



## Planning applications committee

**Date: Thursday, 10 March 2022**

**Time: 11:15**

**Venue: Council Chamber, City Hall**

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. Numbers are restricted due to social distancing arrangements. The meeting will be live streamed on the council's YouTube channel.

### Committee members:

#### Councillors:

Driver (chair)  
Button (vice chair)  
Bogelein  
Champion  
Everett  
Giles  
Grahame  
Lubbock  
Maxwell  
Peek  
Sands (M)  
Stutely  
Thomas (Va)

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### Information for members of the public

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

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



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

## Agenda

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**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 - 16**

To approve the accuracy of the minutes of the meeting held on 10 February 2022

**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 11:15;
- 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.

	<b>Summary of applications for consideration</b>	<b>17 - 18</b>
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<b>4a</b>	<b>Application no 21/00893/O World of Beds Curtis House Curtis Road, Norwich, NR6 6RB</b>	<b>21 - 40</b>
<b>4b</b>	<b>Application nos 21/01573/F and 21/01574/L – The Dog House, 18 St Georges Street, NR3 1BA</b>	<b>41 - 54</b>
<b>4c</b>	<b>Application nos 21/01527/F &amp; 21/01534/A, BT Kiosk Outside John Lewis, All Saints Green, Norwich</b>	<b>55 - 70</b>

Date of publication: **Wednesday, 02 March 2022**





**Planning applications committee**

**10:00 to 13:40**

**10 February 2022**

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Giles, Grahame, Lubbock, Maxwell, Sands (M) (to end of item 5) and Sands (S) (substitute for Councillor Peek)

Apologies: Councillors Everett, Peek, Stutely and Thomas (Va)

**1. Declarations of interests**

Councillor Lubbock declared a pre-determined view in item 3 (below) Application no 20/01579/F - The Children's Centre, 40 Upton Road, Norwich, NR4 7PA, in that as ward councillor she had met with the developers and visited the site. She would speak as a member of the public and then leave the meeting, taking no part in the determination of the planning application.

The chair commented that he and several members of the committee had received email representations on items 3 (below) Application no 20/01579/F - The Children's Centre, 40 Upton Road, Norwich, NR4 7PA and 4 (below) Application no 21/00636/F - 11 Normans Buildings, Norwich, NR1 1QZ, from members of the public. He had received a telephone call (which later in the meeting he confirmed was in relation to 11 Normans Buildings) but had not engaged with the caller. These representations did not form part of the papers for consideration at this meeting. Members were asked to consider whether they had expressed a view to any interested parties and to declare a pre-determined view if it was appropriate.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 13 January 2021.

**3. Application no 20/01579/F - The Children's Centre, 40 Upton Road, Norwich, NR4 7PA**

(Councillor Lubbock had declared a predetermined view on this item.)

The senior planner (case officer) presented the report with the aid of plans and slides. She also referred to the supplementary report of updates to the report, circulated at the meeting and available on the council's website, which contained a representation from a member of the public who had a historical family connection with the site in support of the proposal, and a second representation relating to on-street parking in Unthank Road and the need for a Traffic Regulation Order to restrict parking for a greater length on the narrow section of road beyond Coach House Court.

Councillor Lubbock addressed the committee as a ward councillor and on behalf of the local members for Eaton and local residents in support of the application. The former NHS children's centre had been vacant for five years and there had been graffiti and fly-tipping on the site. The proposed development was served by frequent bus services on Unthank Road and Newmarket Road and accessible to local shops and facilities. She referred to the landscaping and said that there would be screening between the new dwellings and houses in Upton and Unthank Roads. She listed the beneficial aspects of this application which included provision of electric charging points, access to the car club, bringing back a brownfield site into use and provision of 23 new homes and a contribution to social housing, and enhancing the green infrastructure, whilst celebrating the historic interest in the site, by providing a butterfly garden to commemorate Margaret Fountaine.

The agent commented that the applicant had worked closely with officers to address the concerns of residents and the constraints of the site, and to bring forward a good scheme that brought a vacant building back into use which enhanced the conservation area. The developers were keen to deliver the scheme as soon as possible.

(Councillor Lubbock left the meeting at this point.)

The senior planner referred to the report and presentation and answered members' questions. This included confirmation that there would be one entrance/exit from Upton Road, in the same location and extended on both sides by removing the wall. Members were advised that this development was significantly under the policy threshold of 100 dwellings to require the applicant to mitigate overspill parking on the highway. Therefore a car club bay could not be secured as part of this planning application and an additional bay would need to be brought forward under a separate process. There was existing car club provision close to the site with a car club bay 100m away in Waldeck Road.

Regarding the affordable housing contribution, the senior planner and the area development manager confirmed that the proposed scheme was policy compliant and that the sum of £350k was in accordance with the schedule of payments for calculations for offsite provision for 3 units of affordable housing (Affordable Housing Supplementary Planning Document (SPD)) and index linked using BCIS (Building Cost Information Service) All-in-tender (which measures price movements in the construction industry). Colleagues in housing delivery had confirmed that the funding would deliver affordable housing in the city.

Members also sought confirmation that the flat roof on the southwest elevation, used to separate two rows of housing, was an acceptable design and that only a small element of it would be visible. Members were advised that a green roof or solar

panels had not been included in the proposals and there was no access to the flat roof. Officers could discuss the potential for a green roof with the applicant as part of the discharge of the detailed landscaping condition. Members were advised that the site was within a conservation area and that the trees were protected by this designation. The only vehicular access to the site would be via Upton Road with a cyclist/pedestrian access on Unthank Road, with the retention of the historic gate piers. There would be planting, where the wall was removed, around the widened entrance on Upton Road.

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

During discussion members had welcomed the proposed development which would remove the “unsightly 1950’s extension” and bring this brownfield site back into use. A member referred to the development as a “country estate within an urban setting” and suggested that nesting bricks were incorporated into housing and that external lighting was amber in consideration of nocturnal wildlife.

**RESOLVED**, unanimously, to approve application no. 20/01579/F - The Children’s Centre, 40 Upton Road, Norwich, NR4 7PA and grant planning permission subject to the completion of a satisfactory legal agreement to include provision of an off-site contribution towards affordable housing provision and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with the submitted FRA and Drainage Strategy and supporting drainage information;
4. Materials, including detailed sections of windows to be replaced within the main building, to be agreed;
5. Obscure glazing of selected windows within the main house (where identified to be necessary within Design Statement Addendum) to be agreed;
6. Demolition of parts of building only as identified on existing site plan;
7. Construction management plan including demolition method statement to be agreed;
8. Historic Building recording for elements to be demolished;
9. Contract for redevelopment to be shown to avoid demolition of structures with no subsequent redevelopment;
10. Any phasing of the development to be in accordance with submitted phasing plan with access, parking, servicing, drainage and landscaping relevant to that phase to be completed and made available prior to first occupation of the phase;
11. Construction to provide sound attenuation against external noise within specified limits;
12. Unknown contamination procedure;
13. Any imported topsoil to be certified;
14. Access widening to 4.5 metres;
15. No gating of vehicular accesses unless details have been agreed;
16. Scheme for cycle parking and refuse and waste storage and collection to be agreed;
17. Car, EV charge points, cycle parking and waste and recycling provision before first occupation;

18. Scheme for on-site construction worker parking to be agreed;
19. Construction traffic management plan including access route to be agreed;
20. Traffic regulation order for waiting restrictions in vicinity of the site to be promoted;
21. Arboricultural work to be carried out by qualified arborist, details to be provided;
22. No works within root protection areas without arboricultural supervision;
23. Works to be carried out in accordance with AIA/AMS/TPP;
24. No dig methods for new paths/driveways within RPA of trees;
25. Landscape scheme (including provisions for repair of existing boundary walls and gate piers, new boundary treatments & materials at vehicle entrance), mitigatory replacement tree planting & landscape management plan to be agreed;
26. Ecological mitigation programme in accordance with measures in ecology report to be agreed;
27. No site clearance within bird nesting season;
28. Small mammal access provision to be made;
29. External lighting to be agreed;
30. Details of provision of one fire hydrant to be agreed;
31. Precise details of 10% energy measures, their specification and location to be agreed;
32. Water efficiency measures to be provided;
33. 10% of dwellings are required to meet accessibility standard.

**Informatives:**

- Construction working hours.
- Asbestos.
- Highway boundary clarification.
- Protected species awareness.
- Anglian water informatives.

(The committee had a short break at this point to allow interested parties to leave the chamber. Councillor Lubbock was readmitted at this point. The committee reconvened with all members listed above as present.)

**4. Application no 21/00636/F - 11 Normans Buildings, Norwich, NR1 1QZ**

The senior planner (case officer) presented the report with the aid of plans and slides. She referred to the supplementary report of updates to reports which was circulated at the meeting. This report recorded that the applicant had circulated a briefing note to members of the committee which did not contain any new information on the application. The report also summarised a further representation from a planning consultant acting on behalf of the operators and tenants of Rouen House that raised concerns that the application had been submitted without a Fire Statement. The officer response was summarised in the supplementary report. The proposed building, due to its height, number of storeys and proposed use as educational accommodation would require a Fire Statement and the Health and Executive to be a statutory consultee, under the provisions of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 but this only applied to applications for planning permission made on or after 1 August 2021 and there was no provision in the revised legislation to apply this requirement to developers in retrospect. The

application was submitted on 6 May 2021. Norfolk Fire and Rescue Service was consulted and had raised no objections provided that it complied with current building regulations. In the light of the concerns raised, a further condition should be attached to the planning consent, relating to fire safety issues that were relevant to the proposed landuse.

A planning consultant, representing the operators and tenants of Rouen House said that there were no objections to the intended use of this proposal but their objections related to the overdevelopment of the site; the height and massing of the proposed building and its impact on the conservation area, which were supported by comments made by Historic England; the proximity to Rouen House, with only 9m separating the two buildings and concern about overlooking from the proposed building and that it was contrary to local planning policies DM1, 2, 3 and 13. He considered that given the height and proposed use of the building, fire safety should not be a condition and that the applicant should provide a fire safety statement in accordance with the revised legislation before the application could be determined.

Councillor Osborn, local member for Mancroft ward, addressed the committee on behalf of local residents and said that they did not object to the principle of development on this site. Their objections to the proposal included: that it was contrary to local planning policy DM2 and detrimental to amenity through loss of privacy and overlooking and would overshadow Morgan House and Rouen House (which included the NHS walk-in centre); was contrary to DM3 because of the height and mass of the proposed building and was incongruous to the significant heritage assets in the King Street area (contrary to DM9). There was also concern that this development would set a precedent for the re-development of Prospect House and high-rise buildings in the city. Residents were also concerned of an oversupply of purpose-built student accommodation in the city and that the building would be unnecessary.

The agent responded by explaining that the site was no longer viable for car sales at this location and that the operator had moved the business to sites at Vulcan Road and Mousehold Lane. The scale and mass of the proposed building reflected that of other buildings in the area and was considered acceptable. There had been public consultation, which included the Norwich Society, Historic England and the King Street Residents Group, and there were no objections to the proposed use as student accommodation. There was a shortfall of purpose-built student accommodation (PBSA) in the city. There was evidence of a shortage of studio style accommodation for mature and overseas students. The development was on a brownfield site and in accordance with national and local planning policies. The use of the site for a car sales showroom in a predominantly residential area had a negative impact on the social environment and this application would remove an incompatible land use. He referred to the design of the development and said that the roof heights stepped down and that daylight studies showed that impacts on residential amenity were acceptable. The Norwich Society had no objection to the proposal. The scheme had been brought forward in conjunction with a fire safety consultant and would be built out to exceed the Joint Core Strategy energy targets. The development would be managed by an experienced PBSA operator and aimed to be in operation in 2024.

The senior planner responded to the issues raised by the speakers. She reiterated that the applicant had not been required to submit a fire statement for this application

as it predated the legislation and there was no requirement to apply it retrospectively, but the proposed additional condition relating to fire safety (outlined in the supplementary report) should provide assurance to members that information around fire safety where it related to land use planning would be provided. The area development manager referred members to the legislation and the planning practice guidance and said that the building would need to comply with building regulations but that the condition would secure details that included arrangements for evacuation procedures and access to the building by the fire service. In reply to a member's question, the area development manager later confirmed that the need for sprinkler systems in kitchens and communal areas would be included as part of this information.

The senior planner, together with the area development manager, referred to the report and presentation and answered members' questions. This included confirmation that emergency vehicles could access the site from the roads servicing the area. Members were advised that in the event of an emergency there would likely be a muster/evacuation point outside the curtilage of the building. The use of the path on Stepping Lane was not considered to constitute a specific noise issue from this development. Members also sought clarification on the management of the accommodation and were advised that the students would be expected to adhere to tenancy rules and regulations and that it would be overseen by a management company. Clarification was provided that the "viability" of the accommodation set out in paragraph 61 was related to accommodation on smaller sites being able to support onsite management, rather than the financial viability of the development.

In reply to a question, the senior planner referred to the report and commented on the relationship of the development as a transition between the historic buildings on King Street and modern buildings of scale on Rouen Road. Historic England considered that the top storey should be removed but this would reduce the number of studios that could be provided and impact on the viability of the development. The development replaced a negative building in the conservation area. It complemented development on King Street and St Anne's Wharf, would improve the appearance of the site, and enhance the conservation area.

The senior planner and area development manager advised members that the accommodation was let throughout the year and that it was not expected that students would arrive or leave at the end of the term all at once. However, there would be a vehicular travel plan in place to manage students unloading or loading their luggage, as part of the management strategy.

Members were advised that any findings of the archaeological investigation would be reported back to the council through the discharge of conditions.

The senior planner confirmed that there was a typographical error on page 80 of the agenda papers, in that swift boxes and planting "will" be provided not "can" as set out in the report.

A member also sought confirmation that the provision of cycle storage was adequate for the future occupants of the development and was advised that the provision for 54 cycles met the parking standards and was more than identified to be required in the applicant's transport statement. The cycle storage would be provided as double racks and was internal to the development and therefore secure.

Members were advised that the studios that faced south or east would receive most light but there would also be adequate light levels to other elevations and at ground level.

The chair moved and the vice chair seconded the recommendations as set out in the report and the additional condition relating to fire safety as set out in the supplementary report of updates to reports.

Members who supported the application welcomed the provision of PBSA in the city centre and considered that it would be beneficial to the vitality of the city centre, and local shops and services. It was in a desirable location and the development would be car free. Many students were living away from home and needed the support of managed accommodation. Members also considered that in the long term, PBSA would reduce the number of family homes being converted into student houses in multiple occupation (HMOs). A member also welcomed that swift bricks would be incorporated into the building and that a green roof and heat pumps were part of the scheme. The city should welcome overseas students. There was evidence that the city needed more PBSA.

During discussion a member said that she noted that the developer had consulted with the community and subsequently modified the application. However, she considered that the height and massing did not enhance the conservation area and respect the heritage buildings in King Street. Another member said that she would vote against this application. This PBSA would not free up family homes because the rents were too high and post graduate students did not tend to live in student HMOs.

