst still providing for the space requirements of the applicant. The amendments made to the extension have attempted to reduce the overbearing impact upon the neighbouring property and alleviate concerns regarding loss of amenity.
31. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## **Recommendation**

To approve application no. 16/00410/F – 18 Lindford Drive, Norwich, NR4 6LT and grant planning permission subject to the following conditions:

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

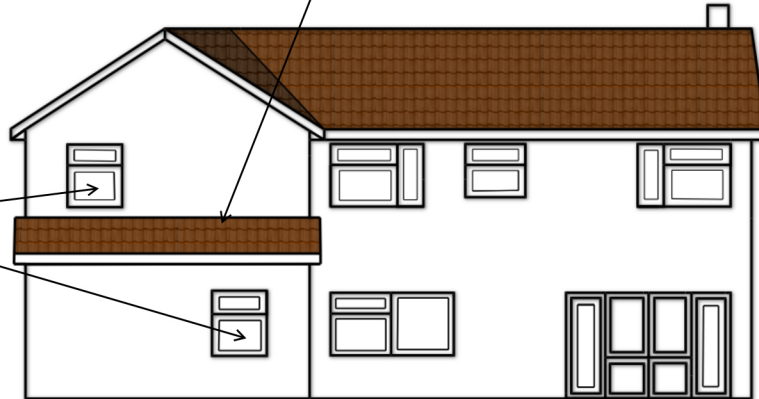
### **Article 35(2) Statement**

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, 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.



*Single pitch roof over  
the single storey  
extension*

*These en-suite windows  
will be fitted with  
obscure glass*



**Proposed Back (South) Elevation**  
**Scale: 1:100 @ A3**

*Roof height of the extension  
will be kept the same as that  
of the existing roof*

*Single pitch roof over  
main entrance & portions  
of Hallway & Dining Room*

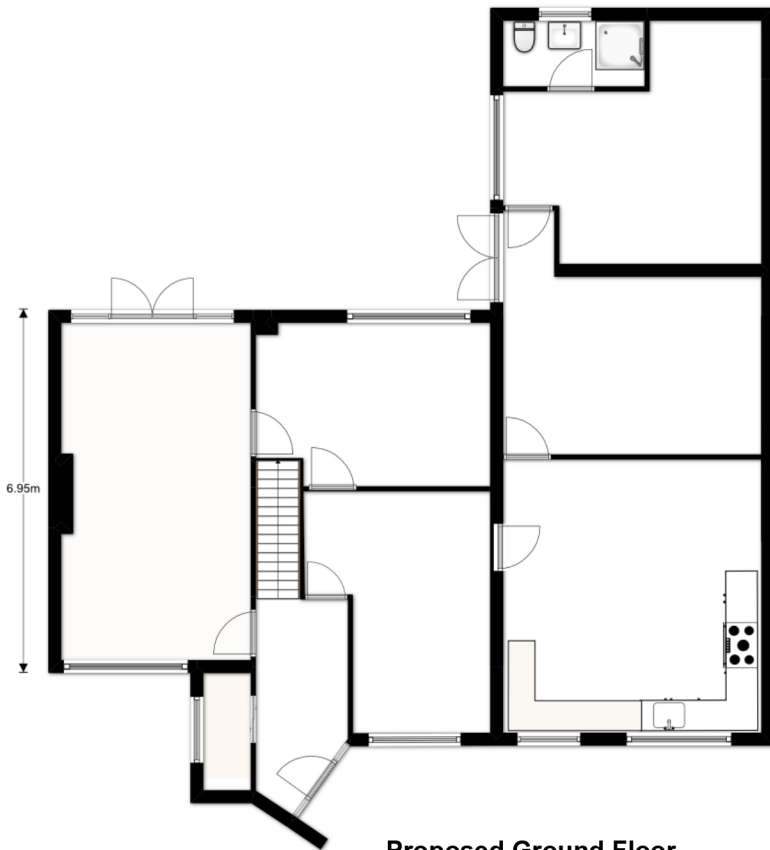
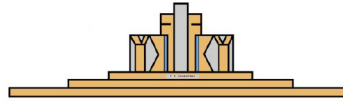


*Main entrance facing west  
is twisted in the North-west  
direction*

**Proposed Front (North) Elevation**  
**Scale: 1:100 @ A3**

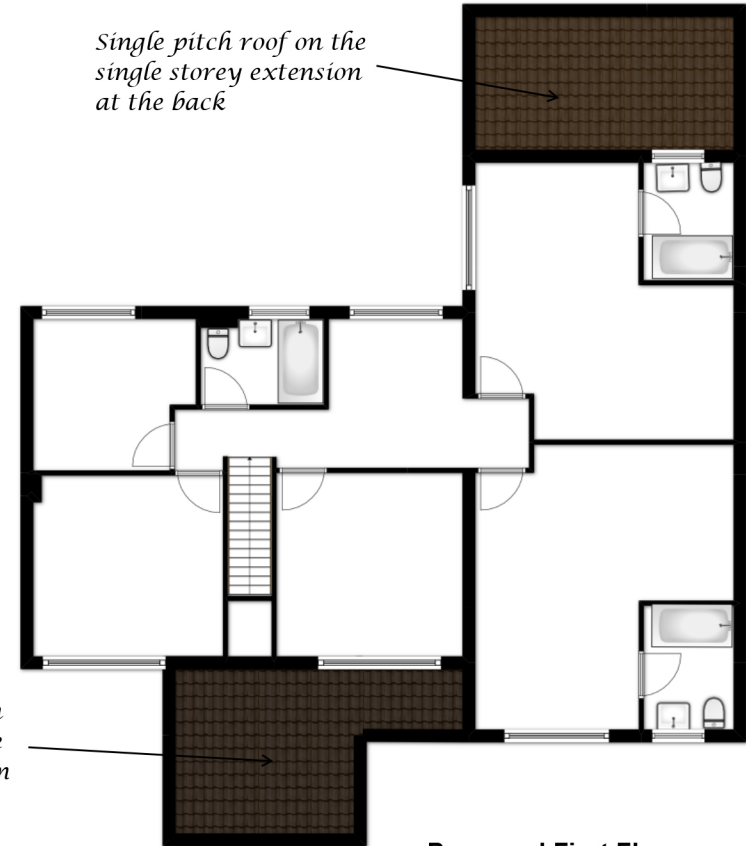
*Revised Proposed Layouts*

18 Lindford Drive, Eaton,  
Norwich, NR4 6LT



**Proposed Ground Floor**  
Scale: 1:100 @ A3

*Single pitch roof on the  
single storey extension  
at the back*



**Proposed First Floor**  
Scale: 1:100@ A3



**Report to** Planning applications committee

**Item**

14 July 2016

**Report of** Head of planning services

**Subject** Application nos 16/00276/F and 16/00277/L-  
5 Magdalen Street, Norwich

**Applicant** Line One Interiors (agent)

**Reason  
for referral** Objection

4(c)

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

Development proposal		
Change of use to restaurant with take away facility and installation of extraction system.		
Representations		
Object	Comment	Support
11		

Main issues	Key considerations
1 Principle of use	New restaurant and loss of retail; impact on character of area
2 Amenity	Noise, odours, smoking
3 Transportation	Highway hazards, parking issues
4 Design and heritage	Impact of new flue; internal changes on fabric and character of listed building
5 Flooding	Flood risk
<b>Expiry date</b>	3 June 2016
<b>Recommendation</b>	Approve





## The site and surroundings

1. A listed building on the east side of Magdalen Street, just north of the junction with Colegate. The original building has two storeys plus a gabled storey fronting onto the street. There is a large, two storey flat roof extension stretching ~30m east towards a rear yard, which has vehicle access from Fishergate. By virtue of it being attached to the original building, the extension is also listed.
2. It is a large building with the current use being A1 retail, however the building has been vacant for some time. It is unclear when it was last in use but the July 2008 Google Street View suggests its most recent use was a Marie Curie store, vacant at the time. The Valuation Office Agency website does not show any records for the ground floor on 2005 or 2010, but it suggests the first floor may have been in use as an office in 2010.
3. In terms of neighbouring uses, Magdalen Street is predominately commercial, with a number of restaurants nearby; to the immediate east of the site Fishergate is primarily residential, including the dwellings backing onto the site.

## Constraints

4. The building itself is grade II listed with the following list description (alongside No.7 – Brummells Restaurant):

Shop and restaurant. Late C18 with C17 range behind No. 7 Rendered with applied timber work on the gables and No. 7. Pantile roof. Street range: 2 storeys. 3 large dormer gables. C20 glazed shop and restaurant fronts 3 sash windows with glazing bars and 2 C20 casements at first floor. Casement and sash windows in dormers. Crow-step north gables Rear range:-2 storeys, first floor jettied. Central door and 3 C17 windows Casement windows at first floor.
5. It is within the city centre conservation area and nearby a number of locally and statutory listed buildings, including the adjoined buildings to the north and south (3 and 7 Magdalen Street); 12A Thoroughfare Yard to the north is locally listed.
6. The site is within flood zone 2 and a critical drainage catchment [*NB. the majority of the car park at the rear of the site is not within this*]. It is also within a regeneration area and a large district centre.

## Relevant planning history

7. None.

## The proposal

8. The change of use of the ground floor of the building from retail (A1) to a restaurant/takeaway use (A3/A5). An extract system is proposed on the north elevation of the rear section. No changes are proposed to the front elevation at this time.
9. A number of internal changes are proposed, including the removal of a modern staircase.

## Summary information

<b>Proposal</b>	<b>Key facts</b>
<b>Operation</b>	
Opening hours	<b>Applicant proposes until 2330</b>
Ancillary plant and equipment	<b>Flue on rear extension</b>
<b>Transport matters</b>	
Vehicular access	<b>Via Fishergate</b>
No of car parking spaces	<b>5 staff spaces to be conditioned</b>
No of cycle parking spaces	<b>Cycle store shown but no specific number provided. To be conditioned.</b>
Servicing arrangements	<b>Via Fishergate</b>

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 11 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

<b>Issues raised</b>	<b>Response</b>
Will change nature of residential area	See main issues 1 and 2
Noise and disturbance	See main issue 2
Parking issues	See main issue 3  Amenity issues from parking – main issue 2
Impact on right of way [to 7 Magdalen Street]	Not a planning issue but there is no operational development blocking the access
Drainage	No material issues raised for drainage
Position and quality of extract system, including impact on listed building	Amenity – see main issue 2  Visual – see main issue 4

<b>Issues raised</b>	<b>Response</b>
Highway hazard and congestion, including deliveries	See main issue 3
Saturated Indian market / no need for an additional restaurant	The planning system cannot limit competition. Principle of additional restaurant – see main issue 1
Anti-social behaviour from large parties	The police have commented and raised no particular issues providing no opening beyond midnight
Lack of information. Questions raised about opening hours, smokers, deliveries, lack of staff room.	The points have been addressed and there is considered to be adequate information to assess the scheme and utilise conditions to address any outstanding concerns. It is worth noting that there is no planning requirement for a staff room.
Overlooking	There is no increase in overlooking as no use of the upper floors is proposed
Effect on desirability of letting property	Amenity and living conditions discussed generally in main issue 2
Exacerbate vermin issue / lack of adequate bin store	See main issue 3 and paragraph 44
Would object to opening beyond 10pm	See main issue 2
Impact of litter from takeaway	See paragraph 44
You should concentrate on regenerating sites within conservation area	The Council has a duty to consider any planning application submitted to it.

## 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. The building was formerly used as a public house until 1932 when it became a branch of Woolworths. During this period extensive works were carried out including the large extension and a significant 'tin' ceiling (actually steel) which has extensive detailing throughout the ground floor.
13. The proposals are generally acceptable but internal treatment of the building, particularly the ceiling, is important and should be conditioned – including lighting

and internal decoration. The extract is somewhat large and will have some impact on the building being located through the window, however it is to the rear and less visible. It may create issues for the potential uses of the upper floor.

14. It will also be preferable to retain and repair the existing metal windows. There are no details of works to the front elevation or signage.

### **Environmental protection**

15. Following the adjustments to the specifications I would consider this to be acceptable, with the adherence to the conditions and an established ongoing maintenance and cleaning plan.

### **Highways (local)**

16. No objection on highway/transportation grounds with some further clarifications needed.

17. *On responding to specific objections to highway concerns:*

I appreciate that the objector has concerns about a large restaurant in this location, but the premises has merit for a city centre restaurant.

#### ***Waiting restrictions and parking:***

- The primary purpose of waiting restrictions is to facilitate the movement of traffic on the highway.
- I am satisfied that the extant waiting restrictions are adequate to maintain traffic flow as they restrict loading at peak hours.
- At off peak times, loading is possible directly adjacent to the premises on Magdalen Street; so it is acceptable for deliveries to occur then.
- With regard to on-street parking, this is heavily controlled in this locality, but there is some available, and several car parks nearby.

Pavement width:

- The pavement is very narrow at this part of Magdalen Street and a waiting area is recommended so as to avoid spilling out onto the street.
- A Boards; the footway is too narrow to accommodate A boards and should not be used by this business.

#### ***Informatives:***

- If access to the rear of the premises is available, this would be useful for food deliveries, waste collection and food deliveries by the restaurant itself.
- As a city centre business, it would not be entitled to parking permits.
- A Travel Information Plan would be useful for staff and customers to be aware of their travel and parking options.

- Cycle parking for staff to the rear of the premises would be advisable e.g. minimum of 2 stands (4 spaces).

My general observation is that the majority of customers arrive on foot having arrived at the city centre by cab or car share as they are drinking alcohol. For this reason a restaurant in a central location is an entirely reasonable use of this premises, and there are not substantive reasons for an objection on highway/transportation grounds.

### **Norfolk police (architectural liaison)**

18. As premises is outside Late Night Activity Zone, opening time should be limited to 0000hrs (midnight) on any day.

## **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
  - JCS3 Energy and water
  - JCS5 The economy
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
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
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM18 Promoting and supporting centres
  - DM21 Protecting and supporting district and local centres
  - DM23 Supporting and managing the evening and late night economy
  - DM24 Managing the impacts of hot food takeaways
  - DM28 Encouraging sustainable travel
  - DM29 Managing car parking demand in the city centre
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

## **Other material considerations**

### **21. 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
- 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

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

- Main town centre uses and retail frontages SPD adopted December 2014

## **Case Assessment**

23. 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**

24. Key policies and NPPF paragraphs – DM18, DM21 DM23, DM24.

25. Local policy DM21 aims to protect the large district centre by avoiding harmful impacts on vitality, viability and diversity of the services in the centre. In addition it aims to avoid harmful impacts on residential amenity, traffic or the environment which cannot be overcome by conditions. As established in the respective main issues (2, 3 and 4), these raise no in-principle issues and the main issue for DM21 is the acceptability of the permanent loss of the A1 retail use at ground floor. The policy, supported by the SPD, aims to retain the proportion of A1 uses at 60%. The current situation (as of Sep 2015) is calculated at 64.3%; this proposal would result in a figure of 62%, which would comply with the policy.

26. Even if further units had been lost since this survey (it would take five including this one to exceed the above threshold), the conclusion would still be the same: that the loss of the retail unit is acceptable in policy terms. This is due to the long-term vacancy here, which given the abnormally large size of the unit in this location, is unlikely to let for a viable retail use any time soon. Despite this creating a run of restaurants alongside No.7 and Nos.9-11 to the north and No.3 to the south, it will not create an unacceptable concentration of inactive frontage. This is helped by the confirmation that the restaurant is proposed to open for lunch between 12 and 2,

which should assist with the vitality of the shopping area. In principle the change of use is supportable.

27. In terms of the character of the area, despite the area along Fishergate becoming increasingly residential within the recent decade with a number of developments, the area is not predominately residential. Magdalen Street is clearly a historically commercial street and there were – and still are – a number of employment uses further east along Fishergate. The area is mixed in character and as noted in the second main section, with the use of conditions the majority of the activity can be concentrated on the Magdalen Street entrance where the increase in activity would be fine.
28. Given the extensive floorspace above consideration has been given to avoiding prejudicing the beneficial use of the upper floors for residential. As noted in main issue 2, conditions will seek to protect amenity for these potential future occupiers as well as those existing.

