

Planning applications committee

Date: Thursday, 13 September 2018

Time: 09:30

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

Committee members:

Councillors:

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

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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

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 - 14

To approve the accuracy of the minutes of the meeting held on 9 August 2018

4 Planning applications

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

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

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

Please note:

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

Summary of planning applications for consideration

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Standing duties

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4(b)	Application no 18/00961/NF3 - 78 Cadge Road, Norwich, NR5 8DG	47 - 56
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Date of publication: **Wednesday, 05 September 2018**



Planning applications committee

9:30 to 13:00

9 August 2018

Present: Councillors Maxwell (vice chair in the chair), Button (substitute for Councillor Driver), Malik, Peek, Raby, Ryan (left the meeting during item 9), Stutely, Trevor and Wright

Apologies: Councillors Driver (chair), Bradford, Brociek-Coulton, Henderson and Sands (M)

1. Declarations of interest

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 12 July 2018.

3. Application no 18/00642/F - The Boars Head Yard and 1-17 Westlegate, Norwich, NR1 3ST

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

The planner referred to the report and answered members' questions. A member referred to the concerns about noise from traffic and suggested that the occupiers of the proposed flats might want to open windows particularly in the evenings when it was a "ghost town" in that part of the city. The planner referred to the noise impact assessment and said that to reduce levels of noise it was proposed that the windows would be non-opening window with vents as was commonplace in the city. The flats were near busy bus routes. The acoustic windows would be at the rear of the building.

The chair moved and Councillor Button seconded the recommendations as set out of the report.

During discussion members welcomed the proposal which would improve the appearance of Westlegate and the conservation area and provide residential accommodation in the city centre.

RESOLVED, unanimously, to approve application no. 18/00642/F - The Boars Head Yard and 1-17 Westlegate, Norwich, NR1 3ST and grant planning permission subject to the following conditions:

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

Pre-commencement conditions:

3. Construction management plan to be agreed;

Pre-installation conditions:

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

Pre-occupation conditions:

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

Compliance conditions:

9. Water efficiency for residential properties.

Informatives:

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

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

The planner gave a power point presentation of the issues common to both application nos 18/00503/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ and 18/00504/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ. Members were advised that they would need to consider each application on its own merits.

The planner presented the report and presented the plans specific for this outline application with access from Avenue Road. She referred to the supplementary report of updates to reports, which was circulated at the meeting, and contained a summary of a late representation from a resident and the officer response.

A member of the public commented on the applications and said that 95 per cent of local residents supported the proposal to demolish the church and accepted that there was a need to provide housing on this site. The proposal did not provide any affordable housing either on the site or as a commuted sum for provision elsewhere. However, the proposal did not mitigate the loss of the community facility which had been used by groups for fitness, badminton, scouting and guiding, Boys Brigade, drama and church activities. The building was not "lovely" and the development could include some community asset such as a community garden or space. Although the proposal was on the right lines there was insufficient clarity of the detail of the development and demolition of the existing buildings could be a possibility.

A resident and former county and city councillor addressed the committee and said he supported the proposed reasons for refusing the applications. This application (no 18/00503/O) was the closest to what residents had indicated that they would like to see on the site but he considered that there were two additional reasons for refusal: that the plans did not indicate a green space or play area; and, that the proposal did not aspire to a high environmental vision. He suggested that this could include the

use of solar photovoltaic panels on the six terrace houses located in Avenue Road and four in Park Lane. He also advocated the complete demolition and loss of a heritage building could be balanced by an architecturally innovative design providing a landmark for community unity, not necessarily through a building on the site but providing a public space and seating so that people could rest on their way into the city. He also suggested a commuted sum to provide affordable housing.

The third speaker addressed the committee and outlined his concerns in relation to the drainage in the area and the ability of combined sewers in this area of predominantly Victorian housing to deal with an attenuation of down flow through frequent surcharging sewage on to the ground.

The applicant spoke in support of the proposed development and explained that this application and the next one would provide options for full demolition or partial demolition of the buildings on the site in response to the comments from local residents. This application would provide up to 10 dwellings on the site. The design would harmonise with the local setting and provide much needed housing. The dwellings would have gardens and there would be general parking at the rear of the site and the access would be situated as far from the junction as possible.

The planner, together with the area development manager (outer), then referred to the report and answered members' questions in relation to surface water drainage and affordable housing provision. The planner had not sought further information on the layout of the dwellings on the site which could range from 8 to 10 units because of the other reasons for the application being unacceptable were considered to be insurmountable. The applicant had not provided sufficient information to justify the demolition of the existing buildings on the site to outweigh the harm to the conservation area.

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

Discussion ensued in which members commented on the church building and its function as a community facility for various groups and activities in the past and the need to provide some community asset on this site. Some members said that they were not adverse to demolition of the church but that it needed to be balanced by a strong application in terms of sustainable energy and design. A member suggested that the proposal was "not quite there yet" and expressed concern that there was a lack of social housing provision on this site and that there could be more than 10 houses on the site. House prices would be high in this location.

Councillor Malik, as Nelson ward councillor, thanked the officers for working with the applicants on this application which was "moving in the right direction". He pointed out that local residents had raised no major objections to the demolition of the church and buildings on the site and he supported the proposal for seating, which had first been suggested as part of the Pedalways consultation in the area.

RESOLVED, unanimously, to refuse application no. 18/00503/O - St Peters Methodist Church Park Lane Norwich NR2 3EQ; for the following reasons:

1. The demolition of St Peters Methodist Church, the church hall and Boy's Brigade building would result in the total loss of a non-designated heritage

asset and less than substantial harm to the significance the of the Heigham Grove Conservation Area. This loss of and harm to the significance of heritage assets has not been justified nor is it demonstrably outweighed by any public benefits from the redevelopment of the site that it would facilitate. This loss and harm is therefore unacceptable and contrary to paragraphs 192, 193, 196 and 197 of the Revised National Planning Policy Framework (2018) and Policy DM9 of the adopted Development Management Policies Local Plan 2014.

2. Insufficient information has been submitted to demonstrate whether it is feasible for the site to deliver up to ten dwellings within the constraints of the site in a manner which: preserves and enhances the character and appearance of the Conservation Area; avoids the areas of highest risk of surface water flooding, provides any necessary mitigation measures and an appropriate surface water drainage scheme with acceptable run-off rates; protects the amenity of neighbouring occupiers; and, provides a high standard of amenity for future occupiers. It has not therefore been satisfactorily demonstrated that the proposal complies with Policies JCS1 and JCS2 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policies DM2, DM3, DM5, DM11 of the adopted Development Management Policies Local Plan 2014 and paragraphs 127, 130, 155, 157, 163, 165, 180 and 193 of the Revised National Planning Policy Framework (2018).
3. The application proposes up to ten dwellings with no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable. The proposal is therefore contrary to Policy JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policy DM33 of the adopted Development Management Policies Local Plan 2014 and paragraph 63 of the Revised National Planning Policy Framework (2018).

Article 35(2) Statement

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

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

(The planner had given a power point presentation of the issues common to both application nos 18/00503/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ and 18/00504/O - St Peters Methodist Church Park Lane, Norwich, NR2 3EQ at the start of the above item.)

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

Speakers for the previous item confirmed that the issues that they had raised in relation to application no 18/00503/O (as minuted above) were also applicable to this application.

The applicant for the site addressed the committee in support of the application which had been made in response to feedback on the earlier application. This application was a middle-ground between the two other applications and would retain the 1939 church building and key heritage assets, whilst demolishing other buildings to make room for garden and play amenity space on the site and parking.

Discussion ensued in which the planner answered a question from a member about the purpose of the applications made in response to the previous planning consultation with a view to developing this site.

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

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

1. The demolition of the church hall and Boy's Brigade building would cause less than substantial harm to the significance of the Heigham Grove Conservation Area. This harm to the significance of a designated heritage asset has not been justified nor is it demonstrably outweighed by any public benefits from the proposed development. This harm is therefore unacceptable and contrary to paragraphs 192, 193 and 196 of the Revised National Planning Policy Framework (2018) and Policy DM9 of the adopted Development Management Policies Local Plan 2014.
2. The application proposes up to ten dwellings with no provision for affordable housing either on-site or through a financial contribution and it has not been demonstrated that providing this would cause the development to be unviable. The proposal is therefore contrary to Policy JCS4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011, as amended 2014, Policy DM33 of the adopted Development Management Policies Local Plan 2014 and paragraph 63 of the Revised National Planning Policy Framework (2018).

Article 35(2) statement

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

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

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

During discussion the area development manager (outer) answered questions about the use of the storage racks and confirmed that environmental protection considered that there were no noise implications from this application. In reply to a member's question, the area development manager (outer) said that a height limit for stacking the top rack would be difficult to enforce as the stock would be regularly moved. It was not reasonable to add a condition on times that the racking system could be used because the premises was already operational.

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

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

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

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

The planner presented the report with plans and slides. There had been two objections regarding general concern about houses in multiple-occupation (HMO). It was not clear what the previous use had been but the applicant intended to rent it out as a family dwelling.

During discussion members considered that the proposals would improve the house and noted their preference for the house to be used for family use rather than as an HMO. A member suggested that the bathroom on the ground floor between the reception rooms could indicate the potential use of the house as an HMO for student rent.

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

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

8. Application no 18/00796/VC - 7 Dowding Road, Norwich, NR6 6DD

The planner presented the report with plans and slides, and referred to the supplementary report of updates to reports which was circulated at the meeting and contained revised wording for paragraphs 16 and 25 of the main report to reflect the changes to the National Planning Policy Framework and revised plans to reflect revised plans and correct a typing error.

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

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

(The committee then adjourned at 11:05 and reconvened at 11:45 with all members listed above as present.)

9. Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich

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

The senior planner gave a detailed presentation of the report with the aid of plans and slides.

The occupier of the site addressed the committee. The site was unauthorised for residential use but he had tried to make a planning application to change the use. He was registered for council tax and had a postal address at the site. He explained his personal circumstances for wanting to live on the site with only his wife and family, in preference to other options. He then referred to the issues raised by the case officer and said that:

- the hard standing had always been on the site;
- replacing the fencing was not a problem, it could be lowered or a hedge could be planted (though the fence was required for the family's horses, goats and dogs);
- there was noise from the airport but it was about quality of life and there were problems with rats at Swanton Road, the Roundwell site was adjacent to a busy road, the Bedfordshire site was adjacent to train tracks and at Ipswich the travellers' site was under electricity power cables.
- it was important to access the site from the road – whether it was used for employment or residential there would need to be access to the site, pointing out that Trott's had similar access further down Holt Road.

During discussion the senior planner and the area development manager (outer) referred to the report and answered members' questions. The site was not on council owned land. The occupier said that he owned the site but ownership of the site was not a material planning consideration. Registration of land for council tax purposes and setting up a postal address were separate processes from the land registry and were not material planning matters. The senior planner then explained

the options that were available to members in seeking enforcement as set out in the report. Members noted the council's obligation to provide suitable sites for Gypsies and Travellers and were advised that the additional provision of pitches at the Swanton Road travellers' site had been delayed due to a legal dispute but were expected to be available in around 12 months' time. There could be a mechanism for reporting back to members if there was no alternative provision available for the family in 18 months' time, when the enforcement notice would need to be complied with.

The senior planner then answered members' question about the number of complaints about the residential use of the land and concerns about the suitability of the site and the issues of noise from the airport and access, including confirmation that the children were home schooled. A complaint had been received from the owner of the site to the south who objected in principle to its change of use to a traveller site. Members were advised that access from the rear to the site was not easily available and that highway access improvements were likely to be difficult to secure in contrast to the recent planning approval for the commercial property further down the road. The site currently lacks a water supply and sewerage facilities.

The chair moved and the Councillor Button seconded the recommendations in the report.

Discussion ensued in which several members said that they considered that the wrong approach was being recommended. Whilst some members considered that the noise from the airport would be incompatible with raising children others noted that people lived in the flight path of Heathrow airport. A member said that the site was designated for employment and airport expansion and was not suitable for residential use because of its proximity to the airport. He agreed that if houses were not suitable for the site it was not suitable for the family to live here. Other members considered that the site suited the family and measures could be taken to improve the site to make it more acceptable. Commercial development along the Holt Road could mean that a pavement was introduced in the future and lower speed limits could be introduced to improve highway safety.

The senior planner suggested that there were a number of viable options; the committee could approve the recommendation to take enforcement action which would come into effect in 18 months' time; take no action for 12 months and review the situation again subject to the occupier looking at alternative land availability in the meantime; and, to under-enforce the breaches of planning use by requiring the occupier to take certain measures such as improving the boundary treatment; provision of a form of sanitation; restriction of commercial activity taking place on the site; and improvements to the access to highways standards. The area development manager (outer) also said that he suggested that if under-enforcement was used the occupier would be served a notice allowing the family to continue living on the site but restricting residential use to the small area at the front of the site and retaining the rest for grazing. The planting of a hedge would be an improvement to the visual amenity of the site from the road. Highways would be consulted on improving access to the site.

The chair then suggested withdrawing the motion to approve the recommendations as set out in the report and defer further consideration of this item for further information on under-enforcement. They were advised by the area development

manager (outer) that it would be helpful if members could firstly vote on the original recommendation as this would give officers a steer regarding the preferred route of under-enforcement. (Councillor Ryan had left the meeting at this point.) On being put to the vote the committee unanimously rejected the recommendation to take enforcement action requiring the use of the land to cease with compliance in 18 months.

The chair then moved and Councillor Button seconded that further consideration of this item should be deferred until the next meeting to enable officers to consider measures of under-enforcement and report the case back to a future meeting with recommendations on what measures should be requested whilst allowing the occupiers to remain on the land.

RESOLVED, unanimously, to defer consideration of Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich, for further information on measures which could be requested as part of the favoured approach of under-enforcement.

CHAIR

Summary of planning applications for consideration

ITEM 4

9 August 2018

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	18/00534/F	The Cock, Long John Hill	Maria Hammond	Change of use to residential (Class C3), demolition of part of existing building and construction of 2 No. dwellings.	Objections and departure	Approve
4(b)	18/00961/NF3	78 Cadge Road	Maria Hammond	Conversion of ground floor to 1 No. flat and construction of extension to provide 2 No. flats.	City Council application	Approve
4(c)	18/01130/F	26 Vulcan Road South	Maria Hammond	Provision of car valeting facility within existing car sales site.	Objections	Approve
4(d)	18/00112/F	Land Between 18 And 20 West Parade	Katherine Brumpton	2 No. four bedroom dwellings with new access road, parking, amenity spaces and landscaping.	Objections	Approve
4(e)	18/00861/NF3	Barnards Yard	Lara Emerson	Installation of temporary building to accommodate communal heating plant to provide heating to flats at Barnards Yard.	Objections	Approve
4(f)	18/01025/F	1 Leopold Close	Charlotte Hounsell	Construction of one and a half storey dwelling.	Objections	Approve
4(g)	18/01013/F	60 Borrowdale Drive	Charlotte Hounsell	Two storey rear extension and two storey and single storey side extension.	Member of staff	Approve

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(h)	17/00151/ENF	137 Unthank Road	Charlotte Hounsell	Construction discordant with plans approved under planning permission 16/00759/F. Breach of conditions of planning permission 16/00759/F.	At officers' discretion	Authorise enforcement action
4(i)	16/00167/ENF	Former Britannia Barracks Britannia Road	Rob Webb	Without planning permission the change of use of the land to café (A3), shop (A1) and function rooms (D1).	Seeking authority for enforcement action to be taken	Authorise enforcement action

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/00534/F - The Cock Long John Hill,
Norwich, NR1 2LY

**Reason
for referral** Objections and departure from development plan

4(a)

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

Development proposal		
Change of use to residential (Class C3), demolition of part of existing building and construction of 2 No. dwellings.		
Representations		
Object	Comment	Support
2	1	1

Main issues	Key considerations
1	Principle of development
2	Impact on Yare Valley Character Area
3	Heritage
4	Design
5	Biodiversity
6	Amenity
7	Transport
8	Flood risk
Expiry date	17 September 2018
Recommendation	Approve



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Planning Application No - 18/00534/F
 Site Address - The Cock, Long John Hill
 Scale - 1:1,000

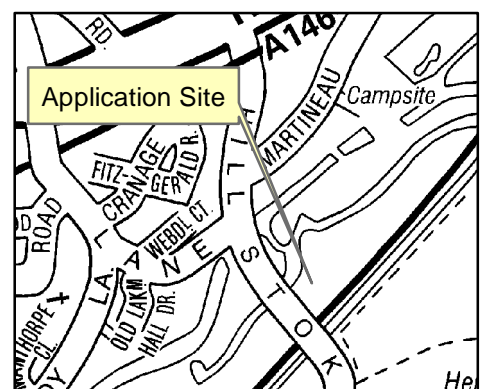


NORWICH
City Council

PLANNING SERVICES



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The site and surroundings

1. The application site comprises the Cock Inn public house and its curtilage which occupies a large site between Long John Hill, Martineau Lane and the River Yare in Old Lakenham.
2. Long John Hill runs downhill in a south-westerly direction towards the site from the ring road to the north and bounds the site to the west. This road forms the main route to and through Old Lakenham. Martineau Lane bounds the site to the north and is a more minor route. Sitting at the junction of these two roads, the site is prominent in the streetscene.
3. The River Yare is relatively narrow as it passes the site along its southern boundary and has a very natural character here with reeds and trees lining the banks. Across the river immediately opposite the site is an area of publically accessible open space. A tributary to the River Yare and the River Tas lie further to the south, forming a band of undeveloped floodplain and wet meadows at the bottom of the river valley. North of the site, the rising land is occupied by suburban residential development and across the rivers to the south the land is predominantly agricultural. The site therefore sits at the urban edge of Norwich and in an area which is transitional in character.
4. To the east of the site, there is an area of woodland, beyond which is a camping and caravan site. Residential development varying in age and character occupies the land to the north and west.
5. Levels across the site drop towards the river and rise slightly to the east. The pub sits at the lowest point in the southwest corner, hard up to the Long John Hill boundary and prominent in views down Long John Hill. The existing two storey brick, flint and rendered building was built following a fire in 1908 which destroyed the original pub that stood on this site since at least the eighteenth century. Later in the twentieth century, the building was extended with various additions on both the riverfront elevation and to the northeast.
6. The remainder of this 3,000 square metre site is occupied by a large hard surfaced car park and open, grassed pub garden. The road boundaries are largely open and a small picket fence runs along the riverbank. A significant willow tree and smaller cherry stand on the riverside south of the pub and there are mature trees within and overhanging the site to the east.

Constraints

7. The site is in the Old Lakenham Conservation Area and Yare Valley Character Area. The Cock Inn is locally listed, as are Old Lakenham Mill and the Old Granary to the southwest across the bridge. 100 and 161 Mansfield Road (the Old Post Office) immediately opposite west of the site are grade II listed.
8. The part of the site nearest the river is in flood risk zones 2 and 3 and parts of the site are at risk from surface water flooding.

Relevant planning history

9.

Ref	Proposal	Decision	Date
4/1995/0573	Extension to provide dining area and patio overlooking river and gardens	APCON	24/08/1995
4/1995/0802	Details of materials required by Condition 2 of permission 4950573/F for extension to dining area.	APPR	27/09/1995
4/1995/0574	Extension to provide dining area and patio overlooking river and gardens	APCON	24/08/1995
05/01181/F	Retrospective application for the erection of a 1.8 metre high close boarded timber fence at boundary of pub garden adjacent to roadway/bridge.	REF	27/03/2006
16/00028/ACV	Nomination as an asset of community value.	APPR	02/06/2017
17/00933/F	Change of use from public house to residential (C3), demolition in part of existing building and erection of 9 no. new dwellings.	WITHDN	18/09/2017

The proposal

10. It is proposed to convert the existing pub building to a dwelling and build two new detached dwellings on the car park and garden area of the site.
11. Some modern extensions to the pub building would be removed and it would provide three bedrooms, with curtilage to both the roadside and riverside.
12. The two new dwellings would be almost identical in scale and design, being one and half storeys in height with dormers to the first floor accommodation, 'L' shaped in plan and providing four bedrooms each. Both would be constructed of red brick, clay pantiles and have timber windows and doors. They would be accessed off Martineau Lane with parking to the roadside and gardens to the sides and rear. The dwelling nearest the pub would be orientated to front the river, as the pub originally did, and that to the northeast side of the site would front the road.
13. An undeveloped 'natural landscape corridor' would be maintained along the river frontage, tapering in width from approximately 2 metres wide nearest Long John Hill to 6 metres wide at the northeastern boundary.