**RESOLVED** with 7 members voting in favour (Councillors Driver, Button, Champion, Grahame, Giles, Lubbock and Sands (M)), 2 members voting against (Councillors Bogelein and Sands (S)) and 1 abstention (Councillor Maxwell), to approve application no. 21/00636/F - 11 Normans Buildings Norwich NR1 1QZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with the submitted FRA and Drainage Strategy and supporting drainage information;
4. Maximum of 141 residential units;
5. Upon first use the development shall be operated and managed in accordance with the Management Statement hereby approved;
6. Demolition to slab level then archaeological investigation to be agreed and carried out;
7. Materials to be agreed, including lighting, including area above Norwich Breweries War memorial;
8. Landscaping scheme incorporating ecological planting and details of green roofs and rainwater planters/rain gardens to be agreed;
9. Works to be carried out in accordance with ecological assessment recommendations;
10. Details of biodiversity enhancement measures as outlined in ecological assessment to be agreed;

11. Details of a scheme for the parking of cycles to be agreed (including product internal to building and visitor cycle parking arrangements to Normans Buildings frontage);
12. Construction management plan (including traffic management, site management, deliveries, construction parking, wheel washing, construction hours, noise and dust mitigation and any other mitigation) to be agreed;
13. For duration of construction, traffic to comply with construction management plan;
14. Off-site highway improvement scheme (footway reconstruction to full kerb height, reinstatement of waiting restrictions and provision of cycle channel alongside steps at Stepping Lane towards King Street) to be agreed;
15. Off-site highway improvements to be completed prior to first occupation;
16. Travel Information Plan (incorporating site Management Statement) to manage arrival and departure of students at start and end of academic year to be agreed prior to first occupation;
17. Full travel plan to be submitted during the first year of occupation based on framework travel plan. To be maintained and reviewed in accordance with the agreed details.
18. Works to be carried out in accordance with air quality report recommendations and mitigation measures;
19. Works to be carried out in accordance with noise report recommendations and mitigation measures;
20. Contamination site investigation to be agreed;
21. Unknown contamination procedure;
22. Any imported topsoil to be certified;
23. Precise details of 10% energy measures, their specification and location to be agreed;
24. Water efficiency measures to be provided;
25. Fire safety design principles, concepts and standards to be provided.

Informatives:

- Construction working hours.
- Works to public highway require agreement with Norfolk County Council.
- Travel plan agreement with Norfolk County Council.
- Clarification of boundary with public highway.
- No on-street parking permit entitlement.
- Protected species awareness.
- Anglian Water informatives

(The committee adjourned for a short break at this point. The committee reconvened at 12:30 with all members listed above as present.)

**5. Application nos 21/01606/F, 21/0601/A, BT Kiosk South East Of Barn Road Car Park, St Swithins Road, Norwich**

The planner (case officer) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a recommendation that an additional condition be attached to the full planning application, requiring the applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council, reflecting the committee's discussion at the previous meeting.

Councillor Osborn, local member for Mancroft ward, addressed the committee and outlined the following objections to the proposal: concern about the ethics of advertising; that the proposal would increase light pollution and was detrimental to residential amenity, would exacerbate drug dealing and anti-social behaviour in the area, and was contrary to local planning policy DM2; that digital advertising was detrimental to the heritage of the mediaeval city centre and spoilt St Swithins as a gateway to the city; that the structure added to visual clutter and was detrimental to the highway safety of pedestrians and cyclists by acting as a distraction to drivers. The city already had free Wi-Fi and therefore that element of the proposal was unnecessary.

The planner, planning team leader and the area development manager referred to the report and presentation and answered members' questions. Members were advised that the proposal was for the replacement of a BT phone/advertising unit with a BT street hub of a similar size but with digital advertising and was considered suitable for this location. Members were also advised that the council motion on advertising (Council 29 June 2021) related to a strategy for advertising on council owned land and requesting that planning policy on advertising was reviewed as part of the development plan. Members therefore needed to take into consideration current planning policies and the provisions of the National Planning Policy Framework (NPPF) when determining the applications. There was no provision to control the contents of the advertising material except on sites that the council owned. There had been no objections from highways. The street hub would be located a distance from the highway, near a Beryl bike hub, and the digital advertising did not flash but faded away between advertisements.

The chair moved and the vice chair seconded the recommendations set out in the report with the additional condition relating to data sharing as set out in the supplementary report.

During discussion two members said that they were minded to vote against the application because they were concerned that the location was a busy shared space and that digital advertising would distract cyclists and pedestrians. Members were advised that the highways authority had not raised any concerns about the location of this street hub and there was no evidence that it would be a highways hazard. Other members expressed concern about the increase in street clutter and that it was detrimental to the amenity of the area. A member said that he considered that the street hub was "unpalatable" and "diminished" the amenity of this historic city. Another member noted that the council would be given a 5 per cent discount on advertising through the hubs and said that this did not outweigh the detrimental effect that these hubs would have on amenity.

Members who supported the application considered that the street hubs provided a useful service to people without access to a mobile phone for safety reasons. They also noted that the existing phone/advertising unit was illuminated and therefore did not increase street clutter or light pollution. The sharing of environmental data would assist the council in planning its service delivery. The change from illuminated signs to a digital display did not make a great difference and there were insufficient grounds for refusal.

The chair then put the recommendations to the vote and it was:

**RESOLVED**, with 6 members voting in favour (Councillors Driver, Button, Bogelein, Giles, Sands (S) and Lubbock), 3 members voting against (Councillors Grahame, Champion and Sands (M)) and 1 member abstaining (Councillor Maxwell) to approve:

(1) application no. 21/01606/F, Telephone Box St Swithins Road, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. The applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council.

Informative notes:

1. Highways informative 4: works to the public highway.

The chair then put the recommendation to approve the advertising consent (Application no. 21/0601/A, Telephone Box St Swithins Road) to the vote and it was with 4 members voting in favour (Councillors Driver, Button, Giles and Lubbock) and 6 members voting against (Councillors Grahame, Maxwell, Sands (M), Sands (S), Bogelein and Champion) the application was not determined.

The committee then considered the reasons for refusing the advertising consent with advice from officers on the material planning considerations for advertising consents. Following discussion, Councillor Bogelein moved and Councillor Maxwell seconded that the advertising consent should be refused because of the principle of the digital advertising and that the changing nature of the advertising would have an adverse impact on the visual amenity of the area. A suggestion that it would add to light pollution was not supported by other members because the current advertising was illuminated. On being put to the vote, it was:

**RESOLVED**, with 6 members voting in favour (Councillors Grahame, Champion, Bogelein, Sands (S), Sands (M) and Maxwell) and 4 members voting against (Councillors Driver, Button, Lubbock and Giles) to refuse Application no. 21/0601/A, Telephone Box St Swithins Road on the grounds that digital advertising is detrimental to visual amenity and to ask the head of planning and regulatory services to provide the grounds for refusal in planning policy terms.

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

“By virtue of the illumination and changing nature of the proposed digital advertisements, they are considered detrimental to the character of the immediate surroundings and to the overall character and appearance of the City Centre Conservation Area. Therefore, the proposal is considered contrary to policies DM3 and DM9 of the Development Management Local Plan (2014), Policy 2 of the Joint Core Strategy and paragraph 201 of the National Planning Policy Framework (2021).”

**6. Application nos 21/01530/F, 21/01535/A, Telephone Box outside 1 Brigg Street, Norwich**

(Councillor Sands (M) left the meeting during this consideration of this item.)

The planner (case officer) presented the report with the aid of plans and slides. He also referred to the supplementary report of updates to reports which was circulated at the meeting and contained a recommendation that an additional condition be attached to the full planning application, requiring the applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council, reflecting the committee's discussion at the previous meeting.

In reply to a member's question, the planner confirmed that the current advertising structure was illuminated and comprised paper advertisements which were back lit.

The chair moved and the vice chair seconded the recommendations set out in the report with the additional condition relating to data sharing as set out in the supplementary report.

Discussion ensued in which members were advised that the location of the proposed street hub was in a busy retail area in the city centre and there would be a high level of illumination from shop fronts. Some members expressed concern about the detrimental street hubs would have on the historic city centre and whether there was a need for digital advertising. Others commented on the existing illuminated advertising structure and noted that shops could have digital advertising for their own goods and services in windows without permission. The planning team leader advised members that the maximum nighttime illumination would be 300 cd/2. Members were advised that the ethics of data collection and advertising content were regulated under other legislation and not material planning considerations.

**RESOLVED:**

- (1) with 7 members voting in favour (Councillors Driver, Button, Bogelein, Giles, Maxwell, Sands (S), and Lubbock) and 1 member voting against (Councillor Grahame) and 1 member abstaining (Councillor Champion) to approve Application no. 21/01530/F, Telephone Box outside 1 Brigg Street, Norwich and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans;
  3. The applicant to share data collected on air quality, pedestrian movements, traffic and other environmental features with the council.

**Informative notes:**

1. Highways informative 4: works to the public highway.
- (2) with 6 members voting in favour (Councillors Driver, Button, Giles, Maxwell, Lubbock, and Sands (S)), 2 members voting against (Councillors Champion and Grahame) and 1 member abstaining (Councillor Bogelein) to approve

Application no. 21/01535/A, Telephone Box outside 1 Brigg Street, Norwich and grant planning permission subject to the following conditions:

1. No advert displayed without permission of owner;
2. No advert to obscure highway infrastructure/endanger pedestrians;
3. Advert to be maintained as not to impact visual amenity;
4. Advert should be maintained as not to endanger the public;
5. On removal, the site should not endanger the public or impact visual amenity;
6. Screens synchronised to multiple images do not change at different times;
7. Minimum display time set at 10 seconds;
8. Images should be static with no animation or moving images;
9. Maximum level of nighttime illumination should be set at 300 cd/2.
10. No audio output permitted.

**7. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases**

**RESOLVED**, having considered the report of the Head of Planning and Regulatory Services, to note the report.

CHAIR

Summary of planning applications for consideration

Item 4

10 March 2022

Item No.	Application no(s)	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4a	21/00893/O	World of Beds, Curtis Road	Maria Hammond	Outline application including matters of access and layout for demolition of existing buildings and re-development of the site with 7 houses (mix of 2 & 3 bed).	Objections	Approve
4b	21/01573/F & 21/01574/L	The Dog House, 18 St Georges Street	Sarah Hinchcliffe	Single storey rear extension. New lighting, cabling and seating in the outside area.	Objections	Approve both applications
4c	21/01527/F & 21/01534/A	BT Kiosk Outside John Lewis, All Saints Green	Stephen Polley	Removal of existing BT phone box and installation of a replacement BT street hub. & Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.	Objections	Approve



## STANDING DUTIES

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

### **Equality Act 2010**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Report to** Planning Applications Committee

Item

10 March 2022

**Report of** Area Development Manager

**Subject** Application no 21/00893/O World of Beds Curtis House  
Curtis Road, Norwich, NR6 6RB

4a

**Reason for referral** Objections

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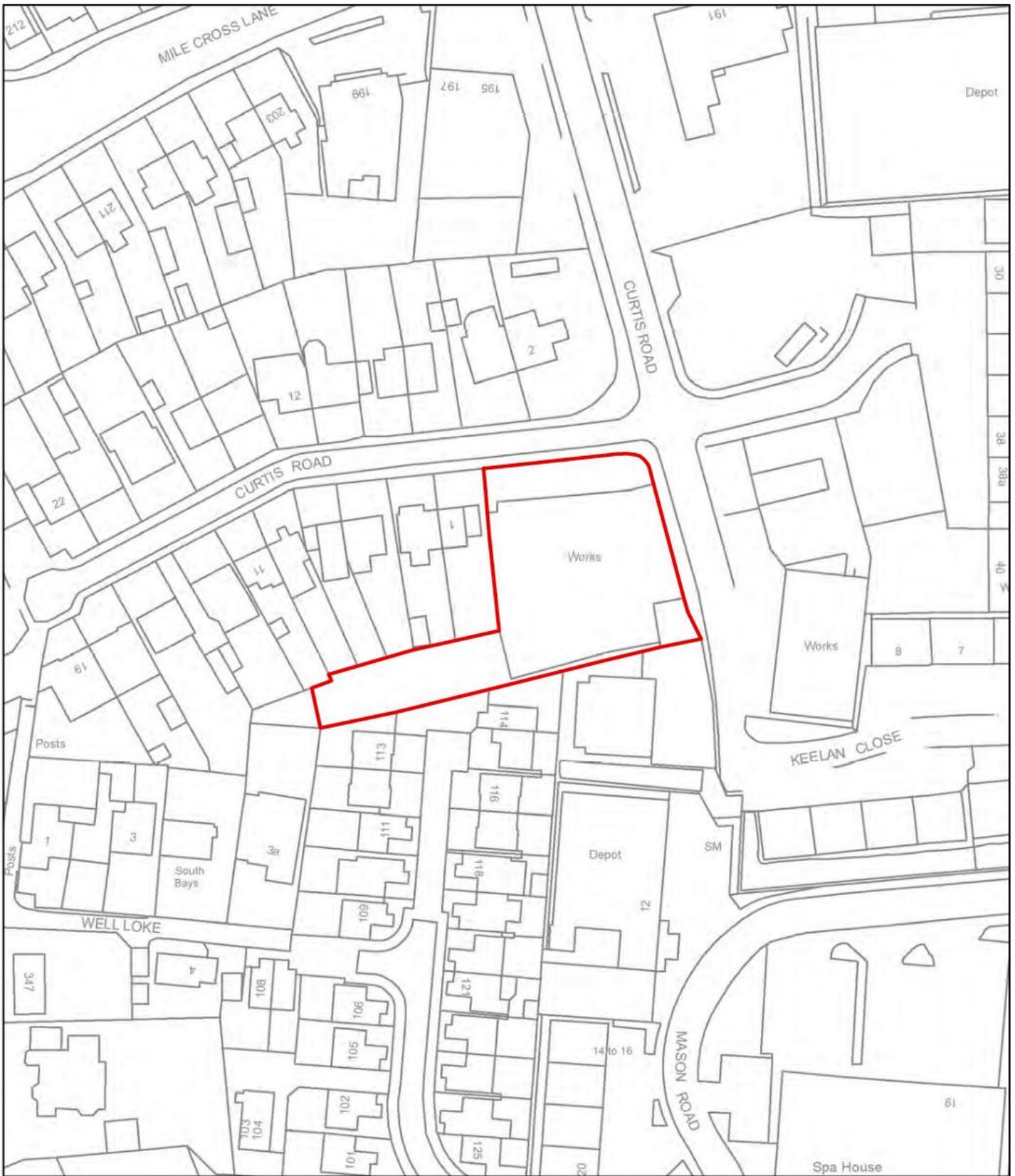
<b>Ward</b>	Catton Grove
<b>Case officer</b>	Maria Hammond <a href="mailto:mariahammond@norwich.gov.uk">mariahammond@norwich.gov.uk</a>
<b>Applicant</b>	Mr Patrick Darcy

<b>Development proposal</b>		
Outline application including matters of access and layout for demolition of existing buildings and re-development of the site with 7 houses (mix of 2 & 3 bed).		
<b>Representations</b>		
Object	Comment	Support
9	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Principle – loss of retail use and development of housing
2	Design
3	Amenity – of future and neighbouring occupiers
4	Transportation
5	Ecology and trees
6	Contamination
<b>Expiry date</b>	15 March 2022
<b>Recommendation</b>	Approve

### The site and surroundings

1. The site occupies land at the corner of Curtis Road, a road of mixed character off the outer ring road.
2. The road extends south off Mile Cross Lane with a defined employment area on the eastern side and at the southern end within which uses include a furniture retailer, a used car dealers and an engineering company.
3. A branch of Curtis Road extends to the west and is lined by detached and semi-detached mid-twentieth century two storey dwellings and bungalows on each side. This road also gives vehicular access to the rear of a parade of shops on Aylsham Road.