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

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
30. Given the length of the building and extent of the site boundary there is the potential for a number of conflicts with existing occupiers, most notably from the use of the restaurant itself, including comings and goings from customers, staff and deliveries; and from the operation of the kitchen itself, particularly noise and odours from the flue. The kitchen is located at the eastern end of the building, with the flue on the north side rather than facing the neighbours to the east. The specification of the extraction has been revised and shows carbon filters with a dwell time of 0.4 seconds (considered 'heavy duty'). Subject to a proper maintenance scheme, this does not raise any unacceptable issues for odour. In terms of noise there is a fan and silencer within the building rather than externally, which will result in a noise of around 46dBA @ 3m. With the additional length of the flue and the distance to the nearest neighbour (around 7 or 8m), this is estimated to result in an acceptable noise level within these nearest habitable rooms, similar to background noise in the area. Again providing a maintenance scheme is approved and adhered to this should raise no particular issues.
31. The majority of the concerns regarding noise and disturbance through the restaurant's operation can be managed via condition. The applicant does not propose that customers use the rear of the site, and this is supported by the proposed layout which only has one customer entrance/exit from Magdalen Street with no customer parking to the rear. This can be secured via condition. The rear space of the site will be used for servicing, which is both logical and preferred to avoid any highway issues. While it may cause some disturbance issues, it is unlikely to be severe given the way a restaurant typically operates. A condition limiting deliveries after 7pm can be attached to avoid adverse impacts later at night, which is considered necessary due to the close proximity of the neighbouring occupiers, especially 15 Fishergate, the habitable windows of which front directly onto the yard with no physical separation.
32. In terms of the disturbance from staff, this is likely to come from the intensive use of the kitchen and smoking outside of it. On the former point, there are only windows in the north elevation and the extraction system should avoid the need for these to

be regularly opened. On these windows there are two fresh air inlets for the extraction system, which have the potential to leak noise out. The condition requiring detail of the extraction system will include a requirement to address this to avoid disturbance from the extraction fan and the kitchen noise generally leaking out. Regarding smoking, there is a concern that staff will use the only exit on the eastern side to go on a smoking break, causing disturbance through conversation. The applicant's agent has agreed to restrict staff smoking to an area towards the north/north west of the building. While difficult to control perfectly, this can be agreed within a management plan and can be assisted with the physical demarcation with a smoking area or shelter. As noted above, customers will have no use of the rear yard and would have no reason to use this exit for smoking. Customers smoking on Magdalen Street before midnight does not raise any particular amenity concerns given the general activity and other pubs and takeaways on the street.

33. The proportion of takeaways is estimated at 5% of turnover, which would actually be ancillary to the main restaurant use and would not require the unit to be a mixed use as described. There may however be the potential for the intensity of the takeaway proportion to increase and again given the sensitivities of the nearby uses, the impact of the takeaway aspect needs to be controlled via condition. This includes the time limit of midnight and details within the management plan of how delivery drivers collect takeaways from the premises – the logical place is from the rear, which although arguably causing some disturbance, would reduce the likelihood of highway hazards. The disturbance would be limited if well managed in line with the scheme to be agreed. Given the vast majority of coming and goings will be concentrated on Magdalen Street, the overall amenity impact is not considered to be severe given the surrounding context. This is bearing in mind any cumulative impacts of other restaurants and takeaways as required by DM23.
34. The amenity of future occupiers who may hopefully live above the restaurant one day should also be considered. The time limit condition should go some way to addressing most concerns but given the potential conflict and the sensitivity of the building a condition is required to secure details of sound proofing. The position of the flue cuts across one of the upper floor windows and some consideration was given to moving it towards the rear, however this would increase its prominence in public views and would concentrate the perception of impact upon the neighbours to the east. It is considered that any future layout of the upper floor can overcome this impact easily and accordingly this does not raise any unacceptable issues.

### **Main issue 3: Transport**

35. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
36. The restaurant is in a central and accessible location with adequate customer cycle parking nearby. The extent of the takeaway use and its location suggests that the potential for frequent customer pickups (and associated transport and amenity implications) is relatively low and not considered to cause any concerns. The level of staff parking raises no issues and its layout can be finalised via condition. The unit can easily and practically be serviced via Fishergate without causing any particular hazards. Given the width of the pavement and the potential for large groups to be catered for, the plans have been revised to show a waiting area in the entrance, which should avoid people spilling out onto the street. People smoking on



Magdalen Street is inevitable and difficult to control without raising other issues. It is not considered that this will cause unacceptable safety issues.

37. Bin and staff bicycle stores are shown on an indicative plan and there is no question that there is adequate room for them at the rear. A condition will secure details of the stores to ensure they are sufficient.

#### **Main issue 4: Design and heritage**

38. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
39. There are no proposed changes to the most sensitive front elevation. None of the metal windows in the rear will be replaced, only refurbished, the details of which will be secured via condition. The flue is relatively large but considered necessary to service the kitchen without causing harm to residential amenity. It is positioned to avoid any prominent public views but it is acknowledged it does cause less than substantial harm to the heritage asset itself and those neighbouring (both designated and non-designated). The harm is relatively low given the nature of the rear yard but regardless is outweighed by the public benefits of bringing the heritage asset back into use and the associated economic benefits.
40. Internally the extensively detailed tin/steel ceiling is in relatively good condition and contributes to the significance of the heritage asset. The decoration is well suited to the restaurant use and the applicant is keen to incorporate it. A condition is attached requiring detail of the lighting and air conditioning to ensure that only existing holes are used for fixing unless where absolutely necessary. Alongside a condition on internal decoration this should ensure that the special architectural interest of the heritage asset is maintained.

#### **Main issue 5: Flood risk**

41. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
42. The existing use (retail) and proposed (restaurant/takeaway) are both classified as 'less vulnerable' in flooding terms and as such despite its location within flood zone 2, no particular issues for flood risk are raised. Similarly, in the absence of any additional operational development there is no risk of increasing surface water flooding.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes subject to condition</b>

Requirement	Relevant policy	Compliance
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Not applicable</b>
Water efficiency	JCS 1 & 3	<b>Not applicable</b>
Sustainable urban drainage	DM3/5	<b>Not applicable</b>

### Other matters

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

- **Hygiene** – this is an Environmental Protection matter and there has been no objection on this basis. The plans show an indicative bin store position which is adequately positioned and sized. The details will be secured via condition.
- **Litter** – the applicant claims the proportion of takeaway will be 5% of turnover and even if this increased it is unlikely that the use would cause a significant issue which would substantiate refusal.

### Equalities and diversity issues

45. There are no significant equality or diversity issues.

### Local finance considerations

46. 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.
47. 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.
48. In this case local finance considerations are not considered to be material to the case.

### Conclusion

49. While there are some amenity concerns, this is an inevitable consequence of the proximity to residential uses from the building's unusually long footprint – a contributing factor to its lack of interest for a feasible retail use. It is considered that

subject to well-worded conditions, including on the management of the most sensitive rear yard, the noise and disturbance issues can be reduced to ensure there are no adverse impacts on residential amenity. In this central and accessible location there is unlikely to be significant numbers of customers travelling by car and the rear yard allows for servicing and deliveries to be safely managed without causing highway issues.

50. Given the nature of Magdalen Street this restaurant is considered an appropriate use with economical and heritage benefits in bringing a long-term vacant listed building back into use. These benefits are considered to outweigh the concerns raised and as a result 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**

### **Application no 16/00276/F**

- (1) To approve application no. 16/00276/F - 5 Magdalen Street Norwich and grant planning permission subject to the following conditions:
1. Standard time limit;
  2. In accordance with plans;
  3. Details of flue/extraction system and maintenance system (including details of fresh air vents to reduce sound leakage);
  4. Details of management of restaurant specifics such as smoking area for public and staff; servicing etc;
  5. No amplified music (including in kitchen) before agreeing a detailed scheme;
  6. Details of parking, cycle parking and refuse storage;
  7. Travel Information Plan;
  8. No customer car parking within site, only staff;
  9. Pedestrian entrance and exit (except in the case of emergency) via Magdalen Street only;
  10. Opening restriction between midnight and 0730 on any day (including kitchen and takeaway aspect);
  11. Restriction on servicing delivery times between 1900 and 0700 hours on any day.

### **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.

Informatives:

Business not entitled to parking permits

**And,**

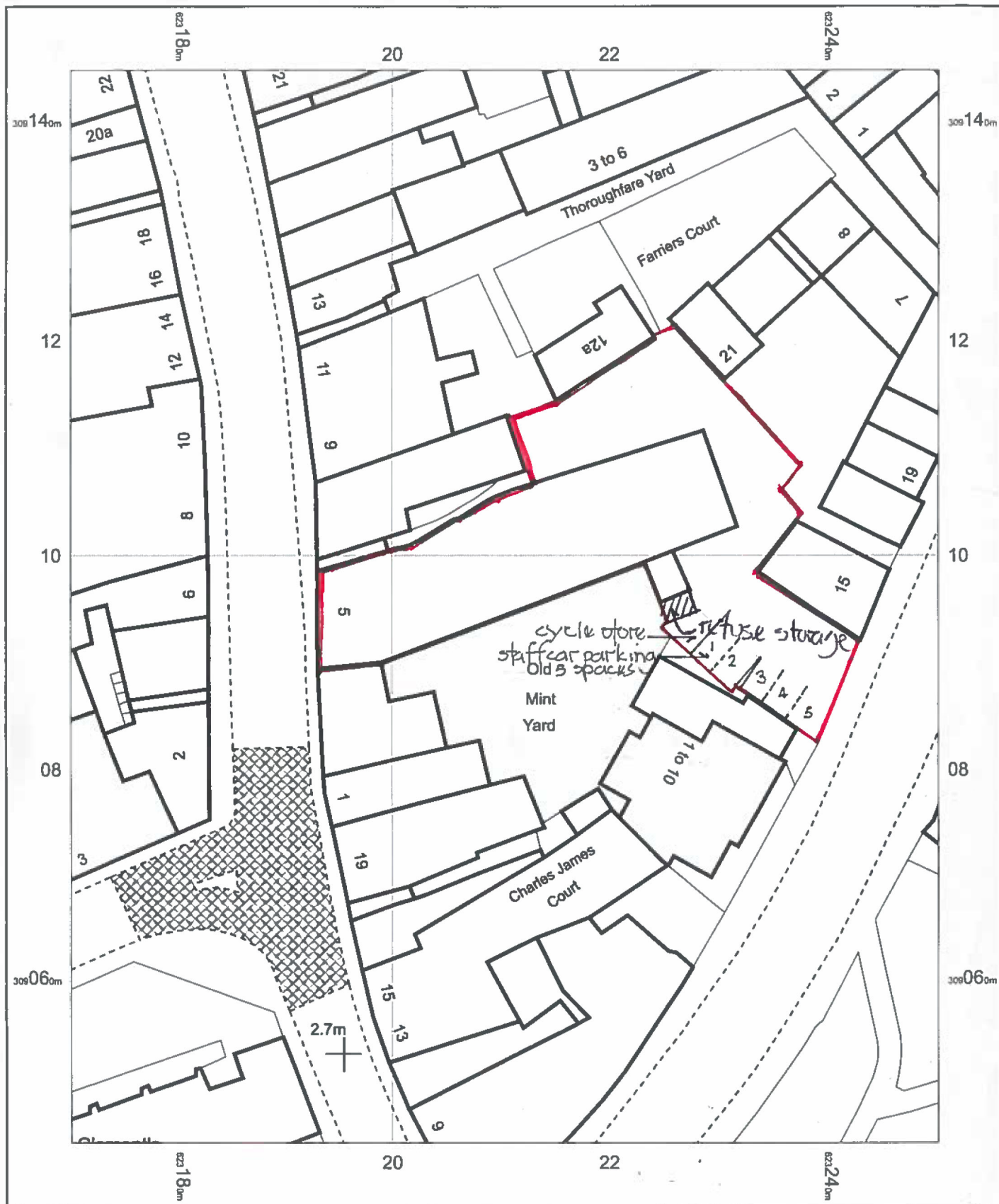
## **Application no 16/00277/L**

(2) To approve application no. 16/00277/L - 5 Magdalen Street Norwich and grant listed building consent subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Internal detail on air conditioning system;
4. Internal detail on new lighting and other fixtures within ceiling;
5. Detail of internal decoration;
6. Details of any repairs to existing windows and/or secondary glazing;
7. Details of noise proofing between floors;
8. Any damage to be made good within 3 months

### **Reason for approval:**

While the extract system will cause some less than substantial harm to the heritage asset, it affects the less sensitive area at the back. The level of harm, although relatively low, is considered to be outweighed by the public benefits of bringing the heritage back into use. This accords with section 12 the NPPF and NPPF and policy DM9 of the Development Management Policies Local Plan 2014.



# SITE LOCATION PLAN

2 JUN 2016

Planning Services

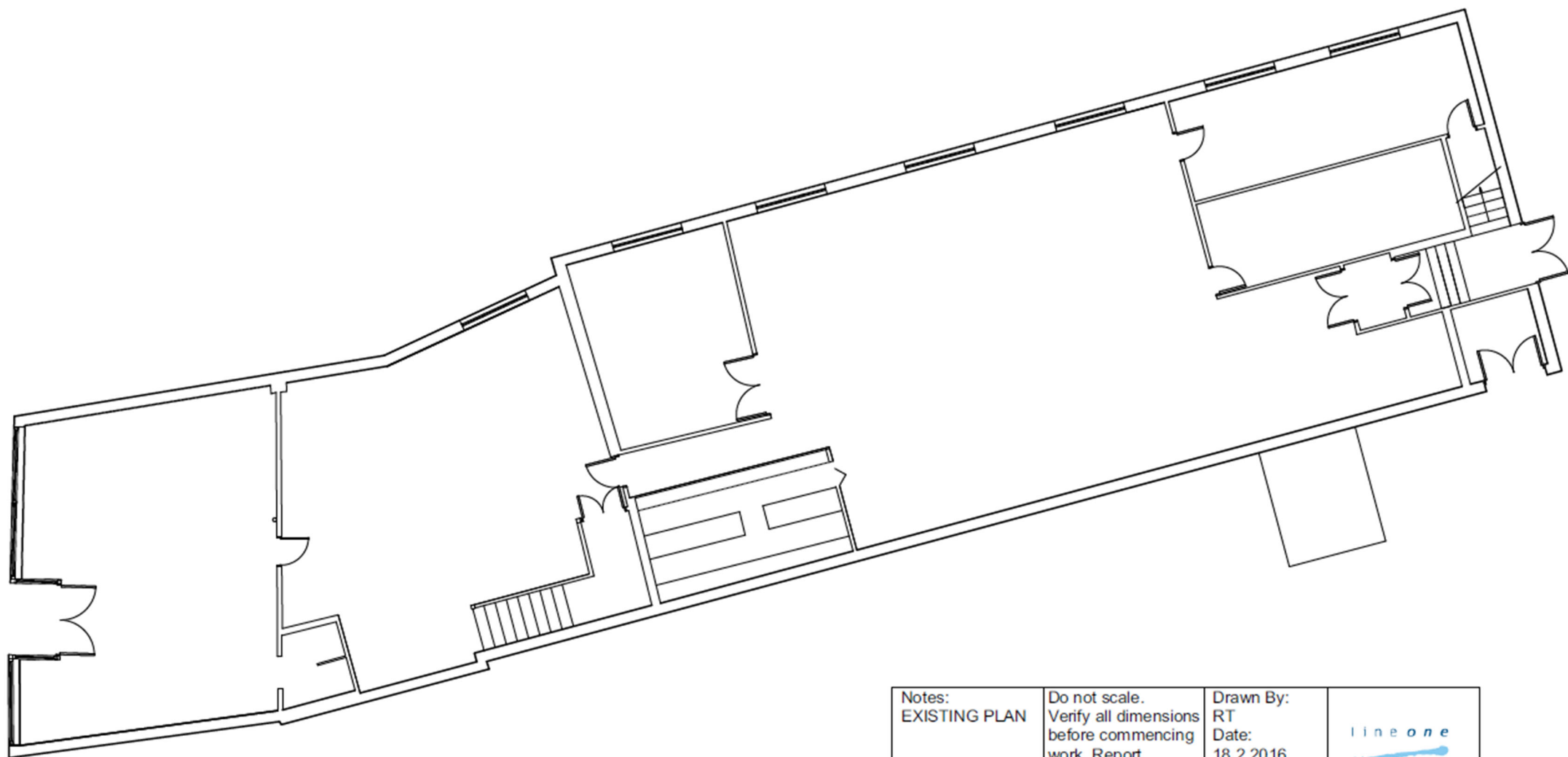
OS MasterMap 1250/2500/10000 scale  
08 February 2016, ID: MNOW-00499144  
mapsnow.co.uk