14. A new boundary wall would enclose the site and boundary treatments to enclose each plot are to be agreed.

Representations

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

Issues raised	Response
Style and size of new dwellings is sympathetic and will complement the neighbourhood.	See main issue 4
The pub is a public/community asset.	See main issue 1
With its position and amenities, the river and garden, this lovely pub could be as good as others which thrive all over the city.	See main issue 1
Previous pub company made it extremely difficult for leaseholder to run a viable business/previous owners did not invest. If it had been offered at a realistic rent or sold to an independent pub/restaurant buyer then it could be viable.	See main issue 1
The pub is an asset which should not be sold for short term gain. This type of development will ruin our community, purely for someone to make a profit.	See main issue 1
No one has succeeded in making pub a success, if residential development does not move this site forward it will become an eyesore and attract antisocial behaviour.	See main issue 1
A mix of pub and some additional residential building on such a large site would be acceptable.	See main issue 1

Consultation responses

16. 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.

Environment Agency

17. No response.

Highways (local)

18. No objection on highway grounds. The site out and means of access are acceptable in principle, both site accesses are on low trafficked routes. As new build/newly converted none of the properties would be entitled to on-street parking permits. Therefore on plot parking is essential. The proposed new footway provision is welcome and will need to be built to adoptable standards. We need a S38 agreement to facilitate adoption. The hard standing of the driveways and parking spaces will need to ensure that there is no run off to the highway, and should be permeable. The provision of bin and bike storage appears acceptable.

Landscape

19. DM6 policies for protecting and enhancing the natural environment have designated the Yare Valley character area as an important natural environmental resource to be protected from potentially unsympathetic development.
20. Land south of Martineau Lane is generally undeveloped with amenity and leisure uses buffering the urban edge. Allotments and a campsite are uses which have a somewhat temporary appearance which alongside the public house and grounds subject of this application, are of a scale and density that offers a positive transition and appreciation of the Yare Valley as a landscape resource.
21. Whilst generally undeveloped, unobstructed access and visual connection to the river valley to the south east of Norwich is a much scarcer resource than in other areas south of the city, in part due to large scale infrastructure and the relative inaccessibility of the landscape due to private ownership. Given that the application site has held public amenity value for a significant period of time, it is considered that public amenity space and retained visual benefit should form the basis of any proposal coming forward to comply with policy DM6 and DM8.
22. The current proposal of two new dwellings is therefore not considered to meet the requirements of these policies with regard to landscape protection and amenity.
23. The topography of the site and its environs, combined with the internal layouts of the properties and their positioning within the site will likely result in a limited sense of natural privacy and an excess of hard surfacing which will not reflect practical use.
24. The principal view towards the site will be from an elevated position on Long John Hill to the north. The current layout attributes much of what would usually be considered as private space to be visible from the front of the properties, resulting in the confused and overcomplicated arrangement of boundary treatments.
25. Notwithstanding other landscape objections, the current layout of the development is therefore not considered acceptable in landscape terms, in the interests of mitigating effects on the Yare Valley Character Area, public amenity and also the potential future residents of these properties.

26. Whilst a lot of attention has been given to the design of the properties themselves, the subsequent creation and layout of external spaces remains unresolved. Limited consideration of the local topography and landscape character has led to a site layout which will subsequently affect the practicality and sense of privacy to future residents and undermine the quality of the Yare Valley Character Area in an area where the resource is scarce.
27. The development will result in a loss of an important area which has historically held public amenity value as the first open piece of land within the Yare Valley Character Area when approached from the city, as outlined in these and previous comments.
28. A landscape objection is therefore in place in the interests of policies DM6 and DM8 of the Norwich Development Management Policies Document and paragraph 127 of the NPPF.
29. While there are benefits to the proposal for the Cock Inn's change of use to a residential property these should not be gained at the cost of the loss of historic access to the river frontage and of the views across the valley which has been enjoyed by local residents and passers-by in an area where this resource is scarce.
30. No objection is raised to the application for the change of use for the Cock Inn provided provision is made for a minimum 3m natural landscape corridor along the river frontage.
31. Strong objection to the provision of two new properties on the site due to layout and subsequent effects on landscape character. It is however felt that landscape concerns could be partially addressed through amendment to the layout.
32. Concerns that overriding the protection that the policies covering the Yare Valley Character Area provide will set a precedent for future applications.

Norfolk historic environment service

33. Please apply written scheme of investigation condition.

Ecology

34. Ecological matters can now be dealt with via conditions and no more information is required before a decision is issued. I support the introduction of a natural landscape corridor across the river frontage, shown on plan rev J. Recommended conditions.

Tree protection officer

35. Removal of T4 is acceptable. T5 is a significant tree and should be afforded every protection throughout the demolition and construction process. Construction works/hard surface close to T3 may also have a detrimental impact. Recommend conditions. The site is spacious and I would like to suggest that the possibility of planting new trees is explored.

Norwich Society

36. Objected to previous proposal. This submission is much improved and provides more space around the existing building, and the 2 houses sit more comfortably on the site. We are therefore happy to withdraw our previous objection.

Campaign for Real Ale – Norwich and Norfolk Branch

37. This pub has been neglected by the previous owners have left a perfectly viable pub to become derelict. In the right hands and due to the position of this pub it could become a very well place for the community. With access to the river frontage this place is perfect for families who wish to sit by the river. If this was to become housing then it is more than likely access to the river would be lost as this stretch of river would become private.
38. There is no other pub like this within the area and it would be a loss to the local community if this was to become residential housing. There is also a caravan and camp site not more than 5 minutes away could make full use of the facilities if this was to remain a public house.
39. Pubs near rivers and campsites always do well. Plans approved for the re-opening of the Marl Pit show that pubs by the river do have a future, especially as the Council wants to make use of rivers in Norwich.
40. With pubs closing at a rate of 2 per day in the country, and the loss of another pub within Norwich, this application if approved would have a detrimental affect on the local community.

Yare Valley Society

41. The site lies within the Yare Valley Character Area. The proposed development does not satisfy any of the requirements and so would violate Policy DM6.
42. A public house in this location is a significant local and tourist asset:
- It offers a larger garden adjacent to the river where the Yare Valley landscape can be enjoyed in relative tranquillity.
 - It provides an attraction for tourists staying at the adjacent Camping and Caravanning site.
 - Its location is in keeping with the green space and other recreational assets of the Yare Valley Green Infrastructure Corridor.
 - A public house so well positioned for clientele, and on such a potentially attractive site, should provide adequate opportunities for a successful business.

Assessment of planning considerations

Relevant development plan policies

43. **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
 - JCS4 Housing delivery

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM22 Planning for and safeguarding community facilities
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

45. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

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

46. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD adopted June 2016

Case Assessment

47. 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

Principle of new residential development:

48. Key policies and NPPF paragraphs – DM6, DM12, Revised NPPF paragraphs 11, 59, 170 and 174

49. Policy DM12 allows for new residential development across the city, subject to certain exception criteria. One such criterion is where the land is specifically designated for non-residential purposes.
50. This site is within the Yare Valley Character Area, a corridor of land along the River Yare which is identified as having a special character, providing a green urban edge and separating the city from the suburbs and employment areas in South Norfolk. It is an important natural environmental resource that is vulnerable to potentially unsympathetic development.
51. Within the Yare Valley Character Area, Policy DM6 only allows for development which would not damage the environmental quality, biodiversity of character of the area. In addition it restricts the types of development permissible to: development for agriculture and forestry purposes; facilities ancillary to outdoor sport and recreation or other uses appropriate to the policy; or, the limited extension of or alteration to existing buildings. Therefore, within this area, the only development that the policy permits is any of these listed types providing it does not damage the character area. As a policy which doesn't allow for residential development, it is an area covered by the exception to the generally permissible approach of Policy DM12 to residential development across the city.
52. The application proposes the creation of the three new dwellings; one through conversion of the existing pub building and two new build. In accordance with Policy DM6 the conversion and alteration to the pub is acceptable in principle, subject to there being no damage to the environmental quality, biodiversity of character of the area and subject to the provisions of other policies, including DM22, as considered below. The provision of two new build properties is, however, not one of the three types of development permissible in this area and therefore the principle of this part of the proposal is contrary to this adopted development plan policy, and consequently also Policy DM12.
53. In accordance with section 38(6) of the *Planning and Compulsory Act 2004*, applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, whilst the two new dwellings are not a type of development that accords with Policy DM6, the proposal must be considered as a whole, including the damage the proposal may cause to the Yare Valley Character Area, compliance with other development plan policies, the provisions of the NPPF and other material considerations.
54. In support of the proposal, the application identifies that the scheme has been designed to avoid, reduce and remedy adverse effects on the environment and assimilate the development into the landscape. These matters are assessed below. The application also suggests that the proposal provides substantial economic benefits in the form of increases in Council Tax revenue and New Homes Bonus to the Council, additional household expenditure locally and temporary construction jobs. Social benefits in the form of providing three new homes in a highly sustainable location and bringing a brownfield site which is currently vacant, surrounded by temporary fencing and with boarded up windows back into use are also highlighted.
55. The applicant considers that residential development is necessary to bring the site back into use as the public house has been closed for over three years. Whilst the

site has been vacant it has been subject to break-ins and it should be noted the Council has received complaints about the deteriorating appearance of the site.

56. The principle of the loss of the pub is considered below, but the applicant has stated that to convert it without additional dwellings on the wider site would not represent a viable scheme and would result in the site falling further into a state of disrepair. The pub is locally listed and therefore a non-designated heritage asset. This scheme is said to safeguard the future of the building and provide the public benefits noted above which the applicant considers to be overwhelming and make the principle of new residential development acceptable.
57. It is necessary to assess the impacts of the development before weighing them against these claimed benefits and any other material considerations to conclude whether they do indeed outweigh the provisions of the development plan in respect of protecting the Yare Valley Character Area.

Principle of loss of community use:

58. Key policies and NPPF paragraphs – DM22 and Revised NPPF paragraph 92.
59. Whilst the conversion and alteration of the pub to provide a new dwelling is acceptable in principle with regards DM6 and the Yare Valley Character Area, it would result in the loss of the public house which is considered a community facility in accordance with Policy DM22. Policy DM22 distinguishes between identified community public houses and others and The Cock Inn is not one of the identified pubs. The loss of the facility would therefore only be permitted where:
 - a) adequate alternative provision exists or will be provided in an equally accessible or more accessible location within 800 metres walking distance; or
 - b) all reasonable efforts have been made to preserve the facility but it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use; and
 - c) evidence is provided to confirm that the property or site has been marketed for a meaningful period and that there is no realistic interest in its retention for the current use or for an alternative community use.
60. The proposal cannot comply with criterion (a) as the nearest alternative pub is The Shoemakers on Sandy Lane, over 1 km from the site.
61. Criteria (b) and (c) must therefore be satisfied. The pub had three operators on decreasing rents since 2014, one of which was considered to be an established local multiple operator and it is said that none were able to make the pub viable. Initial advertisement on a tenancy at will basis (i.e. without a formal lease or agreement) attracted one interested party, but they subsequently took on another premises.
62. The pub was then marketed widely as a going concern from May 2016 and the advertised freehold price of £295,000 is considered to be reasonable. This marketing attracted interest primarily for residential use and the applicant purchased the site for less than the advertised price in December 2016. It is considered that sufficient evidence has been provided that use as a pub no longer

remains viable or feasible and that the site was advertised for a meaningful period which did not attract interest for retention as a pub. Objectors, the Yare Valley Society and Campaign for Real Ale have commented on the location of the site and it is considered that being adjacent to the river, in a residential area and with a nearby campsite it is well placed to attract and serve the local community as well as visitors and this wider catchment potentially makes it more viable than those which serve a smaller local clientele. However, three successive operators failed to maintain its past success. The concerns regarding the operation of the pub are noted, however in the determination of the application it must be considered whether criteria (b) and (c) of Policy DM22 have been satisfied and in this case it is considered that they have been.

63. Where criteria (b) and (c) are satisfied and the loss of the current/last community use is accepted, Policy DM22 states that preference will be given to proposals for change of use or redevelopment to alternative community uses before other uses are considered. No alternative community uses have been considered for this site and it is considered that the marketing exercise is likely to have attracted these, especially as it was sold for less than the advertised price.
64. As well as the public house itself, the large garden gave customers access to enjoy and appreciate the riverside environment. This is identified in the Conservation Area Appraisal which describes the site as 'important recreation resource' and it is noted that the proposal would result in the loss of this public access to the riverside. This is considered further below.
65. The loss of any community facility is regrettable and it is acknowledged that this site has successfully served visitors as well as locals in the past. However, in accordance with Policy DM22, it is accepted that the public house is no longer viable and the loss of this community facility is accepted.

Main issue 2: Impact on Yare Valley Character Area

66. Key policies and NPPF paragraphs – JCS1, DM6, Revised NPPF paragraphs 170
67. The objective of Policy DM6 with regards the Yare Valley is to protect this important natural environmental resource from potentially unsympathetic development which could otherwise compromise its character. The Yare Valley is the only area of the city which benefits from such explicit safeguarding from development and the protection of such valued landscapes is consistent with paragraph 170 (a) of the NPPF; the policy can therefore attract significant weight in the determination of the application.
68. To assess what impact the proposal would have on this character area, it should be considered what the character is, what contribution the site as existing makes to it and how the proposed development would affect that.
69. The supplementary text to Policy DM6 describes the Yare Valley as: "*a green corridor to the south of Norwich, separating the city from suburbs and employment areas in South Norfolk and providing a green urban edge*". The South Norfolk Landscape Character Assessment provides useful additional context and identifies the area immediately across the river as a Valley Urban Fringe character area, with key characteristics including: a distinctive broad meandering valley form, an inaccessible valley floor with relatively few river crossings and a distinct absence of

settlement within the valley, apart from discrete areas nestled around river crossings.

70. The application site forms part of the settlement nestled around one of the few river crossings and, along with the former mill and Old Post Office, makes up part of the historic core of Old Lakenham. The site's position at the bottom of the sloping river valley is readily perceived as you travel towards it downhill along Long John Hill from the north or Stoke Road to the south. From elevated public vantage points on Long John Hill there are views across the open car park and garden of the river and rising valley side beyond. The land on the opposite bank is publically accessible open space and the agricultural landscape beyond that can be seen to the horizon with some intervening woodland. There is an absence of built development in these long views which provide a verdant green backdrop to the application site and sense of place within a river valley. The public house with open land to its eastern side has been a feature of this landscape since a pub was first developed here in the eighteenth century.
71. To the east of the site there is an area of woodland, beyond which is a campsite. The scale nature of these land uses, along with the existing low density of development on the application site, is considered to offer a positive transition from the suburban development to the north into the open valley landscape and an opportunity to appreciate the Yare Valley as a landscape resource. Such opportunities are scarcer to the southeast of the city than other areas of the valley.
72. The application would retain the public house building which is an established local feature and alterations would remove a number of extensions, providing greater space around the building through which greater views across the site may be gained. The provision of two new dwellings on the existing open car park and garden area would, however, result in the loss of an important area which has historically held public amenity value and the loss of open character of the site and unobstructed views across the wider valley landscape. Whilst from the river and opposite side of the valley, the development would be seen against the suburban development on the valley side and have limited impact, the impact from the city side is considered to damage the character. . The proposal is therefore directly contrary to Policy DM6 in terms of this damage and the proposed use; accordingly there is a landscape objection.
73. Whilst the pub garden has historically provided a local amenity, it is not identified as an open space in the Development Management Policies maps and does not therefore benefit from the protection of Policy DM8, unlike the woodland to the east and the riverbank to the south, the latter of which is publically accessible for recreation. This is considered further below.
74. With regards Policy DM6, this expects all development across the city to take all reasonable opportunities to avoid harm to and protect and enhance the natural environment and its setting. In relation to the Yare Valley in particular, the policy restricts the types of development permitted here and only allows those developments where they do not damage the environment, biodiversity and character. The overall objective is to protect this area from potentially unsympathetic development.
75. By resulting in the loss of the openness of the site and valley views, the proposal would harm the site's setting and damage the character of this particular part of the

Yare Valley contrary to Policy DM6. However this impact would be confined to this relatively small section of the Character Area which covers the length of the Yare valley from Bowthorpe to Trowse. It is not therefore considered it would damage the character area as a whole and is only unsympathetic in terms of developing an existing open site; the appropriateness of the design of the scheme to the area is considered further below.

Main issue 3: Heritage

76. Key policies and NPPF paragraphs – DM9, Revised NPPF paragraphs 192-196.
77. As well as being within the Yare Valley Character Area, a non-statutory landscape designation, the site is within the Old Lakenham Conservation Area; a statutory designation in recognition of the areas special historic and/or architectural interest. Whilst these two designations are for different purposes and benefit from different levels of protection, there is some overlap in the character which they seek to protect.
78. The important contribution the rivers and wet meadows make to the character and appearance of the Conservation Area is noted throughout the Conservation Area Appraisal and the application site is described as an important recreational resource, as is the public open space on the opposite bank.
79. The application site is within the historic village core which constitutes sub area A in the Conservation Area Appraisal. The scene around the bridge and road junction where the Cock Inn, mill and Old Post Office are clustered has remained largely unchanged since the fire in 1908. This area has historically maintained a very close relationship with the river and the Conservation Area Appraisal notes “It is important that the scenic views of the river from the bridges and the open space between them, as well as the relationship between the river and the Cock Inn, are preserved and well maintained”.
80. Historic red brick boundary walls are also noted as an important feature throughout the Conservation Area, including that to the immediate west of the site enclosing the Old Post Office from Long John Hill. In relation to the site, the Appraisal notes the ‘tatty’ boundary treatment to the car park, which itself is described as a ‘vacuous space dominating the streetscene’. To remedy this, the Appraisal recommends enclosing the car park and providing street frontage, for example planting. Since the Appraisal was published and the public house closed, the sites appearance has deteriorated prompting local complaint.
81. The Cock Inn is an important historic building in the Conservation Area and this is reinforced by its designation as a locally listed building. The proposal would retain the building and convert it to a more viable use. The alterations proposed to facilitate the conversion would include removing a number of later, unsympathetic additions and overall it is considered that this conversion would be beneficial and enhance the historic interest of the building. In that respect, the proposal is acceptable with regards Policy DM9 and paragraph 197 of the NPPF.
82. With regards the impact on the Conservation Area, the proposed open corridor along the river frontage would largely maintain this historic open area between the building and river, albeit with some more private space immediately in front of the building which is considered necessary for the amenity of future occupiers. This

corridor would also maintain an open frontage between the two new dwellings and river and the dwelling nearest the pub would echo that buildings original orientation, retaining this relationship with the river. The presence of the two dwellings would, however, result in the loss of the 'important recreational resource' and obstruction of some scenic views across the site from Martineau Lane and Long John Hill.