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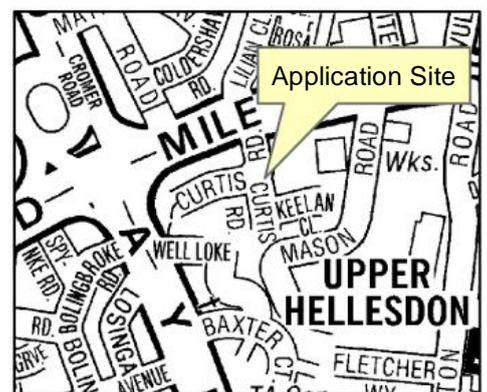
Planning Application No 21/00893/O  
 Site Address World of Beds Curtis Road

Scale 1:1,000



**NORWICH**  
 City Council

PLANNING SERVICES



4. The character of the residential development along Curtis Road is distinctly suburban. The mix of semi- and detached dwellings set back from the road by front gardens and with generous rear gardens results in a density consistent with the suburban character. To the southwest, the site borders a denser area of semi-detached two storey dwellings at the end of Baxter Court, accessed off Aylsham Road.
5. The application site is occupied by a single storey building covering almost the entire footprint. This was last in retail use. It is served by a hard surfaced informal parking area to the north with two vehicular access points and a further gated access at the southwest corner. A mix of flat and pitched roofs cover the single storey building that has evolved and been extended over a number of years. The walls have a mix of cladding, blockwork and facing brick.
6. The site is 'L' shaped with a finger of open space extending to the west at the rear of dwellings on Curtis Road and to the side of dwellings at the northern end of Baxter Court.

### Constraints

7. The site is within a critical drainage catchment.
8. A defined employment area exists to the east and south.

### Relevant planning history

9. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
95/00644/F	Extension to rear to provide additional storage and warehouse facility	Approved	01/08/1995
97/00744/F	Extension to provide additional storage facility	Approved	03/02/1997
0100665F	Retrospective application for cladding to north elevation of premises	Approved	19/07/2001
21/00040/O	Outline application including matters of access and layout for demolition of existing buildings and re-development of the site with 9 houses (mix of 2 & 3 bed).	Refused	15/02/2021

### The proposal

10. It is proposed to demolish the existing buildings across the site and outline permission is sought for seven new dwellings. Matters of access and layout for these seven dwellings are to be considered, all other matters (scale, appearance and landscaping) are reserved and would need to be subject of subsequent applications.
11. Two pairs of semis would front Curtis Road to the north and three of these dwellings would have direct vehicular access off the road to parking spaces.

12. A car park serving the remaining dwellings would be accessed off Curtis Road to the east with a further pair of semis at the rear of this and a larger detached dwelling at the western extent of the site.
13. The dwelling at the northeast corner of the site would have a carport providing two tandem spaces along its eastern boundary and the boundaries to the car park area would be formed of walls 2.5m-2.8m in height. Both the carport structure and these walls are proposed to mitigate noise as discussed in the assessment below.

<b>Proposal</b>	<b>Key facts</b>
<b>Scale</b>	
Total no. of dwellings	Seven (five no. three bedroom and two no. two bedroom)
No. of affordable dwellings	None proposed or required by policy.
Total floorspace	770sqm
No. of storeys	Two and two and a half
Density	43 dwellings per hectare
<b>Transport matters</b>	
Vehicular access	Three dwellings accessed directly off Curtis Road to the north and a shared access for the other four from the east
No of car parking spaces	14 in total, 2 per dwelling
No of cycle parking spaces	Space in each garden
Servicing arrangements	Bin storage identified in gardens, collection by highway

## Representations

14. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing and there have been three consultation periods in total as the proposal has developed and been amended. Nine contributors have provided letters of representation 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>
Overlooking and overshadowing of gardens	See main issue 3
Loss of privacy	See main issue 3
Precedent to turn industrial site to residential. Conflict between users may prevent established neighbouring business operating.	See main issue 1, there is no policy objection to the principle of residential use in this location. Access and amenity issues between different users considered in issues 3 and 4 below.
Conflict and danger between pedestrians, cyclists, children playing outside, cars and lorries and forklifts accessing neighbouring industrial use. Access should all be from existing residential section of Curtis Road.	See main issue 4

<b>Issues raised</b>	<b>Response</b>
Poor access for emergency vehicles and bin lorries	See main issue 4
Where do visitors park?	See main issue 4
Traffic congestion	See main issue 4
Sun study does not shadows in January and December when light levels lowest and shadows longest	See main issue 3
Plot 7 should have hipped roof	Scale and appearance are reserved matters. The submitted roof plans are indicative only. Amenity is considered at main issue 3 below.
Poor amenity and outlook and small gardens proposed	See main issue 3
Long drive is amenity space lost to concrete	See main issue 2
Overcrowded, too cramped and doesn't respect building line	See main issue 2
Noise report taken when production reduced	See main issue 3, an additional report has been submitted
Noise pollution from added traffic, building works and additional neighbours	See main issue 3
Concern about future residents right to complain	See main issue 3 – an informative note is recommended
Risk of contamination and subsidence. Hazards from asbestos and lead paint. Risk to air quality during demolition.	See main issue 6
Disturbance to wildlife and destruction of trees	See main issue 5
Query position of doors	The position of all doors and windows would be considered at the reserved matters stage.
Neighbouring dwellings have intention to extend at rear – concern about proximity and loss of light from proposal	See main issue 3
Plot 7 may be built on again at some stage	The application as proposed needs to be determined. Any future additional development would be considered on its own merits.
Removal of boundary wall would damage plants	Works to shared boundaries should be agreed privately and are not a material planning consideration
Object to re-numbering of property	Not a material planning consideration
Impact on property value and future plans for properties	Not a material planning consideration

### **Consultation responses**

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

## **Environmental protection**

16. The proposed development, is for residential properties on a former industrial site, adjacent to other industrial sites which are a source of potential noise nuisance. The potential for contaminated land is considered as well as the potential for noise nuisance to the proposed development. I recommend the following conditions (summarised):

- No occupation of the dwellings shall take place until the habitable rooms have been provided with proprietary sound-insulating ventilators
- Scheme to manage risks associated with contamination
- If contamination not previously identified is found, submission of scheme detailing how this shall be dealt with
- Imported topsoil and subsoil

17. Informative notes (summarised):

- This property is in a situation with potential for significant background noise arising from nearby uses. Norwich City Council has therefore included measures designed to control noise in the planning permission for this property. These requirements are to provide approved acoustic wall treatment, glazing and passive/forced acoustic ventilation and other noise mitigation measures. The use of these will be taken into account by Norwich City Council when investigating any complaint of noise nuisance from an occupier of these dwellings.
- The developer is reminded that prior to any refurbishment commencing on site the building/s to be refurbished are required to be surveyed for the presence of asbestos containing materials in accordance with the Control of Asbestos Regulations 2012.

## **Highways (local)**

18. I now have no objections in principle subject to use of recommended conditions.

19. The former commercial use of the site generated its own amount of traffic demand, so it would be difficult to substantiate an objection for a residential use of this minor scale.

20. The proposed means of access and layout is considered acceptable in highway terms and I understand that Building Control have been consulted with regard to fire service access to plot 7 that is the deepest within the site.

21. Given the amount of highway works entailed I recommend that a s278 (Small Highway Works Agreement) is undertaken to facilitate the reconstruction of footways, vehicle crossovers, footway crossing points and associated reinstatement of waiting restrictions, repositioning of a street light and retention of the street nameplate.

22. The proposal will create new vehicle accesses to Curtis Road which will need to be constructed to a TRAD 1 standard. The southern part of the site comprises of a shared vehicle access to the Curtis Road spur to the industrial estate area, this will create a parking court and connection to a long private drive and with a turning

head which is acceptable. The vehicle access will need to be constructed to a TRAD 1 standard.

23. A tandem parking garage for Plot 4 is now proposed which is acceptable. The rest of the site layout is acceptable in highway terms with regard to parking provision and layout.
24. It may be necessary for the streetlight to be re-sited at the applicants cost. Vehicle crossovers will require drainage to intercept water run off. During construction, any hoardings used over adjacent footways will require a permit. It will also be necessary during construction for contractor parking details to be arranged.
25. Any damage that may occur as a result of the vehicle access works will require reinstatement by the applicant at their cost. Also there is street furniture that will need to be protected during the construction period.
26. Conditions recommended for parking and turning areas to be constructed prior to occupation, construction parking, detailed drawings for highway works and their subsequent completion.

### **CNC Building Control**

27. Haven't any comments to make except for fire brigade access to plot 7. We need compliance with Building Regulations: Fire brigade access to the dwelling will be required - access route that has a minimum width between kerbs of 3.7m, any gateways to be a minimum of 3.1m wide, carrying capacity of the route should be at least 12.5 tonnes and provision for turning should be made if the route exceeds 20m in length. Vehicle access should be provided to within 45m of all points within the dwelling house.

### **Fire Service**

28. I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 1&2 – 2019 edition) as administered by the Building Control Authority. Also consideration should be given to B5 Section fire mains and hydrants and Section 16 emergency vehicle access.

### **Ecologist**

29. I have no objection to this application. The report is completed by competent professionals. However no mitigation or enhancement measures are proposed. As such I would suggest the following conditions: Small mammal access and enhancements

### **Citywide Services**

30. Bins will need to be presented at the edge of the boundary/highway to be emptied. In the case of Number 7 and others the bins would need to be presented at the edge of the private drive. Biffa would not collect and return the bins to the storage sheds.

## **Norwich Society**

31. The reduction in the number of units has resulted in an improved lower density scheme, and we have no objections. No comments to add on amended plans.

## **Tree protection officer**

32. No objections from an arboricultural perspective, however, applying condition TR7 (works on site in accordance with AIA/AMS/TPP) would be appropriate, in order to avoid potential damage to T2.

## **Assessment of planning considerations**

### **Relevant development plan policies**

33. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS5 The economy
  - JCS6 Access and transportation
34. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM16 Supporting the needs of business
  - DM18 Promoting and supporting centres
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Other material considerations**

35. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF5 Delivering a sufficient supply of homes
  - NPPF6 Building a strong, competitive economy
  - NPPF9 Promoting sustainable transport
  - NPPF11 Making effective use of land
  - NPPF12 Achieving well-designed places
  - NPPF14 Meeting the challenge of climate change, flooding and coastal change
  - NPPF15 Conserving and enhancing the natural environment

36. **Supplementary Planning Documents (SPD)**
- Landscape and trees SPD adopted June 2016
37. **Advice Notes and Guidance**
- Water efficiency advice note October 2015
  - Internal space standards information note March 2015
  - Accessible and adaptable dwellings standards October 2015

### **Case Assessment**

38. 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**

39. Key policies and NPPF paragraphs – JCS4, DM12, DM16, DM18, NPPF sections 5 and 11
40. The proposal would result in the loss of the existing large retail unit. This is not within a defined centre or within the boundary of the adjacent employment area and is inconsistent with the surrounding residential and employment uses. This use in this location does not benefit from any policy protection and its loss is therefore acceptable in principle.
41. Furthermore, the retail unit is comprised of an ad hoc accumulation of low rise and low quality structures across the site which makes no positive contribution to the character and appearance of the area. Redevelopment of the site offers an opportunity to improve the appearance and make a more efficient and effective use of the land.
42. The site is not subject to any allocation, policy designation or other exception listed in Policy DM12 and new residential development is therefore acceptable in principle, subject to the considerations below.
43. A representation has raised concern about the proposal setting a precedent to turn industrial sites here into residential. Any residential proposal within the defined employment area to the south and east of the site would conflict with Policies DM12 and DM16 and not be acceptable in principle. As the application site is not within this employment area, approval of the proposal would not set any undesirable precedent that may prejudice the retention of existing employment uses which are within it.

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

44. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12

45. Layout is the only aspect of design to be considered in this outline application. The precise scale, appearance and landscaping of the dwellings would need to be considered through a reserved matters application(s).
46. This application does, however, indicate the dwellings would be two and two and a half storeys in height. In principle, this would be consistent with the prevailing character of residential development to the west and southwest so would not be unacceptable, subject to detailed consideration at reserved matters stage and the amenity considerations outlined below.
47. Provision of a mix of semi- and detached dwellings with two and three bedrooms reflects local character. The density is slightly higher than the neighbouring dwellings on Curtis Road which have generous gardens, but similar to the more modern dwellings on Baxter Court to the southwest. Furthermore, the mixed use of the area surrounding the site means the residential character is not so strong or distinctive that the proposed density would cause any harm to local character and seven dwellings across this site is considered to represent an appropriate and efficient use of the land. It should be noted that a previous proposal for nine dwellings was considered unacceptable (21/00040/O).
48. With regards layout, the dwellings fronting Curtis Road to the north would sit approximately 1 metre forward of the prevailing building line. To push them any further back would compromise the rear garden space and the slight difference in position relative to neighbouring dwellings would not appear incongruous, especially given the position at the end of the road. This siting allows space for off-street parking and some soft landscaping to the front and private gardens to the rear; an arrangement typical of the rest of Curtis Road. Whilst these gardens would be smaller than those existing along the road, they would not be inappropriate in scale or harmful to local character.
49. The proposed layout also allows space for some soft landscaping around the corner plot which could be designed to significantly enhance this prominent road junction for the benefit of the local area. The eastern road frontage is compromised by the siting of the carport to plot 4 and 2.5 metre high boundary wall which are proposed as a necessary part of the noise mitigation measures required to protect the proposed dwellings from the impacts of the engineering firm to the southeast, as considered below.
50. Whilst the precise appearance would not be agreed until reserved matters stage, it is considered the prominent position on the eastern road frontage, proximity of the carport to the tapering road boundary and height of the wall either side of the car park opening would be somewhat incongruous and dominant in the streetscene and visually separate these dwellings from their surroundings. In this respect, the scheme would fail to maximise the opportunity redevelopment of this site represents to enhance the appearance of this site. However, the carport and wall are necessary to mitigate noise impacts to the new dwelling and the layout proposed does incorporate space for soft landscaping to soften and mitigate the appearance of these built structures. Furthermore, there are only commercial and industrial uses east and south of the site and there would be no harm to the character and appearance of the employment area.
51. The three plots accessed from the east are all set back from the road by shared access and parking for these three dwellings and the corner plot. The 'L' shaped

nature of the site means the southernmost dwelling is set back approximately 44 metres from the road and accessed by a private drive along the southern site boundary. Whilst providing a dwelling here makes efficient use of this part of the site, it is compromised by the distance from the road as considered further below in the Transport section.

52. In design terms, the layout would provide seven new dwellings in a form that would allow each to have off-street parking, adequate private rear gardens with space for cycle and refuse storage and a mix of semi- and detached dwellings that would contribute to a mix of housing in a form that would sufficiently respect the existing suburban residential character. This is a constrained site and the unusual shape and relationship with neighbouring uses has compromised the scheme in some respects, but not to any unacceptable extent, and overall the layout is considered acceptable.

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

53. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 130 and 185-187

#### **Amenity for future occupiers**

54. The dwellings are all indicated to comply with minimum internal space standards required by Policy DM2.
55. As floor plans have not been submitted at this stage, it is not possible to assess the overall standard of amenity, access to natural light, outlook, *etc.* in detail. This will be considered at reserved matters stage and the layout proposed would not prevent a satisfactory detailed design coming forward.
56. Externally, each dwelling would have a private rear garden. These are significantly smaller than those along Curtis Road to the west, but comparable to those on Baxter Court to the southwest. They would provide modest outdoor space which would be compromised to some extent by traffic and industrial noise and overshadowing.
57. A submitted daylight test diagram identifies that the position of two storey dwellings within plots 5 and 6 south of plots 2 and 3 would result in some overshadowing at the rear of plot 2 but that use of a hipped roof could help mitigate this. The roof form and position and size of window and door openings shall need to be subsequently determined at reserved matters stage and the amenity impacts considered in detail then, however it does appear that there would be a design solution to satisfactorily mitigate any unacceptable overshadowing or loss of light to the garden and internal accommodation.
58. The application was originally supported by an assessment of noise levels taken during a national covid lockdown in April 2021. The results included a tolerance for reduced activity and journeys, but a representation identified a neighbouring engineering premises was operating at a significantly reduced capacity at the time. An additional survey was undertaken in October 2021 in cooperation with this company during their 'normal' working conditions and informed by a site-based study of their operations which include: forklift movements, multiple machines operating simultaneously in buildings east and south of the site and goods vehicles arriving between 06:00 and 22:00. A worst-case scenario was developed which was

found to result in an adverse impact on the nearest proposed garden during daytime hours and a significant adverse impact on the first floor of the closest dwelling's façade during night time hours. The site is also affected by road traffic noise.