1:500 scale print at A4, Centre: 623210 E, 309095 N

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100017780

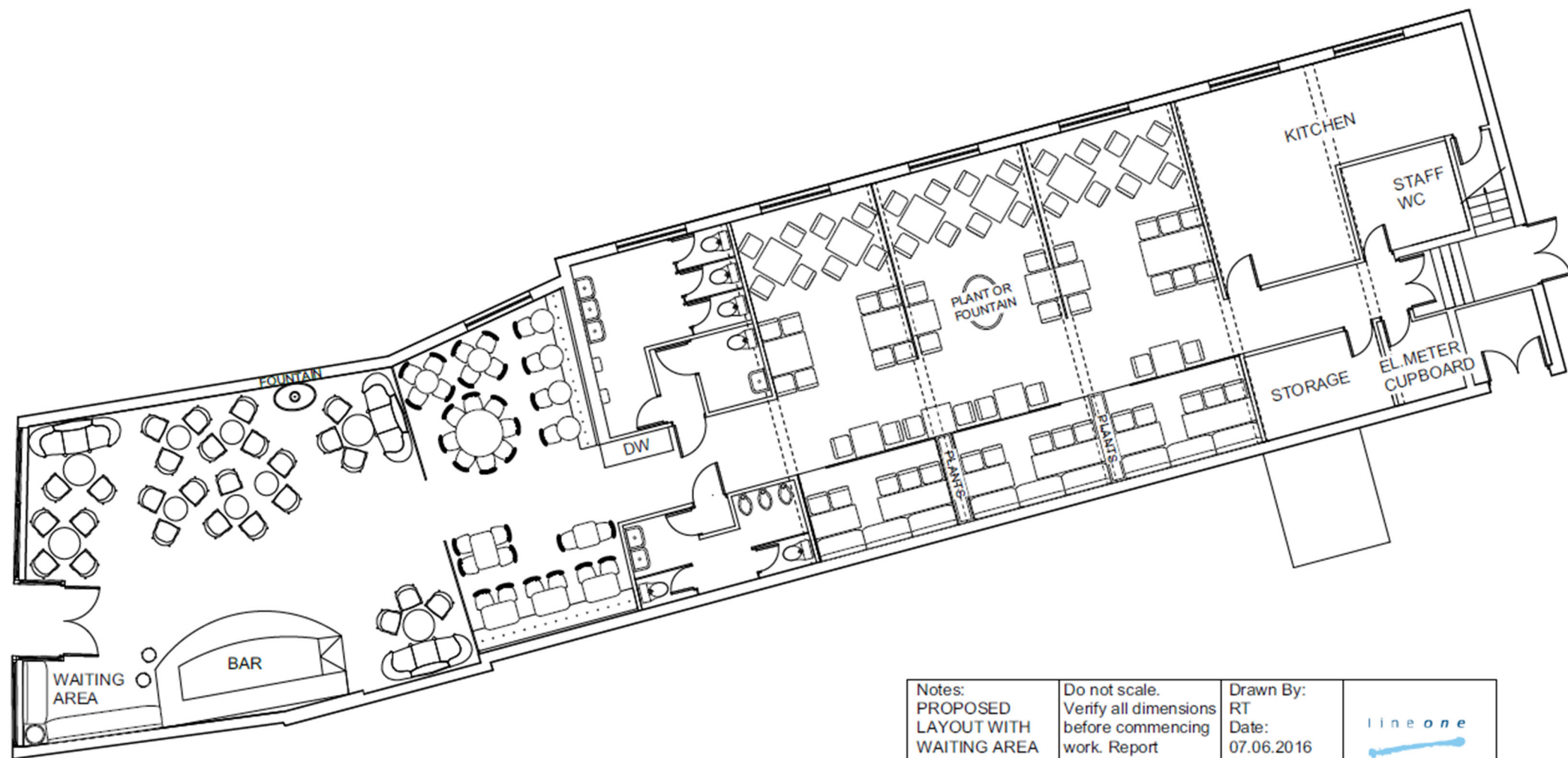


mapsnow



EXISTING GROUND FLOOR PLAN

Notes: EXISTING PLAN	Do not scale. Verify all dimensions before commencing work. Report suspected discrepancies or omissions	Drawn By: RT Date: 18.2.2016 Scale: 1:100 @ A3 Drawing No: 1	line one interior design
Job: 5 Magdalen Street NR3      Norwich			



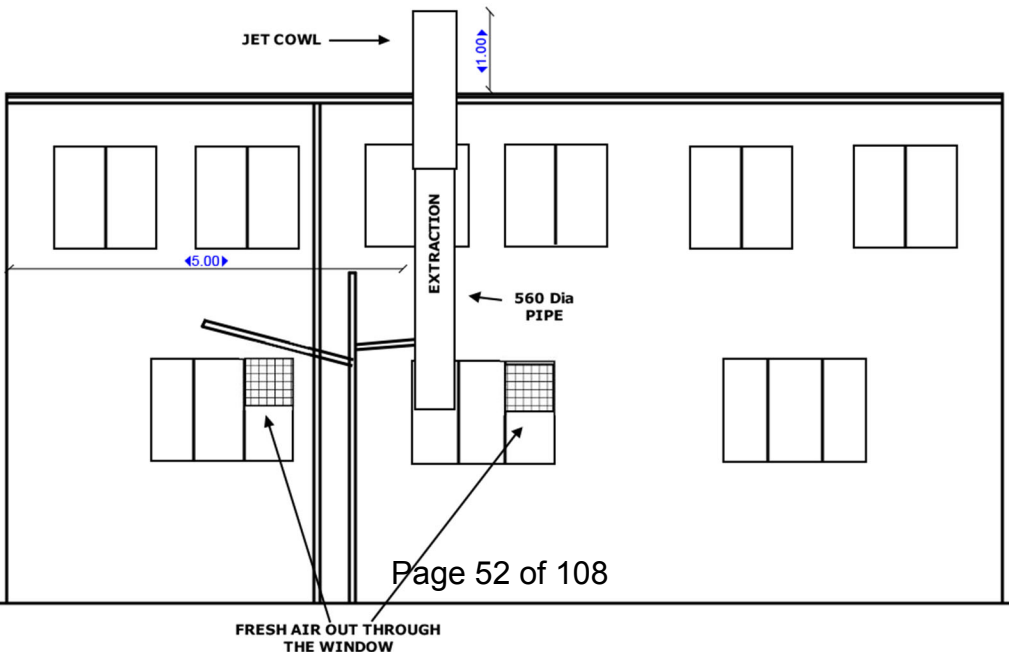
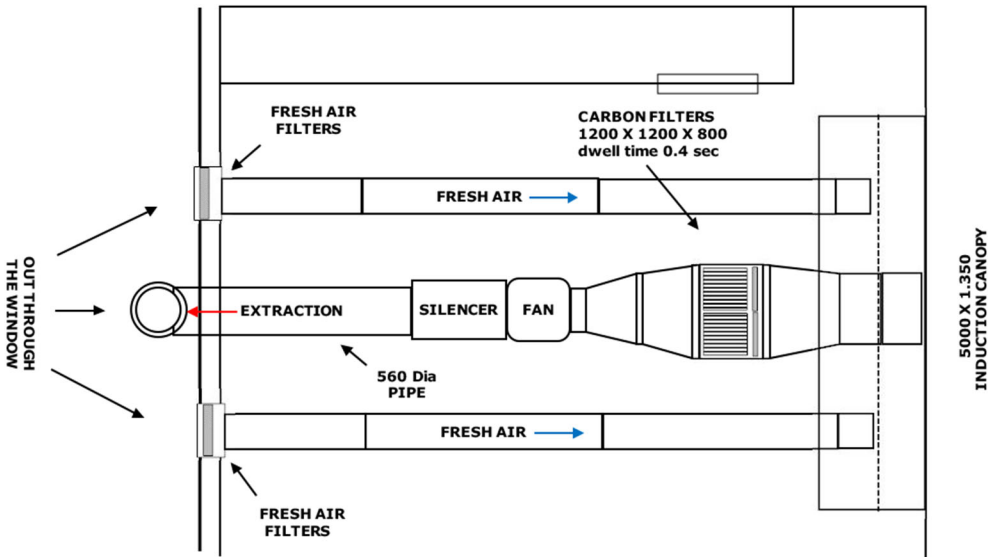
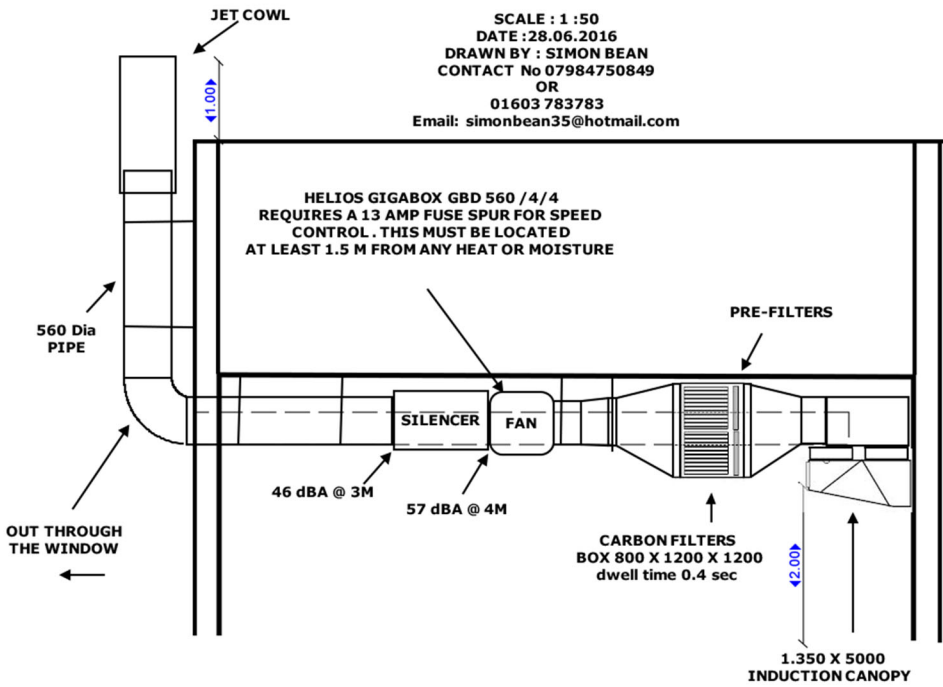
PLAN AS PROPOSED

<p>Notes: PROPOSED LAYOUT WITH WAITING AREA</p>	<p>Do not scale. Verify all dimensions before commencing work. Report suspected discrepancies or omissions</p>	<p>Drawn By: RT Date: 07.06.2016 Scale: 1:100 @ A3 Drawing No: 9</p>	<p>line one interior design</p>
<p>Job: 5 Magdalen Street NR3 Norwich</p>			



PROPOSED EXTRACTION SYSTEM  
FOR  
MAGDALEN STREET NORWICH

SCALE : 1 : 50  
DATE : 28.06.2016  
DRAWN BY : SIMON BEAN  
CONTACT No 07984750849  
OR  
01603 783783  
Email: simonbean35@hotmail.com





**Report to** Planning applications committee

**Item**

14 July 2016

**Report of** Head of planning services

**Subject** Application no 16/00479/F - 134 Unthank Road,  
Norwich NR2 2RS

**Applicant** Bracken Developments

**Reason  
for referral** Objection

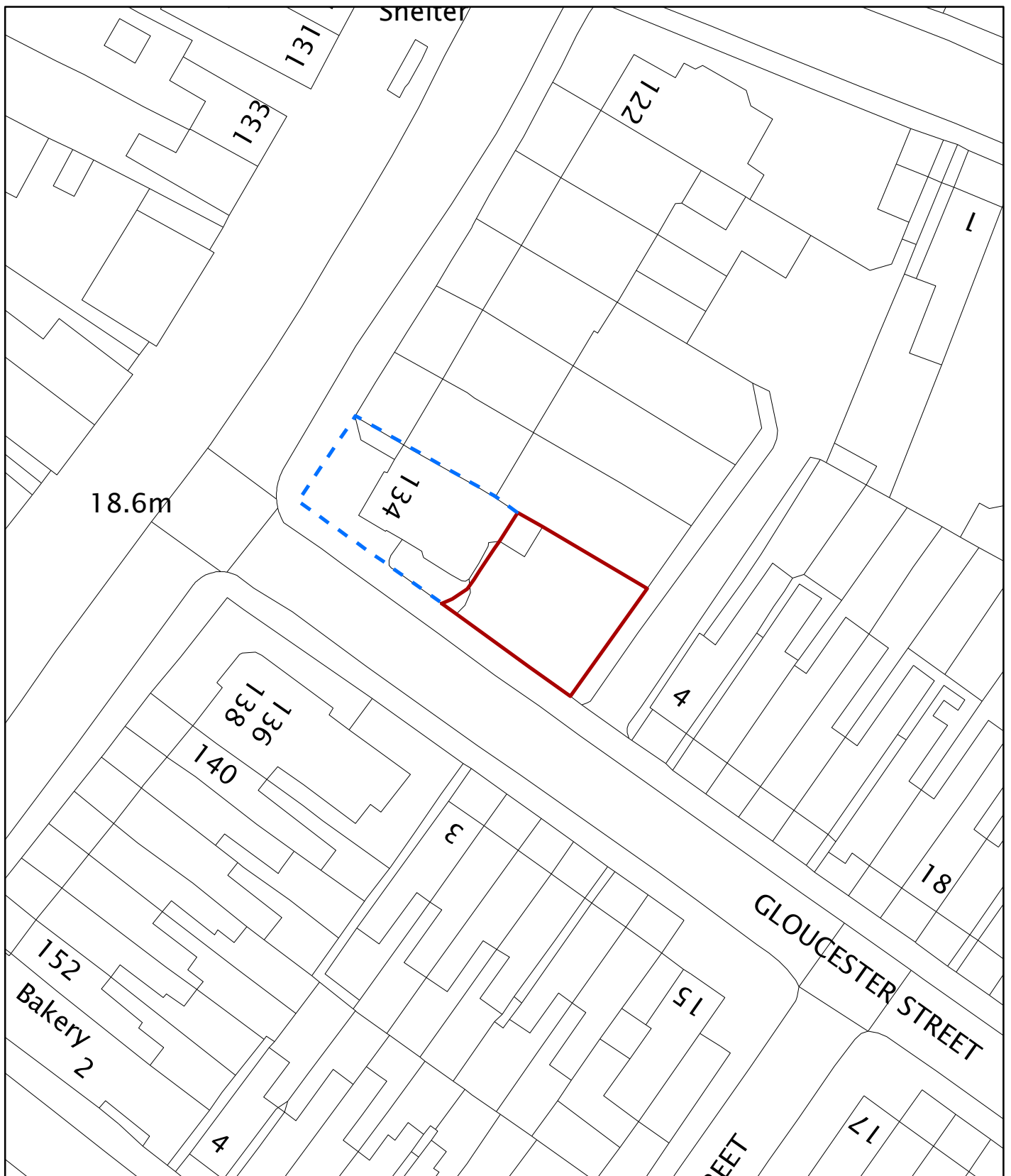
4(d)

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

Development proposal		
Erection of 1 No. two bed dwelling.		
Representations		
Object	Comment	Support
3		

Main issues	Key considerations
1 Principle of development	Principle of new dwelling
2 Amenity	Overshadowing; loss of light; impact on neighbouring external space; occupier living conditions
3 Design and heritage	Impact on street scene and locally listed buildings
4 Trees	Impact on adjacent trees
5 Flooding	Impact on critical drainage area and associated implications for subsidence
6 Transportation	Parking; highway hazard
7 Biodiversity	Impact on biodiversity (via tree impact)
<b>Expiry date</b>	14 June 2016
<b>Recommendation</b>	Approve



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Planning Application No 16/00479/F

Site Address 134 Unthank Road

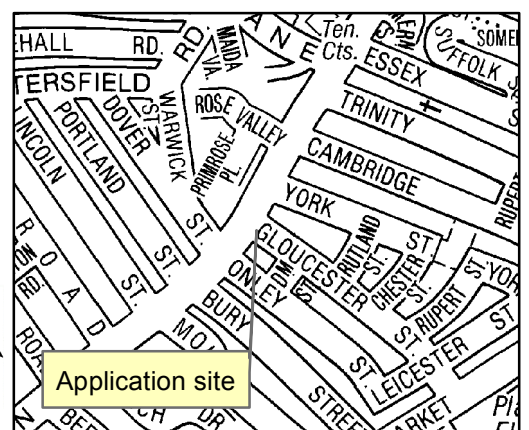
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The application site is directly to the east of 134 Unthank Road, a two storey (plus third storey in roof space) building on the corner with Gloucester Street. 134 has a commercial unit on the ground floor (with permission for an A1/A2 use – 16/00408/U) and two flats above on the first and second floors. The application site, currently covered with gravel, has most recently been used as a car park in association with No.134. It is bounded on all four sides by brick/rendered walls except for the access from Gloucester Street. In recent weeks a new boundary has been built to separate the site from No.134.

## Constraints

2. The two flats have east facing windows looking onto the site and there are a number of flats and houses further north of this on the adjoined Unthank Road terrace. There are a number of trees directly north of the site within the garden of 132 Unthank Road. At the east end of this garden is a substation which is separated by a boundary wall to the north of the application site.
3. The site is adjacent to a local retail centre and within a critical drainage area. There is a row of four locally listed buildings to the north west of the site (124-130 Unthank Road).