83. The retention of some public access within the site has been explored during pre-application discussions and consideration of this application. Options to provide a pedestrian route through the site or the natural landscape corridor have been assessed, however a solution which would provide a safe, usable and attractive space compatible with adjacent uses has not been found. Regrettably, it is concluded that there is not a viable solution to retain any public access on the site as part of this scheme. This historic amenity would therefore be lost as a consequence of the development and whilst access to the riverside and opportunities to appreciate the open character of it and wider setting are relatively scarce, the amenity space on the opposite river bank, where access to the water is possible and which is protected by virtue of Policy DM8, would not be affected. The general public (not just pub customers) would therefore continue to have open access to the area immediately adjacent to the application site. The loss of the access is not therefore considered unacceptable.
84. In terms of the obstruction of the scenic views across the site and the contribution they make to the character and appearance of the Conservation Area (and Yare Valley Character Area), the two new dwellings would not result in their total loss and the buildings would be spaced across the site to retain views between them. Whilst the openness and character of the site which positively contribute to the Conservation Area would alter as a result of the proposal, the harm to this designated heritage asset is considered to be less than substantial in scale.
85. In accordance with paragraph 196 of the NPPF, less than substantial harm to a designated heritage asset must be weighed against the public benefits of the proposal, including securing its optimal viable use. In this case, the proposal would secure the viable and appropriate use of a non-designated heritage asset, the locally listed pub, which is an important building within the Conservation Area. Although the cessation of its use as a public house is regrettable, its conversion to a residential use is to be welcomed and encouraged to bring it back into a beneficial use and secure the long term conservation of its fabric and appearance. The conversion aspect of the proposal is therefore considered to be a public benefit.
86. The pub is situated in the southwest corner of a large site and that its conversion alone with retention of the rest of the site as an extensive private garden is unlikely to be a viable development prospect. Whilst the conversion proposal would be acceptable in isolation, there is likely to remain development pressure over the rest of the site. Redevelopment which facilitates and supports the viability of the pub conversion and prevents the remainder of the site becoming long term vacant and detracting from the character and appearance of the area, must therefore also be considered a public benefit.
87. The proposal would provide three new dwellings. It should be noted that this application follows the withdrawal of a previous application (17/00933/F) which proposed the conversion of the pub and provision of nine new dwellings. Whilst that would have resulted in a greater contribution to housing supply, the harm to the Conservation Area and Yare Valley would not be outweighed by it. The scale of

new development has reduced considerably as a result of pre-application discussions and the applicant has also been asked to consider the provision of only one new dwelling in an arrangement which would maintain open views across the central part of the site. Having considered this, the proposal remains for two new dwellings and must be determined on that basis. The weight that can be given attributed to the contribution to housing supply is considered further below in the Conclusion.

88. Another benefit would include the enclosure of the car park area with a boundary wall consistent with other local features, in accordance with the recommendations of the Conservation Area Appraisal. Heritage interpretation measures are also proposed.
89. The design of the scheme in relation to the character of the Conservation Area is considered further below, however it is considered that there are some benefits which weigh against the less than substantial harm to the Conservation Area and the proposal would be of benefit to and enhance the locally listed pub building.
90. The development would be seen in the setting of adjacent listed buildings, but it is not considered it would cause any harm. There is potential for buried archaeological remains to be present on the site and therefore a condition requiring appropriate investigation is necessary.

Main issue 4: Design

91. Key policies and NPPF paragraphs – JCS2, DM3, Revised NPPF paragraphs 124, 127-131
92. As noted above, the layout of the two new dwellings is such that there would be sufficient gaps between each to maintain some views through the site. The drop in levels from the road to the river would mean much of the curtilage space and any low level development within it (*i.e.* boundary treatments) would be screened by the 1.2 metre high boundary wall when seen from elevated positions further up Long John Hill, but less so from Martineau Lane, and the dwellings would sit relatively low in the wider view of the valley landscape. The Landscape comments concerning potential improvements to the arrangement of external spaces and boundary treatments are appreciated and the applicant has had an opportunity to address these but wishes for the application to be determined as currently proposed. It is considered necessary to agree the precise layout, scale and design of boundary treatments and external areas by condition to ensure they do not significantly detract from or block views through the site.
93. The density of the development with three detached dwellings sitting in relatively spacious gardens plots is considered to retain a transitional character between the more dense suburban development to the north and floodplain and agricultural landscape across the river.
94. The orientation of the two dwellings is such that the one nearest the pub has its elevation with the main architectural features fronting the river to maintain the pub's historic relationship fronting the river. The north-eastern most dwelling would be sited closer to and front the road and this is considered appropriate.

95. The internal and external layout of each dwelling in combination with the changes in levels is unlikely to provide a high degree of natural privacy to each dwelling, however this can be improved with appropriate landscaping that can be agreed by condition. Patio areas, bin and cycle storage would be concentrated on the roadside of the dwellings which would keep the riverside garden area free of such clutter and maintain some of the open character. Whilst there can be no control over the siting of domestic paraphernalia (washing lines, seating, play equipment, etc.) that does not constitute development, it is considered necessary to remove permitted development rights for curtilage buildings and boundary treatments to ensure the gardens remain as open as possible. The natural landscape corridor would also retain an undeveloped buffer between the dwellings and their gardens, maintaining a sense of open space and the historic relationship with the river.
96. In terms of scale, the two dwellings would be near identical and at one and a half storeys they would be no higher than the two storey pub, taking into account rising ground levels to the east. The form and design is relatively traditional and considered appropriate for this riverside location with a more rural character, reinforcing the transitional position of the site at the urban edge. High quality materials are proposed and the new dwellings are considered acceptable in design and appropriate to the Conservation Area.
97. As noted above, the alterations to the pub would include the removal of a number of later single storey additions to the northeastern side and also river elevation which would improve the appearance of the building. Due to its existing form and internal layout, the alterations to facilitate its conversion to residential accommodation are relatively minor. The conversion of this building is therefore acceptable in design terms and the proposed boundary wall to enclose the site from the wall is welcomed.
98. Subject to agreeing an appropriate landscaping scheme to complement the design quality of the dwellings and minimise the adverse visual impact from outside the site, the proposal is acceptable with regards Policy DM3.

Main issue 5: Trees

99. Key policies and Revised NPPF paragraphs – DM7, Revised NPPF paragraph 170
100. One minor tree would be removed and protection measures for the more significant trees which are to be retained are proposed. These are acceptable and should be secured by condition and additional tree planting should be included in a landscaping scheme.

Main issue 6: Biodiversity

101. Key policies and NPPF paragraphs – JCS1, DM6, Revised NPPF paragraph 174 and 175
102. The other aspects of the qualities which the Yare Valley is protected for are the environmental quality and biodiversity. When the site was in use as a pub, the majority of the area was maintained as mown grass and therefore has limited biodiversity potential but contributes to the green corridor along the river.
103. The existing picket fence along the riverbank would be removed and it is proposed to create a 'natural landscape corridor' along the river frontage which, subject to an

appropriate management plan, would ensure any species along the riverbank are not affected.

104. An ecology report has been submitted which concludes no bats were found roosting in the building or trees, but were active nearby, and no other protected species were recorded. The report recommends a construction environment management plan to ensure there are no detrimental on or off site impacts during construction.
105. It is not therefore considered the proposal would damage the environmental quality or biodiversity of the Yare Valley and mitigation and enhancements can be secured by condition.

Main issue 7: Amenity

106. Key policies and NPPF paragraphs – DM2, DM11, Revised NPPF paragraphs 127 and 180.
107. Each dwelling exceeds minimum space standards and would generally provide a high standard of amenity.
108. There would be some overlooking between the three dwellings and, as noted above, views into the site from the roads, but not to any unacceptable degree. No existing neighbouring dwellings would be directly overlooked or suffer any significant loss of privacy. The redevelopment of the site is likely to result in less noise and disturbance to neighbouring occupiers than the use as a pub. It is therefore considered the proposal is acceptable with regards the amenity of existing and future occupiers.

Main issue 8: Transport

109. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, Revised NPPF paragraphs 102, 103 and 108-111.
110. The proposed layout would maintain the existing two entrances into the site, with the one off Martineau Lane serving the two new dwellings. Each dwelling would be provided with two parking spaces, within the appropriate standards, and adequate bin and cycle storage would be provided within the site.
111. It is proposed to provide a footpath to the perimeter of the site where there is currently only a verge and this is welcomed, subject to securing that it will be built to adoptable standards.

Main issue 9: Flood risk

112. Key policies and NPPF paragraphs – JCS1, DM5, Revised NPPF paragraphs 155-165.
113. The site is at risk of fluvial and surface water flooding. The fluvial risk is limited to the lower portion of the site nearest the river and surface water risk is concentrated to an area northeast of the existing pub.
114. In response to the fluvial risk, the two new dwellings are proposed in the safest part of the site, classified as flood risk zone 1, but when an allowance is made for climate change in the 1 in 100 year event, up to 14.7 square metres of the footprint

of one of the dwellings would be at risk. Part of the existing public house is within zone 2 and the majority of its footprint would be at risk in the 1 in 100 year plus climate change event. However, as approximately 110 square metres of this building is proposed to be demolished, there would be a net increase in flood storage across the site and thus betterment. The floor levels of the new dwellings would be above the design flood level. It would be impractical to raise the ground floor level of the existing pub above the extreme flood level so water exclusion measures are proposed and should be secured by condition. Subject to this condition and another requiring a flood response plan, the proposal is acceptable with regards fluvial flood risk.

115. The site as existing is occupied by the pub building and an extensive area of hard surfaced car park. This proposal would significantly reduce the impermeable area of the site and new permeable surfaces and an appropriate sustainable drainage system to manage surface water can be agreed by condition.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition
Trees	DM7	One minor tree would be removed and protection measures for the more significant trees which are to be retained are proposed. These are acceptable and should be secured by condition. Additional tree planting should be included in a landscaping scheme.

Equalities and diversity issues

117. There are no significant equality or diversity issues.

Local finance considerations

118. 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.

119. 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.
120. In this case local finance considerations are not considered to be material to the case.

Conclusion

121. This application proposes the conversion of a public house to a dwelling and the erection of two new dwellings on the remainder of the site.
122. Although the loss of the pub as a community facility is regrettable, it is considered to be justified in this instance in accordance with Policy DM22.
123. The site is in the Yare Valley Character Area, one of few parts of the city where development is restricted in order to protect the environmental quality and landscape character.
124. Policy DM6 allows for the alteration of existing buildings in the Yare Valley Character Area, providing they do not damage its qualities or character and that is considered to be the case with the proposed conversion of the pub. The conversion scheme would also enhance the significance of this locally listed building and is welcomed in relation to Policy DM9 and NPPF policies concerning non-designated heritage assets. The conversion aspect of the proposal is therefore acceptable in accordance with relevant development plan policies and the NPPF.
125. Policy DM6 does not, however, allow new build residential development in the Yare Valley nor any development which would damage the environmental quality, biodiversity or character of the area. The proposal to provide new dwellings on the site is therefore contrary to this policy in principle and it has been assessed that there would be some damage to the character of the area. There would not, however, be any damage to the environmental quality or biodiversity of the site or wider area.
126. As this aspect of the proposal is contrary to the provisions of Policy DM6, the application should be refused, unless there are material considerations which indicate otherwise.
127. The proposal is considered acceptable in all respects, other than the adverse impact on the character of the area. This impact is primarily on the particular qualities of the Yare Valley – namely its openness and undeveloped character. As existing, the site positively contributes to this by virtue of the large, open car park and garden area providing unobstructed scenic views across the valley and which also provides access to the riverside and a space to appreciate the landscape from. The damage to the character of the area would occur as a result of the erection of two dwellings and associated enclosure of curtilage that would diminish the openness of the site and obstruct clear and direct views across the valley.

128. The scenic views and open relationship of the site with the river are also key characteristics of the Old Lakenham Conservation Area which the site forms a prominent and important part of. With regards paragraph 196 of the NPPF, this harm to the Conservation Area is considered to be less than substantial and there are public benefits of the proposal (considered below) which weigh against this harm.
129. It is therefore the extent of the damage to the character of the Yare Valley that must be considered. One aspect of this is the loss of access to the riverside and whilst this is regrettable, it is not open space that benefits from any direct policy protection and a viable solution to retain some public access in the approved scheme cannot be found.
130. Another aspect is the loss of valley views from outside the site. The topography of the local area and the site's position at a road junction means significant views over the site, to the river and rising valley beyond through to the horizon on the other side can be gained as you travel Long John Hill towards the river. There are also views across from Martineau Lane. The proposed new dwellings would not, by virtue of their scale and positions within the site completely obscure views of the wider landscape, although it is noted that improvements to the site layout and design could further minimise these. The relatively low density of the development and retention of largely open spaces between dwellings and an undeveloped corridor along the river would retain a transition in character between the suburbs to the north and river to the south and whilst it would obviously not have the same openness as the existing site, it is not considered the sense of space would be lost altogether. The development is not therefore considered to be unsympathetic to its setting and character of the area.
131. These impacts would be confined to the immediate area of the application site and would not be so significant as to damage the character of the Yare Valley more widely. Although it is appreciated that such open and accessible sites such as this are relatively scarce to the southeast of the city.
132. It is therefore concluded the damage to the character of the Yare Valley is localised and does not constitute the complete loss of the characteristic openness and scenic views.
133. In terms of other material considerations, as noted above, the proposal is considered to comply with other development plan policies. It is also a material consideration that the proposal would contribute a total of three new dwellings to housing supply and would redevelop an existing vacant site. The site as a whole can be considered to comply, broadly with the NPPF definition of 'previously developed land' and is certainly 'under- utilised land'. Accordingly, paragraphs 117 and 118 encourage the effective use of such sites to meet identified needs for housing, especially where land supply is constrained. Paragraph 117 notes that this approach should also safeguard and improve the environment and whilst the Council cannot currently demonstrate a five year housing land supply, land supply is not considered to be so constrained across the city that this outweighs the need to protect the Yare Valley from unsympathetic or damaging development.
134. In the absence of a five year housing land supply, Policy DM6 cannot be given full weight in the determination of the application. The Yare Valley Character Area is not a statutory designation so, when applying the presumption in favour of

sustainable development at paragraph 11 of the NPPF, it does not benefit from any direct NPPF policy protection which provides a clear reason for refusal of development where other policies are out of date with regards housing land supply. The policy is, however, consistent with NPPF paragraph 170 in terms of protecting valued landscapes and therefore still attracts significant, but not full, weight.

135. Whilst the contribution this proposal would make to housing supply is a material consideration, the need to deliver housing should not be considered to outweigh the need to protect the Yare Valley. However, in this case, it is considered the three dwellings could be achieved with limited harm to that Character Area.
136. Securing a long term viable use for the currently vacant locally listed building and conversion of it in a way which would enhance its significance is considered a substantial benefit of the proposal. This could be achieved in isolation and is a policy compliant aspect of the proposal. However, consideration needs to be given as to how likely and viable it is that the pub would be converted in isolation with the rest of the site retained as curtilage to it or open space. Whilst no verifiable financial or other supporting information has been submitted, the application does assert that 'the conversion of the public house without the additional dwellings on the wider site would not represent a viable development scheme and would result in the site falling into a state of further disrepair'. Some weight can be given to this as it is considered unlikely that the pub would be converted in isolation or that any of the development types specifically permitted by Policy DM6 (agriculture, forestry, outdoor sport or recreation) are likely to either come forward or be considered compatible alongside a dwelling in the converted pub.
137. Little weight, however, can be given to the other economic and social benefits identified by the applicant and as detailed at paragraph 54 above.
138. Regard must also be had to the representations received to the application. Whilst it is appreciated that the loss of the pub is resisted by some objectors, there is some acceptance that if it is lost, there is a need to redevelop the site and indeed one representation in support of the proposal.
139. In conclusion, whilst the value and importance of the Yare Valley Character Area should not be diminished and Policy DM6 can and should be afforded significant weight in the determination of the application, it is considered that the harm to the area is localised and the valued characteristics would not be lost entirely. Policy DM6 aside, the proposal complies with development plan policies and is considered an appropriate use for this vacant site in a relatively sustainable location. This is an extremely finely balanced decision and officers consider that the benefits and material considerations assessed above do outweigh the policy conflict and harm to the Yare Valley Character Area and Conservation Area.
140. Whilst the proposal is not in full accordance with the requirements of the development plan, and it is concluded that there are material considerations that weigh in its favour and indicate it should be recommended for approval as a departure to the development plan.

Recommendation

To approve application no. 18/00534/F - The Cock Long John Hill, Norwich, NR1 2LY as a departure to the development plan and grant planning permission subject to the following conditions:

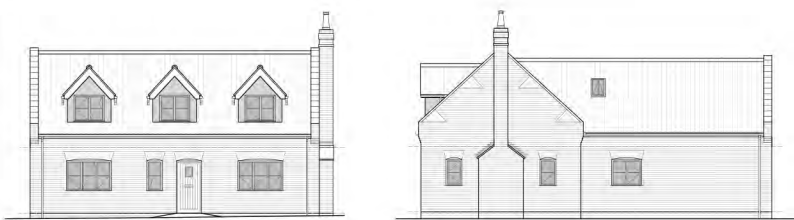
1. Standard time limit
2. In accordance with plans
3. Construction environment management plan
4. Landscaping scheme
5. Biodiversity enhancements
6. Lighting scheme
7. Management plan for landscape corridor
8. Water exclusion strategy measures
9. Flood response plan
10. Surface water management plan
11. Minimum finished floor level
12. Written scheme of archaeological investigation
13. Heritage interpretation measures
14. Arboricultural site brief
15. Arboricultural site meeting and further details
16. Arboricultural supervision
17. Materials to be used in external alterations to pub to match existing
18. Provision of parking and servicing prior to first occupation
19. Water conservation
20. Remove permitted development rights – boundary treatments
21. Remove permitted development rights – curtilage buildings

Informative Notes

1. Construction management
2. Section 38 highways agreement
3. Protected species

Article 31(1)(cc) 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, following negotiations with the applicant and some subsequent amendments, the application is recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.



SOUTH EAST
PROPOSED ELEVATIONS 1:100

NORTH EAST



NORTH WEST

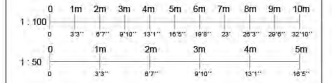


SOUTH WEST

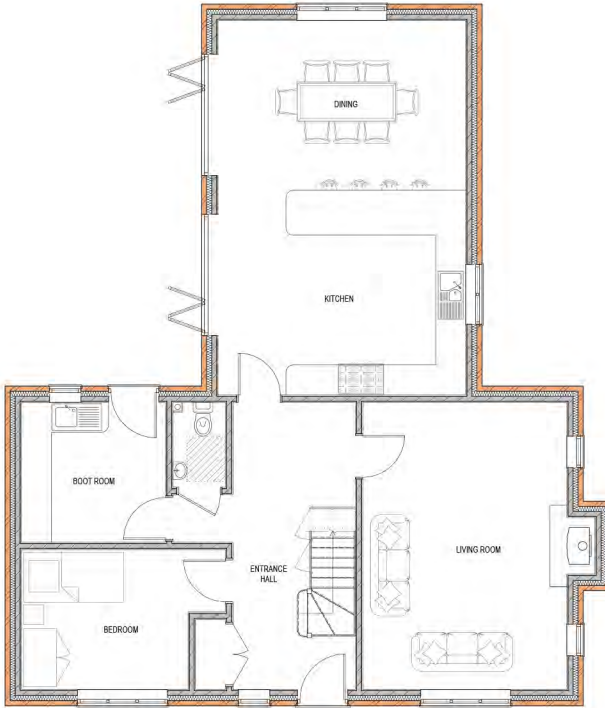
- Brick parapet wall with lead soaker.
- Corner cheeks dressed in lead.
- Brick tuckering detail.
- Black rainwater goods: 3/4" Martin cast iron style round and half round.
- Red brick arch in matching brickwork.
- White painted timber windows.
- Brickwork: Anglian Farmhouse Mix with lime mix mortar.