59. It is therefore necessary for these noise impacts to be mitigated to provide an acceptable noise environment for the internal accommodation and external amenity spaces.
60. To protect habitable rooms, façade insulation with acoustically rated windows and trickle vents, plus mechanical extract ventilation is proposed to sufficiently mitigate internal noise levels to a 'low impact'. When the internal layout is developed in due course, the noise report recommends habitable rooms, and specifically bedrooms, face north and west wherever possible, away from the sources of industrial noise.
61. The rear garden of plot 4 is the closest external space to be affected by the noise, so a carport structure 3.07m high is proposed along its eastern boundary with a wall 2.5m high along the remainder of the eastern boundary either side of the car park opening. A section of the southern boundary is proposed to be a 2.8m high solid brick wall. These structures would form a barrier to the industrial noise from the south and east and reduce the daytime noise level to within a desirable range.
62. These internal and external measures are considered necessary to provide future occupants with an acceptable standard of amenity in respect of noise impacts and to integrate this development effectively into this mixed use without compromising the established operations of industrial and commercial neighbours. The need for the carport and high boundary walls is considered to outweigh any visual harm these may have. A condition should ensure that the matters reserved for subsequent approval are designed to comply with the recommendations of the noise report and subsequently implemented and maintained for the lifetime of the development. In addition, an informative note should draw future occupiers' attention to the local noise environment and how any future noise complaints would be dealt with.

### **Neighbour amenity**

63. Objections have raised concern about overshadowing and loss of light to neighbouring dwellings.
64. Submitted diagrams indicate where a 25 degree line from ground floor windows of the closest neighbouring dwellings would intersect with the development. In accordance with Building Research Establishment guidance, daylight and sunlight levels would not be adversely affected if the development would not disrupt this line as it would allow light to continue to reach these windows. The diagrams illustrate the southwest corner of the roof of a two storey gabled roof dwelling on plot 7 would have a small impact on one front window to the nearest dwelling on Baxter Court. This shall need to be more fully assessed at reserved matters stage as the scale and form of the dwelling has only been approximated in this outline application, but the diagram identifies the layout of the proposed dwellings, which is to be determined in this application, would not result in significant or unacceptable loss of daylight to the windows of neighbouring dwellings.

65. Diagrams indicating the extent of shadows from the indicative scale and form of the proposed dwellings at 12 noon and 3pm in August have been submitted. These identify that there would be some overshadowing from the dwelling on plot 7 to the very southern extent of the 15 metre long rear gardens to 1 and 3 Curtis Road. In August, the sun is relatively high in the sky and the impact would be greater at other times of the year but these are generous gardens and it is not considered likely that there would be shadows across the whole gardens or reaching the dwellings at any time of day or year. Again, this shall need to be assessed more fully when the scale (height) and form of each dwelling is proposed at reserved matters stage, but there is sufficient information to suggest that the proposed layout would not result in any unacceptable overshadowing to neighbouring gardens,
66. Objections have also raised concern about overlooking. As appearance is not a matter to be considered in this application, the size and position of window openings and resulting overlooking and loss of privacy can only be fully assessed at reserved matters stage. However, the layout does suggest there would be windows in elevations facing towards other dwellings within and outside the development and this shall need to be carefully considered in due course.
67. Two representations have raised concern that the proposal would harm the amenity of extensions they are planning to their properties using permitted development rights. Given that these have not yet been built and are not subject to planning permissions with approved plans, it is not currently known what form or layout they may have and a detailed assessment cannot be made. Therefore, no weight can be attached to their potential future construction. Should they be implemented or be subject to an express permission when reserved matters are considered, the proposals shall be assessed accordingly. It is not considered that the potential for neighbouring dwellings to be extended in future represents any conflict with or constraint on the proposed development of this site.
68. Potential harm from noise, traffic movements, parking and pollution during construction can be satisfactorily managed by agreeing a method statement by condition.

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

69. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
70. Access is a matter to be considered and the proposal provides access to off-street parking to plots 1-3 off the western Curtis Road spur, to plots 4-6 via a shared parking and turning area to the south and a private drive off this area to plot 7.
71. It is noted that representations have raised concern about the potential for conflict between residents and the size and frequency of vehicles serving the adjacent employment uses. The Highway Authority have no objection and the layout makes adequate provision for turning to plots 4-7 so vehicles can enter and exit the site in a forward gear on this busier section of the 20 mph road.
72. Each dwelling would be served with two parking spaces in accordance with standards. The carport proposed to plot 4 would provide tandem parking which is sub-optimal but makes use of the space available and necessity of a substantial boundary structure for noise mitigation and is not unacceptable for a single

dwelling. The architect has confirmed the carport would have a minimum internal space of 3m by 14m.

73. Parking elsewhere along Curtis Road is managed with double and single yellow lines and one hour parking bays which provide space for visitors to the area so it is not considered any overspill parking would create a hazard on the road. The proposed layout includes sufficient space for bin and cycle storage. Bins would need to be moved to the highway edge for collection.
74. There would be suitable access for emergency vehicles to all plots, except plot 7. Building Regulations stipulate minimum requirements for private driveways and the constraints of the site size and layout prevent compliance for the drive to plot 7. As an alternative, the applicant has been asked to consider omitting plot 7 and reorganising the layout. They have declined to do so and it is acknowledged that providing a dwelling on plot 7 is an efficient and effective use of this brownfield land in accordance with paragraphs 119 and 120(c) of the National Planning Policy Framework. The Fire Service have advised that Building Regulations would need to be complied with. As the Regulations concerning fire appliance access are unlikely to be achievable, alternative fire safety measures, such as sprinklers, would need to be employed and approved by Building Control.
75. Necessary highway works identified by the Highway Authority have been incorporated in the proposed plan and the detailed design should be agreed by condition. Subject to this and additional conditions securing parking and turning space, cycle and bin storage, construction parking (within the construction method statement) and informative notes concerning works required in the highway, the proposed access and layout are acceptable with regards transport requirements.

#### **Main issue 5: Ecology and trees**

76. Key policies and NPPF paragraphs – JCS1, DM7, NPPF section 15
77. An ecology assessment has been submitted which finds the existing buildings to have negligible bat potential and the site and surrounding area to be sub-optimal for foraging and commuting bats.
78. No other mammals were identified and whilst birds were seen on and around the site during the survey, the buildings are assessed to not be suitable for bird nesting.
79. It is noted that representations have raised concern about the impact on wildlife but the assessment concludes that no protected species or habitats would be impacted by the development. The scheme should enhance opportunities for biodiversity and this can be secured by condition.
80. An arboricultural impact assessment has been submitted which confirms there are no existing trees on the site (although it is understood there have been in the past) but there is one individual and four groups adjacent to the site which are all classified as low quality category C.
81. These could all be retained and an arboricultural method statement proposes constructing parking spaces adjacent to one with a no dig method and cellular confinement system to protect it. A condition securing compliance with this is necessary to ensure these off-site trees are not harmed by the development.

## Main issue 6: Contamination

82. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 183-184
83. Environmental Protection have identified that historic use of the site and the construction of the existing buildings raises for potential for contaminated land and asbestos to be present. A contamination investigation and any necessary remediation and monitoring should be required by condition to satisfactorily manage this risk and an informative note can advise of this risk of asbestos.

## Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Water efficiency	JCS1 & JCS3	Yes subject to condition
Sustainable urban drainage	DM3 & DM5	The proposal will reduce the impermeable area across the site and the application suggests either soakaways or attenuated storage would be used. A detailed scheme for the site should be agreed by condition

## Equalities and diversity issues

85. There are no equality or diversity issues.

## Local finance considerations

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

## Conclusion

87. The application proposes redeveloping a vacant out-of-centre retail site with seven new dwellings. There is no policy objection to the loss of the existing use nor to the principle of residential development.
88. Matters of access and layout are to be considered and the proposal provides suitable means of vehicular and pedestrian access without any detriment to highway safety and the layout makes appropriate provision for car and cycle parking.
89. Redevelopment offers an opportunity to enhance the appearance of this prominent corner site and put the land to a more efficient and beneficial use. The site is

constrained by its irregular shape, surrounding noise sources and position between residential and employment uses but the proposed layout and density is considered to satisfactorily respond to these. The necessary external noise mitigation measures include a carefully positioned carport and high boundary walls which may otherwise not be considered appropriate, but they are required to protect occupiers from unacceptable noise impacts and reserved matters of appearance and landscape can be designed to satisfactorily mitigate any detrimental visual impacts.

90. It is not considered the means of access and layout proposed for the development of seven dwellings would result in any unacceptable impacts on neighbour amenity, highways, ecology, trees, contamination or drainage, either during construction or occupation of the development, which cannot be satisfactorily resolved either by condition on this outline permission or through consideration at reserved matters stage.
91. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

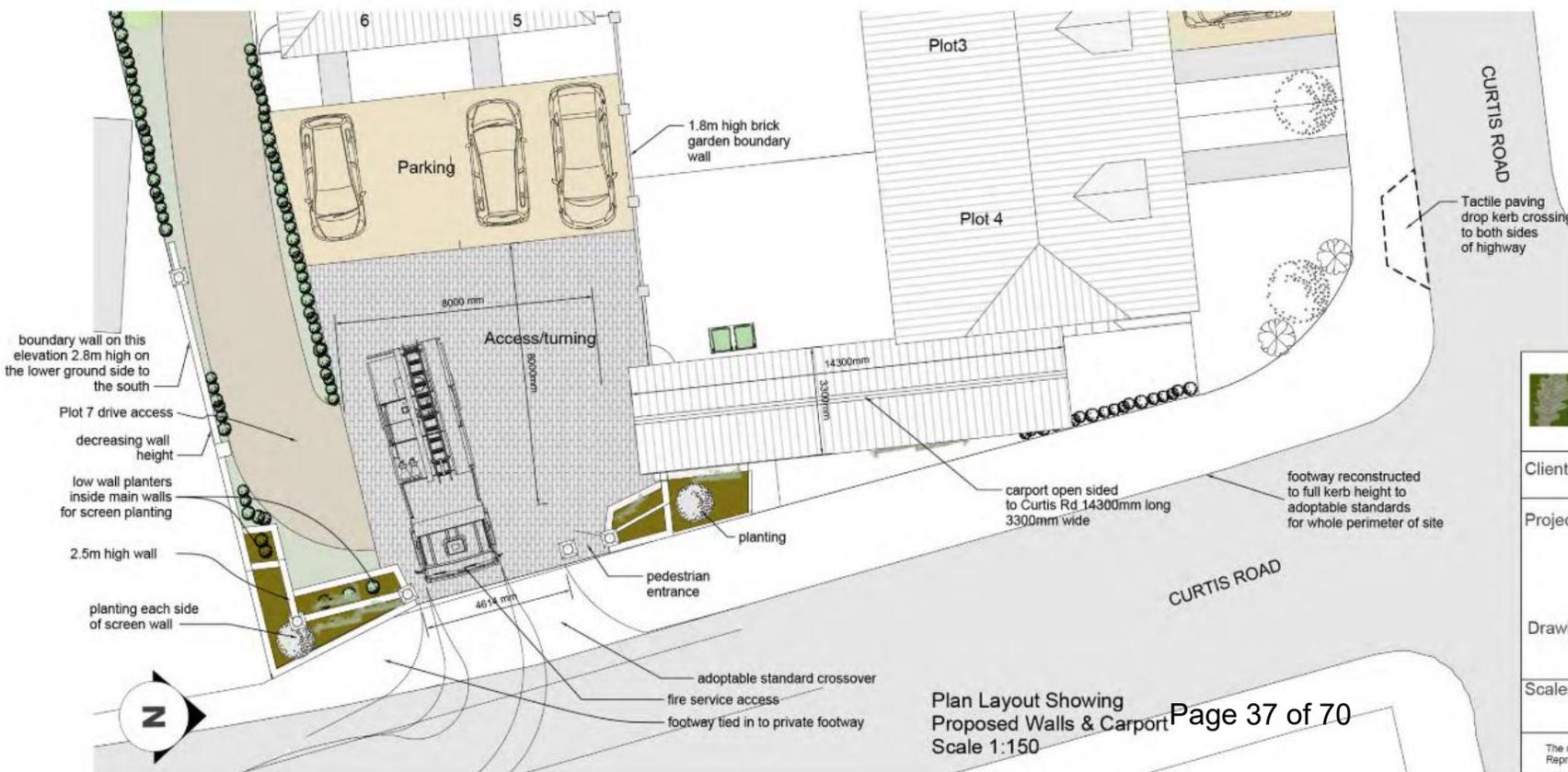
### **Recommendation**

To approve application 21/00893/O and grant planning permission subject to the following conditions:

1. Standard time limit for approval of reserved matters;
2. In accordance with plans;
3. Contamination investigation;
4. Construction method statement;
5. Provision of sound insulation to habitable rooms;
6. Carport and boundary walls to be designed in accordance with noise impact assessment;
7. Compliance with arboricultural method statement;
8. Biodiversity enhancements to be agreed;
9. Small mammal access;
10. Detailed drawings for highway works;
11. Implementation of agreed highway works;
12. Parking and turning layout provided prior to first occupation;
13. Cycle and bin storage to be agreed and provided prior to first occupation;
14. Sustainable urban drainage system to be agreed;
15. Unidentified contamination;
16. Imported topsoil;
17. Water efficiency.