## Relevant planning history

4.

Ref	Proposal	Decision	Date
4/1994/0015	Demolish and re-build single storey rear extension	Approved	10/02/1994
16/00408/U	Change of use from Sui Generis to retail (Class A1)/financial and professional services (Class A2).	Approved	18/05/2016

## The proposal

5. The erection of a two storey, two bedroom dwelling. The scheme has been revised to change a section of timber cladding to render and to change the fenestration on the front elevation and remove a window on the west elevation.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>1</b>
No. of affordable dwellings	<b>0</b>
Total floorspace	<b>88sqm</b>
No. of storeys	<b>2</b>
Max. dimensions	<b>8m high, 8m long, 7.8m wide</b>
<b>Appearance</b>	
Materials	<b>Brick, render, clay pantiles</b>
Energy and resource efficiency measures	<b>Solar panels</b>
<b>Transport matters</b>	
Vehicular access	<b>As existing – from Gloucester Street</b>
No of car parking spaces	<b>1</b>
No of cycle parking spaces	<b>Not specified – store shown in rear garden</b>
Servicing arrangements	<b>Bin store in front garden</b>

## Representations

- Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four letters of representation from three occupiers have been received (plus an objection from the Norwich Society) 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
Poor design; out of keeping	See main issue 2.
Will overshadow and block light to neighbouring properties (including gardens); overbearing impact	See main issue 3.
Direct overlooking	See main issue 3.
Will block view	See main issue 3.
Vehicle access will create highway hazard	See main issue 6.
Increased pressure on surface drainage; soakaway will create instability and sinkholes	See main issue 5.
Pressure of sewerage system	There is no evidence to suggest there is insufficient capacity to accommodate one additional dwelling.
Damage to trees and biodiversity	See main issues 4 and 7.
No provision for bins for 134 Unthank Road	See main issue 6.
<p><b>Following resubmission:</b></p> <p><i>[Follow-up objection]</i> Contrary to architect's statement the new building will extend 1.85m beyond the boundary between 132 Unthank Road garden and substation – it will block view and light.</p> <p>Issues with accuracy of sunpath analysis</p> <p>Layout plan does not show context of other properties, underplaying impact</p> <p>While trees have caused some damage to wall this has worsened since construction works began on 134.</p>	<p>Block plan and sunpath analysis have been clarified and raise no concerns regarding accuracy. The issues they raise are covered in main issue 3.</p> <p>From visiting the site it is clear this damage is caused by the trees, a view supported by the applicant's and council's tree consultants/officers.</p>

## Consultation responses

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

## Highways (local)

8. No objection on highway grounds. No parking permits, pavement may have to be widened and cycle store needs detail. Consideration needed on hardstanding to avoid runoff.

## Lead local flood authority

9. No comment as it is a minor application.

## Norwich Society

10. This is a very restricted site and in terms of scale, the proposals are out of character with the area.

## Tree protection officer

11. The proposed dwelling will require the reduction of the crowns of two trees, overhanging the site from adjacent land back to the boundary line. Whilst this is possible without undermining the structural integrity of the trees it will affect visual amenity. With regards the potential damage to the roots of these trees, irrespective of the potential for the use of bespoke raised foundations such as the Van Elle 'Smartfoot', it is already evident that there is damage to the boundary wall caused by the trees. It is clear that the wall will have to be repaired/rebuilt in order to ensure its future safety. This will require the removal of the wall and, I would suggest the consequent removal of the trees. Whilst I do not have a major concern about the loss of the trees in terms of their public visual amenity, they are on adjacent land and the proposed development will lead to their loss, if no immediate then following construction. The trees will be a constant cause of concern to future owners of retained and lead to application to remove them in future years.
12. Given all of the above, I would suggest that:, either the adjacent landowner is approached to discuss the removal and replacement of the trees; or the proposed dwelling is redesigned to pull it further away from the trees.
13. I would like to see some assessment of the necessary remedial works required to the wall and the potential effect on the trees submitted prior to making a decision.
14. [*Following revised AIA*]: As the tree is within separate ownership it will be the decision of the adjacent owner, but should the trees be cut back to the boundary they may survive however their amenity contribution would be significantly reduced. Of more concern would be the health of the trees in the long-term with the proximity of the new dwelling to the trees (overhanging crown, daylight issues, leaf litter etc). If the trees are removed there would be no constraints but space for replanting within site is limited. Repairs to wall would need to take place regardless.

## Assessment of planning considerations

### Relevant development plan policies

15. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets

- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

**Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**Case Assessment**

18. 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**

19. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
20. 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 the table 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 [although agent this is inconsequential].

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

21. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66. Heritage key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
22. Currently there is a clear gap in the street scene – historic maps do not indicate that there was ever development here in the past (although there was a further terrace no. 2 Gloucester Street just to the east in the location of the rear access to properties on Unthank Road, this appears to have been demolished/cleared in the 1970's) but regardless this is a logical position for a new house, particularly as the established building line is maintained. The building on the corner (134 Unthank Road) and the terrace to the east along Gloucester Street are different in scale and design and given a gap will be maintained either side of the new development, this can be seen a transition point between the two. Its scale is in keeping with the surrounding area – the eaves level is below that of 134 Unthank Road and will largely echo the scale of the terrace. Its form is also appropriate and the setback rendered section allows for the breakup of some of the building's mass. The design of the front elevation has been revised to ensure the fenestration is more balanced and takes its reference from the terrace in its proportions but again with a contemporary approach to the materials (aluminium composite). The rest of the materials are sympathetic to the surrounding street scene and the house will not stand out as an alien feature but an appropriate infill of a gap.

## **Main issue 3: Amenity**

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

### ***Neighbouring amenity***

24. Given the orientation of the development in relation to its neighbours there is the potential for some direct overshadowing to 130 and 132 Unthank Road to the north west during the first hours of the day. This is exacerbated during winter months when the sun is at a lower position in the sky but the impact is otherwise apparent between in the early morning around September also (after 0900 but before 1030).



Objections from a flat within 132 Unthank Road have also highlighted the impact of overshadowing to the garden. Both this and the impact on habitable windows is unlikely to be apparent after midmorning (around 10:30 or 11am) and some of the impact already exists from the trees (although it is granted the impact obviously varies and will be different depending on replanting – see main issue 4). Between this time and midday the impact is largely concentrated on the area currently covered by the trees and the substation. In the late autumn and winter months there will be some expected overshadowing to the west-facing windows of the single storey extension of 4 Gloucester Street, limited towards the end of the day. While there is some impact, the extent of the overshadowing is not considered severe.

25. In terms of loss of daylight, the physical presence of the new house will inevitably block some visible sky and therefore daylight. However there is a generous gap of 7.3m retained between the house and 134 Unthank Road and its rear section has a relatively shallow roof pitch with lower eaves (5m). As such the impact is suitably reduced and some unobstructed views through to clear sky will be retained. While there is no right enshrined in planning law to a view such as the one identified in the objection, there would justifiably be an amenity impact if this concern coincided with the development being overbearing. For the reasons above and the distance of the development from the neighbours (~9m from rear corner of development; 15m from front corner) the impact is not considered to have an unacceptable impact on living conditions in this urban context. Similarly despite the distance between the scheme and the existing flats at 134 Unthank Road the impact is relatively low due to its design. Additionally with only kitchen windows on both flats affected, the impact is acceptable.
26. There is an effect on the amenity of 134 Unthank Road by means of reduction in potential external amenity space. It would have been preferred to have the boundary between the two include some garden space for the flats, but the applicant has shown the boundary maximising space for the new dwelling. Some space is shown to the south of the property which provides some semi-private and defensible space, but it is admittedly small for two 2 bed flats. While regrettable this is not considered a reason for refusal given DM2 does allow for a relaxation of the requirement for external space if involving the upper floors or commercial premises within a defined centre, which this is.
27. The window facing No.134 has been removed and so there is not considered to be any considerable loss of privacy providing the stairwell and bathroom window on the eastern elevation are obscure glazed and have restricted opening. The overlooking from the front is typical for this street and views to the rear are limited given the only opportunity is from rooflights.

#### ***Occupier amenity***

28. In terms of occupier amenity the scheme complies with the national space standards and has adequate levels of daylight, outlook and external space. A landscaping condition will ensure the garden area is appropriate.

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

29. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.

30. The existing trees overhang the boundary and not being located within a conservation area this means that they can be cut back to the boundary without consent from the planning authority. A revised AIA has provided a strategy for properly dealing with this to ensure the dwelling can be built without losing the trees. It is debatable whether the trees can genuinely be retained with the development in place. This is due to the physical extent of the necessary cutting back alongside the fact that the future occupiers will probably request that they are further cut back or felled due to nuisance from the leaf litter and general proximity to the crowns.
31. For this reason this assessment is assuming that in order for this house to be built the trees will have to be felled. This in itself is not unacceptable as the trees are category C and are not entirely unrestricted themselves due to their position next to the boundary wall and substation. Replacement planting with more appropriately sized and located species is considered essential to mitigate their contribution to amenity and this will be secured via condition. This will require an agreement between the different landowners. Repairs will need to be done to the wall regardless of development going ahead or not.

#### **Main issue 5: Flood risk**

32. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
33. The only flood risk is the impact of the development on increased surface water flooding. A soakaway was originally proposed but is only 3m from the development – Building Regulations requires a distance of 5m. Moving it any further away would make it too close to 134 Unthank Road or the substation, both equally unacceptable after discussing it with CNC Building Control. Given the site's constraints dictate sustainable drainage to be not technically feasible, using the surface water sewer is deemed appropriate in line with DM5. A condition to include waterbutt(s) is considered the next best option along a landscaping scheme to avoid causing runoff to the highway.

#### **Main issue 6: Transport**

34. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
35. The level of car parking and access raises no concerns for highway safety as confirmed by the transport planner. The scheme will not be eligible for parking permits and cannot be reasonably considered to cause an adverse impact on on-street parking provision, as even if the existing occupiers of 134 Unthank Road have permits. Bin and cycle storage are feasible and can be agreed via condition.
36. The layout plan also shows an enclosed bin and cycle store for the flats of 134 Unthank Road – the can be agreed via Grampian condition and is considered necessary and deliverable as it is within the same ownership.

#### **Main issue 7: Biodiversity**

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

38. While the works to the trees may lead to some loss of biodiversity, this can be offset by the inclusion of landscaping within the new dwelling's garden as required by condition.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Not applicable – solar panels shown which are welcome but likely to be Permitted Development anyway</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>No – see main issue 5</b>

### **Equalities and diversity issues**

40. There are no significant equality or diversity issues.

### **Local finance considerations**

41. 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.
42. 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.
43. In this case local finance considerations are not considered to be material to the case.

## Conclusion

44. While revisions have addressed overlooking issues, there are outstanding concerns from neighbours regarding overshadowing and loss of daylight and outlook. Given the position of the dwelling and its design some of these impacts will be limited, although exacerbated during later autumn and winter months. While this will have some impact, including on the enjoyment of the garden during the first part of the day, the harm is not considered to be severe in isolation or together with the loss of daylight and outlook. Despite the implications for amenity this harm is considered to be outweighed by the benefits of delivering an additional family home in a very sustainable location. Also weighing in favour of the proposal is the design benefits of infilling an otherwise detrimental gap within the street scene with a dwelling of appropriate scale, design and materials.
45. Despite some concerns regarding trees, surface water flooding and parking, none of these are considered to substantiate reasons for refusal. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## Recommendation

To approve application no. 16/00479/F - 134 Unthank Road Norwich NR2 2RS and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Prior to commencement, Grampian condition for details of tree felling and replacement;
4. External materials;
5. Drainage scheme;
6. Parking, cycle and refuse stores;
7. Landscaping scheme;
8. Water butts to be agreed and retained;
9. Grampian condition to bring forward bin and cycle storage and amenity area for 134 Unthank Road;
10. Water efficiency
11. First floor windows on eastern elevation to be obscure glazed and restricted opening.

## 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.

## Informative

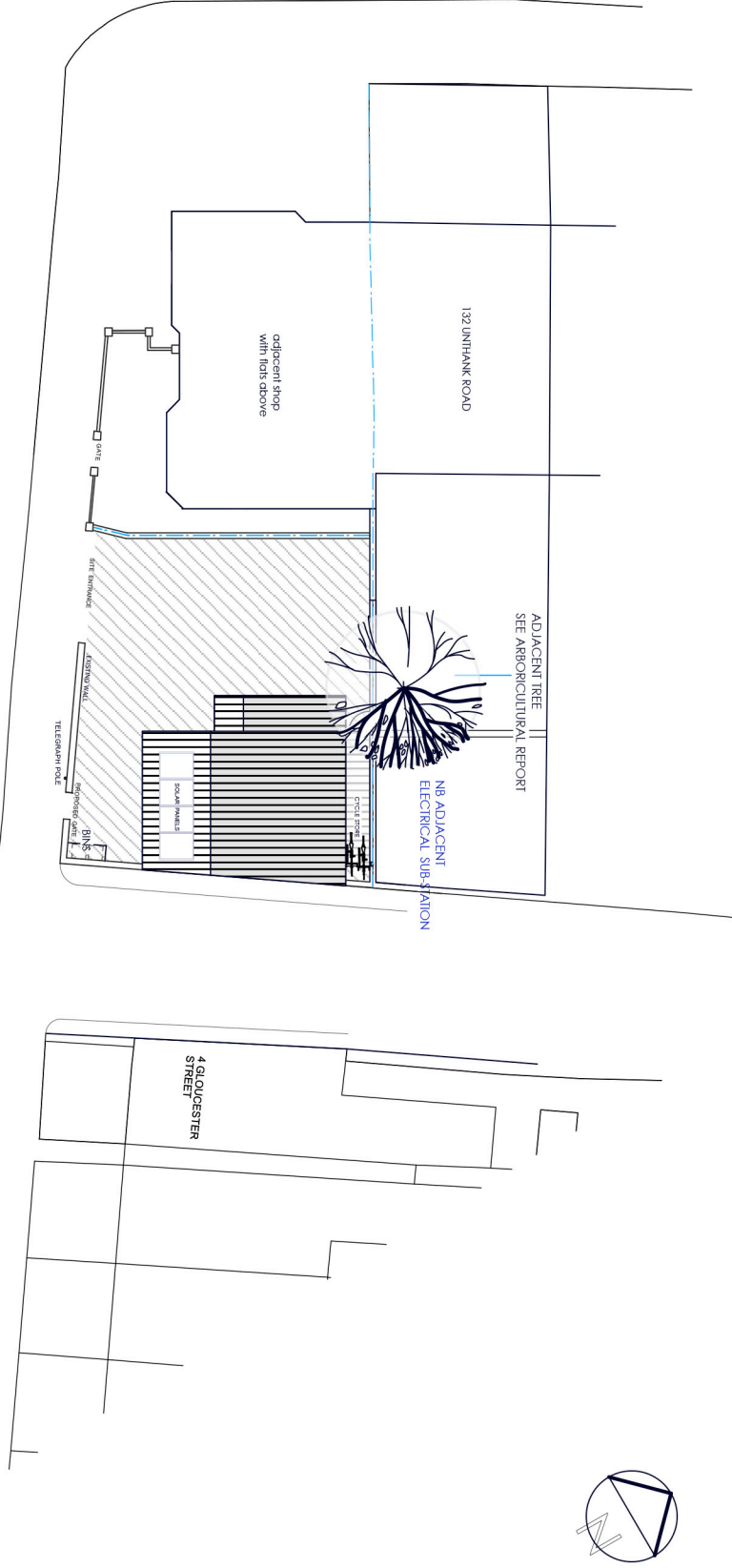
Property will not be eligible for parking permits.