General Notes

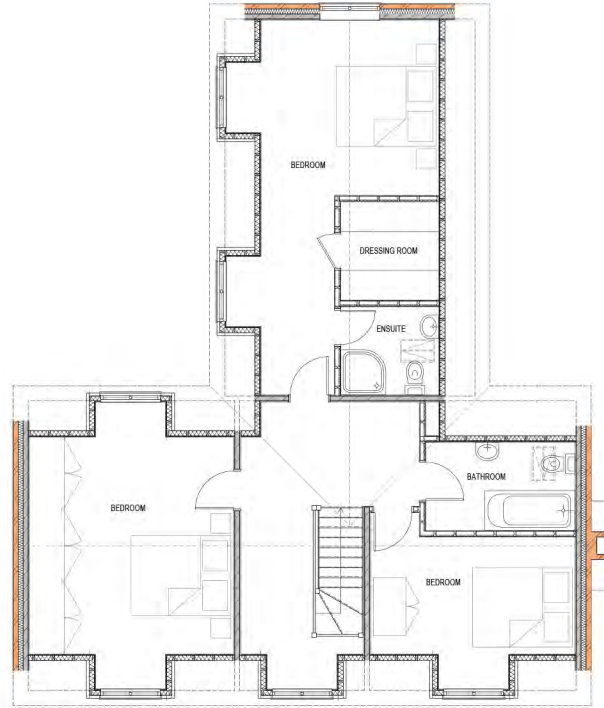
- This drawing must not be scaled and if in doubt ask.
- All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
- This drawing is to be checked and read in conjunction with all Engineers, Architectural, Survey Engineers and any specialist drawings, together with any relevant additional Engineers specifications.
- Where site information or adjoining building details are contrary to issued details then the Engineer is to be informed immediately.
- No structural members are to be cut, reduced, or joined unless shown on the Engineers details. Unless otherwise noted all connections of structural members including base & endbrackets of reinforcement shall be capable of maintaining the full structural capacity of the member.
- All foot connections to have a minimum of 2" of concrete.
- The foundations have been designed on the basis of ground pressure of 100 kN/m² & this must be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is a clay soil that has been consolidated by years & vegetation & that there is no possibility of heave or shrinkage.
- Under the provisions of the Party Wall etc. Act 1996 if the excavations are within 3m of adjacent buildings written agreement for the works from the owner & the tenant (if applicable) of adjacent buildings must be obtained before building works commence & one month's notice must be given before building works commence. If the work applies to the party wall two month's notice must be given. Note: If foundations are deeper than normal a further notice may have to be given & agreement received. Note: If foundations, soffits, gutters, etc encroach across the boundary a written agreement from the owner of the adjoining land/buildings must be obtained & the boundary agreed before building works commence.
- The Construction (Design & Management) Regulations 2015.
 - The client must make suitable arrangements for managing the project, including the allocation of sufficient time and resources.
 - The construction work can be carried out so far as is reasonably practicable without risks to the health and safety of any person affected by the project.
 - Ensure suitable welfare facilities are provided.
 - These arrangements must be reviewed and maintained throughout the project.
 - The client must provide pre-construction information to the designer and contractor.
 - The client must ensure that a construction phase plan is in place before the construction phase starts.
 - The client must ensure that the principal designer prepares a health and safety file for the project which is suitable, regularly updated and is available for inspection.
 - The client must take reasonable steps to ensure that the principal designer and contractor comply with their duties.
 - The client must pass the health and safety file to any new owner(s) and ensures that the new owner(s) is/are aware of the nature and purpose of the file.
- This drawing is Copyright to Building Plans Ltd.



Total floor area - 183.6m² / 1975.5ft²



PROPOSED GROUND FLOOR 1:50



PROPOSED FIRST FLOOR 1:50

Rev	Date	Amendment	Dwn
<div><p>Architectural Design, Building Surveyors and Planning Services</p><p>Building Plans Ltd</p><p>11 The Street, Honingham, Norwich, NR9 5BL</p><p>Telephone: 01603 868377</p></div>			
Client:		Building Plans Ltd	
Project:		Change of Use from Public House to Residential C3 & Two New dwellings	
Site address:		The Cock Inn PH Long John Hill Norwich NR1 2LY	
Contents			
PLOT 1 Proposed Floor Plans Proposed Elevations			
Scale @ A4: 1:50, 1:100		Date: March 2015	
Signed/checked: P B / JLN		Revision	
Project No: 3179.1016N		Sheet No: 5	



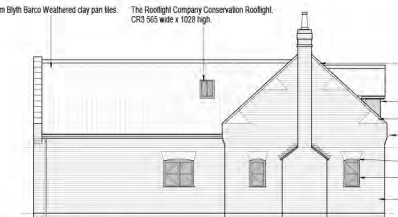
NORTH WEST
PROPOSED ELEVATIONS 1:100



SOUTH WEST



SOUTH EAST



NORTH EAST

William Blyth Barco Weathered clay pan tiles.
The Rooflight Company Conservation Rooflight.
CR3 565 wide x 1028 high.

Brick parapet wall with lead soaker.
Dormer cheeks dressed in lead.
Brick tuckering detail.
Black rainwater goods (brass Martin
cast iron style round and half round).
Rubbed brick arch in matching
brickwork.
White painted timber windows.
Brickwork Anglian Farmhouse Mix
with lime mix mortar.

General Notes

- This drawing must not be scaled and if in doubt ask.
- All Contractors are to check all dimensions & levels on site prior to commencing any construction or fabrication.
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- The foundations have been designed on alluvial ground pressure of 100 kN/m² & this must be confirmed on site before casting of foundations. Unless informed to the contrary in writing it has been assumed that the sub-soil is not a clay soil but has been classified by tests & vegetation & that there is no possibility of heave or shrinkage.
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a. The construction work can be carried out (so far as reasonably practicable) without risks to the health and safety of any person affected by the project.
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	0	1m	2m	3m	4m	5m					
1 : 50	0	3'3"	6'7"	9'10"	13'1"	16'5"					

Total floor area - 183.6m² / 1975.5ft²

Rev	Date	Amendment	Dwn
D	13/03/2018	Pitched dormers & external chimney	PB
C	21/02/2018	Redesign	PB
B	13/12/2017	Updated.	PB
A	13/06/2017	Floor area corrected.	PB

Architectural Design,
Building Surveyors and
Planning Services

Building Plans Ltd

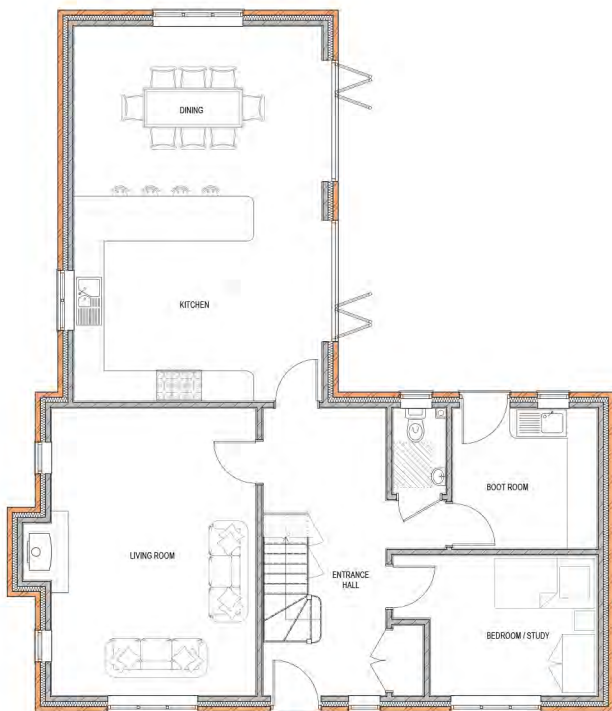
11 The Street, Honington, Norwich, NR9 5BL
Telephone: 01603 868377

Client:	Building Plans Ltd
Project:	Change of Use from Public House to Residential C3 & Two New dwellings
Site address:	The Cock Inn PH Long John Hill Norwich NR1 2LY

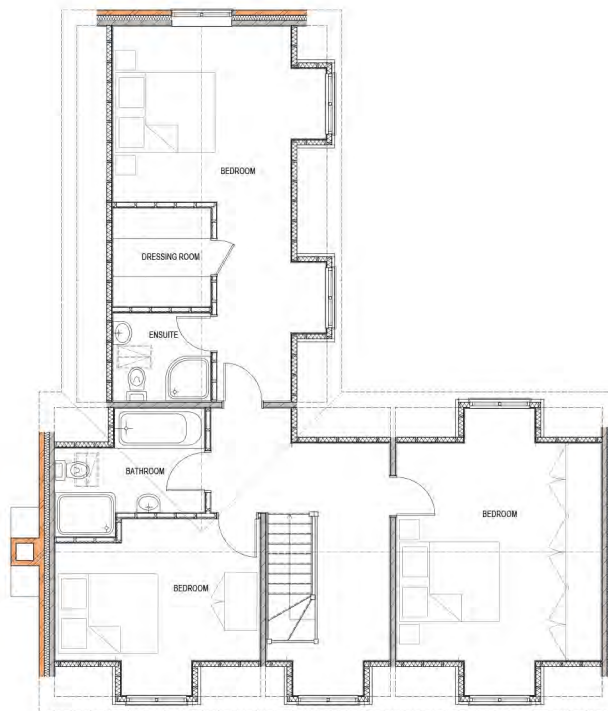
Contents	Plot 2 Proposed Floor Plans Proposed Elevations
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Scale @ A4:	1:50, 1:100	Date:	March 2018
Signed/checked:	P B / J L N	Revision:	D
Project No:	3179.1016N	Sheet No:	6

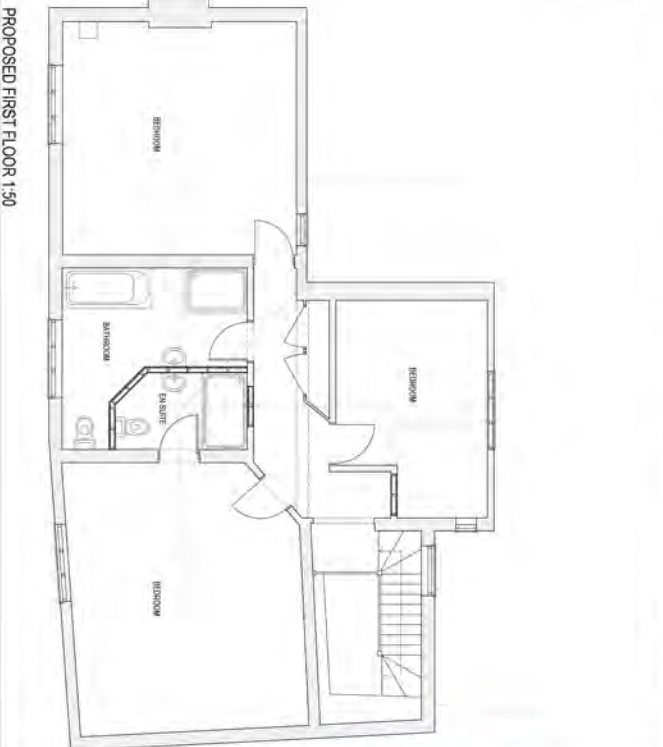
Sheet 6 of 6 (10/16)



PROPOSED GROUND FLOOR 1:50



PROPOSED FIRST FLOOR 1:50

[illegible]

A	12/02/07	Rodney	FB
B	Date:	Appointment	Tue



Building Plans Ltd

Architectural Design,
Building Surveys and
Planning Services

11 The Green, Hoxborough, Norwich NR9 4B.
Telephone: 01603 868377

Client: Building Plans Ltd

Project: Change of Use from Public House to Residential C3 & Two New dwellings

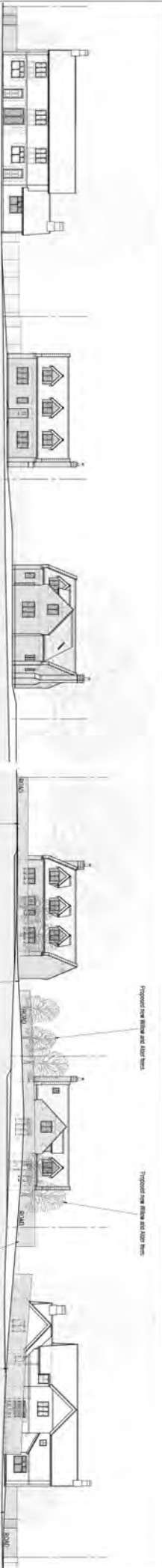
Site address: The Cock Inn PH
Long Street NH
Norwich
NR1 2LY

Contents:

- Exempt PH
- Existing Proposed Extensions
- Proposed Plot Plan

Scale @ A1: 1:50, 1:100	Date:	Issue (PH)
Drawn by: PA/JLN	Plotted:	A
Issue No: 37/9/10/16N	Sheet No:	4

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PROPOSED SOUTH EAST STREET SCENE 1.200

PROPOSED NORTH WEST STREET SCENE 1:200



General Notes

- [illegible]

Year	Issue Date	Abstract	Author(s)
2006	2006/02/18	Abstracts to Bio-H From bios to microbio, Bio and between biology and building	P8
2006	07/09/2018	From biology, from mining and 2.7 microbio	P8
2006	14/02/2018	Microbial health and safety Microbial health and safety	P8
2006	20/02/2018	Health and safety Health and safety	P8
2006	14/02/2018	Health and safety Health and safety	P8
2006	21/02/2018	Health and safety Health and safety	P8
2006	13/02/2017	Health and safety Health and safety	P8
2006	06/06/2017	Health and safety Health and safety	P8
2006	23/02/2017	Health and safety Health and safety	P8
2006	23/02/2017	Health and safety Health and safety	P8

**Architectural Design,
Building Surveys and
Planning Services**

Building Plans Ltd

11 The Street, Hemmingham, Norwich, NE9 5BL

Telephone: 01603 866377

01603 866377

Client: **Building Plans Ltd**

Project: Change of Use from Public House to Residential C3 & Two New Dwellings

Site address:
The Cook Inn PH
Long John Hill
Norwich
NR1 2LY

Contents

Proposed Sale Plan

Proposed Steel Section

Scale @ 1:1	1:200	Date	August 2015
Signature/initials	P.B./J.N	Reviewer	J
Project No.	3179.1016N	Sheet No.	2

Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/00961/NF3 - 78 Cadge Road, Norwich,
NR5 8DG

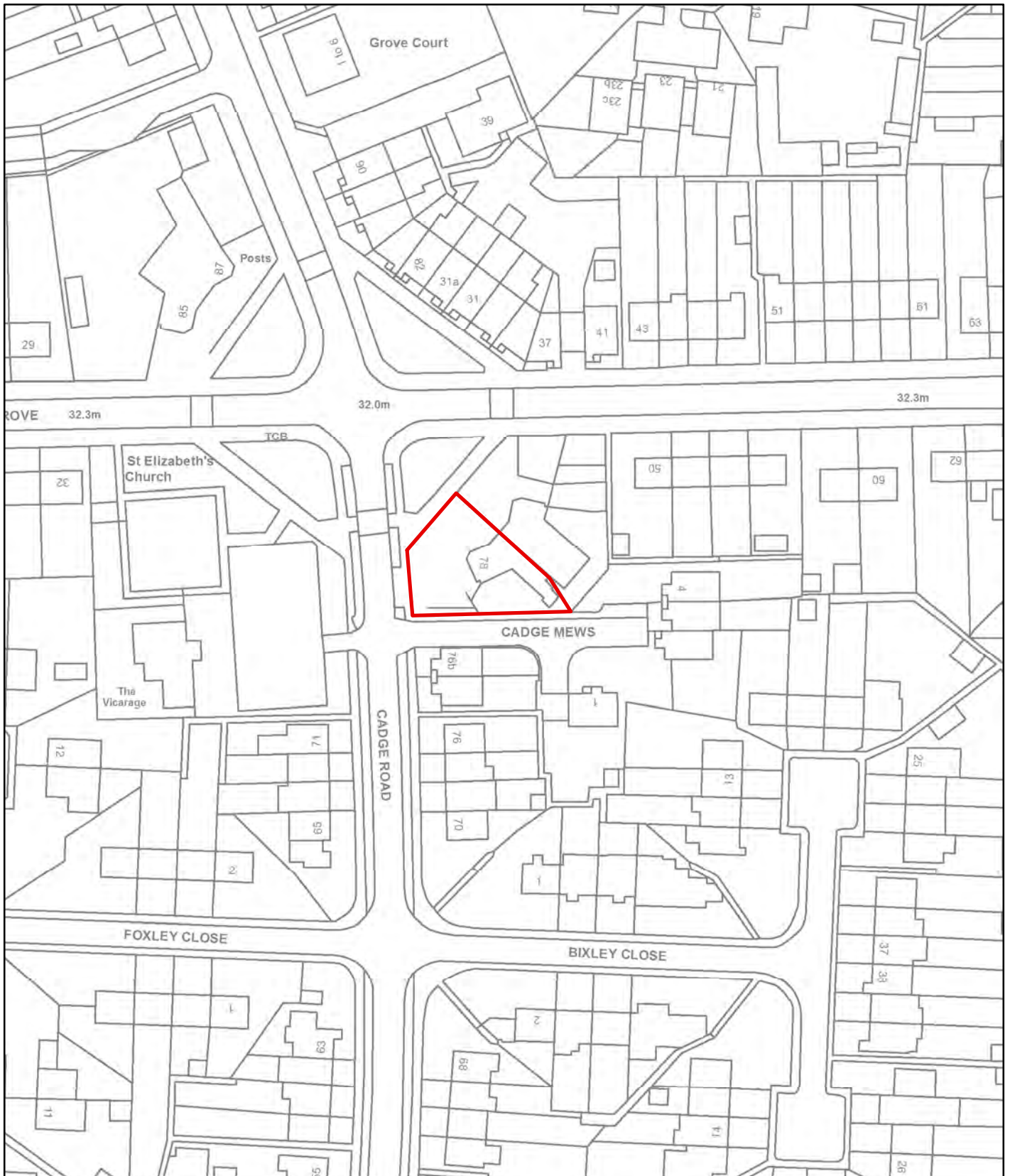
**Reason
for referral** City council application

4(b)

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

Development proposal		
Conversion of ground floor to 1 No. flat and construction of extension to provide 2 No. flats.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1	Principle – loss of existing use and provision of housing
2	Design
3	Amenity
4	Transport
5	Flood risk
Expiry date	17 September 2018
Recommendation	Approve

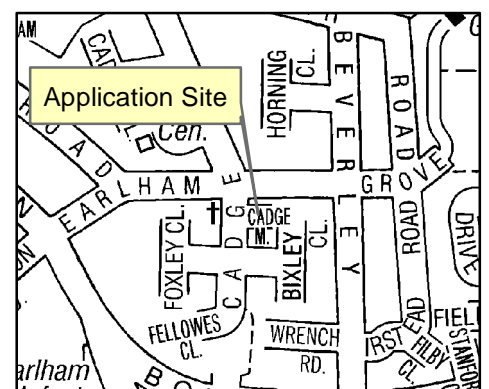


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Planning Application No - 18/00961/NF3
 Site Address - 78 Cadge Road
 Scale - 1:1,000



NORWICH
City Council
PLANNING SERVICES



The site and surroundings

1. The site consists of one half of a semi-detached building which is currently occupied by a fish and chip shop on the ground floor with a flat above. A small garden area exists to the rear and a hard surfaced car park occupies the space to the front and side of the building. It is a red brick building with a hipped pantile roof and at ground floor level the fish and chip shop has a projecting frontage on two elevations enclosed by metal shutters. A two storey wing projects to the rear.
2. The other half of the semi is in residential use and the building is positioned at the southeast corner of the crossroads between Cadge Road and Earlham Grove, orientated to address this junction at a 45 degree angle. A similar building exists diagonally across the crossroads to the northwest, a terrace of dwellings spans around the northeast corner and St Elizabeth's Church is at the southwest corner.
3. Immediately south of the site is Cadge Mews; a cul-de-sac of four dwellings. Beyond the opening to Cadge Mews, two storey semi-detached and terraced dwellings line each side of Cadge Road. This is a residential area of suburban character and this crossroads provides a focal point for local commercial and community uses.

Constraints

4. The site is not subject to any constraints or policy designations. There is a surface water flow path along Cadge Road.

Relevant planning history

5.