Informative notes:

1. Noise
2. Asbestos
3. Works within public highway.



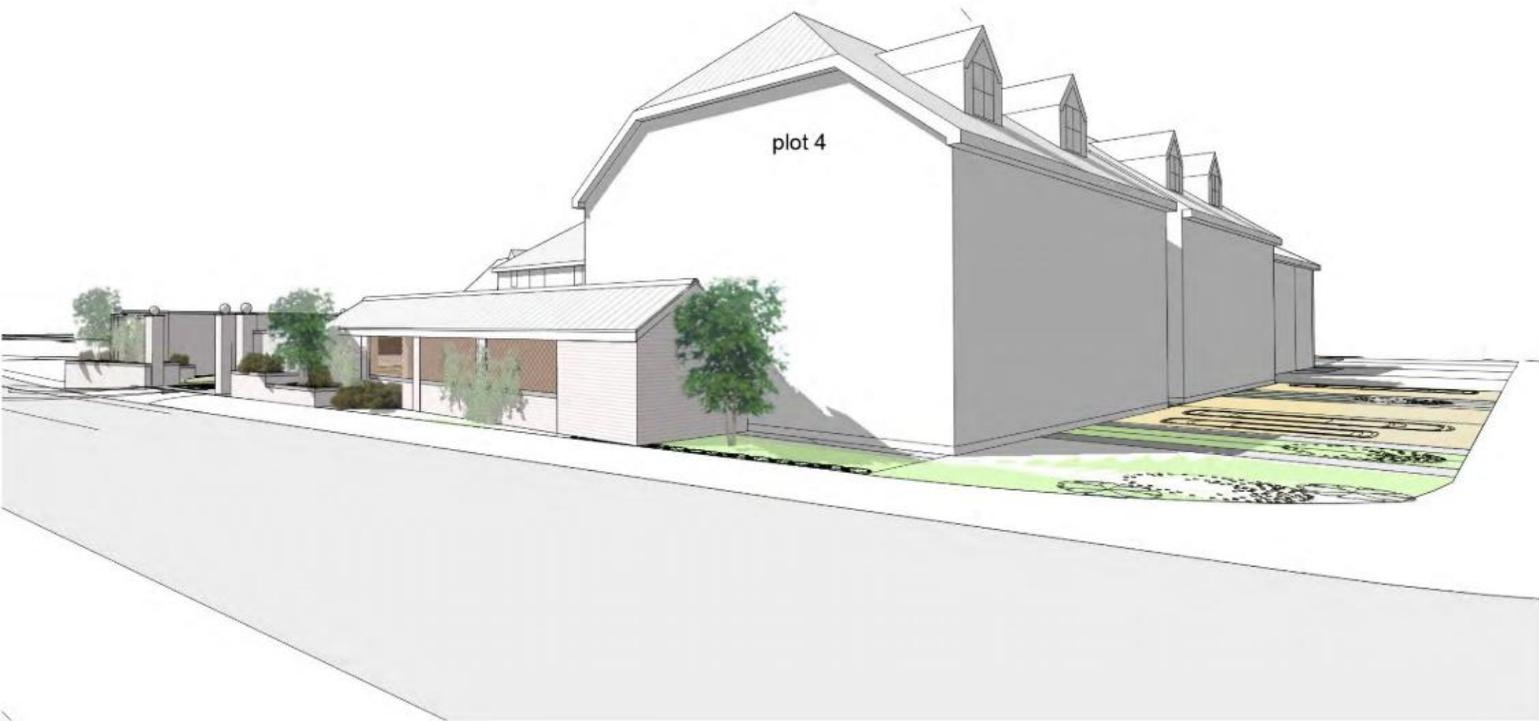
- Proposed s278 Small Highway Works Agreement to include
- Footway reconstructed to full kerb height and to adoptable standards
  - Vehicle crossovers to site to adoptable standards
  - Relocate any streetlights where necessary
  - Replace and retain Street nameplate
  - Provide tactile paving/drop to corner each side of highway
  - Reinstate road drainage gullies
  - Reinstate waiting restrictions
  - Reinstate sign for single yellow line
  - Tie in reinstated footway to the private footway to the south

Rev. B Tandem carport internal dimension changed to 14.0m x 3.0m  
Rev. A southern boundary wall now 2.8 high

**oaksquare**  
architectural design

Chris Hovey C.Build E  
MCABE Assoc RICS  
Chartered Building Engineer  
26 Great Melton Rd. Hethersett  
NR9 3AB  
Tel. 011603 811163

Client	Eastern Retailing Ltd
Project	Curtis Road Norwich NR6 6RB Redevelopment of Shop & Warehouse to Provide 7 Two Storey Houses
Drawing	Boundary Treatment /Acoustic Screen Wall
Scales	1:100 & 1:150 @A3 Dwg. No 251120/20 B
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	oaksquare architectural design	Chris Hovey C.Build E MCABE Assoc RICS Chartered Building Engineer 26 Great Melton Rd. Hethersett NR9 3AD Tel. 01603 811163
Client Eastern Retailing Ltd		
Project Curtis Road Norwich NR6 6RB Redevelopment of Shop & Warehouse to Provide 7 Two Storey Houses		
Drawing Isometric View of Boundary Treatment /Acoustic Screen Wall		
Scales NTS @ A3 Dwg. No 251120/21		
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Curtis Road

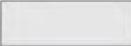
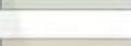
Proposed s278 Small Highway Works Agreement to include  
 - Footway reconstructed to full kerb height and to adoptable standards  
 - Vehicle crossovers to site to adoptable standards  
 - Relocate any streetlights where necessary  
 - Replace and retain Street nameplate  
 - Provide tactile paving/drop to corner each side of highway  
 - Reinstate road drainage gullies  
 - Reinstate waiting restrictions  
 - Reinstate sign for single yellow line  
 - Tie in reinstated footway to the private footway to the south

adoptable standard footway crossings

foot path

tactile paving & drop kerb crossing

Reconstructed footway to perimeter of site to adoptable standards see S278 agreement

-  Private paths 450 x 450mm pre-cast concrete paving slabs
-  Private garden areas
-  Permeable brick weave parking in contrasting colour
-  permeable brick weave shared private access for plots 4, 5, 6 & 7
-  Waste bin storage area pre-cast concrete paving slabs
-  1.8m high timber access gate with rear garden enclosed with close boarded timber fence
-  Indicates dwelling front entrance

0m 1 2 3 4 5 6 7 8 9 10

New TRAD1 footpath crossing asphalt finish to adoptable standard

Fire appliance access to turning area suitable for minimum 12.5 tonnes load capacity allows plot 7 access within 45metres

for acoustic wall details see drawing 251120/20B

rev. F 23.03.22 TRAD 1 footpath crossing to car parking  
 rev. E 10.02.22 plot 4 carport & acoustic wall added  
 rev. D 23.0.21 - accommodation schedule updated  
 rev. C 4.07.2021 layout change plot 7 & fire service access shown  
 rev. B 22.4.2021 layout changes & plots reduced to 7  
 rev. A - drive access dimensions

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Client Eastern Retailing Ltd.

Project Curtis Road, Norwich  
 NR6 6RB  
 Redevelopment of Shop & Warehouse to Provide 7 Two Storey Houses

Drawing Site Plan

Scales 1: 200 @A3 Dwg. No 251120/03 F

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Site Plan 1:200

Private turning area for Plot 7 8.0m x 8.0m

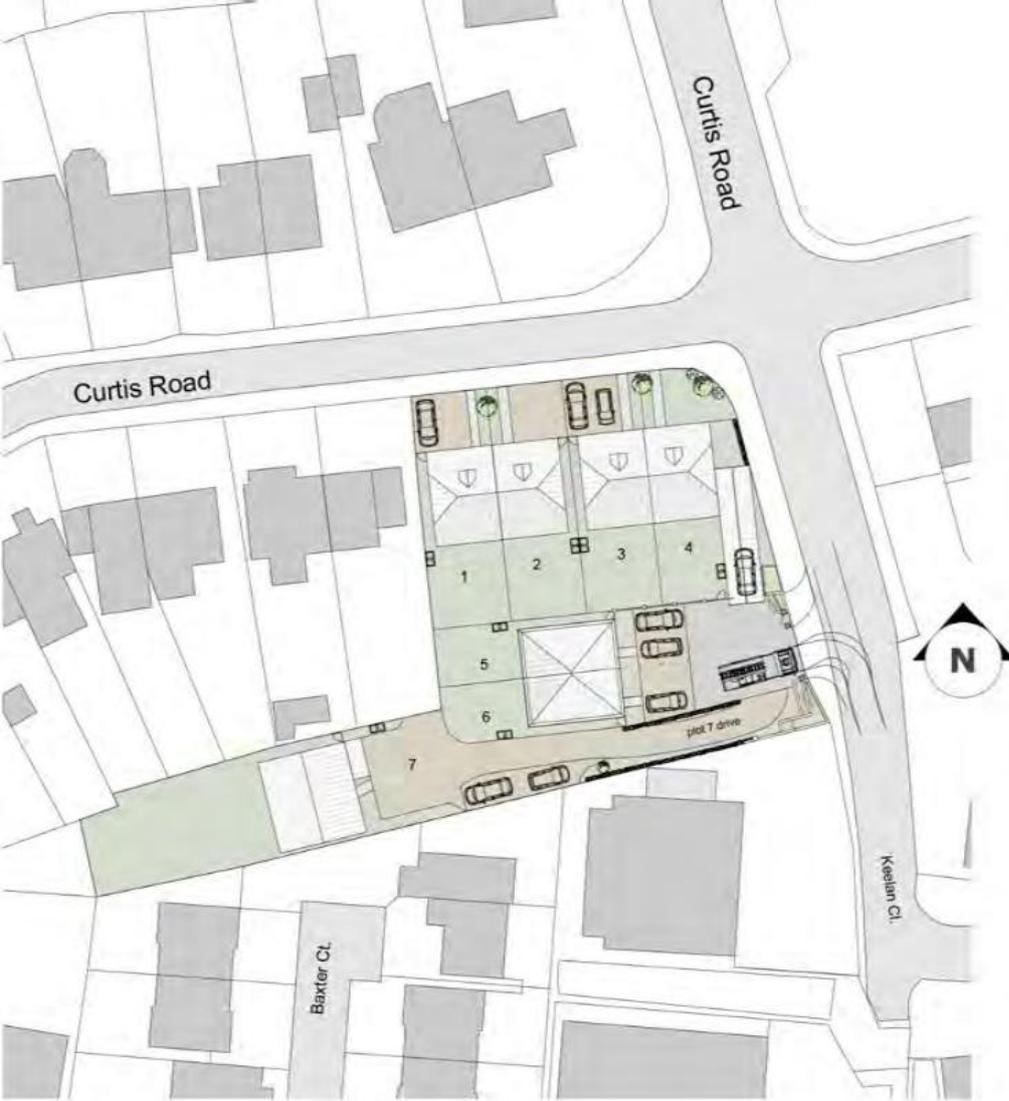
Distance to rear extent of dwelling from the Fire Appliance is within 45m

Accommodation Schedule

PLOT	TYPE	BEDROOMS	GIA m2
1 - 4	2 1/2storey semi-det.	3	119.0
5 & 6	town house	2	75.0
7	2 storey detached	3	134.0 inc garage

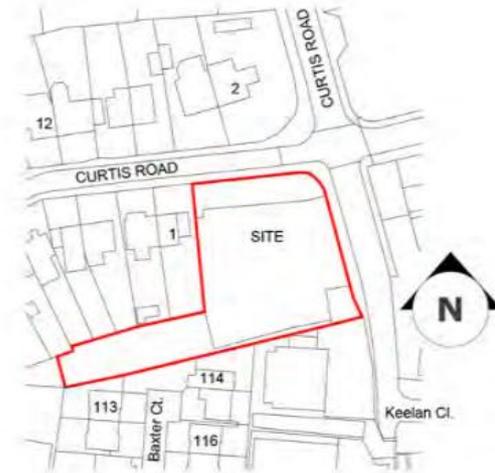
Total No. of Units - 7

Total Site Area - 1614m2 STS



Block Plan  
1 : 500

Site Area 1614m2 STS



Location Plan  
1 : 1250

rev. C - 22.4.2021 Layout changes  
rev. B - Layout  
rev. A - drive access dimensions



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architectural design

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Client	Eastern Retailing Ltd.
Project	Curtis Road, Norwich NR6 6RB Redevelopment of Shop & Warehouse to Provide 7 Two Storey Houses
Drawing	Location & Block Plan
Scales	1:500 & 1:1250 @A3 Dwg. No 251120/01 C

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**Report to** Planning Applications Committee

Item

10 March 2022

**Report of** Head of planning and regulatory services

**Subject** Application nos 21/01573/F and 21/01574/L – The Dog House, 18 St Georges Street, NR3 1BA

**Reason for referral** Objections

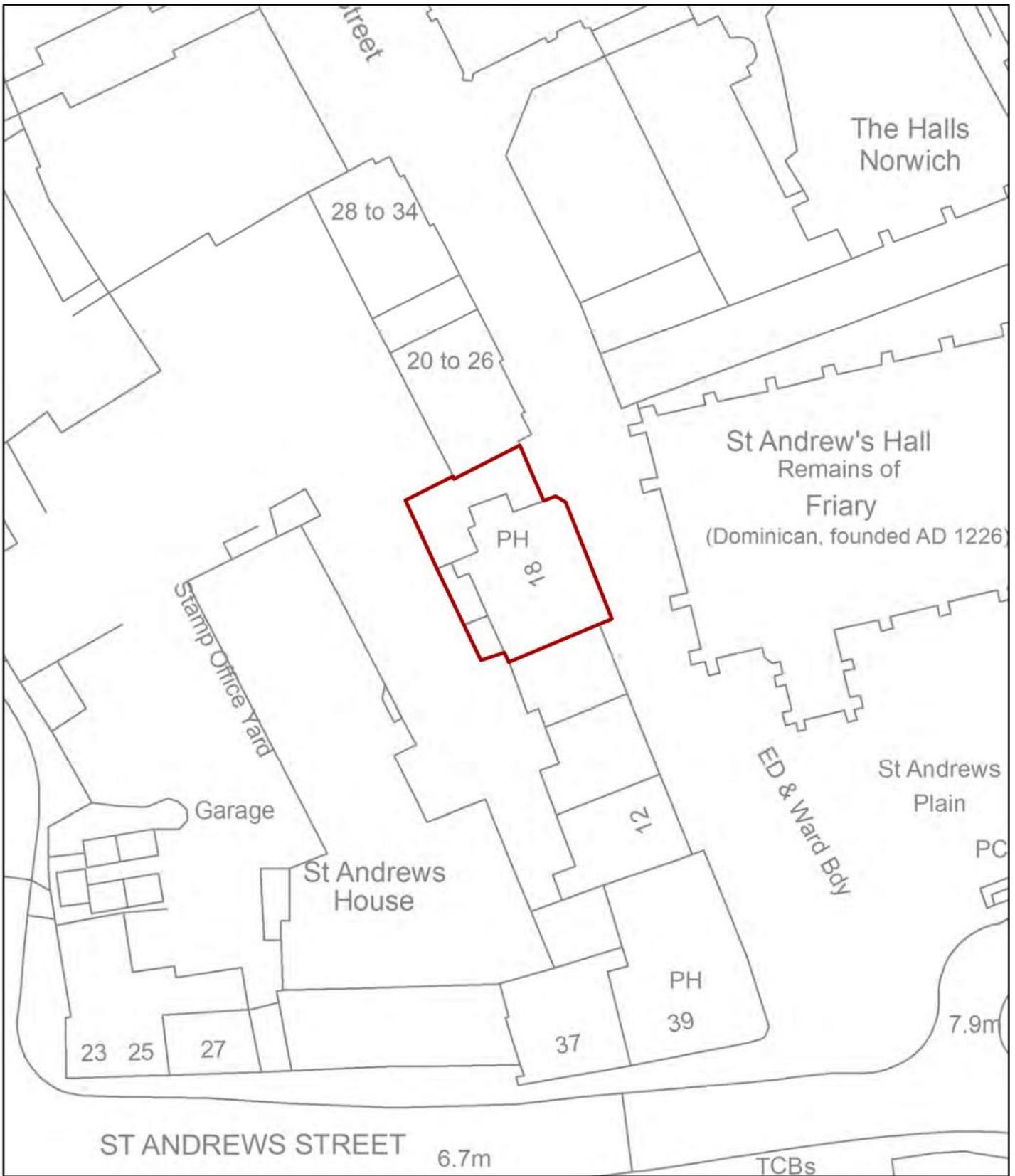
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<b>Ward</b>	Mancroft
<b>Case officer</b>	Sarah Hinchcliffe - <a href="mailto:sarahhinchcliffe@norwich.gov.uk">sarahhinchcliffe@norwich.gov.uk</a>
<b>Applicant</b>	Punch Pubs

<b>Development proposal</b>		
Single storey rear extension. New lighting, cabling and seating in the outside area.		
<b>Representations</b>		
Object	Comment	Support
5	0	0
2 <sup>nd</sup> round of consultation (removal of outside TV, clarification of materials and extract equipment)		
Object	Comment	Support
1	0	0

<b>Main issues</b>	<b>Key considerations</b>
1. Principle of development	
2. Heritage and Design	Impact upon the conservation area, nearby listed buildings and archaeology
3. Amenity	Impact upon existing neighbours taking into consideration noise and odour.
<b>Expiry date</b>	17 March 2022 (extended from 3 January 2022)
<b>Recommendation</b>	Approve 21/01573/F and 21/01574/L



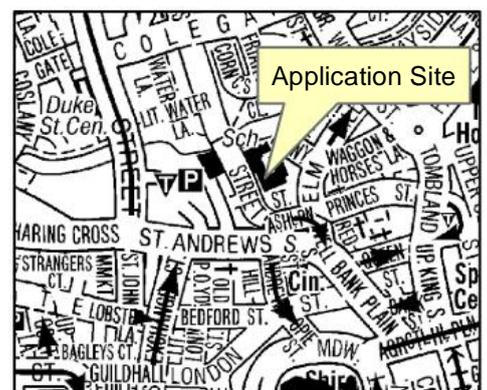
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Planning Application No 21/01573/F & 21/01574/L  
 Site Address The Dog House  
 18 St Georges Street  
 Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The site is a Grade II listed public house located on the west side of St Georges Street within the City Centre Conservation Area, and with various other listed buildings in the vicinity.
2. The building is three storey with later two and single storey extensions to the rear. The main part of the building is a mix of render, brick and flintwork all painted in a dark cream colour. The more modern extensions to the rear are of a red brick and red clay pantile construction.
3. There is an existing outside space/ beer garden to the north of the building, located behind metal railings but visible from the road. At the time of officer site visit takeaway food provision was operating from the outside space to the north of the building within gazebo/tents with associated signage, which has since been replaced by a large truck with catering facilities inside. The takeaway food provision is understood to have been operating from the site since the summer of 2021.
4. Directly to the north is a four storey block of residential apartments. To the east is St Andrews Hall. Adjoining to the south is a café/coffee shop and to the west beyond the rear perimeter fence is access, servicing and a parking area for surrounding residential and commercial properties.