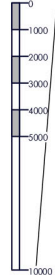
STREET ELEVATION

NO. 134 UNTHANK ROAD

NO. 4 GLOUCESTER STREET

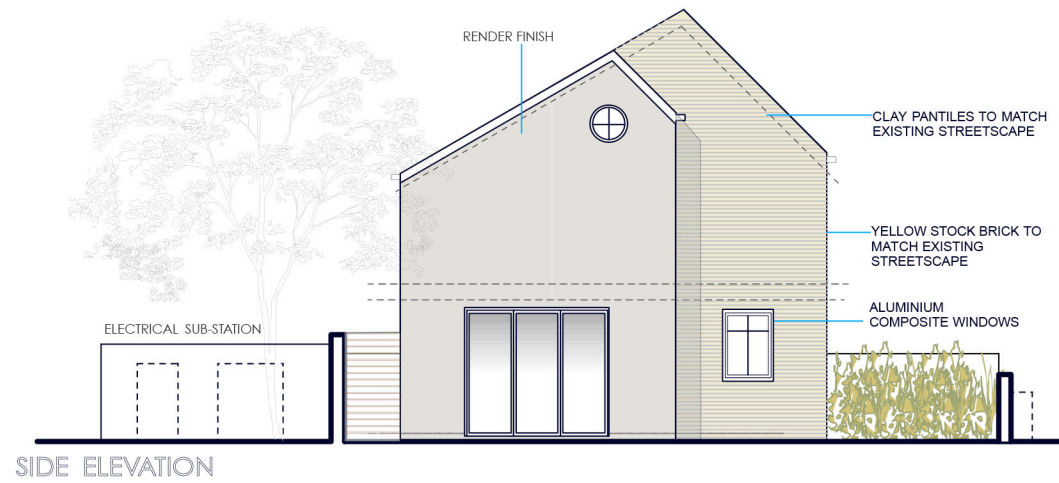
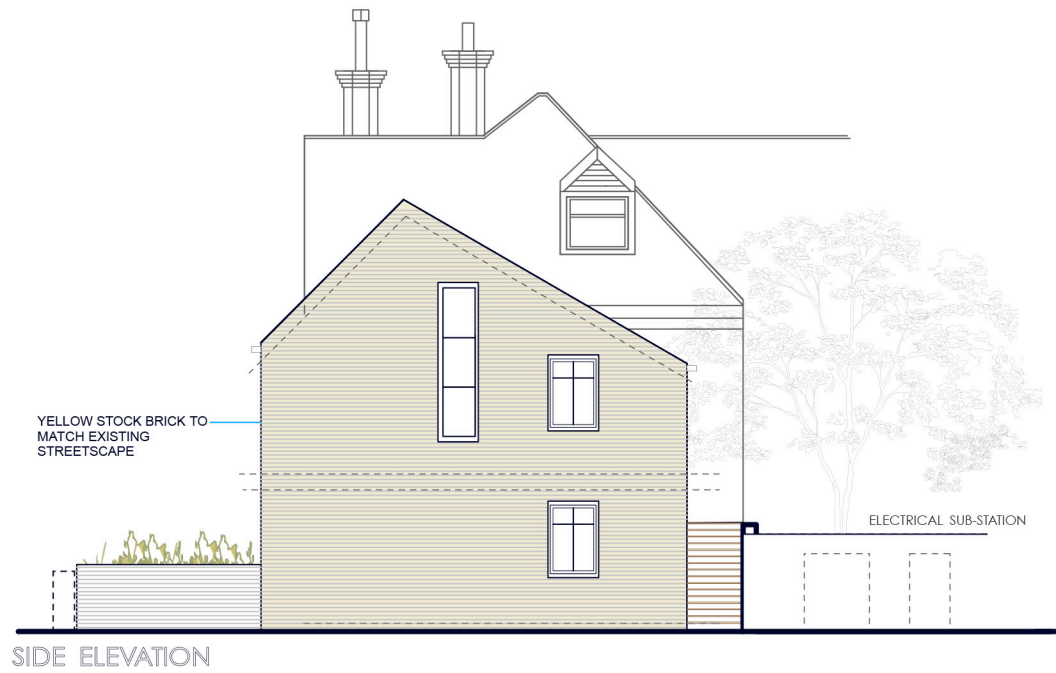
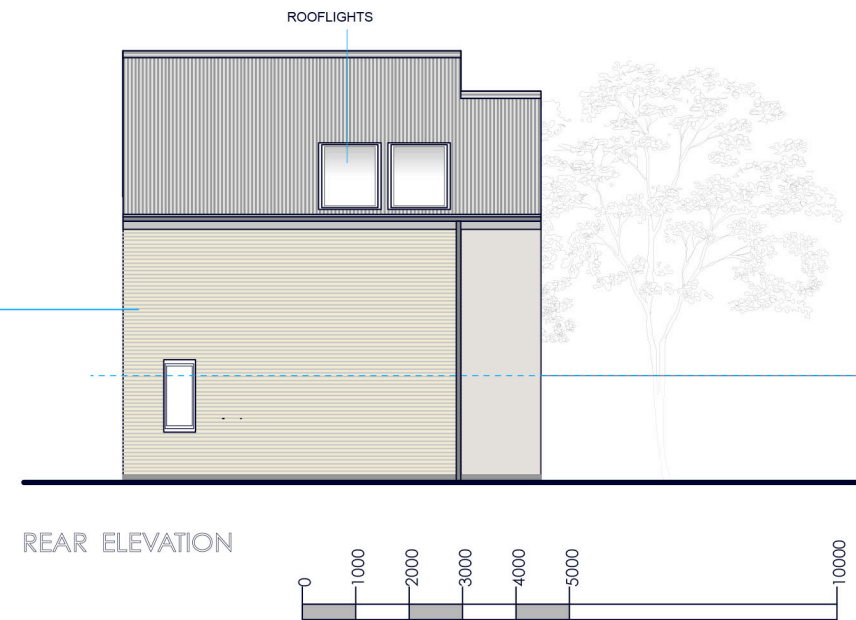


BLOCK PLAN



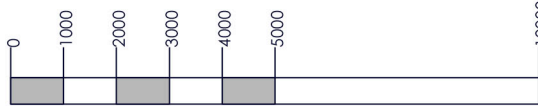
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Revisions. REV A: BOUNDARY WALL SHOWN FOR CLARIFICATION: MAY 16

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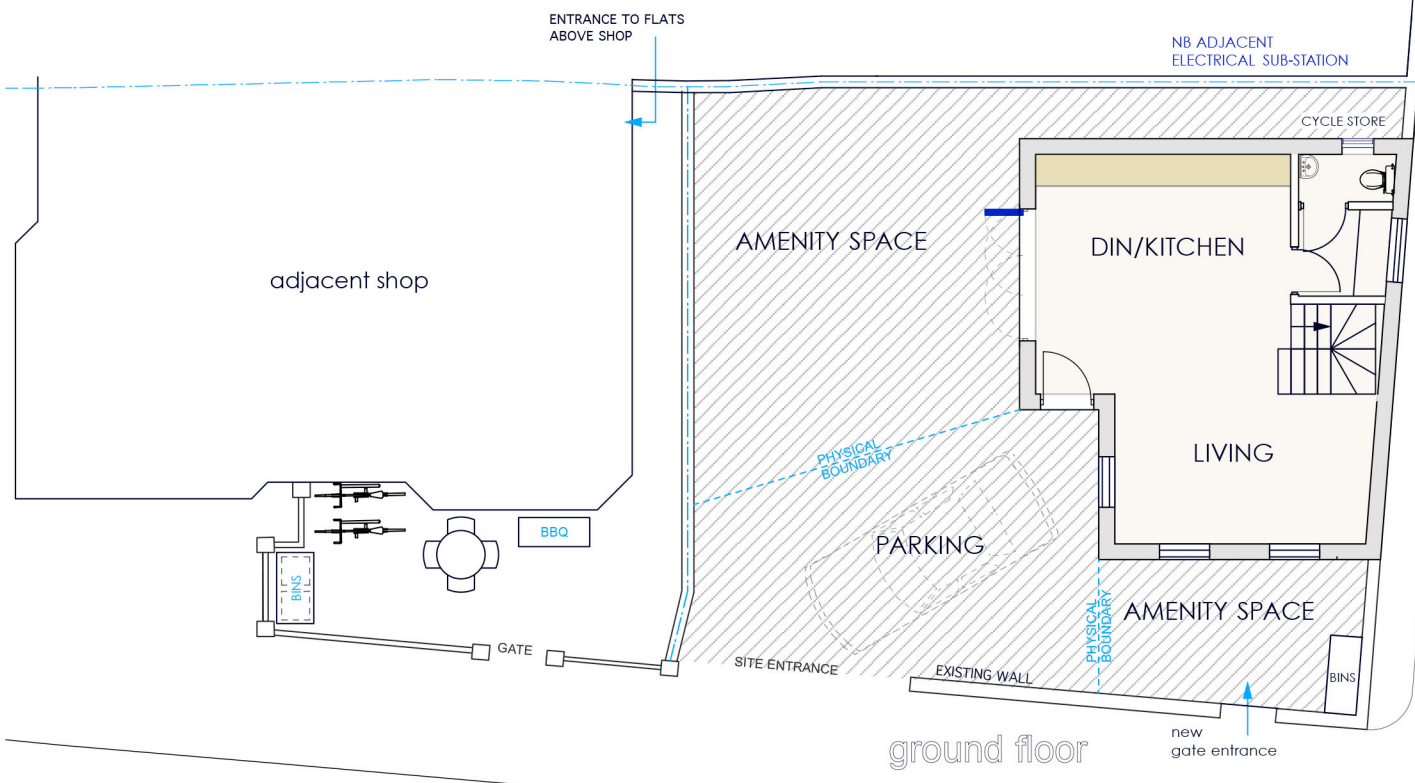
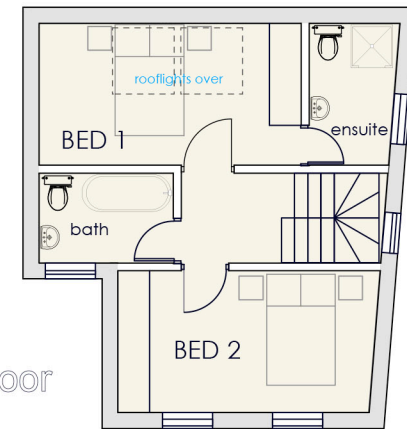


Revisions. REV B : FIRST FLOOR WINDOW OMITTED, FENESTRATION AMENDED, EXT FINISH AMENDED : MAY 16  
REV A : BOUNDARY WALL SHOWN FOR CLARIFICATION: MAY 16

Project: 134 UNTHANK ROAD, NORWICH NR2 2RS	Drawing: PROPOSED ELEVATIONS	mcarthur tring architects llp 121 BER STREET . NORWICH . NR1 3EY telephone 01603 766 750 http://www.mcarthurtring.co.uk mail@mcarthurtring.co.uk	
Client: Bracken Developments	Scale: 1:100@A3	Date: FEB 16	Page 66 of 108



first floor



ground floor

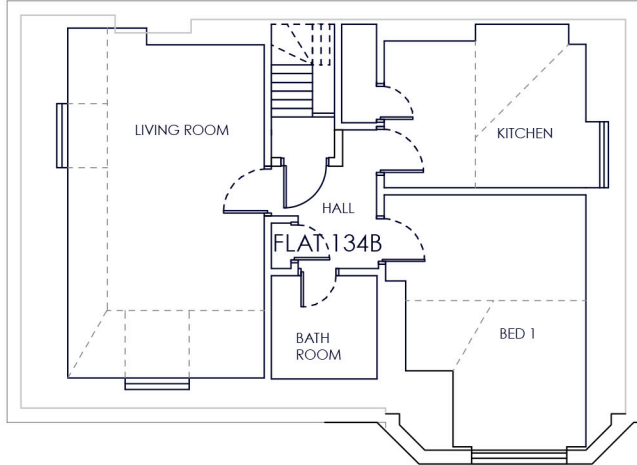
4 GLOUCESTER STREET

REV C : DELINEATION BETWEEN THE PARKING AREA AND AMENITY AREA SHOWN : MAY 16  
REV B : FIRST FLOOR WINDOW OMITTED, FENESTRATION AMENDED, EXT FINISH AMENDED : MAY 16  
REV A : BOUNDARY WALL SHOWN FOR CLARIFICATION: MAY 16

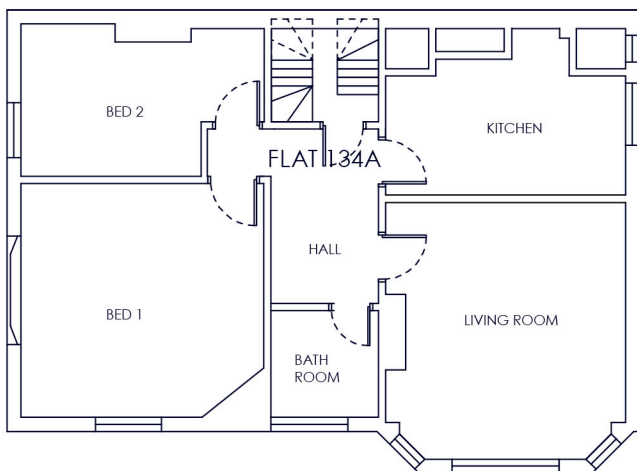
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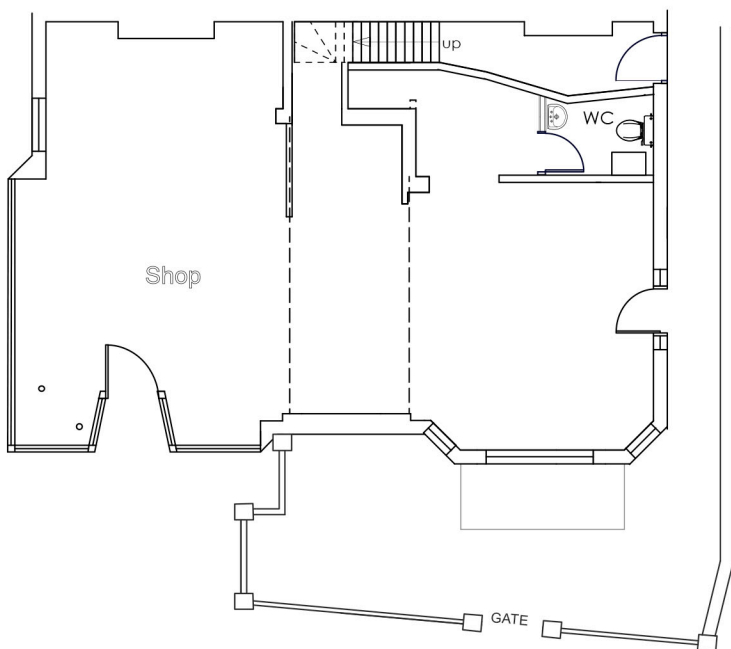




second



first



ground floor

Revisions.

<b>Project:</b> 134 UNTHANK ROAD, NORWICH NR2 2RS	<b>Drawing:</b> 134 UNTHANK ROAD EXISTING PLANS <div>Page 68 of 108</div>			<b>mcarthur tring architects llp</b> 121 BER STREET . NORWICH . NR1 3EY telephone 01603 766 750 <a href="http://www.mcarthurtring.co.uk">http://www.mcarthurtring.co.uk</a> <a href="mailto:mail@mcarthurtring.co.uk">mail@mcarthurtring.co.uk</a>
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TIME - 10:30



TIME - 12:00

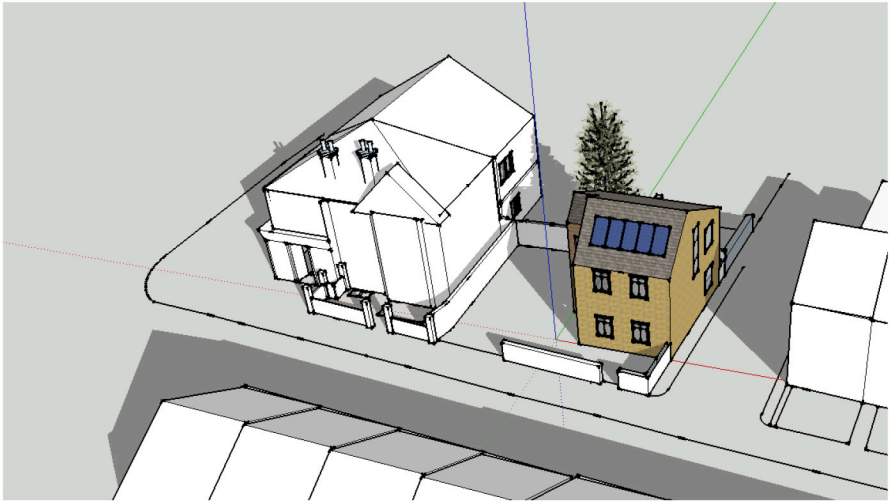


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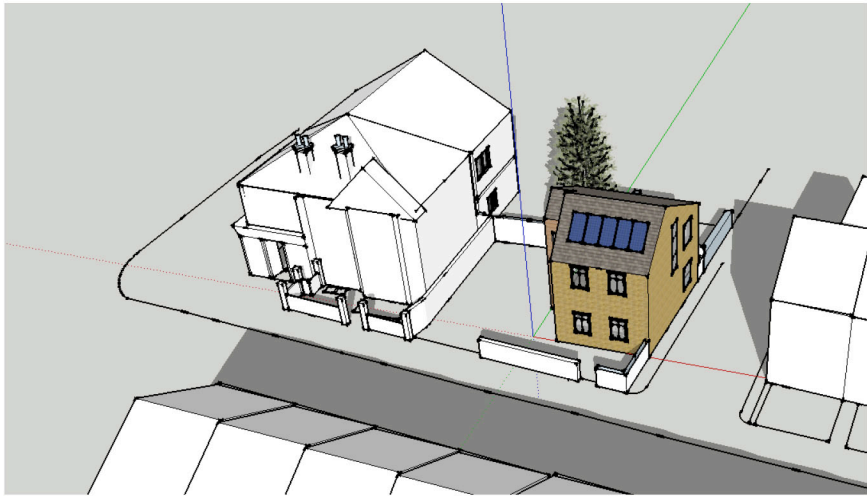
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TIME - 09:00



TIME - 10:30



TIME - 12:00



TIME - 14:00

Revisions.