Ref	Proposal	Decision	Date
4/1994/0940	Alterations to shopfront.	APCON	24/03/1995

The proposal

6. It is proposed to change the use of the existing ground floor fish and chip shop to create a one bedroom flat. A small lean-to brick and tile bay would replace the existing shop frontage. The existing first floor flat would be retained.
7. The building would also be extended over two storeys to the southwest to provide two additional one bedroom flats, one on each floor. This extension would continue the line of the existing building at an angle to the crossroads, then turn the corner to front Cadge Road. It would be constructed in a design and materials to match the existing and occupy part of the hard-surfaced car park.

8. The remaining car park area would provide four parking spaces and the existing garden to the rear would provide a communal amenity area, with a small patio area to the new ground floor flat under a cantilevered first floor balcony. Bin and cycle storage would also be provided in this rear amenity area.

Representations

9. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received to the initial consultation and at the time of writing the report a re-consultation on amended plans is ongoing. Any representations received in due course will be taken into account and the committee will be updated at the meeting.

Consultation responses

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

Highways (local)

11. No objection in principle on highway grounds.

Assessment of planning considerations

Relevant development plan policies

12. **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
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
13. **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
 - DM12 Ensuring well-planned housing development
 - DM13 Communal development and multiple occupation
 - DM17 Supporting small business

- DM18 Promoting and supporting centres
- DM31 Car parking and servicing

Other material considerations

14. Relevant sections of the National Planning Policy Framework July 2018 (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
- NPPF16 Conserving and enhancing the natural environment

15. Supplementary Planning Documents (SPD)

- Trees, development and landscape SPD adopted June 2016

Case Assessment

16. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the 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

17. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 59, 80
18. In terms of principle, Policy DM12 allows for new residential development, subject to criteria. One circumstance where this Policy would not allow for residential development is where it would involve the conversion of non-residential floor space at ground floor level within the primary or secondary retail areas or within a district or local centre.
19. Whilst the fish and chip shop contributes to the amenities provided around this crossroads that serve the local community, this is not a defined retail area or district or local centre. Therefore in principle, there is no policy objection to the loss of this commercial use and the provision of new housing on the site is acceptable in accordance with Policy DM12 and subject to the other policy considerations assessed below.

Main issue 2: Design

20. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
21. The existing building has an unusual orientation on the site, fronting the cross-roads at an angle and sitting at approximately 45 degrees to Cadge Road. The rear wing at 90 degrees to the main body of the building results in an approximate 'L' shape form.
22. The extension would extend the main body of the building by approximately 5 metres on the same alignment then turn to run parallel with Cadge Road for approximately 7.5 metres, resulting in an extended building with an approximate 'C' shape plan. This is an amendment to the original proposal which was an 8 metre linear extension of the existing building, cutting across the whole site and providing an end elevation facing Cadge Road at an oblique angle.
23. Whilst the amended plan form is unconventional, it ensures the extended building addresses both the crossroads and Cadge Road and follows a similar form to the terrace of dwellings at the northeast corner of the junction and is on roughly the same alignment as the dwellings fronting Cadge Road to the south. It therefore positively addresses the site's orientation and responds well to its surroundings.
24. The ridgeline would be set slightly lower than the existing and thus not significantly detract from the symmetry of the original semi-detached building, nor the similar building to the northwest of the crossroads, by enabling the extension to be read as a later addition. Matching materials would provide some consistency and it is considered necessary to condition these and the provision of an appropriate soft landscaping scheme to enhance the appearance of the development.

Main issue 3: Amenity

25. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
26. The extension would come within approximately 7 metres of the dwelling to the south and the side elevations of the two buildings would face each other. There are two windows in this north elevation of the neighbouring dwelling which appear not to be to primary living accommodation and due to their north orientation and absence of any openings to the proposed flats on the facing elevation, it is not considered the proximity of the proposed development would result in any unacceptable impacts.
27. The new first floor openings and proposed balcony at the rear would have oblique views across the rear gardens of the neighbouring dwellings to the south and more direct views of the front of the dwellings around Cadge Mews. Due to the angles and distances, it is not considered there would be any significant or unacceptable overlooking or loss of privacy.
28. Each one bedroom flat proposed would comply with the minimum space standards. A communal external amenity area would be provided within the space

and layout constraints of the existing rear garden. Whilst this space is limited, the provision of a balcony to the new first floor flat and small patio area to the ground floor flat below would give the occupiers of these units some space of their own with the remainder available to all flats. Bin and cycle storage space further constrains this space but allows it to be provided without visually detracting from the front of the development or constraining the parking and turning space. On balance, this external amenity space is not unacceptable and future occupiers of the development would be provided with an appropriate standard of amenity. The recommended landscaping condition can secure the use of permeable paving to hard surfaces to manage surface water and inclusion of appropriate planting to enhance the space.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS 1 & 3	Yes subject to condition
Tree protection	DM7	An adjacent street will be adequately protected during construction by an existing barrier between it and the site.

Equalities and diversity issues

30. There are no significant equality or diversity issues.

Local finance considerations

31. 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.
32. 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.

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

Conclusion

34. This proposal would result in the loss of a commercial use and creation of three new dwellings in a residential area outside any defined centre. It is therefore acceptable in principle and has been designed to respond positively to its surroundings. No unacceptable impacts on the amenity of neighbouring occupiers would result and future occupiers would be provided with an appropriate standard of amenity and all necessary facilities.
35. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application no. 18/00961/NF3 - 78 Cadge Road Norwich NR5 8DG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials to match;
4. Landscaping scheme;
5. Bin and cycle storage;
6. Water efficiency;
7. Tree protection provision for the street tree.

Article 31(1)(cc) 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, following negotiations with the applicant and subsequent amendments, the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

78 CADGE ROAD SITE PLAN 1:100 drg. no. CAD 07

existing dropped kerb crossover top be extended

existing tree

car space 1

car space 2

new single storey lean
to bay to mirror the
adjacent property and to
return original design of
balanced bays.

lean to porch to flat 3
front door.

car space 3

car space 4

hip

ridge

valley

ridge

hip

hip

existing two storey
projection.

78

dotted areas denote
soft landscaping.

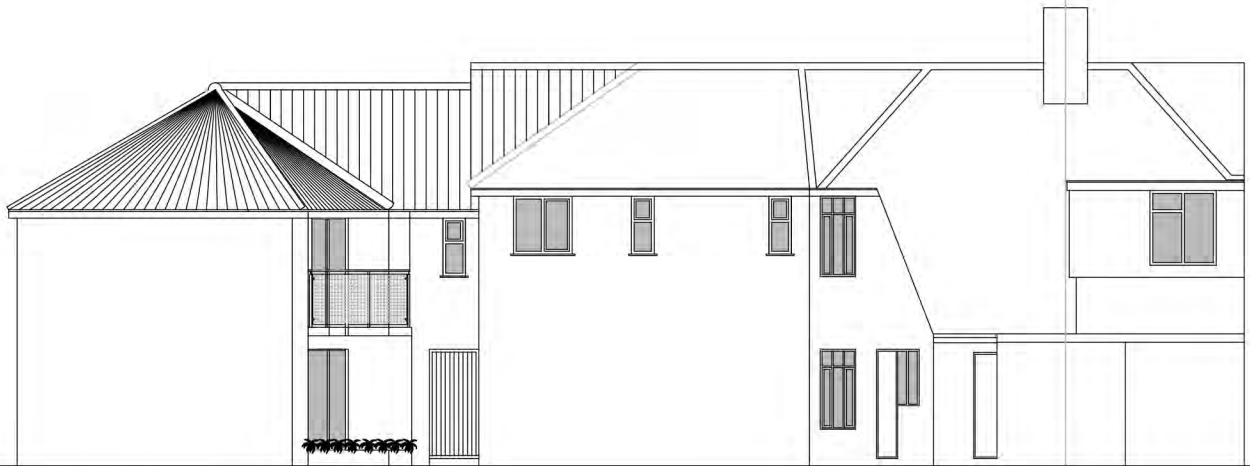
location for 4 waste
bins and 4 re-cycling
bins.

raised brick planter wall
300mm high to provide
private patio area to
ground floor flat.

shelter for 4 bicycles
bolted down to new
concrete pad.

new 1800mm high close
boarded boundary fence.

cross hatched area denotes
resin bound permeable
paving to facilitate removal
of bins, bicycles and access
to under stairs storage.



new roof to be in red
concrete pantiles to
match existing ones.

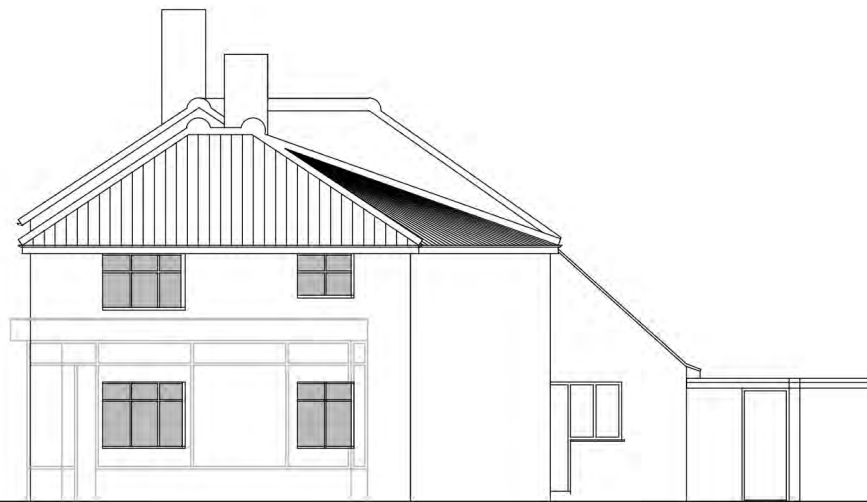
new brick work to be in
red facings to match
existing ones.

all new windows to be in
PVCu white to match
existing ones.

SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



Title	
PROPOSED CONVERSION OF SHOP AND FLAT	
78 CADGE ROAD NORWICH ELEVATIONS AS PROPOSED	

Date	Scale(s)	No.	Date	Notes	REVISIONS	Int.	Ckd.
10/2017	1:100						
	NEG. No.						
	Checked By (NCC)						
CAD - 06							

Property Services
NPS Norwich Ltd
30 Crown Road, Norwich
NR1 3DT

Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/01130/F - 26 Vulcan Road South,
Norwich, NR6 6AE

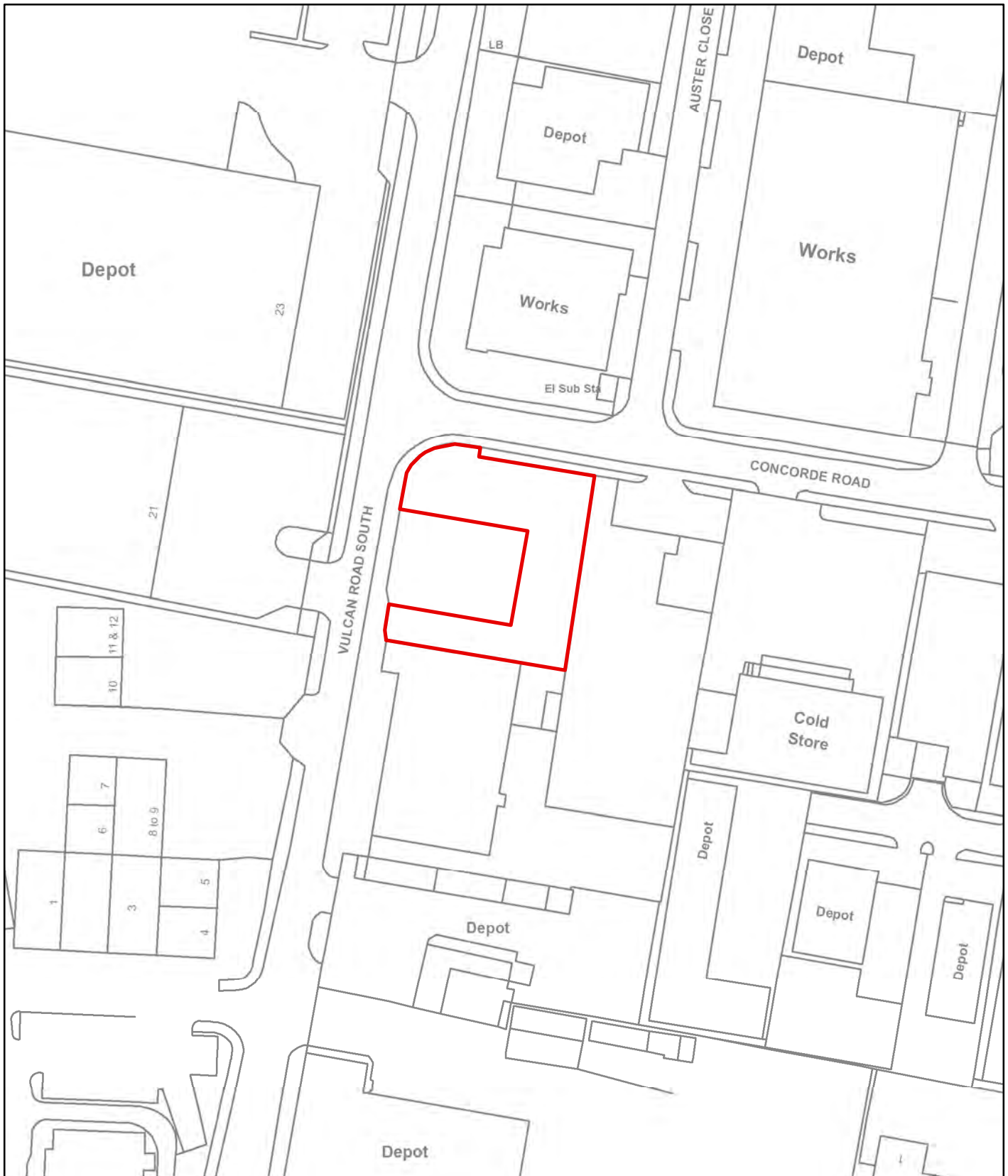
**Reason
for referral** Objection / Significant departure from development plan /
City council application or site / Member or Staff
application / Called in by an elected member

4(c)

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

Development proposal		
Provision of car valeting facility within existing car sales site.		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1	Principle of proposed use
2	Design
3	Amenity
4	Transport
5	Flood risk
Expiry date	24 September 2018
Recommendation	Approve



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Planning Application No - 18_01130_F
 Site Address - 26 Vulcan Road South
 Scale - 1:1,000

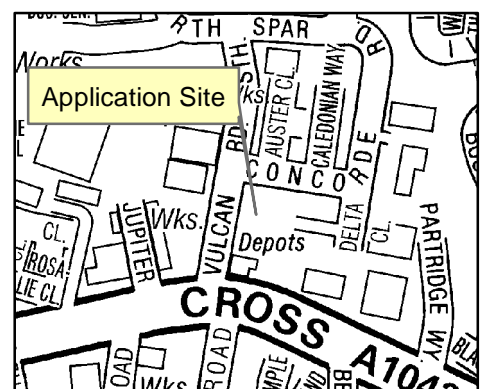


NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. The application site consists of part of an existing car sales site at the corner of Vulcan Road South and Concorde Road. It is accessed from Vulcan Road South and the car sales operation consists of an open lot with a sales office and garage building to the south. Weldmesh fencing runs around the road boundaries with a small area of vegetation on the northern boundary.
2. The application concerns only the northern and eastern parts of the site with access from the highway.
3. This is a busy commercial area with a number of other car sales and servicing businesses nearby, including those neighbouring the site to the south and east. A hand car wash operates from a unit on the western side of the road. Small and medium scale light industrial buildings characterise the built development in the area.

Constraints

4. The site is in a defined employment area. It is also within a critical drainage catchment and the south-eastern part is at risk of surface water flooding.

Relevant planning history

5.

Ref	Proposal	Decision	Date
84/0761/F	Erection of security fencing and entrance gates and use of site for used car sales	Approved	19/11/1984
84/1273/F	Use of part of site as vehicle hire depot and alterations to building to form vehicle parts depot	Approved	22/11/1984

The proposal

6. It is proposed to provide a car valeting facility on the site. This would consist of a valeting bay under a canopy in the northwest corner, a dedicated jet washing area parallel with the northern boundary and a reception/office building in the northwest corner. Along the eastern boundary, a line of ten parking spaces would be provided. The existing car sales business would continue to occupy the remainder of the site.
7. The valeting area would sit under a canvas type canopy over a shaped frame suspended off two steel uprights. It would measure 5 metres by 6 metres and the canopy would be approximately 3.5 metres high.

8. A holding tank would be provided beneath the jet wash area to filter and recycle water, any overflow would go the existing foul water drain and grease traps would be fitted. A screen is proposed to the north of the jet wash area to contain spray within the site.
9. The reception/office building would be a 3 metre by 5 metre container style portable building with window and door openings on the south and west elevations.
10. Opening hours of 08:30 to 18:00 Monday to Saturday and 09:00 to 17:00 on Sundays and Bank Holidays are proposed. The application indicates the operation would require a minimum of three full time and three part time staff.

Representations

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

Issues raised	Response
Existing car wash at times causes a lot of traffic build up outside another business premises, allowing another would mean access would be impossible and have a detrimental impact on that business.	See main issue 3
The introduction of a car wash facility will materially impact the safety and free flow of traffic of Vulcan Road South and within the site to the car sales area.	See main issue 3
The sites location is visually prominent and the introduction of a valet bay, jet wash stand and steel container will be detrimental to the visual amenities of the immediate locality.	See main issue 2
It would make no sense to have another hand car wash business so close to an existing one. It will be a negative outcome for both businesses and not ethical.	The impact on an existing business is not a material planning consideration.
Advertising for two car washes close together will confuse customers.	Any advertisements will either benefit from deemed consent or be subject of a separate application.
This area suffers from drain blockage.	See main issue 4

Consultation responses

12. 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

13. The drainage for this use will require an interceptor of sufficient size to prevent oils and excessive soiling being introduced into the main drainage system.

Highways (local)

14. No objection in principle on highway grounds. The risk of queuing on onto the highway is low as the washing facility is located within the far side of the side from the vehicle access. Also there are extensive waiting restrictions on the adjacent roads.
15. If there is more competition for such services there is less chance that there will be queuing for any one site,
16. My only concern is with water spray covering adjacent road users on Concorde Road e.g. affecting pedestrians or vehicles. I cannot see any reference in the application with regard to this risk being mitigated

Assessment of planning considerations

Relevant development plan policies

17. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS5 The economy
 - JCS6 Access and transportation
18. **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
 - DM16 Supporting the needs of business
 - DM17 Supporting small business
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

19. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF6 Building a strong, competitive economy
- NPPF9 Promoting sustainable transport
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change

Case Assessment

20. 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

21. Key policies and NPPF paragraphs – DM16, NPPF section 6
22. The site is in a defined employment area and, in accordance with Policy DM16, employment uses and other forms of economic development will be prioritised here where it would not conflict with the requirements of Policies DM18 (Promoting and supporting centres) and DM19 (offices). The proposed car wash can be considered economic development appropriate to this area and the proposal is acceptable in principle.
23. It would occupy part of an existing car sales site and operate alongside it but independent from it. Subject to the considerations below, this arrangement is acceptable.

Main issue 2: Design

24. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
25. The car valeting facility would occupy the northern part of the site. Whilst the northeast corner of the site is visually prominent at the junction between Vulcan Road South and Concorde Road, part of the northern boundary is occupied by an area of trees and shrubs outside the applicant's ownership and the proposed arrangement would ensure the retained car sales benefits from the open frontage to Vulcan Road South and the car valet benefits from some screening. Within the site, the office building would be sited in the far corner which is least intrusive visually and in terms of circulation of cars and the jet wash area would benefit from the area of planting to the north for screening from views and

spray. The canopied valet area would be at the northeast corner where it would be prominent in the streetscene from various aspects and given the character of the area this siting is not unacceptable, subject to consideration of the design.

26. The reception/office building would be small in scale and functional in form and materials. The canopy to the valet area would also be functional but relatively small scale and lightweight in appearance; it is not considered in this light industrial area it would be of any detriment to the visual amenity of the locality.
27. No details have been submitted of the proposed screen and it shall be necessary to agree this by condition to ensure it serves its purpose and is visually appropriate.