## Constraints

5. Grade II Listed building, list description for the building is as follows:  
“Formerly 2 houses, now public house. Early C17 with C18 and C20 alterations. Flint-rubble ground floor, rear and side walls. Rendered with pseudo timber framing. Pantile roofs. 2 storeys to the left, Jettied at first floor. 3 storeys to the right. 3 first-floor windows. Plain central door and corner pub-front on right side with corner door. Casement windows throughout. Dormer gable and gable-end with raised eaves level between.”
6. City Centre Conservation Area – Elm Hill and Maddermarket Character Area, adjacent to Northern Riverside Character Area – Policy DM9
7. City centre leisure area – Policies DM18, DM23
8. Area of Main Archaeological Interest – Policy DM9

## Relevant planning history

9. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/2001/0596	Installation of 6 uplighters on building.	LBC	07/09/2001
4/1996/0338	Retrospective application for the erection of an external fire escape	APPR	30/09/1996
4/1996/0339	Retrospective application for the erection of an external fire escape	APPR	30/09/1996

Ref	Proposal	Decision	Date
04/01074/L	Alterations to internal layout, including installation of new staircases and insertion of new external door, new signage and external paving & railings.	REF	29/03/2005
04/01096/F	Installation of new door to side elevation & new paving & railing to outside area.	REF	29/03/2005
05/00702/L	Formation of new external door opening and internal alterations including installation of new staircase and strengthening of first floor.	APPCON	30/08/2005
05/00749/F	Installation of new door to side elevation.	APPCON	15/09/2005
06/00670/F	Internal alterations and erection of rear extension.	WITHDN	19/09/2006
06/00671/L	Demolition of part external wall, internal alterations and erection of rear extension.	APPR	12/10/2006
06/00924/F	Erection of rear single-storey extension and courtyard seating area with refuse storage enclosure and parking space.	APPR	24/10/2006
07/00760/F	Erection of rear extension and courtyard seating area with refuse storage enclosure	APPR	09/01/2008
07/00761/L	Erection of rear extension and courtyard seating area with refuse storage and internal alterations.	APPR	09/01/2008
08/00591/F	Retrospective application for erection of lean-to extension to rear of property, external AC units to be fitted on rear wall, porch to be built on side of premises and addition of railings and gate.	APPR	05/08/2008
08/00592/L	Retrospective application for erection of lean-to extension to rear of property, external AC units to be fixed on rear wall, erection of porch to side of property and erection of railings and gate.	APPR	07/08/2008
20/00230/F	Fixed seating booths to external terrace area.	APPR	20/08/2020
20/00231/L	Refurbishment including internal alterations and fixed seating to external terrace.	APPR	20/08/2020
20/00286/A	Display of: 1no. externally illuminated hanging sign; 1no. non-illuminated sign painted on fascia.	APPR	20/08/2020
20/00290/L	Installation of external signs, associated lighting and re-painting of the exterior.	APPR	20/08/2020

### The proposal

- The proposal is to add a single storey extension to the rear of the public house to create a new catering kitchen. The small existing kitchen area will operate as a

glass washing area. The extension will be of red brick construction with a perimeter mono-pitch clay pantiled roof surrounding a small area of flat roof. Associated plant and extract equipment will be positioned on the flat roof of the extension.

11. Externally, an area of fixed seating is proposed along the rear boundary fence and 2.45 metre-high timber posts are proposed towards the northern site boundary to support decorative external lighting.
12. The applications have been revised since first submission following advice from the case officer and conservation officer. The main revisions include:
  - Removal of the external TV and TV housing,
  - Provision of timber supports for the external lighting instead of proposals to fix lighting to the wall of the adjacent apartment building,
  - Removal of the proposed bonded resin finish from the external surfacing, instead retention of the existing paving in this area,
  - Provision of details for the arrangement of flues, vents and extracts associated with the use of the proposed extension as a catering kitchen'
  - Clarification that the kitchen extension will prevent the need for any external 'pop-up' catering facilities.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total floorspace	20 square metres (internally)
No. of storeys	One
Max. dimensions	4.1 m deep x 6.5 m wide. 2.4 metres to eaves, 4.1 metres to ridge
<b>Appearance</b>	
Materials	<ul style="list-style-type: none"> <li>• Red brick walls.</li> <li>• Clay pantile perimeter mono-pitch roof with flat roof behind.</li> <li>• Black painted timber soffit and fascia boards</li> <li>• Black cast iron half round guttering and black cast iron down pipes.</li> <li>• 4 x 150mm square, 2.45 metre high timber posts to support external decorative lighting.</li> </ul>
<b>Operation</b>	
Ancillary plant and equipment	Extract equipment with carbon filter, fan and flue exhaust located on the new area of flat roof which sits behind the perimeter pitched roof.

### Representations

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 5 letters of representation have been received citing the

issues as summarised in the table below. One further representation was received in relation to the amended plans from a person who had also commented on the initial plans.

<b>Issues raised</b>	<b>Response</b>
Use of the outside TV and seating will result in major night time noise disturbance to the adjacent 8 flats, causing detrimental harm to residential amenities.	See main issue 3 and use of planning condition to restrict times of use of external area.  Note the outside TV has been removed from the proposals.
The development is totally out of keeping for a Conservation area, being opposite St Andrews Hall.	See main issue 2.
Lighting should not be fixed to the wall of the adjacent apartment building.	Lighting is now supported on posts independently from the adjacent building.
Pleased to see outside TV removed but concern about potential noise levels generated by people using outside seating area. Request restriction of use of outside area after 10.30pm.	See main issue 3 and use of planning condition to restrict times of use of external area.
<b>Issues below relate to the pop-up food outlet operating from the external area</b>	
The overall appearance is not in keeping with the Listed Building and Conservation area, directly opposite historic St Andrews Hall.	The operation of the 'pop up' takeaway food provision will be dealt with separate from these applications.
No permission for takeaway activities is in place.	The operation of the 'pop up' takeaway food provision will be dealt with separate from these applications.
People and vehicles waiting for burgers outside, together with tables and A boards create an obstruction to other users (including emergency services).	The operation of the 'pop up' takeaway food provision will be dealt with separate from these applications.
Smell and disturbance - currently smoke from burger cooking is a nuisance and should be addressed with measures put in place to solve this.	The operation of the 'pop up' takeaway food provision will be dealt with separate from these applications.

### **Consultation responses**

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

### **Design and conservation**

15. Provided that we can agree minor details [by conditions], the works will result in an improvement to the facilities of the public house and restaurant. Whilst the rear extension has little public visibility within a courtyard to the rear of the building, it is important that the new extension is sensitive to the rear flint and brick walling and gable, an issue that can be controlled by materiality.

16. The installation of the outdoor television would have some harm on the setting of the listed building and could have some planning implications with regards to noise. Other alterations to the external area such as the fairy lights and seating do not require listed building consent.

### **Public protection**

17. The applicant has provided information regarding the type of kitchen extraction fan to be installed. The noise level from this fan would be acceptable.
18. I note the additional information submitted by the applicant in regards to the odour management system. The proposed system (of baffles, pre-filters and carbon filters with a dwell time of 0.2 seconds) should sufficiently reduce odour levels and therefore avoid disturbance of surrounding land users, therefore this equipment is accepted. The odour management equipment should be maintained in accordance with the manufacturers guidance (this should be conditioned).

### **Norfolk historic environment service**

19. 18 St Georges Street is an early 17th century building (Grade II listed) located adjacent to the medieval Dominican Friary within the historic core of the city of Norwich. As such, archaeological remains of Anglo-Saxon and later date are likely to be present and indeed artefacts of medieval and later date have been found during the construction of the office block to the rear in 1975. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance will be affected by the proposed development. In addition, the proposed works may affect parts of the building which are worthy of recording.
20. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.

### **Assessment of planning considerations**

#### **Relevant development plan policies**

21. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS5 The economy
  - JCS8 Culture, leisure and entertainment
  - JCS11 Norwich city centre
22. **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
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards

- DM16 Supporting the needs of business
- DM18 Promoting and supporting centres
- DM22 Provision and enhancement of community facilities
- DM23 Supporting and managing the evening and late night economy

### **Other material considerations**

#### **23. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF6 Building a strong, competitive economy
- NPPF7 Ensuring the vitality of town centres
- NPPF12 Achieving well-designed places
- NPPF16 Conserving and enhancing the historic environment

### **Case Assessment**

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

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

25. Key policies and NPPF paragraphs – JCS5, DM16, DM18, DM22, DM23, NPPF Section 6, 7, 12, 16.
26. The operation of the public house is an existing and long-established use within the city centre leisure area. Similarly, the use of the external space in association with the public house has been accepted through previous planning applications. The principle of works associated with the use of the site as a public house is therefore acceptable. The matters to consider in this case are design, heritage and amenity.

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

27. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM9, NPPF Section 12, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (*specifically Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

29. The proposed single storey extension is of a similar scale, appearance and materials as the existing rear additions to the building. Its location to the rear will be mainly out of public view and only partly visible above high boundary fencing. The extension will have very limited visibility in the immediate and wider setting of the public house and should have a neutral effect on the listed building.
30. The perimeter mono-pitch roof of the extension screens a small area of flat roof behind which the extract equipment and flues required for operation of the kitchen are mostly concealed from view.
31. Following advice from the conservation officer and subsequent amendments, the works proposed are considered to protect and enhance the significance of the listed building and the character and appearance of the surrounding conservation area. The extension will help to provide much improved kitchen facilities for the business and prevent the need for inappropriate external catering provision to be located outside of the building. Together with proposals to refresh the external space and provide supports for small scale 'fairy lighting' all will serve to improve the long-term viability of the public house, and in turn protect the heritage asset. The proposals comply with policies DM3 and DM9 of the Development Management Policies Local Plan 2014.

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

32. Key policies and NPPF paragraphs – DM2, DM11, NPPF Section 12.
33. Neighbouring residents have raised noise and disturbance and odour concerns relating to use of the external space to the north of the public house. The use of this area in association with the public house has already been established through previous applications. The initial inclusion of an external TV in this area has been removed from the proposals to remedy concerns that this would give rise to increased noise levels in this area. The small amount of fixed seating proposed together with strings of hanging lighting are not elements in themselves that will increase usage and any associated noise in this area.
34. A review of the planning history highlighted a condition of a previous planning application associated with the provision of seating within the courtyard area preventing use of this area by members of the public before 09:00 hours or after 23:00 hours. As these proposals include some modifications to the external courtyard area and given the concerns raised by residential neighbours in close proximity to this area it is considered appropriate to reimpose the condition restricting use of this area outside of specified times.
35. The extension to the building to provide a catering kitchen will help to provide facilities for preparation and cooking of food internal to the building with all necessary flues and extract equipment designed for this purpose. Public protection officers consider the equipment proposed and its operation should not give rise to noise or odour issues at neighbouring residential properties. The provision of a new kitchen within the building will therefore help to provide facilities on site to prepare and cook food without giving rise to noise or odour nuisance. It should also prevent any demand to accommodate such provision external to the building and remedy the associated odour and disturbance issues that have arisen as a result.

36. The revisions to the proposals will ensure that unacceptable impacts on residential amenity of neighbouring residents does not occur. The proposal is in accordance with Policies DM2 and DM11 of the Development Management Policies Local Plan 2014.

### **Other matters**

37. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation: Archaeology.
38. Officers are aware of outstanding planning enforcement and food hygiene matters associated with this site and the operation of a 'pop up food outlet' and are acting upon these matters accordingly. The outcome of this planning application need not have a direct impact on those matters and may help to provide a longer term sustainable and more suitable solution for food provision at the site.

### **Equalities and diversity issues**

39. There are no equality or diversity issues.

### **Local finance considerations**

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

### **Conclusion**

41. The application should be determined in accordance with the development plan unless material consideration indicate otherwise. 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. 21/01573/F - The Dog House, 18 St Georges Street, NR3 1BA and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Archaeological investigation
4. The materials to be used in the construction of the roof and external walls of the development shall match in colour, form, texture, bond and mortar, those used in the adjacent extensions to the building.
5. Any damage and repair to be made good.

6. Preservation and protection of existing features to be agreed.
7. Odour management equipment shall be installed and maintained in accordance with approved details and manufacturers guidance.
8. The external courtyard shall not be used by members of the public before 09:00 hours or after 23:00 hours on any day.
9. There shall be no use of amplified sound within the courtyard without prior consent.

#### Article 35 (2) Statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and following negotiations to ensure an acceptable form of development has approved the application subject to appropriate conditions and for the reasons outlined within the officer's delegated report with the application.

To approve application no. 21/01574/L - The Dog House, 18 St Georges Street, NR3 1BA and grant listed building consent subject to the following conditions:

1. Standard time limit.
2. In accordance with plans.
3. Materials for roof and walls (including facing brickwork colour, texture, face bond and pointing) to match that of the adjacent extensions.
4. Any damage and repair to be made good.
5. Preservation and protection of existing features to be agreed.

#### Reason for Approval

The development is considered to be appropriate and in accordance with the objectives of the NPPF, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011) and policies DM1, DM3 and DM9 of the adopted Development Management Policies Plan (December 2014).



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Revision:	
Scale:	AS SHOWN @ A1
Date:	Oct 21
Drawn by:	RCC
Job Ref:	The Ladybrook Hotel, Fir Road, Bramhall, SK7 2NP
Drawing title:	Site Location Plan & Block Plan PLANNING APPLICATION
Drawing Number:	930/P/05

The Studio Centre (over) Skelton Rd, Weymouth, Dorset DT9 4LH  
 01304 372954 #nanusoda.co.uk



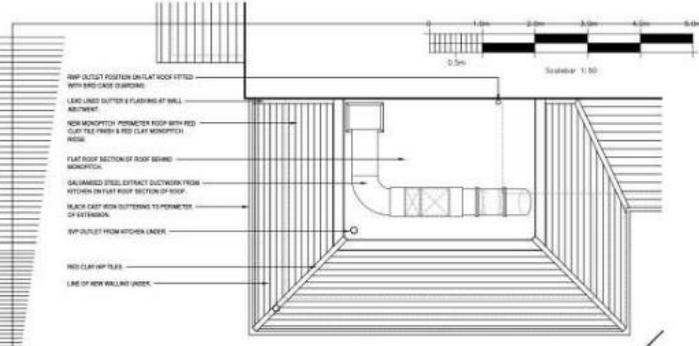




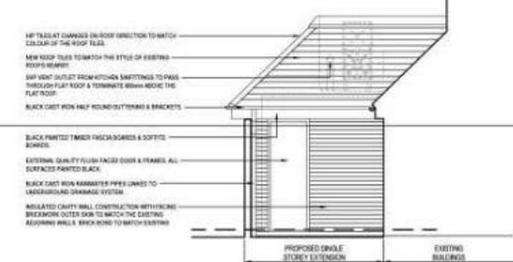
REAR (WEST) ELEVATION.