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**Report to** Planning applications committee  
14 July 2016

**Report of** Head of planning services

**Subject** Application no 16/00404/MA - Land north side of Windmill Road, Norwich

**Reason for referral** Unresolved comment/deemed objection

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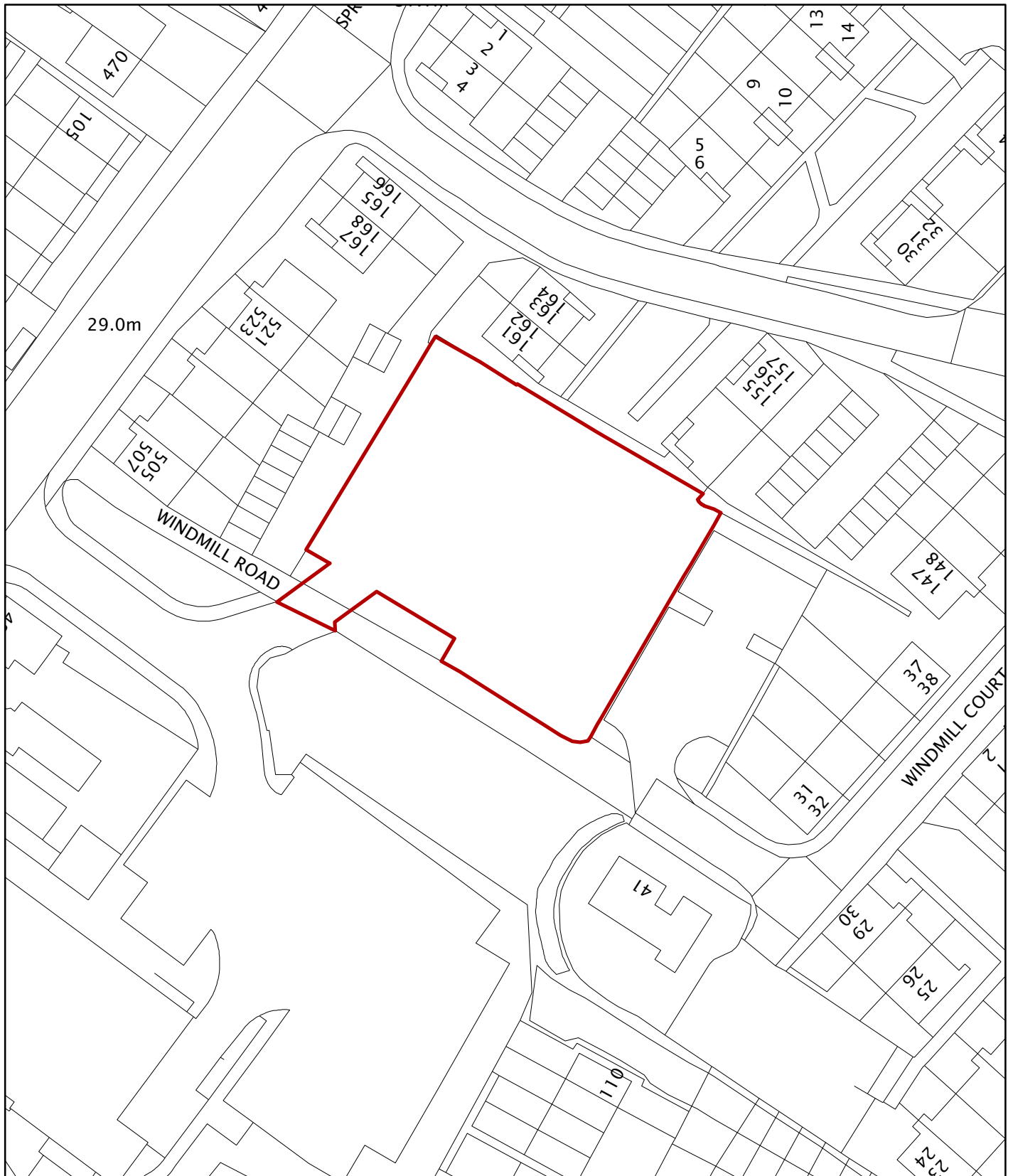
Item

4(e)

<b>Ward:</b>	Catton Grove
<b>Case officer</b>	Lee Cook - <a href="mailto:leecook@norwich.gov.uk">leecook@norwich.gov.uk</a>

Development proposal		
Minor-material amendments consisting of the reduction in height of rear wall, amendments to internal layouts and elevations, roofs cladding and angled box windows to be replaced with double glazed windows of previous permission 14/00847/F.		
Representations		
Object	Comment	Support
0	2	0

Main issues	Key considerations
1 Principle	Grant of earlier permission. Extent of proposal changes
2 Amenity	Impact on amenities of neighbouring properties (outlook, privacy, building impact).
3 Design	Scale, appearance, layout. Space standards. Amenity space. Character of area.
<b>Expiry date</b>	2 July 2016
<b>Recommendation</b>	Approve



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Planning Application No16/00404/MA

Site Address Land North side of Windmill Road

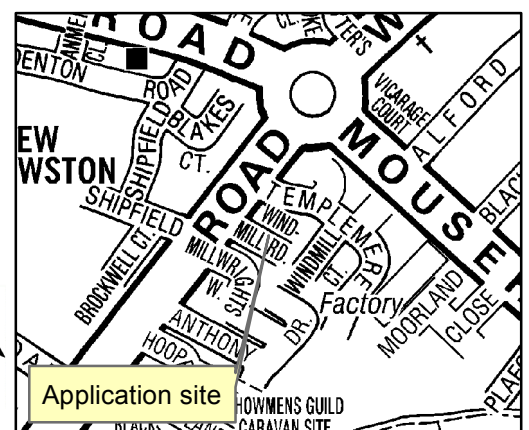
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**NORWICH**  
City Council

PLANNING SERVICES

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## The site and surroundings

1. The site is located on the north of Windmill Road and surrounded by areas of housing on “Templemere” to its east, north and west sides. Windmill Road links housing to the east to Sprowston Road to the west. Sprowston Road is a main arterial route linking to the City centre from the outer ring road. The site had been vacant for a number of years, with previous applications for retail and housing submitted on this and the adjacent site.
2. The Aldi retail store and related access has recently been constructed to the south and the access road serves the function of potentially joining to areas of designated or approved residential development. Residential properties surround the car park to the Aldi store including a proposed area of residential development to the south of the application site. Further residential and retail properties face Sprowston Road to the west.

## Constraints

3. The site is adjacent to the Sprowston Road/Shipfield local centre. The site formed part of housing allocation R12 under the draft Site Allocations Plan. Given the grant of permission and part implementation of the retail store/housing permission to the south the site now is the remaining area of allocation under R19. The site held much earlier commercial buildings and includes a well feature. The site itself is relatively flat but the ground slopes significantly in the surrounding area and is bounded by several ground retaining features/walls. There is potential for the site to be contaminated. The site also falls within the critical drainage catchment within the northern part of the City. The site is likely to hold some archaeological remains. Several trees are close to or overhang parts of the site.

## Relevant planning history

4.

Ref	Proposal	Decision	Date
4/2002/0742	Conversion of two former semi-detached cottages to form a single dwelling with access from Templemere. Nos 1 _ 3	Refused	22/11/2002
4/1989/0405	Conversion of existing dwelling to provide 3 flats and development of site to provide one bungalow and 19 flats with associated access and parking.	INSFEE	04/01/1990
08/00172/O	Outline application for residential development, including means of access for 11 dwellings and 4 flats.	Finally disposed of	10/12/2009
14/00847/F	Erection of 17 dwellings.	Approved	09/10/2015
16/00308/D	Details of Condition 6: Archaeological	Approved	01/04/2016

Ref	Proposal	Decision	Date
	Written Scheme of Investigation of previous permission 14/00847/F.		

## The proposal

5. Minor-material amendments of previous permission 14/00847/F. These consist of – ground floor re-arranged to provide living room and kitchen space, upper floor of houses reduced in depth and used for bedroom and bathroom spaces rather than living rooms at upper levels, change to fenestration to accommodate these alterations, removal splayed bays to rear unit 3, confirmation of use of obscure glazing to bedroom windows to unit 3, removal of use of green roof.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	17 dwellings, with a mix of 2 No. one bed flats, 5 No. two bed flats, 2 No. two bed maisonettes and 8 No. four bed houses.
No. of affordable dwellings	The principle of providing for zero on-site affordable dwellings was considered under the Aldi Stores application 13/00208/F
Total floorspace	Gross internal floor area of approximately 1,655m <sup>2</sup>
No. of storeys	2 No. Two storey coach house blocks at entrance; “L” shape block on north and east side of site with three storey houses and four storey corner flats/maisonettes.
Max. dimensions	Coach houses approximately 11.5m wide x 5m deep x 5.9m tall. Houses approximately 5.6m wide (each) x 9.7m deep x 8.8m tall Corner flats/maisonettes approximately 8.4m deep x 17.7m wide x 9.6m x 11.4m tall.
Density	Approximately 89 dwellings per hectare
<b>Appearance</b>	
Materials	Red brick and areas of render for the walls and single ply Dark grey roof membrane to flats, non-intensive green roofs to townhouses.
Construction	Brickwork, cavity and timber frame.
Energy and resource efficiency measures	Sustainability and energy statements included with original application which aim to improve thermal efficiency above Building Regulations standards.



Transport matters	
Vehicular access	Newly constructed roadway from Sprowston Road links to the edge of Windmill Road. Applicant has advised that they have rights of access across this Road and will form a link into the site. The end of the roadway will not be adopted.
No of car parking spaces	Retained as 15 spaces including 6 as undercroft parking.
No of cycle parking spaces	Space within entrance lobby for coach houses; agent confirmed that space available for secure storage in private rear gardens.
Servicing arrangements	From Sprowston Road via the new roadway. Service area/bin stores are located close to building entrances and communal standing area on south side of site.

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 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
Neighbour at no. 162 welcomes retention of splayed bay	Paragraphs 20 - 21
Concerns raised previously about overlooking, especially into front windows (lounges and kitchen) of nos. 160 & 161 Templemere and to the garden of no. 162 – these had been partially addressed by angled windows. If these 4 are to be replaced with obscure glass then a condition should be put that once built the glass cannot be replaced by non-obscure glass. Residents' Association also asks that the level of obscurity be specified. These comments are made on the basis that residents of Templemere are used to well-spaced blocks which are not closely overlooked. It is noted that work to clear and level the site has already taken place.	Condition suggested as part of previous and for this application in terms of obscure glass and level of obscurity

## Consultation responses

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

### Design and conservation

8. No comment

### Norfolk County Council Lead Flood Authority

9. Confirmed has no comments to make.

## Assessment of planning considerations

### Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- 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

#### 12. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)



- R19: land north of windmill Road – housing development

## **Other material considerations**

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

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

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

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

## **Case Assessment**

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

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

16. Key policies and NPPF paragraphs – JCS2, JCS4, JCS12, JCS20, DM1, DM3, DM12, DM13, DM33, SA R19, NPPF paragraphs 9, 14, 17, 49 and 109.
17. The site forms the area of allocation R19 as set out within the SA Plan (2014) which promotes residential development of the land. The scheme provides 17 dwellings mixed between flats and houses. The principle of the scale/density of development proposed has been established through application 14/00847/F.
18. The application is for variation of condition 2 of previous planning permission 14/00847/F to refer to a different layout and a change in design to accommodate a simplification of the appearance of the residential element of the scheme. The application is submitted under Section 73 of the Act as a minor material amendment to the approved scheme. In the local context the proposals are considered to be a minor change to the approved scheme which should not adversely impact on the area or design impacts of the building and the changes are therefore considered to be acceptable.

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

19. Key policies and NPPF paragraphs – DM2, DM3, DM11, NPPF paragraphs 9 and 17.

20. Each new house has its own private garden and the proposed buildings are situated sufficiently forward and away from boundaries to avoid any significant overlooking of private areas to adjacent properties. Plot 3 however at upper floors had the potential to look directly into the rear of 161/162 Templemere and earlier changes to window design, which angle towards the adjacent buildings blank gable end, and introduction of areas of obscure glazing were proposed to overcome this localised issue.
21. The scheme has now moved living room areas to the ground floor of the house plots and changed upper floors to bedrooms. It is not expected that there will now be the same levels of activity and potential overlooking at upper floors to require a splayed bays to the rear of unit 3. The applicant has agreed to the installation of obscure glass and restricted openers to these windows and this should be sufficient to overcome the localised impact on amenity. A condition requiring details of glazing and joinery/window restrictors is suggested to be retained as part of any permission.
22. The proposed layout achieves appropriate distances between new and existing buildings and does not, as a result, create any significant overshadowing or overlooking problems. The upper floor depth of houses is decreased which will improve building relationships within the area. The scheme provides a reasonable standard of living and garden spaces which would provide an attractive living environment and which would integrate well with the character of the area. The development is of an attractive design with enhancements to planting within the area and overall the scheme should not adversely affect the view from nearby dwellings that at the moment look out over the park.

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

23. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
24. The proposed layout is effectively unchanged and shows the main parking and turning area culminating central to the site creating a mews space at the top of the new road spur adjoining to the south. This is designed to take advantage of this space in terms of access and parking, to maintain space between buildings and to protect existing trees along the east boundary which provide amenity benefits in the area.
25. The revisions to the houses have placed internal living areas at ground floor and allowed for bedroom spaces at upper floors within a shallower depth of built form at upper floor. The general appearance of the scheme still succeeds in having a distinctive character which takes its lead from the other housing in the area but unifies this small new estate of housing with that proposed for the land to the south within the Aldi site. In terms of the design quality assessed against the national Building for Life criteria this scheme would expect to receive no red indicators and where detail is lacking or is needed to form a complete judgement it is fully expected that following assessment of details requested by condition the scheme would attract a majority of green indicators. The scheme is therefore well supported in design terms and is considered to be acceptable against the Building for Life criteria.

26. The revised design/modifications overall are not such that the scheme will be overbearing on any of the existing developments, and fits in well with the general context which is difficult, as the separate developments around the site are all quite different in character in terms of scale, form and materials. The form and positioning and varying heights created by the new housing blocks creates a good end point to the new access road and will aid legibility when entering the development.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition – private and secure cycle parking stores can be provided within the site to meet development needs.
Car parking provision	DM31	Yes subject to condition – parking on site is available for new residents and the site is positioned within an accessible location for alternative means of travel. Garages shown on the earlier scheme were not protected by condition to retail there non-residential use and level of impact assessed against proposed forecourt parking which remains largely unchanged.
Refuse Storage/servicing	DM31	Yes subject to condition – main collection will be accessed from Sprowston Road. Bin stores and collection are shown to be provided close to the highway for ease of collection.
Archaeology	DM9	HES advised of potential for post-mediaeval remains to be present and requested condition to be imposed for site assessment. This condition has subsequently been discharged following site investigation.
Contamination	DM11	The recommendations by the Council's environmental protection officer in regards to contamination and protecting the amenity of neighbouring properties or safety of site operatives during the construction are considered reasonable and should be conditioned on any approval.
Energy efficiency	JCS 1 & 3 DM3	Yes subject to condition – buildings are capable of incorporating energy production technologies to roof areas without detracting from the appearance of the development or impacting on local amenities.

Requirement	Relevant policy	Compliance
Water efficiency	JCS 1 & 3	Yes subject to condition. Suitable fittings can be incorporated into the scheme to achieve usage limits.
Sustainable urban drainage	DM3/5	Yes subject to condition for submission of full details of drainage scheme – the developed site will cause some change to the permeable area and therefore to surface water runoff. However, it is proposed that the surface water runoff will be managed by sustainable means in order to maintain, and where possible reduce, the effect of the site on the downstream catchment. Surface water runoff is initially suggested to discharge to a cellular storage type capture and attenuation located in the central mews court space. The previous green roof is removed from the scheme but should not prevent site solutions for water runoff. The surface water runoff for all impermeable areas could be collected via RWP's and gullies which discharge to a soakaway. Subject to review of site infiltration and geology attenuation with some soakaway could provide an alternative. Ground contaminants are shown to be low but soakaway methods should be further investigated. Such measures are considered adequate for a development of this scale.