Main issue 3: Transport

28. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
29. The objections received largely concern the impact of the proposal on the safety and congestion of the local road network. As the proposed use would displace and reduce part of the existing car sales, there would be some off-set in traffic movements. At present the car sales does not have a dedicated customer parking area and this proposal would provide a shared area for the two uses which is considered appropriate and sufficient.
30. There are double yellow lines throughout Vulcan Road South and also on Concorde Road in the vicinity of the site. This should manage any queuing, parking or blocking of other entrances and as the car valet would be on the far side of the site from the entrance, if there were to be any queuing this could be contained within the site.
31. It is appreciated that this is a busy area and the proposal may generate some additional traffic, however there is no highways objection to the proposal.

Main issue 4: Amenity

32. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 127
33. The use of jet washers and vacuums will generate some noise, however in the light industrial context of the site it is not considered this would be significant nor result in any unacceptable impacts on neighbouring uses or occupiers.
34. As noted below, details of the design of the screen shall be required by condition to ensure that this effectively contains spray within the site and does not spill over onto the footway or highway to the north.
35. There are existing lights on fence posts around the site and these are proposed to be retained, with some additional lighting under the canopy. In the context of the area this use of artificial lighting is considered unlikely to result in any unacceptable amenity impacts, nor are the proposed opening hours.

Main issue 5: Flood risk

- 36. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14
- 37. This site is in a critical drainage area and the area proposed for access and parking in the southern part of the site is at risk of surface water flooding. The site is entirely hard-surfaced and the proposal would not alter that. A holding tank would capture and recycle water from the jet washing and it is only any overflow from this that would go to the existing foul drain.
- 38. Details of the holding tank, and appropriate interceptors to manage pollutants and sediment, shall be required by condition to ensure this is an adequate size and design to manage waste water. Subject to this, the proposal is not considered to exacerbate the existing surface water flood risk or be at any greater risk than the existing use of the land.

Equalities and diversity issues

- 39. There are no significant 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.
- 41. 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.
- 42. In this case local finance considerations are not considered to be material to the case.

Conclusion

- 43. The application proposes new economic development in an employment area and this is acceptable in principle. The proposed car valeting facility is considered appropriate to the character of the area and would not, subject to securing appropriate details by condition, result in any unacceptable impacts on amenity or exacerbate the existing risk of surface water flooding. Concerns regarding additional traffic and congestion within and outside the site are appreciated, however it is considered the design of the proposal and existing traffic restrictions should mitigate any unacceptable impacts.
- 44. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

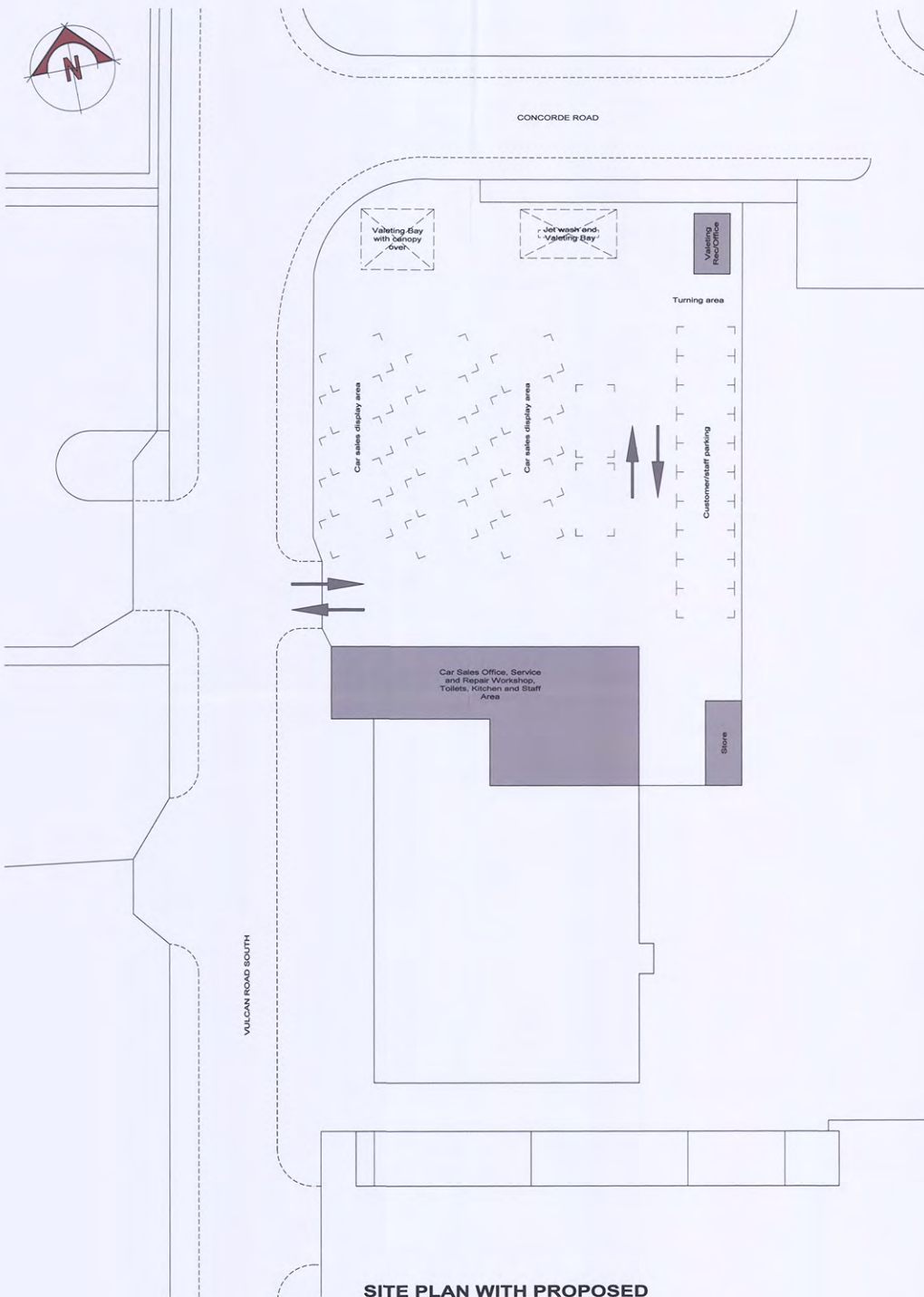
Recommendation

To approve application no. 18/01130/F - 26 Vulcan Road South, Norwich, NR6 6AE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Design of screen
4. Full details of holding water tank, including capacity, overflow and interceptors

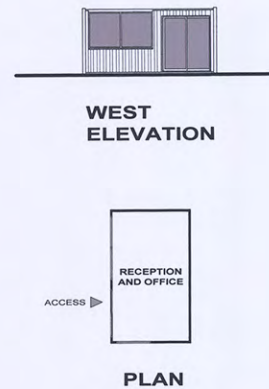
Article 31(1)(cc) statement

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, the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

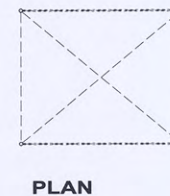


SITE PLAN WITH PROPOSED LAYOUT
scale 1:200

RECEPTION / OFFICE
scale 1:100



CANOPY
scale 1:100



NOTES RE CAR :

Refer to notes above re reception/office and canopy.

Car jet wash area to be connected via drain with grease trap to below ground water collection and storage tank. Stored jet wash water to be filtered and recycled/reused for car wash use. Over flow from storage tank to be taken and connected to existing foul water main drainage. Grease traps to be cleaned and any removed waste taken to approved disposal facility. Location of jet wash area as noted on plan.

Steel framed canopy structure to be erected for under cover vehicle valeting. Location of canopy as noted on plan.

Surface water to be taken to existing adjacent drain. New drain runs to be formed where necessary or as agreed.

Water and power supply to be proved to site area for equipment, lighting etc. All equipment used during trading hours to be stored in reception/office unit during out of hours/night time.

Parking provision for staff and customers cars waiting valeting and/or collection.

Trading hours:

Monday to Friday - 08.30hrs to 18.00hrs
Saturday - 08.30 hrs to 18.00hrs
Sunday and Bank Holidays 09.00hrs to 17.00hrs

Staffing:

Minimum requirement:
3No - Full-time
3No - Part-time

This drawing and design is copyright
Do not scale from this drawing. Use only any given figured dimensions. Any discrepancies should be referred to the Architect immediately.

RECEPTION / OFFICE:

Painted metal container style portable building set and levelled on either prepared concrete hard standing or forecourt.

Glazed sliding access doors and windows - all double glazed.

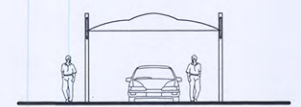
Rainwater to discharge to below ground drainage surface water connection.

Max size of building 5000 x 3000 x 2500mm high.

INDICATIVE SOUTH & NORTH ELEVATIONS



INDICATIVE WEST & EAST ELEVATIONS



CANOPY:

Either galvanised or stainless steel framed bolted structure. Frame to be bolt fixed to plates set into cast concrete bases in forecourt. Either canvas or synthetic cover with shaped framing.

CORPORATE RESOURCES
25 JUL 2018
POST ROOM



LOCATION PLAN scale 1:1250
APPLICATION SITE AREA (INCLUDING SHARED ACCESS) = 0.08Ha



Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application 18/00112/F - Land between 18 and 20
West Parade, Norwich

**Reason
for referral** Objections

4(d)

Ward:	Nelson
Case officer	Katherine Brumpton - katherinebrumpton@norwich.gov.uk

Development proposal		
2 No. four bedroom dwellings with new access road, parking, amenity spaces and landscaping.		
Representations		
Object	Comment	Support
16	2	0

Main issues	Key considerations
1	Principle
2	Design and Heritage
3	Trees
4	Landscaping
5	Transport
6	Amenity
7	Flood Risk
8	Biodiversity
Expiry date	22 May 2018
Recommendation	Approve



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Planning Application No - 18_00112_F
 Site Address - Land between 18 and 20 West Parade
 Scale - 1:1,000

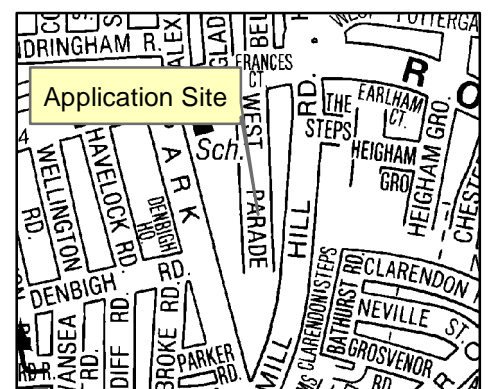


NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. West Parade is a private road off Earlham Road. The site contains several garages/store buildings which are all in a somewhat dilapidated state and are largely constructed from timber, corrugated roofing and breeze blocks.
2. One tree is on the site, but there are 3 others within close proximity which overhang the site. Land falls slightly to the rear (west).
3. Area largely comprises residential dwellings with several locally listed. Dwelling to the north (no.18) is semi-detached 2 ½ stories, with accommodation within a gabled roof. To the south lies a detached building which has been converted into flats. To the rear borders are gardens serving Park lane dwellings.

Constraints

4. Conservation Area; Heigham Grove
5. Article 4 Direction along much of the road including dwellings either side of the site and opposite.
6. Several Locally Listed properties, including properties to the rear, either side and opposite.
7. Critical Drainage Area

The proposal

8. To demolish the existing timber garages and erect a pair of 3 bedroom semi-detached dwellings. The building would be attached to a side extension of no. 20 to the south.
9. The new dwellings would have 2 stories, with accommodation in the roof. The ground floor would be larger than the upper floors, extending an additional 3m to the rear. Accommodation in the roof would be served by dormer windows to the rear.
10. Following negotiations and amended plans have been formally submitted and re-advertised. A revised arboricultural impact assessment was also requested and submitted.
11. The amended plans are for a semi-detached building with accommodation in the roof. The roof would be hipped with dormer windows to the rear. Both dwellings would have 2 storey bay windows to the front elevation, with flat roofs.
12. The proposed houses would sit between no. 18 and 20 with the principal elevation (minus the bay windows) in line with no. 18. The bay windows would sit slightly forward of no. 20's principal elevation. The two storey section would lie 1m further west of the main rear wall of no. 18, and nearly in line with no. 20. At 10.5m high the roof ridge would be higher than that of no. 18 but lower than no. 20.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	2
No. of storeys	2, with accommodation in roof
Max. dimensions	2 storey section; 10.5m high, 12.9m wide and 11.6m deep. Single storey section; 3m high, 12.9m wide and 3m deep
Appearance	
Materials	Pan tiled roof, light brown bricks and white casement windows
Transport matters	
No of car parking spaces	2 per dwelling (4 total)
No of cycle parking spaces	2 per dwelling (4 total)
Servicing arrangements	Access to dwelling to the south via a path running along the boundary of the garden serving the dwelling to the north.

Representations

13. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 18 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised (Original Plans)	Response
Development is too wide and oversized. It should not extend further back than the neighbouring properties and more space should be left between properties.	See main issue 2.
Valuable turning space would be lost, which is used by emergency vehicles which regularly visit the hostel on West Parade as well as delivery drivers.	This is an unofficial turning space and its loss is not a planning matter.

Issues raised (Original Plans)	Response
Development would also create parking problems from the potential multi-occupancy (plans do not seem like family homes).	Two additional dwellings are not anticipated to significantly increase the traffic along West Parade.
Create substantial loss of privacy and light to dwellings in Park Lane and no.18. Exacerbated by the close proximity of the glazed single storey section and the elevated position of the ground floor (300mm).	See main issue 6.
Front dormer windows and rear balconies are out of keeping with the area. Overall design is a somewhat uninspired pastiche of Victorian Architecture. Fenestration of the rear elevation doesn't respect, enhance or respond to the character of the area.	See main issue 2.
Tree report is inaccurate and concerned that the existing trees would be harmed. Tree Officer needs to be consulted. The trees act as living soakaways which make them even more important to protect.	See main issue 3.
Block paving is impermeable and out of character with the Victorian pavement. Front enclosure should be included.	See main issue 2.
Concerns regarding the impact upon surface water flooding. Existing foul water and surface water capabilities are already insufficient for existing users. Any surface water should be disposed of via SUDS.	See main issue 7.
Anglia water should confirm if there is capacity for two more dwellings.	Anglia Water does not comment on development proposals for less than 10 dwellings due to the low level of impact.
Landscaping needs to be sympathetic to the character of the area.	See main issue 4.
<i>Issues raised (Amended Plans)</i>	<i>Response</i>
Proposed dwelling does not follow the footprint of the neighbouring properties. Most properties along the road are detached or semi-detached. Site is large enough for one detached dwelling not two. The proposed creates a cramped appearance and even a terrace; existing dwellings are all separated, and by larger gaps than that proposed.	See main issue 2.

Issues raised (Original Plans)	Response
Area is within a Conservation Area and there are numerous locally listed dwellings nearby. Proposal would be harmful to the character and appearance of the Conservation Area representing a pastiche of a generic Victorian design.	See main issue 2.
Ground floor glazed section will overlook the gardens of the dwellings to the rear along Park Lane and also create noise pollution.	See main issue 6.
Tree Survey not sufficient; 2 tree's RPAs are within the building's foundations and there are inaccuracies.	See main issue 3.
No front boundary wall which is out of character of the Conservation Area. An article 4 directive removed PD with emphasis on front boundary walls - why should new dwellings be permitted without them?	See main issue 2.
Original Victorian kerbstones should be retained rather than permitting dropped kerbs.	Condition would be added.
Local problem with surface water flooding is still not addressed. Block paving, even if permeable, should not be allowed because of this.	See main issue 7.
The road is a private road and so any damage needs to be rectified by the developers and coordinate with the West Parade Association. The only service connected to the site is water so the road will need to be dug up.	Noted.
Road is a relatively safe place for children to play; the development would significantly increase the danger to pedestrians in addition to the disruption during the build.	Two additional dwellings are not anticipated to significantly increase the traffic along West Parade.
There might be historical chalk workings beneath the garages; any development should not lead to subsidence of existing properties.	Noted.
Proposed right of way along the rear of one of the gardens is ugly.	See main issue 4.

Issues raised (Original Plans)	Response
Proposed bay windows feature a flat roof which is uncharacteristic of West Parade; multi pitched would better reflect the local vernacular.	See main issue 2.
Proposal would significantly compromise the outlook from the only window serving an attic bedroom in no. 18 and impact upon the daylight and sunlight it receives.	See main issue 6.
Dwelling would create overshadowing to the rear garden of no.18 and be overbearing.	See main issue 6.
Further amendments should be sought which; reduce the width of the building, include a multi pitch roof to the bays and increase enclosure to the street.	See main issue 2,
Construction work should be limited to during certain hours to reduce the impact upon neighbours.	Noted.
Loss of a turning space would inconvenience all the other vehicle owners in the street.	This is an unofficial turning space and its loss is not a planning matter (see above).

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. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Lead Local Flood Authority (LLFA)

16. This development would be classed as minor development and so specific advice will not be given.

Highways (local)

17. No objection. Please note that West Parade is not included within the adjacent Controlled Parking Zone as it is a Private Road.

Citywide

18. The existing garage area does not appear to be big enough for refuse trucks to turn around in as there are parked cars in front of the garages. As such the refuse trucks reverse in from Earlham Road and this proposal should not change this. Only concern is that if cars are parked on both side of the road this could cause difficulties and prevent access.

Tree protection officer

19. Updated AIA and AMS show an accurate RPA for the trees.
20. Proposed pruning to T1 should be discussed with the owner of the tree.
21. Condition requested controlling the vehicle movements to be outside of the RPA during build unless permission has been first received by the Local Planning Authority (LPA).

Assessment of planning considerations

Relevant development plan policies

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS4 Housing delivery
 - JCS6 Access and transportation
 - JCS7 Supporting communities
 - JCS9 Strategy for growth in the Norwich policy area
 - JCS12 The remainder of the Norwich urban area including the fringe parishes
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

24. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF4 Decision making
- NPPF5 Delivering a sufficient supply of homes
- 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
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

25. 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

26. Key policies and NPPF paragraphs – DM12 and NPPF section 5.
27. DM12 permits new residential dwellings throughout the district if certain criteria are met. The first set of criteria are considered to be met in this case because: the land is not allocated for non-residential purposes; the site is not within a specified distance from a hazardous installation; it is not within or adjacent to a Late Night Activity Zone; and it is not within a primary or secondary retail area to local centre.
28. As such whether the principle of residential development is acceptable here depends upon meeting criteria a) to f) as set out within DM12.
- (a) Proposal would comply as it would not compromise the delivery of wider regeneration proposals.
 - (b) This is discussed in more depth below, which requires proposals to have no detrimental impact upon the character and amenity of the surrounding area.
 - (c) The site is relatively small and would provide two additional dwellings within a primarily residential area. Whilst the proposal would not result in diversifying the uses within the area due to the heritage and design constraints the proposal is considered acceptable.
 - (d) The proposal would provide two 3 bedroom dwellings, similar to others within the immediate area. Again due to the heritage and design constraints this is considered acceptable rather than a more diverse provision.

(e) The density reflects the character of the area.

(f) The proposal is for less than 10 dwellings so this point is null.