SIDE (NORTH) ELEVATION.



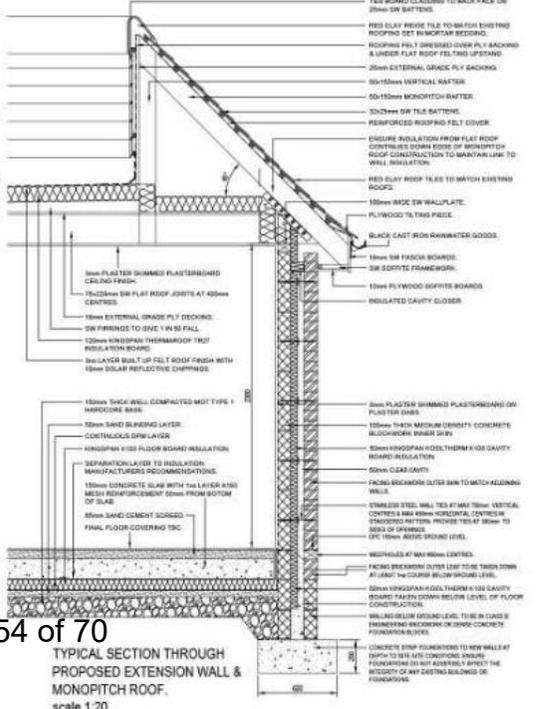
PROPOSED EXTENSION ROOF PLAN.



PART SOUTH ELEVATION SHOWING PROPOSED EXTENSION.



Scale 1:20



Page 54 of 70

TYPICAL SECTION THROUGH PROPOSED EXTENSION WALL & MONOPITCH ROOF. scale 1:20.

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**Revision:**  
 A. DRAWING REVISED TO INCLUDE POSITION OF KITCHEN EXTRACT FAN INLET & SVP ON ELEVATIONS. ROOF TILING CHANGED TO RED CLAY TYPE. RAINWATER GOODS TO BE CAST IRON.  
 14.02.22 (RSC)  
 B. KITCHEN EXTRACT DUCTING AMENDED.  
 17.02.22 (RSC)  
 C. ELEVATION TILES AMENDED. NOTES AMENDED TO INCLUDE COLOUR FOR AIR INTAKE HOUSING TO KITCHEN. 23.02.22 (RSC)

Scale	1:50 @ A1
Date	NOV 21
Drawn by	RGC
Job No.	The Dog House 18 St. Georges Street Norwich NR3 1BA
Drawing title	External Elevations as Proposed
Drawing Number	930/P/04 C

The Studio 34 South Street Walsford NPT 1 1ED  
 01644 272654 info@nanusoda.co.uk



**Report to** Planning applications committee

Item

10 March 2022

**Report of** Head of planning and regulatory services

**Subject** Application nos 21/01527/F & 21/01534/A, BT Kiosk  
Outside John Lewis, All Saints Green, Norwich

4c

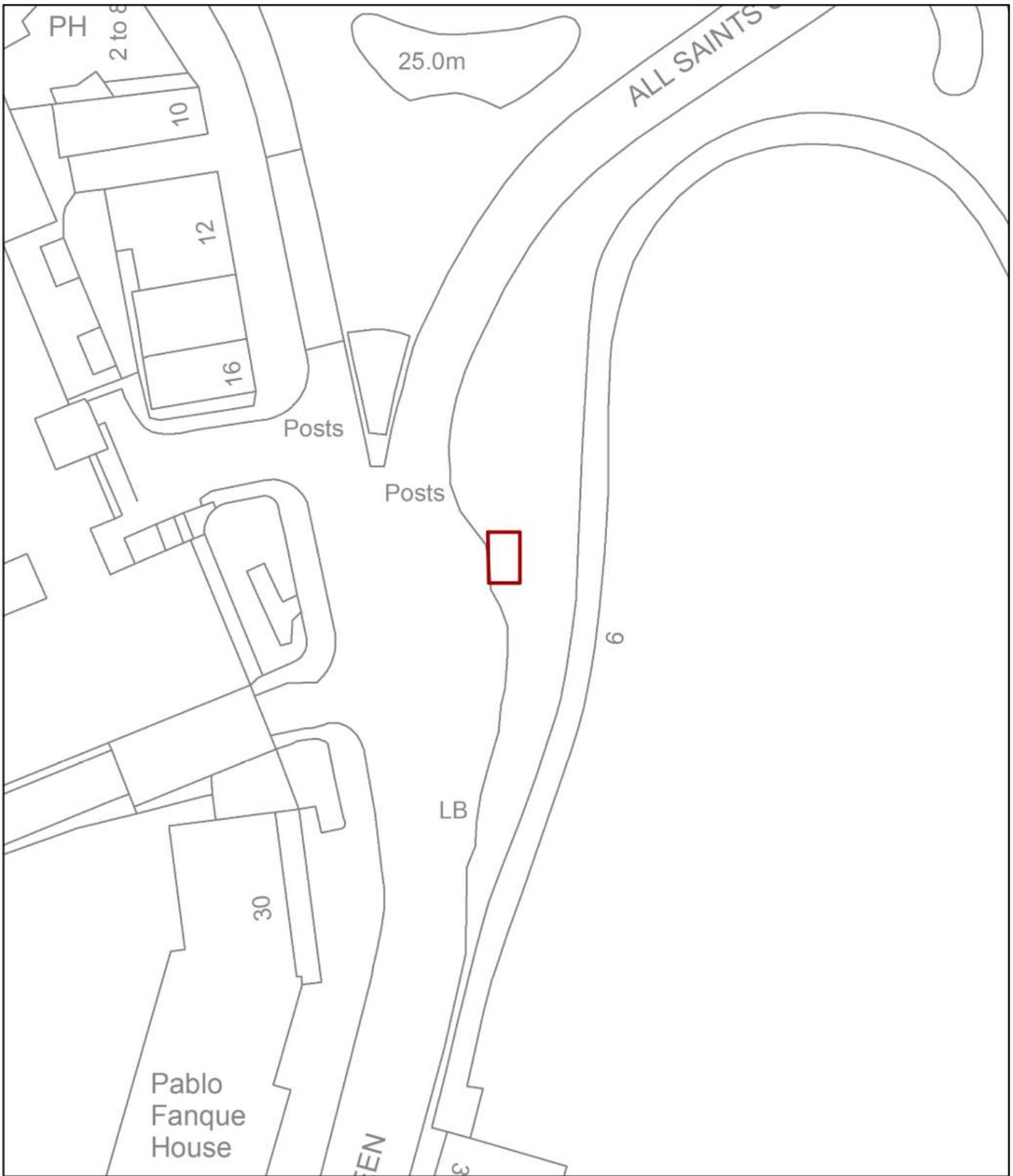
**Reason  
for referral** Objection

---

<b>Ward</b>	Mancroft
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>
<b>Applicant</b>	British Telecom Plc

<b>Development proposal</b>		
Removal of existing BT phone box and installation of a replacement BT street hub.		
Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.		
<b>Representations</b>		
Object	Comment	Support
7	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Principle of Development
2	Design & Heritage
3	Amenity
4	Transport
5	Other Matters
<b>Expiry date</b>	27 December 2021 (extension of time pending agreement)
<b>Recommendation</b>	Approve application 21/01527/F with conditions  Part approve application 21/01534/A with conditions

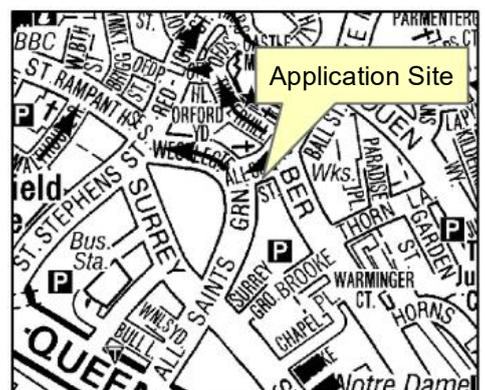


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Planning Application No 21/01527/F & 21/01534/A  
 Site Address BT Kiosk Outside John Lewis  
 All Saints Green  
 Scale 1:500



**NORWICH**  
 City Council  
 PLANNING SERVICES



## **The site and surroundings**

1. The site is located on the east side of All Saints Green, a recently pedestrianised street within the city centre.
2. The site is located adjacent to one of the main entrances serving the John Lewis department store on an area of wide footway. The site is occupied by an existing BT phone hub previously installed directly next to a lamp post. A Beryl bike hub is located directly north of the site on the same stretch of footway, with other street furniture also being located nearby including a refuse / recycling bin to the south. The adjacent highway serves as a turning head with the main section in front of the site now being fully pedestrianised with limited access only being provided for vehicles.
3. The site is located within a predominantly commercial area of the city centre, comprising retail and office units. A large purpose-built student accommodation block is however located within close proximity to the west of the site. The site is also located within the city centre conservation area. All Saints Church which contributes significantly to the historic character of the area is located to the north of the site.
4. The application is to replace an existing BT ST6 Kiosk with a new 'BT Streethub'. The existing kiosk is arranged as a two-side free standing totem with a traditional telephone on the south side and an internally illuminated scrolling paper advertisement on the north side, with an illumination level of 180cd/m<sup>2</sup>. The existing kiosk is approximately 2.7m tall.

## **Constraints**

5. Conservation Area: City Centre

## **Relevant planning history**

6. None relevant.

## **The proposal**

7. The proposal is to replace the existing phone unit with a new 'BT Street Hub'. This is part of a larger rollout of hubs across the city centre.
8. The 'Street Hubs' are being rolled out to replace the existing phone units and boxes within the city centre. The hubs provide numerous benefits and services including: wi-fi, access to public services, accessibility options, use of carbon-free energy, secure USB ports for charging, free phone calls, direct 999 calls, display of public messages and provision of environmental sensors (air quality, noise, traffic etc).
9. The replacement hub has the following dimensions: 2.98m height, 1.236m width and 0.35m depth. Owing to the slight curve on the shape of the unit, the footprint is 1.2m x 0.35m.
10. The unit would feature a large 75" LCD digital advertising screen on each side. The supporting information proposes that the screens display content at 10 second intervals. The supporting information states that commercial content funds the service, but there is intent for the screens to display public messaging also. Free

advertising for the Local Authority is offered for 5% of the overall screentime, equivalent to 876 hours per unit per year.

11. Two applications are presented within this report. The first application (21/01527/F) relates to full planning permission for the structure itself. The second application (21/01534/A) relates to advertisement consent for the screens on either side of the unit. There is no scope for public consultation on applications for advertisement consent, and nor is there any requirement within the scheme of delegation for them to be brought before planning committee but given the association between the two applications it has been considered prudent to present them both within this report.
12. The committee may not have had to consider applications for advertisement consent before and so it should be noted that such applications are covered by a different set of regulations and can only be assessed in relation to impact on amenity and public safety.

### Representations

13. The application for full planning permission has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
14. 7 letters of representation have been received in relation to this application. All of the letters of representation have been submitted word-for-word in relation to the multiple 'Street Hubs' applications, so express more general concerns with the project rather than the specifics of each site. The representations received in opposition to the proposal are summarised in the table below.

Issues raised	Response
Proposals would cause harm to the quality of the area - unattractive, monolithic design. The units are too tall and screens too high. Norwich is a medieval city and these are out of character. Creates visual clutter.	See main issue 2.
Wasteful use of energy is incompatible with climate emergency and contributes to light pollution. Renewable energy should be used for more socially useful purposes than driving consumerism. Cynical advertising opportunity with no motive other than greed. Embedded carbon used in their construction. Wasteful use of resources.	See other matters.
Corporate advertising is saturated and encouraging unsustainable consumption is out of line with Ethical Advertising Policy. This type of advertising has a negative impact on public health.	See main issue 2 and other matters.

Issues raised	Response
Free wifi and charging do not equate to fair compensation for the harm caused.	See conclusion.
May lead to anti-social behaviour in the city centre.	See main issue 3.
Impairment to movement for pedestrians and users of mobility scooters/buggies etc.	See main issue 4.

## Consultation responses

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

## Design and conservation

16. No comments received.

## Norfolk County Council - Highways

17. Comments:

### Application 21/01532/A

Digital roadside advertising is not necessarily inherently unsafe and accordingly the County Council does not have a blanket policy of refusal. Each site is assessed on its own specific characteristics and in this instance the local context is such that these particular signs would cause a safety hazard. When assessing public safety, the key considerations are whether the location is appropriate (i.e. undemanding on the driver) and whether the level of illumination and the sequential change between advertisements is controlled to prevent distraction from the driving task. Moving images or advertising with complex information is likely to add to the level of distraction. The balance is therefore in ensuring that the level of distraction is minimised, particularly at locations where a high level of concentration is required from the driver.

This section of All Saints Green has undergone significant traffic reduction as a consequence of now being in effect a cul de sac, with limited access traffic. Most traffic movement is now a mix of pedestrians and cyclists, with a small number of vehicles using the adjacent disabled parking bay and off street private car parking areas at Aviva.

The local highway authority considers that a digital advertising display is not inherently unsafe at this specific location but a risk remains of possible distraction that increases the cognitive load a pedestrian or cyclist must endure, lengthening reaction times to dangerous situations. However, we believe it is possible to provide conditions to manage the level of distraction by control of type, brightness,

form of change and interval between advertisements. Accordingly we are saying that as proposed the signs will cause a distraction and should be refused but subject to the following conditions we would not raise an objection:-

- The minimum display time is set at 10 seconds
- The image is static with no animation or apparent moving images.
- No audio output
- Maximum level of illumination during the day set at 2500 cd/m2 (as per the application form)
- Maximum level of illumination in hours of darkness be set at 300 cd/m2
- If the applicant is unable to agree to the above conditions we recommend the application be refused as follows:-

SHCR 26 The proposed signs would add to the distraction of highway users to the detriment of safety on the adjoining highway. Contrary to Development Plan Policies.

#### **Application no 21/01524/F**

As the proposed BT Street Hub will be positioned in the same position as an extant BT ST6 kiosk slab I do not wish to raise an objection subject to the following condition and informative being used if your authority is minded to grant consent.

SHC 09 amended

Prior to the commencement of the use hereby permitted the former footprint of the removed telephone kiosk shall be reinstated and tied into the adjacent footway to an adoptable standard in accordance with the Norfolk County Council highway authority construction specification, details to be agreed in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory highway reinstatement in the interests of highway safety and traffic movement.

Inf. 4

This proposal involves excavations adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact

### **Assessment of planning considerations**

#### **Relevant development plan policies**

18. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design

- JCS3 Energy and water
- JCS6 Access and transportation
- JCS7 Supporting communities

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's Heritage
- DM10 Supporting the delivery of a communications infrastructure
- DM30 Access and highway safety

**Other material considerations**

**20. Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):**

- NPPF10 – Supporting high quality communications
- NPPF12 – Achieving well designed places

**Case Assessment**

21. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy 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**

22. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM10, NPPF10, NPPF12.
23. The proposal involves the removal of the existing BT phone box and replacement with the new 'Street Hub' in the same location. The replacement unit is of a narrower but taller design to the existing unit.
24. Policy DM10 outlines policy for development relating to 'the provision, upgrading and enhancement of wireless and fixed data transfer and telecommunications networks and their associated infrastructure that requires planning permission'. Given the unusual nature of these applications and their broad categorisation as communications infrastructure, this is considered the best policy to determine the acceptability of the proposals in principle. The policy suggests that proposals will be acceptable where there is 'no unacceptable impact on the character and appearance of the area, on residential amenity or on the safe and satisfactory functioning of highways'.
25. It is acknowledged that there is a level of public benefit associated with the applications, as outlined in paragraph 8 of this report.