### Other matters

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

### Other matters

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

### Affordable housing

30. The promotion of the adjoining site has been discussed with Orwell Housing Association who following on from the Aldi permission have committed to developing that site entirely for affordable housing in line with the S106 agreement for application 13/00208/F. In considering that earlier application Aldi offered to provide 9 affordable dwellings on their application site to assist with the viability of developing the site to the north.

31. Number of units proposed has slightly increased from 25 suggested as being provided under the earlier overall draft site allocation to 26. However; the delivery of 9 units on adjoining land would still represent 33% of the total as required by policy JCS4. It is likely that Orwell will offer the affordable dwellings as affordable rent properties and discussions are progressing about the delivery of housing on the adjoining "Aldi" site.

### **Equalities and diversity issues**

32. There are no significant equality or diversity issues.

### **S106 Obligations**

33. Given that the delivery of affordable housing is linked to the development of land to the south a specific legal agreement for this site is not considered to be necessary. The timescale for delivery is bound within that S106 agreement and action can be taken against the adjoining landowner for any non-compliance.

### **Local finance considerations**

34. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
35. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
36. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

37. The principle of development and access has been established on the site by the previous planning permissions. The proposed development provides an acceptable scheme in relation to those changes being made to the earlier permission and appropriately responds to amenity, design and access issues. Revisions as negotiated have improved the scheme and still adequately respond to local concerns which had been raised with the initial application.
38. The amenity standards for existing and proposed dwellings and proposals for protection of local amenities are considered to be appropriate. The design and layout is also considered acceptable with a good relationship between the public and private realms. The development also responds to site constraints in terms of their implications for access, parking and servicing arrangements, trees, ground levels, drainage and contamination. Subject to the conditions listed it is considered that the proposals are acceptable and are supported by the change in policy direction through the Site Allocations Plan. 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. 14/00847/F - Land North Side Of Windmill Road, Norwich and grant planning permission subject to the following conditions:

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Details of facing and roofing materials and external joinery; plot 3 rear windows on upper floors obscure glazing to a specification of not less than the equivalent of classification 5 of Pilkington Glass and details of the parts of the windows and extent to which they can be opened; external lighting;
4. Details of access road surface, car parking, cycle storage, bin stores provision;
5. Details of landscaping, planting, tree pits, biodiversity enhancements, site treatment works, boundary treatments, gates, walls and fences and landscape implementation and maintenance;
6. Archaeology Written Scheme of Investigation in accord with application 16/00308/D;
7. Compliance with AIA, AMS and Tree Protection Scheme implemented prior to commencement;
8. Retention of tree protection;
9. Details of provision and maintenance of LZC technologies and renewable energy sources;
10. Details of water efficiency measures;
11. Details of water drainage strategy and drainage management;
12. Cessation of works if unknown contaminants found; and
13. Control on any imported materials.

Informatives:

1. Considerate construction and timing to prevent nuisance;
2. Materials removed from site should be classified and disposed of at suitable licensed facilities;
3. Site clearance to have due regard to minimising the impact on wildlife.

### **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 at the pre-application stage the application has been approved subject to suitable land management, appropriate conditions and for the reasons outlined within the committee report for the application.

**Report to** Planning applications committee

**Item**

14 July 2016

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2016 City of Norwich  
Number 496 ; 3 Albemarle Road, Norwich NR2 2DF

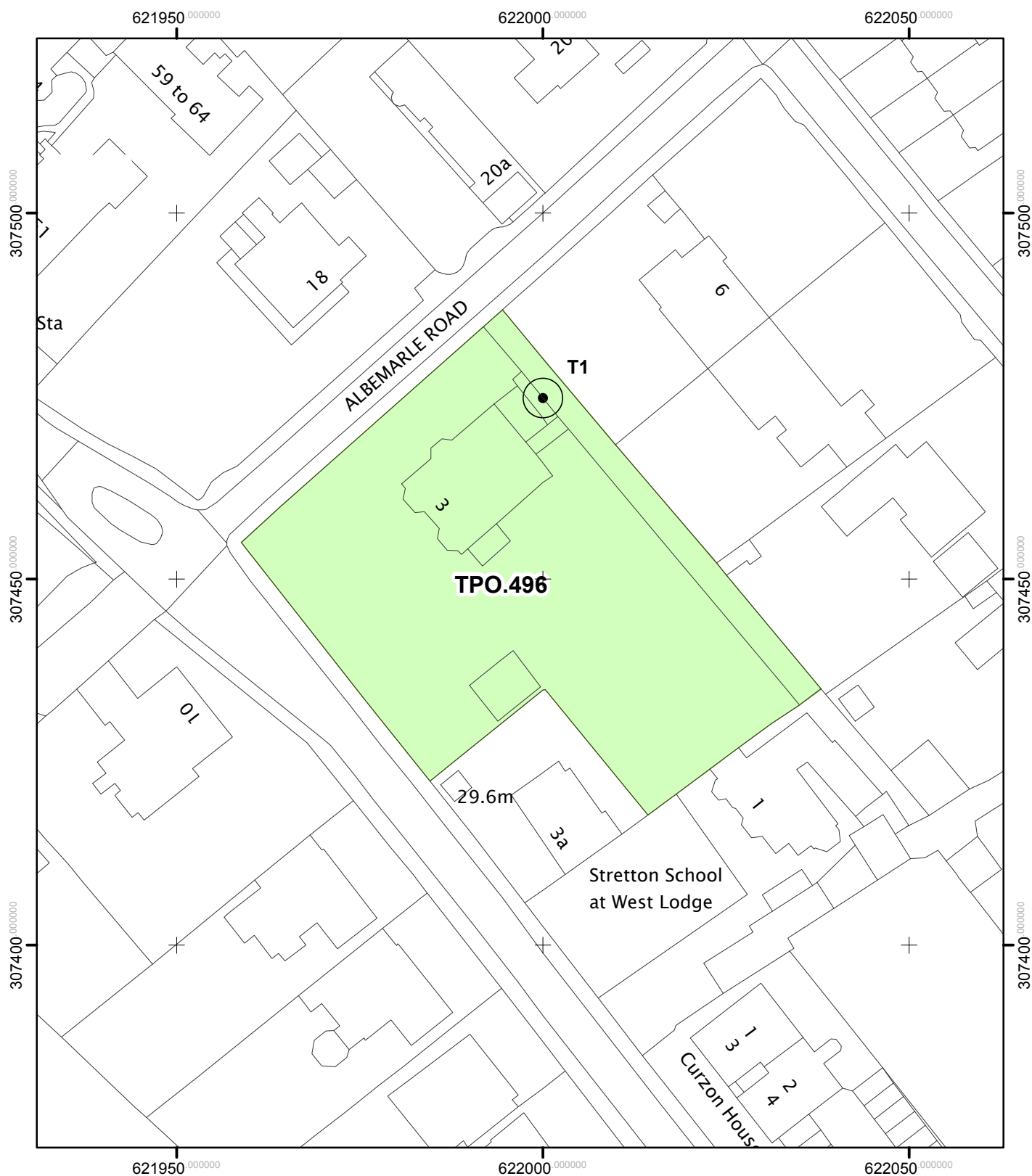
4(f)

**Reason for referral** Objections to confirmation of tree preservation order 496

<b>Ward:</b>	University
<b>Case officer</b>	Stephen Hayden – tree consultant for Norwich City Council tel: 01603 212546

Proposal		
To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 496 3 Albemarle Road, Norwich NR2 2DF with modifications to the plan to show the correct position of the tree		
Representations		
Object	Comment	Support
1	- -	- -

Main issues:	Key considerations:
1 Amenity	Impact on local residents Level of amenity for future occupiers
2 Air quality	Trees improve air quality by removing particulates
3 Biodiversity & wildlife	The loss of mature trees with no recourse for securing replacement planting Trees aid biodiversity and wildlife
4 Climate change	Trees increase resilience to climate change and contribute to mitigate against flash flooding.
<b>Expiry date</b>	9 March 2016
<b>Recommendation</b>	Confirm TPO 496 with modifications to the plan to show the correct position of the tree



**PLANNING SERVICES**

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

Date : 08/03/2016

Scale : 1:750

Drawn by : SRB





## The site, surroundings and history

1. The mature Scots Pine is situated on the north eastern boundary of 3 Albemarle Road, Norwich NR2 2DF The tree is visible from Albemarle Road and the rear of the properties on Mount Pleasant.
2. The location of the trees is shown on the attached plan. This was originally positioned incorrectly and it is proposed that the TPO plan is modified to show the correct position of the tree.
3. The TPO was instigated as a result of an application to reduce the crown-spread of the tree from 6.5m to 3.5m as part of various proposed tree works.
4. The Council's Tree Consultant visited the site and undertook an assessment of the trees subject to the application. The Tree Evaluation Method for Preservation Orders (TEMPO) assessment was used and resulted in a score of 15 for the Scots Pine T1 indicating that a Tree Preservation order was defensible.
5. Tree Preservation Order [TPO], 2016. City of Norwich Number 496 ; 3 Albemarle Road, Norwich NR2 2DF was served on the 9 March 2016.
6. The Order needs to be confirmed within six months of being served for it to continue to be in effect.

## Representations

7. Notice of the Order was served on the owners of the properties and neighbouring properties. In response 1 letter of representation has been received objecting to the Order from the owner of 3 Albemarle Road. Full details of these letters are available on request. The issues raised and the Tree Consultants response are summarised below:

Representation	Response
The position of the tree on the TPO plan is incorrect	As stated the tree is plotted incorrectly and whilst it is clear on site which tree is subject to the TPO, it is only right that the plan be modified to show the correct position of the tree. It is therefore recommended that the TPO Plan be modified to show the correct position of the tree T1.

Representation	Response
The trees shed debris - “The needles and cones from the tree regularly causes blocked gutters and drains to outhouses and the main house”	The shedding of needles and cones is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general.
The roots of the tree are lifting the stable blocks in the courtyard at the rear of the dwelling and are worryingly close to drains.	Whilst this may be a cause for concern the proposed works applied for were not related to this and would not remedy either. If the trees are damaging the property and associated drainage suitable works to mitigate these issues would be considered. The tree preservation order is not intended to prevent reasonable management of the tree; it is there to prevent any unnecessary and potentially damaging works. To this end officers will work with the owners to ensure the most appropriate management of the tree(s).

## **Main issues**

### **Issue 1**

8. The reduction of the crown of this tree would have a detrimental effect on the visual amenity of this tree with high visual amenity, for little to no benefit. The tree is in good condition and visible from Albemarle Road.

### **Issue 2**

9. The trees have a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

### **Issue 3**

10. The trees enhance biodiversity by providing habitats for a variety of species and thereby contribute to providing a healthy food chain that is of benefit to birds and mammals.

### **Issue 4**

11. Albermarle Road is located within the Nelson and Town Close critical drainage area, tree canopies are proven to slow rates of precipitation and increase

infiltration. Every tree within the critical catchment area contributes to slow flash flooding.

## **Conclusion**

12. The objections to the Order have been taken note of and whilst officers appreciate the concerns raised it is their opinion that the trees in question make a positive environmental contribution and have sufficient amenity value to validate their continued protection by the confirming of the Tree Preservation Order. However officers do appreciate the potential nuisance the trees may cause and are willing to work with the owner of the trees to secure appropriate tree works to reduce any potential nuisance through good management.

## **Recommendation**

To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 496 ; 3 Albemarle Road, Norwich NR2 2DF with modifications to the plan to show the correct position of the tree

**THE CITY COUNCIL OF NORWICH**

**FORM OF TREE PRESERVATION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 496, 2016**

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

**Citation**

1. This Order may be cited as Tree Preservation Order, 2016  
City of Norwich Number 496, 3 Albemarle Road, Norwich, NR2 2DF

**Interpretation**

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

**Effect**

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

**Application to trees to be planted pursuant to a condition**

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

DATED this ninth day of March  
two thousand and sixteen.

THE CORPORATE SEAL of THE )  
CITY COUNCIL of NORWICH )  
Was hereunto affixed in the )  
Presence of )



A. W. B. H.

Authorised by the Council

SCHEDULE

## Article 3

SPECIFICATION OF TREES

Trees specified individually  
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Scots Pine	On the north-eastern boundary of 3, Albemarle Road Norwich, NR2 2DF Grid ref: TG 219074

Groups of Trees  
(within a broken black line on the map)

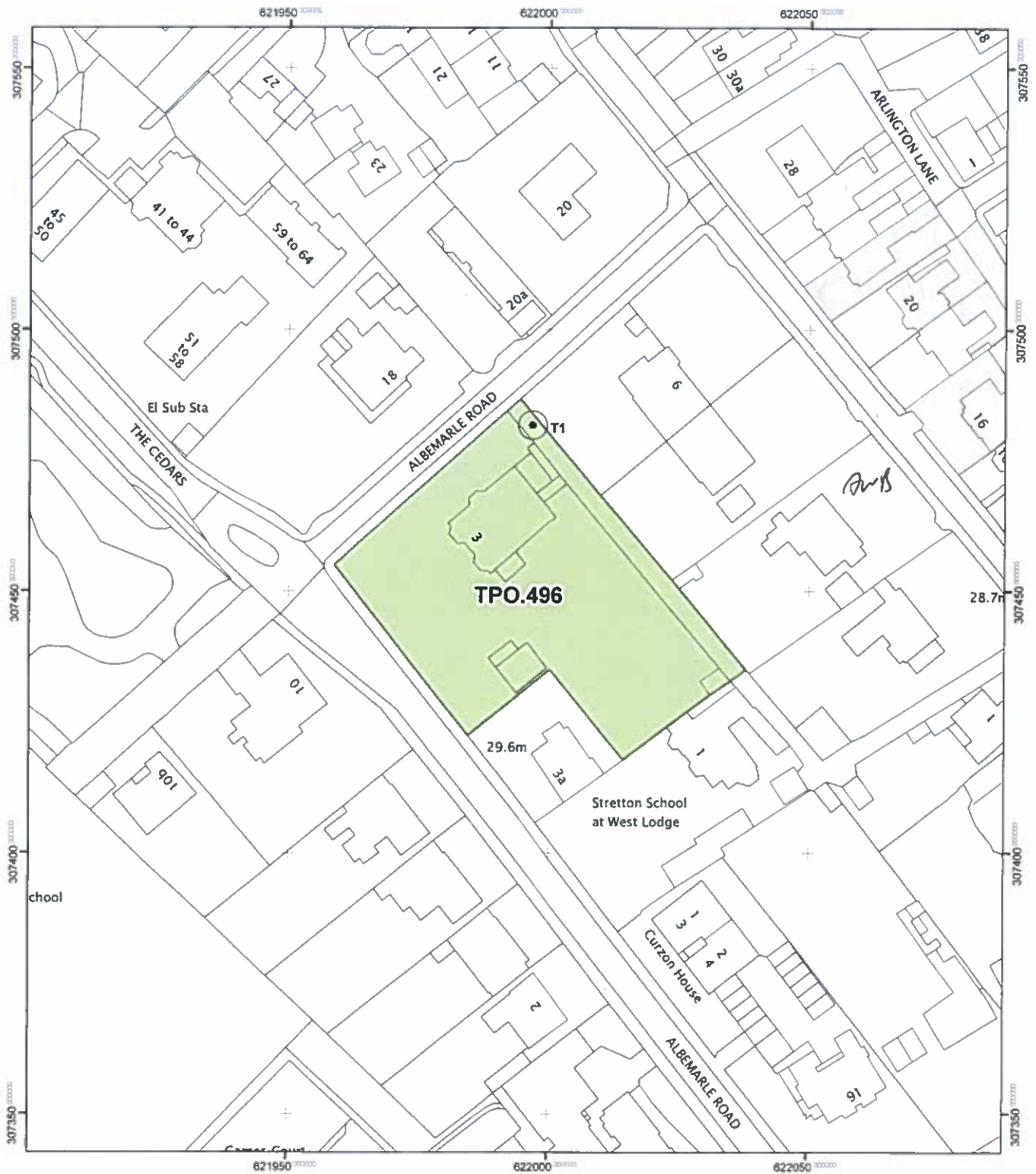
Reference on Map	Description	Situation
None.		

Trees specified by reference to an area  
(within a black dotted line on the map)

Reference on Map	Description	Situation
None.		

Woodlands  
(within a continuous black line on the map)

Reference on Map	Description	Situation
None		



**PLANNING SERVICES**

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

Date : 08 March 2016

Scale : 1:750

Drawn by : DB



**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended).**

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

**TREE PRESERVATION ORDER 2016**

**THE CITY COUNCIL OF NORWICH NUMBER 496**

**ADDRESS: 3 Albemarle Road, Norwich, NR2 2DF**

**THIS IS A FORMAL NOTICE** to let you know that on **9th March 2016**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *to protect the amenity of the area in response to notification of intention to crown reduce the Scots Pine tree.*

[The Order took effect, on a provisional basis, on **9th March 2016**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.] The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **11th April 2016**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH** or you can email: **planning@norwich.gov.uk**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact: **The Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546) email: planning@norwich.gov.uk**

DATED this **9th March 2016**.