Main issue 2: Design and Heritage

29. Key policies and NPPF paragraphs – JCS2, DM3, DM9 and NPPF sections 12 and 16.
30. The Heigham Conservation Area identifies West Parade as an area characterised by C19th villas. It also identifies the site as currently containing detrimental buildings.
31. This part of the Conservation Area largely includes medium sized houses set within fairly tight plots often with boundary treatment to the front, although some properties also include parking and/or the boundary treatments have been eroded. Dwellings are often classical in style with symmetrical principle elevations. Several dwellings in the area dating from later in the C19th are either semi-detached or terraced, but built in the same style.
32. The design of the dwellings is considered to reflect the character of West Parade and the wider Conservation Area. Hipped roofs, flat roofed dormers and bay windows are all features that are found within the immediate area. The detailing above the windows is now considered to be in keeping with the character of the area too.
33. The Article 4 Direction relates to;
 - (a) Enlargement, improvement or alteration to a house where it fronts the highway.
 - (b) The erection, construction, improvement or alteration (including demolition) of a fence, gate, wall or other means of enclosure which front the highway.
 - (c) The painting of the exterior of a house where it fronts the highway if the building has not already been painted.
 - (d) The demolition of a chimney stack visible from the highway.
 - (e) The replacement of windows and doors on parts of the building that face a highway.
34. Retention of the Victorian kerbstones would be welcomed and has been informally agreed by the agent, although it is not shown on the revised plans. A condition requesting details of the access would allow for this to be achieved.
35. With suitable conditions the amended plans are considered to be acceptable and to comply with the above policies. Consequently, the proposal preserves the character of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issue 3: Trees

36. Key policies and NPPF paragraphs – DM7, NPPF section 15.

37. An amended Arboricultural Implications Assessment (AIA) and Arboricultural Implications Statement (AMS) have now been submitted.
38. The report indicates that 4 trees within the site and immediate area have an root protection area (RPA) that extends into the site. None of the root protection area within the building's footprint, but are within areas to include hard landscaping. It concludes that the development should be able to go ahead with all 4 trees to remain.
39. The report recommends a Construction Exclusion Zone to the rear of the site (west) to be fenced off.
40. It is recommended that T1 would need to have its crown lifted to no more than 3m from ground level (it is currently 2.5m) and that the area within its RPA is hand dug and finished with non-compactible material. No heavy plant should be parked within this part of the site.
41. Any excavation work within the RPAs required as part of the demolition of the buildings should be undertaken with hand tools only and advice sought from a qualified arborist if required.
42. With suitable conditions the impact upon the trees is considered acceptable. Gaining permission for works to T1 is a civil matter.

Main issue 4: Landscaping

43. Key policies and NPPF paragraphs – DM3, DM8, NPPF section 12.
44. A landscaping condition would be added to request further details. However the proposed site plan indicates an acceptable layout and sufficient amenity space for the future residents. Front boundary treatment was encouraged during the negotiations but due to the access required for parking this has been limited to pedestrian gates and brick piers. Additional planting has been shown within the front of the site which includes hedging along the shared boundaries which will add to a sense of enclosure found elsewhere within the Conservation Area. Although more treatment along the front boundary would be preferred, this would likely result in the loss of parking space. Given that the proposed is similar to some neighbouring dwellings; it is not considered to be a sufficient reason for refusal.

Main issue 5: Transport

45. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9.
46. Located within a private road there is no permit parking. West Parade is located off Earlham Road which is well served with public transport. There is no objection to the proposal from NCC highways.
47. The provision of 2 car parking spaces and 2 cycle spaces complies with DM28, DM30 and DM31.

Main issue 6: Amenity

48. Key policies and NPPF paragraphs – DM2, DM11, NPPF section 12.
49. The amended plans have reduced the scale of the development to better reflect the built form found locally. As such the main mass of the building above ground floor sits roughly in line with the neighbouring buildings, reducing the level of any overshadowing. The hipped roof reduces the scale further and importantly pulls the roof away from a bedroom window in the attic space of no. 18. The single storey section now sits 12.7m from the rear boundary.
50. The impact upon the building to the south (no.20) is considered to be acceptable. There are no windows within this property facing towards the site and due to the orientation there are no concerns that significant overshadowing would occur.
51. The impact upon no.18 is greater (to the north), but also considered acceptable. No. 18 has 3 windows facing the site, of particular note is a window serving a bedroom within the attic space. The bedroom window is the only window serving this room. The original plans had gable ends to the building, leading to this window being sited 2m from a blank wall. The hipped roof brings this part of the building much further away, allowing a significant level of light to still reach the bedroom.
52. By extending an additional 1m from the rear wall of no.18 the main mass of the building will create some degree of overshadowing but is not considered to be significant. The single storey section will sit relatively high as the ground floor is of a continuous height from the front, which most buildings appear to do along this section of West Parade. No.18 has a mono pitched outbuilding lying along this boundary, with the highest section on the boundary. In addition there is a mixture of brick walls and boarded fences. As such the boundary with no.18 to the rear ranges from 2.68m in height to 3.45m. The proposed single storey section would therefore not be considerably higher than the boundary treatments already in place, measuring 3.8m alongside the 3.45m section.
53. The proposal would have some impact upon the residents to the rear along Park Lane. The removal of the rear balconies results in any overlooking at height being comparable to that from neighbouring properties, which also have first windows and dormer windows. The single storey section, whilst located 12m from the rear boundary would be located approximately 33m from the closest Park Lane neighbouring dwelling. As such the impact upon the gardens would be most significant. The details of the rear boundary treatment are yet to be submitted but the retention of two trees would provide some screening and noise absorption. One immediate neighbour to the rear has an outbuilding running along the length of the boundary, which would also serve to screen and absorb some noise. The area is largely residential and there is to be expected some impact from neighbouring properties. The level that would occur from the proposed development is not considered to be significant or would it lead to significant harm to the amenity of neighbouring residents. However it is noted that extending the dwellings further west may not be appropriate and therefore PD rights would be removed in this respect.

Main issue 7: Flood risk

54. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14.

55. The site falls in a Critical Drainage Area and the rear of the site is at risk from surface water flooding. A flow path from surface water flooding appears to run between Park Lane and West parade, affecting mostly rear gardens in the immediate area. A Flood Risk Assessment was submitted, and further discussion with its author had.
56. Although the LLFA did not formally comment on the application informal discussions were had. Changes have been made to the design in response to these discussions so that the proposed ground floor is raised, at 300mm above the adjacent road levels on West Parade (thus at a minimum of 12.57m AOD). This is above the water levels on the road and in the rear garden during the 1 in 1000 year surface water flood event, and will ensure that the dwellings are adequately protected against surface water flooding.
57. Soakaways are proposed to the rear of the site, however following discussions with the LLFA these may need to be sited to the front. There is considered to be room at the front. Although results from percolation tests have not been submitted as part of the application they are underway, and these will inform the location and design of the soakaways. With a suitable condition the soakaways would alleviate concerns that the development may increase the risk to surface water flooding elsewhere on the site.

Main issue 8: Biodiversity

58. Key policies and NPPF paragraphs – JCS1, DM6, NPPF section 15.
59. An Ecological Appraisal was submitted with the application. The impact upon biodiversity is considered acceptable with suitable conditions. Some of the garages were inaccessible at the time of the survey but they have all been classed as having a negligible bat roost potential (the lowest classification). Whilst this is not ideal and all areas should be surveyed prior to determination given the level of risk and level of surveying already completed it is considered acceptable on this occasion.
60. The site is currently suitable for nesting birds, foraging/commuting bats, and foraging/commuting hedgehogs.
61. Conditions would include avoidance of nesting season when the site is cleared, a restriction on external lighting, small mammal access holes in any hard landscaping, provision of bird nest boxes and bat boxes and a pre-demolition inspection of the garages that were inaccessible at the time of the initial survey, to confirm that no bats are present.

Compliance with other relevant development plan policies

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

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

Equalities and diversity issues

63. There are no significant equality or diversity issues.

Local finance considerations

64. 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.

65. 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.

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

Conclusion

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

Recommendation

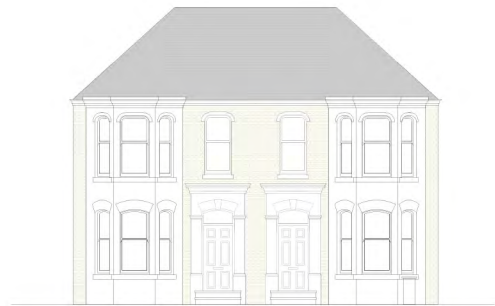
To approve application no. 18/00112/F - Land between 18 and 20 West Parade, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Bird Nesting Season;

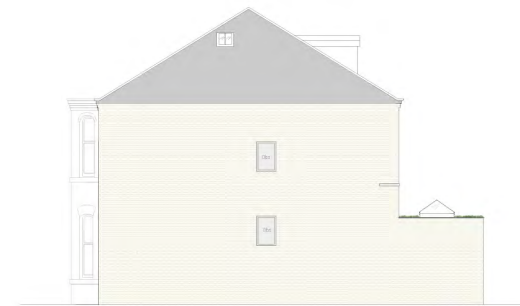
4. Small mammal access;
5. Bird and Bat box provision;
6. Pre-demolition inspection;
7. External materials;
8. Water efficiency;
9. SUDS Details submission and implementation;
10. Landscaping Details;
11. Submission parking/cycle/bin storage;
12. Details of access including retention/re-use of Victorian kerb stones;
13. Removal of Permitted Development rights;
14. Control of vehicle movements;
15. Works on site in accordance with AIA and AMS

Note

1. DRAWINGS MUST NOT BE SCALED; WORK ONLY TO FIGURED DIMENSIONS
2. CHECK ALL DIMENSIONS ON SITE BEFORE ORDERING MATERIALS OR PUTTING WORK IN HAND
3. DIMENSIONS MUST BE VERIFIED ON SITE BEFORE PREPARATION OF SHOP DRAWINGS
4. SHOP DRAWINGS OF MANUFACTURED ITEMS MUST BE APPROVED BY THE ARCHITECTS BEFORE WORK IS PUT IN HAND
5. THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCIES IMMEDIATELY



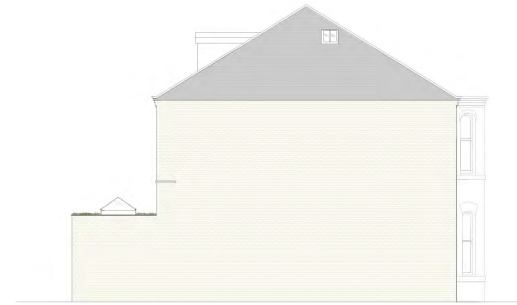
FRONT ELEVATION



SIDE ELEVATION (NORTH)



BACK ELEVATION



SIDE ELEVATION (SOUTH)

No. | Date

CLIENT

COCKSEGE

PROJECT

LAND BETWEEN 18-20 WEST PARADE,
NORWICH

TITLE

PROPOSED ELEVATIONS

DRAWING STATUS

PLANNING

DRAWN NM

CHECKED CS

SCALE 1:200 @ A3

DATE JULY '18

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e: info@piparchitecture.co.uk



JOB NO.

1739

DRAWING NUMBER

PL-2-02

REV

E

- Note
1. DRAWINGS MUST NOT BE SCALED; WORK ONLY TO FIGURED DIMENSIONS
 2. CHECK ALL DIMENSIONS ON SITE BEFORE ORDERING MATERIALS OR PUTTING WORK IN HAND
 3. DIMENSIONS MUST BE VERIFIED ON SITE BEFORE PREPARATION OF SHOP DRAWINGS
 4. SHOP DRAWINGS OF MANUFACTURED ITEMS MUST BE APPROVED BY THE ARCHITECTS BEFORE WORK IS PUT IN HAND
 5. THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCIES IMMEDIATELY



No. | Date

CLIENT
COCKSEDGE

PROJECT
LAND BETWEEN 18-20 WEST PARADE,
NORWICH

TITLE
PROPOSED SITE PLAN

DRAWING STATUS
PLANNING

DRAWN	NM	CHECKED	CS
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SCALE 1:100 @ A2

DATE JULY '18

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JOB NO. 1739	DRAWING NUMBER PL-1-01	REV C
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Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/00861/NF3 - Site of Proposed
Communal Heating Plant, Barnards Yard, Norwich

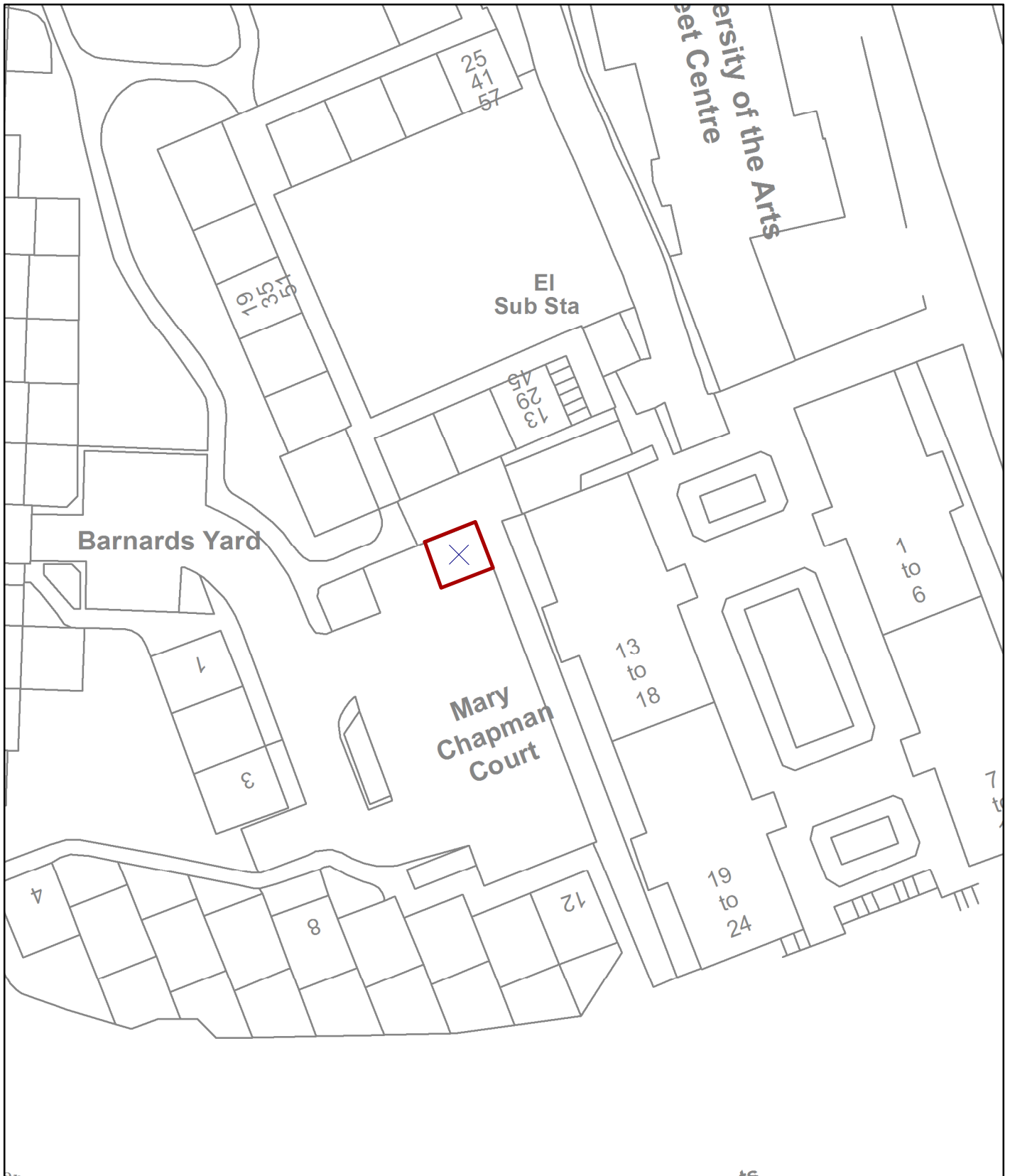
4(e)

**Reason
for referral** Objections

Ward	Mancroft
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
Installation of temporary building to accommodate communal heating plant to provide heating to flats at Barnards Yard before an adjoining building in which it is currently housed is demolished for re-development by others.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1. Amenity	Loss of outlook, loss of light, noise.
2. Design & heritage	Appearance & impact on conservation area.
3. Transport	Loss of parking spaces.
Expiry date	14 September 2018 (extended from 27 August 2018)
Recommendation	Approve



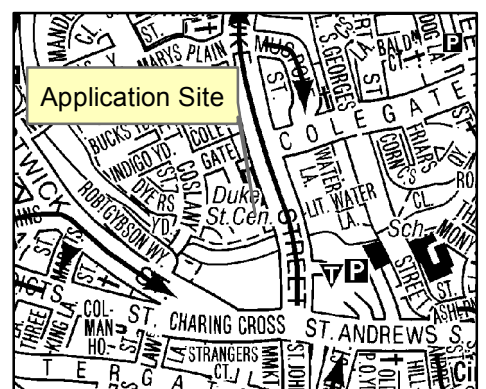
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Planning Application No 18/00861/NF3
 Site Address Barnards Yard
 Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



The site, surroundings & constraints

1. The application site is within the car park of the Barnards Yard housing estate which is located off Coslany Street, just to the north of the River Wensum.
2. The site sits within the City Centre Conservation Area and there are some listed and locally listed buildings in the wider area, although none are viewable from the site itself.
3. The site is also designated as follows:
 - (a) Flood Zone 2
 - (b) City Centre Regeneration Area
 - (c) Area of Main Archaeological Interest
 - (d) Area for Reduced Car Parking

Relevant planning history

4. None.

The proposal

5. The proposal is for the temporary erection of a shipping container to contain heating equipment for the flats within Barnards Yard. The applicant has proposed that the temporary consent lasts a period of 18 months.
6. The proposed shipping container measures 6.06m in length, 2.44m in width and 2.6m in height.
7. The flats are currently heated via plant located within the basement of the adjacent Mary Chapman Court development. Since this adjacent site is no longer within the applicant's ownership, a temporary heating solution is required in the short term while a permanent solution is being worked up.

Representations

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
Loss of parking spaces	See Main Issue 3: Transport.
Loss of light to 15 Barnards Yard	See Main Issue 1: Amenity.
Noise disturbance	See Main Issue 1: Amenity.

Consultation responses

9. 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

10. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

Lead Local Flood Authority

11. No comments.

Environmental protection

12. I have reviewed this application and have no comments.

Highways (local)

13. No objection on highway grounds
14. I appreciate that a single parking space will be lost, however residents of Barnards Yard are entitled to on street parking also.

Norfolk Historic Environment Service

15. Based on currently available information the proposed temporary building will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

Assessment of planning considerations

Relevant development plan policies

16. **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
17. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM4 Providing for renewable and low carbon energy
 - DM9 Safeguarding Norwich's heritage
 - DM28 Encouraging sustainable travel
 - DM31 Car parking and servicing

Other material considerations

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

- Section 9 Promoting sustainable transport
- Section 12 Achieving well-designed places
- Section 15 Conserving and enhancing the historic environment

Case Assessment

19. 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: Amenity

20. Key policies - DM2, NPPF paragraph 127.
21. It is worth noting here that the application is for a temporary consent and as such, any impacts will be time limited and subject to review should a permanent application come in.
22. The temporary structure is proposed to be located within the car park of Barnards Yard, covering 2 parking spaces and separated by a 4.6m grass verge from the nearest residential property to the north. The structure would stand at a height of no more than 2.6m and be oriented so that the shortest side of the structure faces the nearest residential properties. As such, the proposal is considered to cause very minimal opportunities for loss of light or outlook.
23. The proposal is located 4.47m from the nearest student bedrooms at Mary Chapman Court. Given this distance, and the fact that the structure is to be limited in height, there is considered to be limited impact in terms of loss of light or outlook.
24. The council's Environmental Protection Officer has reviewed the proposals and raised no concerns with the noise generated by the units.

Main issue 2: Design & heritage

25. Key policies - JCS2, DM3, DM9, NPPF sections 12 and 16.
26. The application is for a temporary consent and so, whilst the design of the shipping container is not ideal for this setting, the impacts will be time-limited. There are no listed buildings which would be affected by the proposals.

Main issue 3: Transport

27. Key policies - DM31, NPPF section 9.
28. The proposal involves the loss of 2 parking spaces from the Barnards Yard residents' car park, which it is understood that residents can use free of charge. Residents are also entitled to on-street parking permits for use within the wider Controlled Parking Zone. As such, the loss of 2 parking spaces is not considered to cause a significant issue in terms of availability of parking, especially in such an accessible city centre location.