26. In this instance, the hub is replacing an existing BT phonebox. This replacement is acceptable in principle. Therefore, the acceptability of the proposal will lie in the aesthetic and physical differences between the two units and the impact on the amenity of the wider area.

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

27. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12, NPPF16.
28. As noted above, the proposal is located within the City Centre Conservation Area, within the All Saints Green character area. The area is identified as having ‘significant’ heritage value, the second lowest grading in the appraisal. Careful consideration must be given to the ways in which the development impacts upon the character of the Conservation Area.

#### *Relevant Policy*

29. In terms of appearance, the proposal will appear broadly similar to the existing BT unit. DM3 of the Local Plan identifies that development will only be acceptable where ‘appropriate attention has been given to the height, scale, massing and form of new development’. DM3 also identifies that proposed developments should show that appropriate consideration has been given to materials and colour, showing ‘regard to the prevailing materials of the area’. Paragraph 134 of the NPPF states that development that ‘is not well designed should be refused’, especially where it does not reflect local design policies.

#### *Impact*

30. The proposed street hub is to be installed in place of an existing kiosk of a broadly similar scale and form. As such, it is not considered that the replacement of an existing kiosk with a street hub of a similar size within the same location will result in an increase in the visual clutter of the area.
31. The introduction of two digital advertisement screens does however represent a noticeable change to the current situation. Currently, the kiosk only has a single internally illuminated paper advertisement installed on its northern side. The illuminated digital advertisements would therefore represent a significant change in the appearance of the area when approaching the south side of All Saints Green. It is noted that the All Saints Green area has recently undergone significant changes to improve access and visual amenity within the area. This has included the removal of a bus stop which included illuminated advertisement panels from the same area of the footway. The introduction of illuminated advertising within this location would therefore have significant adverse impacts on the important views of the Grade I listed All Saints Church located within close proximity of the site, to the north.
32. It is therefore determined that an illuminated advert on the southern side of the street hub would cause significant harm to the historic setting and visual amenity of the conservation area. The digital advertisement on the north side of the street hub would however replace an existing advertisement of a similar size and impact. It would face toward the church and as such would not interrupt or erode any existing long-views. As such, it is considered reasonable that the proposed advertisements

can only be part-approved to mitigate the harm that a double screen set up would cause.

33. In this instance, the proposal is considered to be acceptable in highways terms.

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

34. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, NPPF12.
35. Concern has been raised within the objections about the impact of this type of digital advertising on the general experience of pedestrians using the city centre. No amenity concerns to residential properties generated by the advertisements have been identified in this instance.
36. Some concern has been raised about the potential impact for the units generating anti-social behaviour. The applicant has submitted an 'Anti-social behaviour management plan' which allows for the tracking and identification of anti-social behaviour and appropriate mechanisms to report anti-social behaviour to the correct authorities. Each Hub is monitored 24 hours a day, so issues are identified early on. In this instance, the mitigation against anti-social behaviour is considered satisfactory.

### **Main Issue 4: Highways.**

37. Key Policies and NPPF paragraphs: JCS2, JCS6, DM30, NPPF 12.

#### *Policy*

38. Impacts on the highway are covered by DM30. The policy requires that development 'within, over or adjacent to spaces or streets that form part of the public realm will ensure adequate clearance either below or around the structure is available to allow the safe passage of pedestrians, cyclists and, where appropriate, vehicles.'
39. In addition, it should be ensured that advertisements do not cause a distraction to motorists, consequently impeding highway safety.

#### *Impact*

40. Objections have expressed concern that the units will restrict movement across the pavement and limit pedestrian experience. There is concern that the Hubs will not allow appropriate space for easy movement for pedestrians with impaired movement using either mobility scooters or wheelchairs.
41. There is sufficient space for pedestrians to move around the unit, in compliance with the recommendations of Manual for Streets. The differences between the existing unit and the proposed unit are minimal and should not impact upon the movement of pedestrians. The conditions applied will ensure that the unit does not operationally cause a distraction to passing motorists.
42. In this instance, the proposal is considered to be acceptable in highways terms.

## **Other Matters**

43. Objectors have expressed concern about the saturation of corporate advertising within the city and how this complies with the council's Ethical Advertising Policy. This is not a material planning concern and has not contributed to this assessment of the acceptability of the applications.
44. Public adverts are acceptable in principle. The content of adverts is not covered by the advertising legislation and should not impact on this decision. It is noted that 5% of advertising space is proposed to be allocated to the Local Authority for public messaging.
45. A statement provided by BT as part of the application states that their street hubs will be powered by 100% renewable carbon free energy. The statement also refers to other energy efficiency credentials including the use of automatic screen dimming, LED backlight screens and high-efficiency power supplies. The anticipated energy use of the street hub is not expected to be significantly different to comparable equipment, such as digital advertisement boards. It is however noted that the energy consumption of the proposed street hub is not a matter that can be used to inform this planning application since there are no planning policies which seek to control energy consumption on minor developments such as this.
46. The issue of data mining was raised at the previous committee meeting. The street hubs are proposed to fulfil several tasks, including the provision of a wifi network for members of the public to connect to. Such connections will likely be consented. It is also likely that there will be a degree of connectivity between members of the public's smartphones and the hubs that is unnoticed as devices automatically communicate with one another. It is not the role of the planning authority to determine what level of connectivity between the street hubs and devices is acceptable or appropriate. There are other regulations which seek to protect individuals from the unauthorised sharing of data (i.e., the General Data Protection Regulations 2018). There are planning policies which seek to provide individuals with a reasonable level of privacy (i.e., policy DM2 of the local plan) but such policies are limited to matters of overlooking rather than any technological intrusion. As such, the issue of data mining cannot inform the planning decision.
47. A request was made by elected members at a previous committee meeting relating to proposals for street hubs at other locations in the city to share environmental data collated by the hubs with the council. The street hubs have the ability to collect various data, including environmental monitoring data which could be shared with the council to assist in its delivery of strategic aims and objectives. As such, it is considered reasonable to add a condition requiring that the data is shared with the council should it be requested.

## **Equalities and diversity issues**

48. There are no significant equality or diversity issues.

## **Local finance considerations**

49. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance

considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.

50. 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.
51. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

52. 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.
53. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the local area.
54. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
55. The amenity impact of the proposal is considered to be acceptable.
56. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

## **Recommendation**

To:

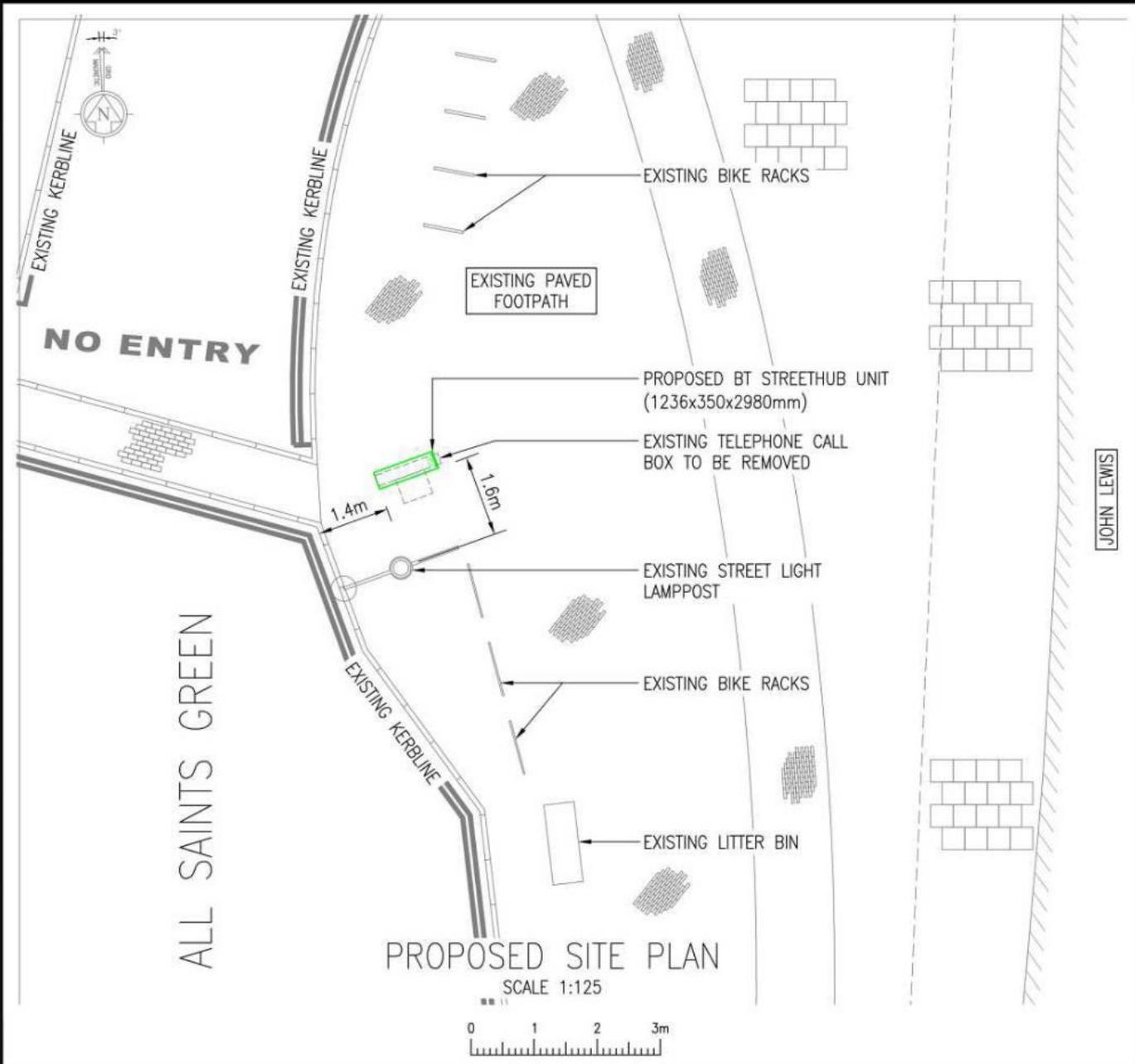
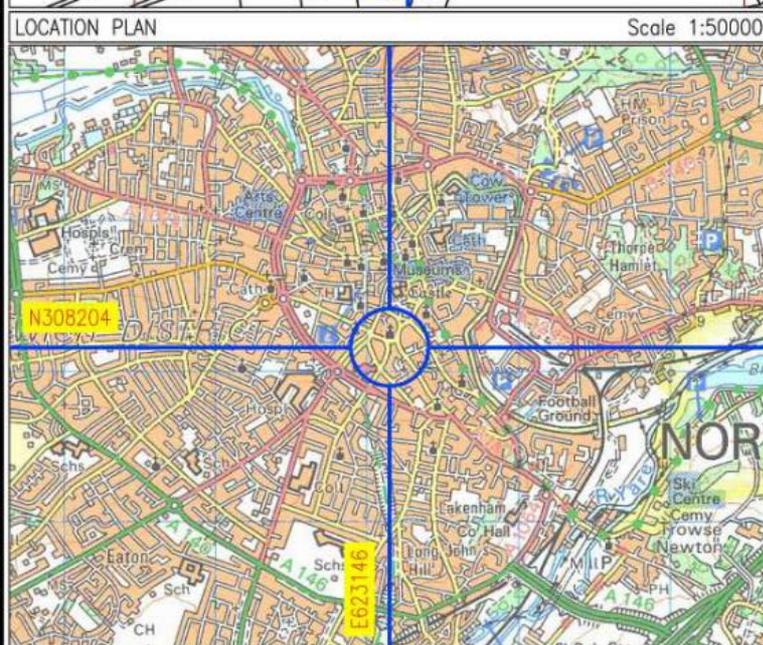
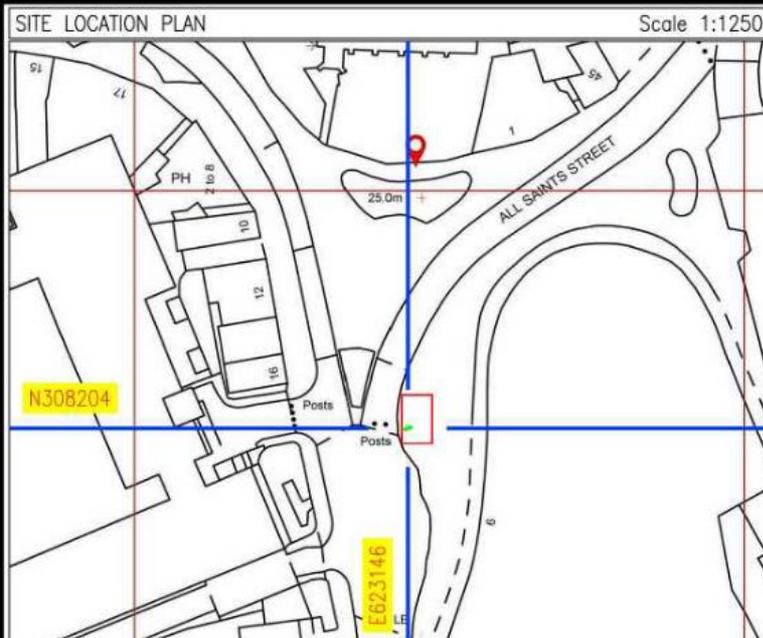
- (1) approve application no. 21/01527/F, BT Kiosk Outside John Lewis, All Saints Green, Norwich and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans;
  3. Sharing of data with council.

Article 35(2) Statement.

Informative notes:

1. Highways informative 4: works to the public highway.
- (2) part-approve application no. 21/01534/A, to only permit an advert on the north side of the proposed street hub BT Kiosk Outside John Lewis, All Saints Green, Norwich and grant advertisement consent subject to the following conditions:
    1. No advert displayed without permission of owner
    2. No advert to obscure highway infrastructure/endanger pedestrians
    3. Advert to be maintained as not to impact visual amenity
    4. Advert should be maintained as not to endanger the public

5. On removal, the site should not endanger the public or impact visual amenity
6. Screens synchronised to multiple images do not change at different times
7. Minimum display time set at 10 seconds
8. Images should be static with no animation or moving images
9. Maximum level of night time illumination should be set at 300 cd/2.
10. No audio output permitted.
11. Advertisement to be displayed on the north side of the street hub only.



JOHN LEWIS



A	FIRST ISSUE				RN	26.07.21
REV	DESCRIPTION				BY	DATE
	SCALE AS SHOWN WHEN PRINTED AT A4	DRAWN DATE	APS DATE	CHECKED DATE	RN DATE	ALL DIMENSIONS IN METRES U.N.O.
		21.07.21			26.07.21	
<small>LOCATION PLAN - Digital Mapping Solutions from Dotted Eyes.          © Crown Copyright 2021. All rights reserved Licence number 100019918          SITE BLOCK PLAN - Digital Mapping Solutions from Promap          © Crown Copyright 2021. All rights reserved Licence number 100022432</small>						

**DRAWING TITLE**  
**BT STREETHUB**  
 NOW-2021 Page 67 of 70

**ADDRESS**  
 O/S JOHN LEWIS  
 ALL SAINTS GREEN  
 NORWICH  
 NR1 3LX

REV	A
-----	---



Existing



Proposed

Site Address: O/S John Lewis, All Saints Green, Norwich NR1 3LX

Reference: NOW-209