Signed



Stephen Hayden  
Acting Tree Protection Officer  
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH



**COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Objections and representations**

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

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

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

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

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

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: <b>2/2/16</b>	Surveyor: <b>SH</b>
Tree details TPO Ref (if applicable): Owner (if known):	Tree/Group No: <b>12</b> Species: <b>Scot Pine</b> Location:

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

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

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes

**5**

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

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

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

Score & Notes

**2**

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

**3**

##### d) Other factors

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

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

Score & Notes

**1**

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

Score & Notes

**5**

#### Part 3: Decision guide

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

Add Scores for Total:

**13**

Decision:

**TPO**

**Report to** Planning applications committee

**Item**

14 July 2016

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2016. City of Norwich  
Number 498; 5 Edenhurst Close, Norwich, NR4 7QT

**Reason  
for  
referral** Objections to confirmation of tree preservation order 498

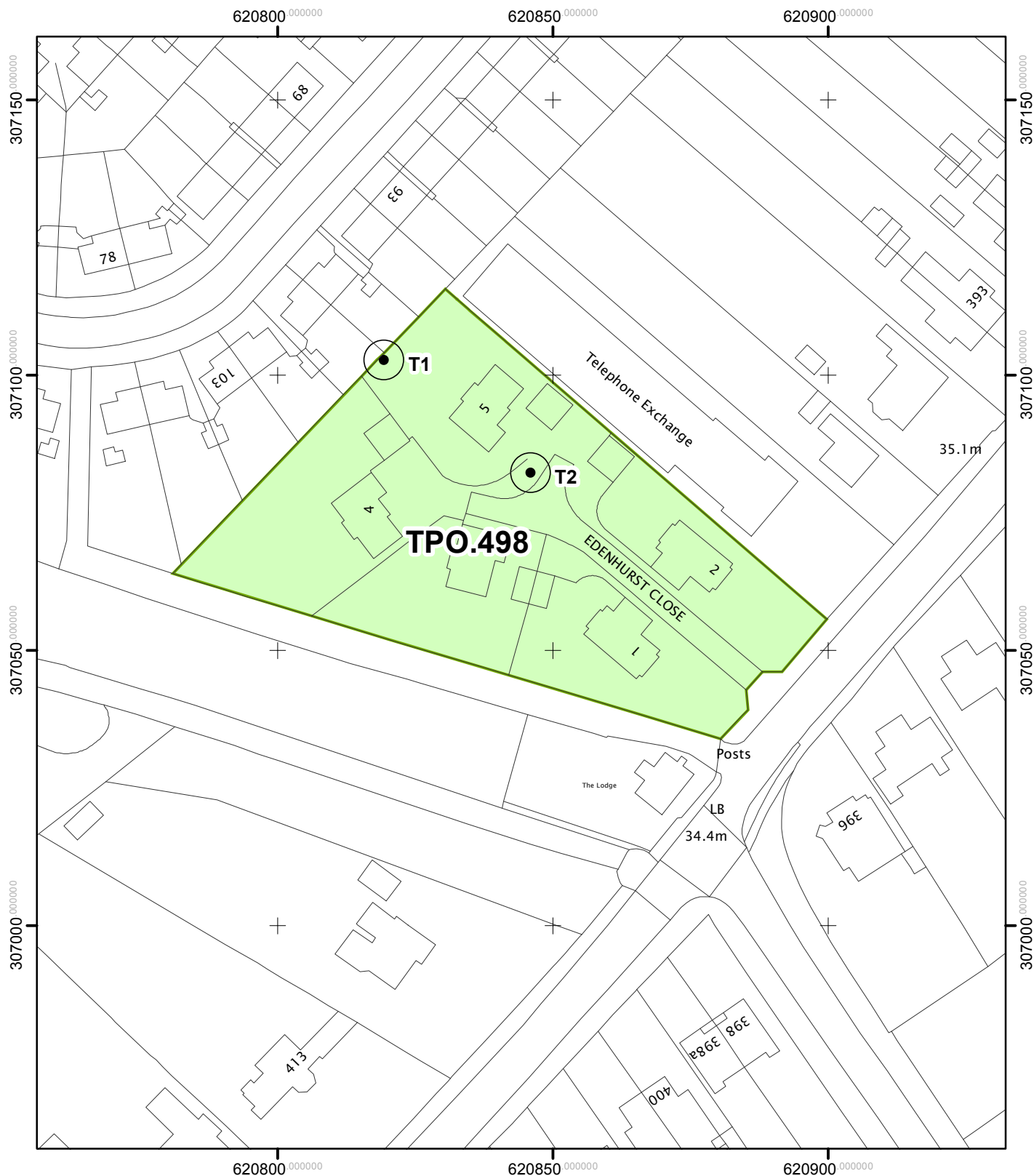
4(g)

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<b>Ward:</b>	Nelson
<b>Case officer</b>	Stephen Hayden – tree consultant for Norwich City Council t: 07850 167400

Proposal		
To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Close, Norwich, NR4 7QT without modifications		
Representations		
Object	Comment	Support
3		0

Main issues:	Key considerations:
1 Amenity	Impact on visual amenity of site and surrounding area
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	26 September 2016
<b>Recommendation</b>	Confirm TPO 497 without modifications



**PLANNING SERVICES**

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

Date : 22/03/2016

Scale : 1:1,000

Drawn by : SRB



## Introduction

1. The mature Sycamore tree is situated on the north west boundary of the rear garden of 5 Edenhurst Close, Norwich NR4 7QT and forms an integral part of skyline landscape feature created by the trees along the north western boundary of Edenhurst Close.
2. The location of the trees is shown on the attached plan
3. The tree is owned by 5 Edenhurst Close
4. Tree Preservation Order No 498 was served on the tree on 29 March 2016.

## The site, surroundings and content

5. The tree forms part of a line of mature trees on the boundary between the Edenhurst Close and properties on Buckingham Road. The tree is an integral part of this important skyline landscape feature.
6. Following receipt of a section 211 notification on 25 February 2016 with regards to the proposed removal of the Sycamore T1 as part of a various tree works proposed at 5 Edenhurst Close, the trees were inspected by the acting Tree Protection Officer.
7. The council's tree consultant assessed the tree using the Tree Evaluation Method for Preservation Orders (TEMPO). The assessment has the following classifications:

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

The assessment resulted in a score of 22 for T1, Sycamore tree, which indicated that a Tree Preservation Order was defensible.

8. Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Place Norwich, NR4 7QT. The Order was provisionally in effect for 6 months from the date on which it was served, 29<sup>th</sup> March 2016.

## Representations

9. Notice of the Order was served on the owners of the property and neighbouring properties. In response 3 letters of representation have been received objecting to the Order. Full details of these letters are available on request. The issues raised and the tree consultant's response are summarised below:

Representation	Response
<p>The trees are large parkland and falling debris is a cause for concern during high winds.</p>	<p>The tree is a large specimen close to the dwellings on Buckingham Road. However it is in good condition with only minor dead wood. The tree will need to be managed by the owners to ensure its future safety. It should be noted that the Tree Preservation Order is not served to prevent necessary works to trees, but to prevent unnecessary and detrimental works. In this respect the council will work with the applicant to ensure that permission is given for appropriate works to ensure this. Felling the tree is not considered a suitable or acceptable option.</p>
<p>Trees are overbearing and shade the gardens of the properties to the north, on Buckingham Road</p>	<p>This is a valid concern and given this the council would be willing to consider appropriate works to reduce shading to these dwellings. Such works should maintain the character of the tree(s) such as crown thinning. It should be noted that the tree forms part of a line of trees and such works should be considered for these if shading is to be reduced.</p>
<p>The amenity of the site would be improved by the removal and replanting of more appropriate species</p>	<p>Given the size and condition of the trees it is the officers' opinion that the removal and replacement of the tree would not improve the amenity of the site or surrounding area. The tree is an important landscape feature forming an integral part of the linear skyline landscape feature between Buckingham Road and Edenhurst Close.</p>
<p>The tree has a limited life expectancy</p>	<p>Whilst no figure is given to quantify limited, life expectancy it is the opinion of the Officer that the tree has at least 40 years remaining life and therefore is worthy of protection in its present form.</p>

## **Main issues**

### **Issue 1**

10. The loss of a mature Sycamore tree in good condition with high visual amenity would have a detrimental impact on the visual amenity of the site and surrounding area.

### **Issue 2**

11. The loss of this tree would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO<sub>2</sub> a key greenhouse gas and act as a carbon sink by sequestering it. Also, by a combination of reflecting sunlight, providing shade and evaporating water through transpiration trees moderate the local microclimate and temperature.

### **Issue 3**

12. The tree has a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

### **Issue 4**

13. The tree enhances biodiversity by providing habitats for a variety of species and thereby contribute to providing a healthy food chain that is of benefit to birds and mammals.
14. The tree is located in close proximity of a “green link”, as identified in the Greater Norwich Development Partnership Green Infrastructure Delivery Plan; Chris Blandford Associates, 2009. Green links integrate and link green spaces and are critical to wider habitat management.
15. Green links can be described as “The multi-functional network of ‘greenspaces’ and inter-connecting green corridors in urban areas, the countryside in and around towns and rural settlements, and in the wider countryside”

## **Conclusion**

16. The objections to the Order have been taken note of and whilst officers appreciate the concerns raised it is their opinion that the trees in question make a positive environmental contribution and have sufficient amenity value to validate their continued protection by the confirming of the Tree Preservation Order. However officers do appreciate the potential nuisance the trees may cause and are willing to work with the owner of the trees to secure appropriate tree works to reduce any potential nuisance through good management.

## **Recommendation**

To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Close, Norwich, NR4 7QT without modifications

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 498, 2016

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

**Citation**

1. This Order may be cited as Tree Preservation Order, 2016  
City of Norwich Number 498, 5 Edenhurst Close, Norwich, NR4 7QT

**Interpretation**

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

**Effect**

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

**Application to trees to be planted pursuant to a condition**

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



DATED this 29<sup>th</sup> Day of March 2016

THE CORPORATE SEAL of THE )  
CITY COUNCIL of NORWICH )  
Was hereunto affixed in the )  
Presence of )



  
.....

Authorised by the Council

**SCHEDULE****Article 3****SPECIFICATION OF TREES**

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

Reference on Maps	Description	Situation
<b>T1.</b>	<b>Sycamore tree</b>	<b>In the back garden of 5 Edenhurst Close, Norwich, NR4 7QT Grid ref – 620819 : 307103</b>
<b>T2.</b>	<b>Scots Pine</b>	<b>At the front of 5 Edenhurst Close, Norwich, NR4 7QT Grid ref – 620846 : 307082</b>

**Groups of Trees  
(within a broken black line on the map)**

Reference on Map	Description	Situation
<b>None.</b>		

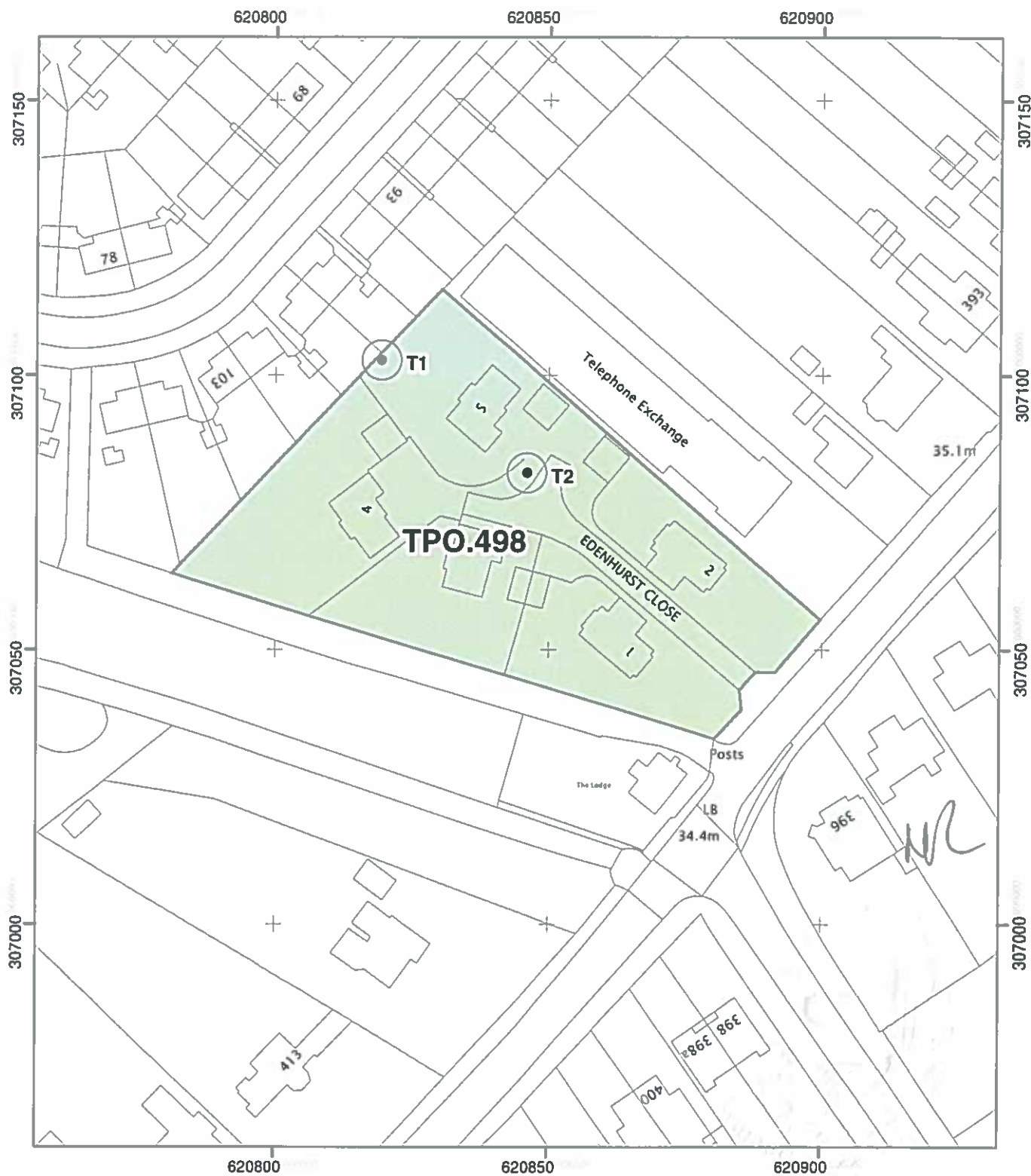
**Trees specified by reference to an area  
(within a black dotted line on the map)**

Reference on Map	Description	Situation
<b>None.</b>		

**Woodlands  
(within a continuous black line on the map)**

Reference on Map	Description	Situation
<b>None</b>		





**PLANNING SERVICES**

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

Date : 22/03/2016

Scale : 1:1,000

Drawn by : SRB





**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY****TOWN AND COUNTRY PLANNING ACT 1990 (as amended).****TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012****TREE PRESERVATION ORDER 2016****THE CITY COUNCIL OF NORWICH NUMBER 498****ADDRESS 5 Edenhurst Close Norwich NR4 7QT**

**THIS IS A FORMAL NOTICE** to let you know that on **29th March 2016**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent. Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *to protect the amenity of the area in response to notification of intention to fell a Sycamore and a Scots Pine*

[The Order took effect, on a provisional basis, on **29 March 2016**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.] The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **30 April 2016**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH** or you can email: **planning@norwich.gov.uk**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made. The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact: **The Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546) email: planning@norwich.gov.uk**

DATED this **29<sup>th</sup> March 2016**.

Signed



Stephen Hayden  
Acting Tree Protection Officer  
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

**COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Objections and representations**

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

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

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

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

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

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 1/3/16	Surveyor: SH
<b>Tree details</b> TPO Ref (if applicable): Owner (if known):	
Tree/Group No: 11 Location:	Species: Spinaone

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

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

\* Relates to existing context and is intended to apply to severe irremediable defects only

#### Score & Notes

Merit tree good cond 5

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

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

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

#### Score & Notes

Merit tree 40-100 4

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

#### Score & Notes

Large tree with HVA 4

##### d) Other factors

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

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

#### Score & Notes

Factor of tree but 4

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |
|---|
| 5) Immediate threat to tree inc. s.211 Notice |
| 3) Foreseeable threat to tree                 |
| 2) Perceived threat to tree                   |
| 1) Precautionary only                         |

#### Score & Notes

5 (Sec 211) Fed.

#### Part 3: Decision guide

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

#### Add Scores for Total:

22

#### Decision:

TPO!