Equalities and diversity issues

29. There are no significant equality or diversity issues.

Local finance considerations

30. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. 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

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

Recommendation

To approve application no. 18/00861/NF3 - Site of proposed Communal Heating Plant Barnards Yard Norwich and grant planning permission subject to the following conditions:

1. Temporary consent for 18 months from the date of decision;
2. In accordance with plans;
3. Dimensions of structure limited to: 6.06m in length, 2.44m in width and 2.6m in height.

Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/01025/F - 1 Leopold Close, Norwich,
NR4 7PR

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

4(f)

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

Development proposal		
Construction of one and a half storey dwelling.		
Representations		
Object	Comment	Support
5	1	0

Main issues	Key considerations
1 Principle	Residential use of land
2 Design	Scale, form, materials
3 Amenity	Loss of light/privacy
4 Highways	Parking and servicing provision
5 Trees	Removal of vegetation
Expiry date	31 August 2018
Recommendation	Approve



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Planning Application No 18/01025/F
 Site Address 1 Leopold Close
 Scale 1:500

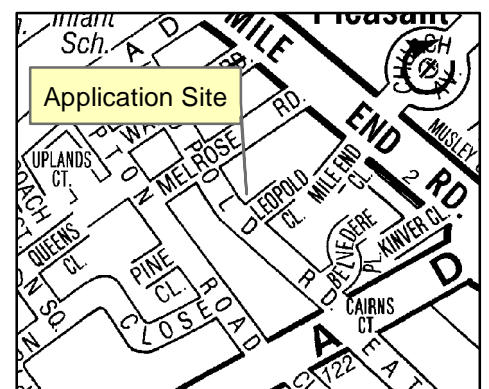


NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. The subject site is located on the East side of Leopold Close, West of the city centre. The plot is current occupied by a single dwelling and forms a corner plot to Leopold Close. As the property is located on the corner, the large rear garden area runs adjacent to Leopold Road. The garden area has been split with a timber fence so that one area remains in the use of 1 Leopold Close and the remainder is vacant land. There are a number of large bushes that have grown to a significant height along the Northern border. At present this area is occupied by a disused garage and overgrown planting. The garden area borders the garden space of No. 2 Leopold Close to the East and a garage site to the North. The surrounding area is residential in character, although the properties in Leopold Close are of a distinct flat-roofed design compared with the more varied property styles along Leopold Road.

Constraints

2. The site is located within a critical drainage area.

Relevant planning history

3. There is no relevant planning history.

The proposal

4. The proposal is for the subdivision of the plot and the construction of a 1.5 storey 3 bedroom dwelling with associated garden and parking space.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	1
Total floorspace	108.6m ²
No. of storeys	1.5
Max. dimensions	Approx. 13.00m x 8.00m, 2.70m at eaves and 7.30m max. height.
Appearance	
Materials	To be conditioned
Transport matters	
Vehicular access	New access proposed from Leopold Road

Proposal	Key facts
No of car parking spaces	2 off-road spaces

Representations

5. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received (including one Councillor 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.

Issues raised	Response
This is a residential garden and should not be developed	See Main Issue 1
Surrounding development is not a precedent	See Main Issue 1
Over intense use of the site and out of keeping with density of area. Impact upon street scene.	See Main Issue 2
Design out character with Leopold Close	See Main Issue 2
Overlooking along Melrose Road and properties opposite	See Main Issue 3
Loss of light	See Main Issue 3
Loss of outlook	See Main Issue 3
Reflective glare into neighbouring dwellings	See Main Issue 3
Concern over access to exiting driveways	See Main issue 4
Insufficient line of sight on the bend	See Main Issue 4
Insufficient parking and reduction in on-street parking. Congestion along the road	See Main Issue 4
Loss of vegetation	See Main Issue 5
Loss of green views	See Other Matters
Concerns that changes will be made retrospectively	See Other Matters

Issues raised	Response
Restrictive covenants preventing garden development	See Other Matters
Congestion and access issues during construction	See Other Matters
Critical drainage area concerns	See Table in Section 33

Consultation responses

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

Highways (local)

7. No objection on highway grounds. The development will require reconstruction of the footway for a vehicle crossover. Please contact us for technical advice and Streetworks permit for this work. It would be advisable for space to be designated for refuse bin storage. A secure covered cycle store is required e.g. suitable shed

Natural areas officer

8. The garage does not look particularly bat friendly. A note should be fine. Please include informative 9.

Tree protection officer

9. I have reviewed the application and have no arboricultural comments to make,

Assessment of planning considerations

Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
 - JCS2 Promoting good design
 - JCS4 Housing delivery
11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM5 Planning effectively for flood resilience
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM12 Ensuring well-planned housing development

- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

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

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting healthy and safe communities
- NPPF 11 Making effective use of land
- NPPF 12 Achieving well-designed places
- NPPF 14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

Case Assessment

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

Main issue 1: Principle of development

14. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 11, 12, 14 and 118.
15. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF (2012) states that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. This has been carried forward to Paragraph 70 of the 2018 version of the NPPF. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
16. The principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed in the table below given that:
- (a) The site is not designated for other purposes;
 - (b) The site is not in a hazardous installation notification zone;
 - (c) The site is not in the late night activity zone;
 - (d) It does not involve the conversion of high quality office space; and
 - (e) It is not in the primary or secondary retail area or in a district or local centre.

17. One letter of representation highlighted that there was a lack of precedent for the proposed development and cited differences between the current proposal and previous residential developments along Leopold Road/Melrose Road. The presence (or lack of) precedent for development is not material to the assessment of the principal of development which must be considered against development plan policy. Each proposal should be assessed upon its own merits whilst still accounting for context. The acceptability of this proposal has been assessed in the following sections.

Main issue 2: Design

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 95, 110, 122, 127-131.
19. Concerns were raised that the proposal would represent an over-intense use of the site and of a density incongruous to that of the surrounding area.
20. There is no uniform density of development in this area; properties range from larger detached/demi-detached dwellings within larger plots to the South, to more dense terraced development to the North. The existing host property currently benefits from a particularly large side/rear garden. The subdivided plot is of a size that can accommodate an additional dwelling along with garden space and associated servicing (ie parking). Therefore, the proposal is not considered to be an over-intense form of development or of a density incongruous to the surroundings that would significantly alter the prevailing character of the area.
21. Concerns were raised that the proposed dwelling would have an impact upon the streetscene. It is acknowledged that the construction of an additional dwelling will change the view along Leopold Road. At present this area is fairly open and vegetation makes a positive contribution. In this location, there is no apparent or strong building line for the proposed dwelling to take reference from. However, officers were concerned that the dwelling would appear overly prominent in what is currently a spacious part of the street. As such the proposal was amended to set the property back from the highway by an additional 2m to reduce its impact. As the property is 1.5 storeys it would have lesser impact than a full 2 storey building.
22. Comments were made that the dwelling would be out of keeping with the design of the dwellings along Leopold Close. The properties on the Close are of a very distinct 1950s design with flat roofs and a large proportion of fenestration. The proposed dwelling would be a 1.5 storey dwelling constructed of contemporary materials. The proposed dwelling would be read within the street scene of Leopold Road (as opposed to Leopold Close) and therefore it is considered appropriate that the dwelling would be of a design that differs to the host property. The use of contemporary materials will ensure the property appears as a modern addition to the streetscene.

Main issue 3: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 91.
24. Concerns were raised in a number of representations relating to loss of privacy through the first floor windows of the property. The dwelling accommodates three bedrooms on the first floor, two of which would have small dormer windows within

the front roof slope. Given that the distance to the closest property on the opposite side of the road is approx. 18.00m minimum, overlooking to those properties is not a significant concern. The third bedroom would be served by a small window facing North. A number of neighbours are concerned about overlooking of properties and gardens along Melrose Road. However, the closest property is located approx. 25.00m from the proposed dwelling which is considered sufficient to prevent significant overlooking of properties. It is acknowledged that the garden spaces may be overlooked to an extent however such a relationship would not be abnormal for such an urban environment. Therefore the proposal is not considered to result in a significant loss of privacy for neighbouring occupiers.

25. Concerns were also raised that the proposed dwelling would result in a loss of light to neighbouring gardens and it was queried whether a BRE light assessment had been undertaken. In this instance a BRE assessment was not provided as part of the application and officers do not feel that this information is necessary to assess the application. The property is not considered to result in a significant loss light to the remaining garden space of No. 1 Leopold Close as it would be situated to the North. However, it is acknowledged that there will be a change in the amount of light to the gardens along Melrose Road and likely to 3 Leopold Close. However, the construction of the dwelling would not result in a significant loss of sunlight to the surrounding gardens compared with the current situation in both summer and winter months.
26. Several representations highlighted that the proposal would result in a change in outlook from green space to developed land. This issue has been addressed in section 37. The scheme has given consideration to the outlook of the immediate neighbours at number 1 by maintaining approx. 6.00m between the properties and utilising a hipped roof on the Southern side to reduce the massing of the building along the boundary. The neighbouring garden of No.3 extends across the back of the subject site and the outlook from the Northern section will be altered. However, a distance of approx. 4.40m would be maintained to the boundary with No. 3 (at the closest point) and the 1.5 storey form of the dwelling reduces the height and impact of the property.
27. Concerns were raised regarding the potential for reflective glare into neighbouring properties. The proposed dwelling would not utilise an excessive proportion of glazing and therefore reflective glare is not considered a matter which would warrant refusal of consent.

Main issue 4: Transport

28. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 102 and 108-110.
29. Concerns were raised over the safety of access to the site utilising a driveway on a bend in the road. The proposed access point to the site is located on a very slight bend of the road. However, Leopold Road is residential in nature with a number of other access point not dissimilar to that proposed as part of this application. In addition, the transportation officer did not raise any highway safety concerns with regard to the access point.
30. Concerns were also raised that the site does not provide for adequate off-road parking. In accordance with Appendix 3 of the Local Plan, a new dwelling in this

location would be expected to provide between 1 and 2 parking spaces. The driveway shown on the submitted plans indicates that there is adequate space for two cars to be parked off-road. The proposal therefore complies with the relevant parking standard.

Main issue 5: Trees

31. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 170 and 175.
32. The site is currently overgrown with a number of tall shrubs that are visible from the wider area. A number of neighbours have commented that trees would be removed from the site which would be detrimental to the character of the area. It has been confirmed with the Tree Protection Officer that the vegetation to be removed on site are large shrubs and are not trees. The loss of vegetation is considered to be outweighed by the benefits of providing additional housing. However, officers consider that a suitable landscaping scheme should be provided to mitigate this loss and take opportunities for biodiversity improvements, which should be secured by condition.

Compliance with other relevant development plan policies

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

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

Other matters

34. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation.
35. A neighbour noted that the property is subject to a restrictive covenant that restricts development within the garden. Restrictive covenants are a separate matter that is not a material planning consideration.
36. Concerns were raised that, should the development be approved, that retrospective changes or amendments would be made to the proposal. If the application is approved, the applicant will be required to carry out the development in accordance with the approved plans and details. It should also be noted that paragraph 130 of the new NPPF, requires that local planning authorities should seek to ensure that the

quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme, for example through changes to approved details. Although any changes to a permitted scheme would need to be assessed on their own merits, the planning authority would need to be mindful of the above.

37. Concerns were raised that the proposal would result in a loss of green views. Preventing loss of outlook is covered in DM2, however this relates to avoiding development that has an overbearing impact. In this instance, concerns over loss of private views of a green area are not a material planning consideration.
38. Concerns were also raised that the proposed development would result in congestion and access issues during construction. The Transportation Officer did not raise any concerns to this effect and has not requested the submission of a construction management plan. An informative would be included suggesting that the applicant carries out works in accordance with considerate construction practices and that they may be required to obtain consent from Highways with regard to management of traffic/pedestrians during construction works.
39. In addition, concerns were raised regarding cumulative impacts on congestion as a result of potential proposals to close off Leopold Road from Newmarket Road. At present the Leopold Road remains a through road and therefore the application has been assessed on this basis. Any potential changes to this situation and any potential resultant change in congestion is not considered to be significantly exacerbated through the provision of one additional dwelling.

Equalities and diversity issues

40. There are no significant equality or diversity issues.

Local finance considerations

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

Conclusion

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

Recommendation

To approve application no. 18/01025/F - 1 Leopold Close Norwich NR4 7PR and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of materials
4. Bins and bike storage
5. Landscaping scheme including biodiversity enhancements
6. SUDS
7. Water efficiency



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SITE LOCATION 1:500



SITE LAYOUT 1:250

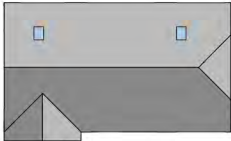
Private amenity and parking
The rear garden has an area of 90.0 sqm
The on-site parking is provided at 200%

REVISED : August 2018 : Site Layout
amended as required.

ICON ARCHITECTURAL
HETHEL ENGINEERING CENTRE
CHAPMAN WAY
HETHEL NORWICH
NR14 8FB
01953 857669

LAND at 1 LEOPOLD CLOSE NORWICH

PROPOSED 1.5 STOREY HOUSE

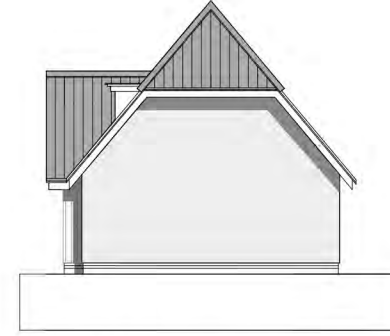




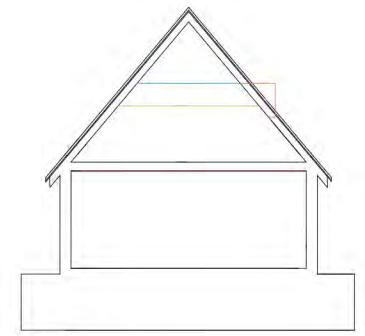
FRONT ELEVATION



REAR ELEVATION



END ELEVATION - arch

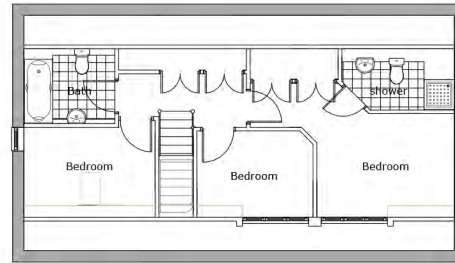


SECTION

SECTION KEY
 Green line : 1.5m above floor level
 Blue line : 2.1m above floor level
 Red line : 2.1m head height into dormers



GROUND FLOOR



FIRST FLOOR

Green line indicates 1.5m from floor level



END ELEVATION

REVISED August 2018: Section and ceiling levels added.

ICON ARCHITECTURAL
 HETHEL ENGINEERING CENTRE
 CHAPMAN WAY
 HETHEL NORWICH
 NR14 9FB
 01953 857669

LAND at 1 LEOPOLD CLOSE NORWICH

PROPOSED

1.5

STOREY

Page 103 of 138

HOUSE

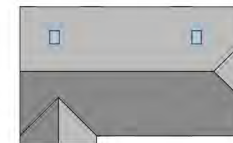
JOB : 2431

DRAWING : 01/02

DATE : June 2018

TITLE : Floor Plans and Elevations

SCALE : 1:100



Report to Planning applications committee

Item

13 September 2018

Report of Head of planning services

Subject Application no 18/01013/F - 60 Borrowdale Drive,
Norwich, NR1 4NS

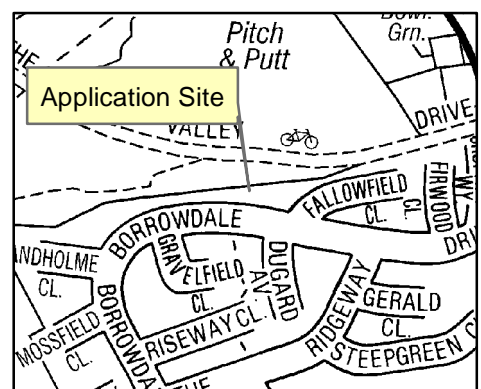
**Reason
for referral** Member of Staff application

4(g)

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

Development proposal		
Two storey rear extension and two storey and single storey side extension.		
Representations		
Object	Comment	Support
0	0	0

Main issues	Key considerations
1 Design	Height, scale, form, materials
2 Amenity	Overlooking, overshadowing
Expiry date	30 August 2018
Recommendation	Approve



The site and surroundings

1. The subject property is located on the North side of Borrowdale Drive, north east of the city centre. The subject property is semi-detached and constructed of brick and pantiles with rendered panels beneath the windows on the front elevation. There is a large front garden with a driveway which provides off-road parking. The ground slopes away towards the North so that the property is located at a lower ground level than the highway. To the rear is large garden with trees located at the far end along with sheds/summer houses. A single storey extension has previously been added to the rear elevation of the property. The properties in the surrounding area are largely pairs of semi-detached dwellings, a number of which have already undertaken extensions and alterations, and a small parade of shops on the Southern side of the road.

Constraints

2. There are no constraints on this site.

Relevant planning history

3. There is no relevant planning history.

The proposal

4. To the rear of the property is an existing single storey rear extension
5. The proposal is for a two storey side and rear extension which incorporates the existing extension.

Summary information

Proposal	Key facts
Scale	
Total floorspace	33m² increase
Max. dimensions	8.70m x 7.80m 4.70m at eaves, 6.40m max. height
Appearance	
Materials	Brick and roof tiles to match existing Timber or composite cladding beneath windows
Transport matters	
Vehicular access	Extant access and driveway to be retained.

Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received.

Consultation responses

7. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

8. **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
9. **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
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

10. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
 - NPPF0 Achieving sustainable development
 - NPPF8 Promoting healthy and safe communities
 - NPPF12 Achieving well-designed places

Case Assessment

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

Main issue 1: Design

12. Key policies and NPPF paragraphs – JCS2, DM3, NPPF 8 and 12.
13. The proposed extension is considered to be of an appropriate height, scale and form to the main dwelling and surrounding area. The extension is set back from the front elevation and the roof height lower than the existing roof in order that the

additions appear subservient. Given that the property is located at a lower ground level than the highway, the proposed extension is not considered to be overly prominent within the street scene.

14. There are also a number of properties in the surrounding area that have undertaken similar alterations.
15. The proposal would be constructed of materials to match the existing dwelling with the addition of timber or composite cladding beneath the windows. The properties within the surrounding area utilise a variety of materials beneath the windows.
16. Therefore the proposal is not considered to be detrimental to the character of the dwelling or the surrounding area.

Main issue 2: Amenity

17. Key policies and NPPF paragraphs – DM2, NPPF 8 and 12.
18. The proposed side extension would be constructed in an area which currently functions as part of the driveway. There is an approximately 6.50m gap between the side elevations of Nos. 60 and 62 which would be reduced to approximately 4.50m as a result of the proposal.
19. There is the potential that the extensions could result in a loss of light to the neighbouring property. To the rear of No. 62 is a single storey rear extension with a large window within the side elevation. The space within the neighbouring rear extension appears to be served by a secondary window within the rear elevation. In addition, the proposal would still retain a sufficient space between the properties such that it is unlikely to result in a sufficient loss of light.
20. The extension to the rear of the property is two storey, stepping down to single storey along the boundary with No. 58. In addition, there is an existing single storey rear extension at No. 58 and therefore the proposal is not considered to result in a significant loss of light.
21. Two new windows are proposed within the side elevation of the extension, however these are to be obscure glazed to prevent loss of privacy. In addition, the first floor windows in the rear elevation are not considered to result in a significant increase in overlooking compared with the existing situation.
22. Therefore the proposal is not considered to be detrimental to occupier or neighbouring amenity.

Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Cycle storage	DM31	Shed retained in rear garden
Car parking provision	DM31	Extant parking provision on driveway
Refuse Storage/servicing	DM31	Extant arrangements retained

Equalities and diversity issues

24. There are no significant equality or diversity issues.

Local finance considerations

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

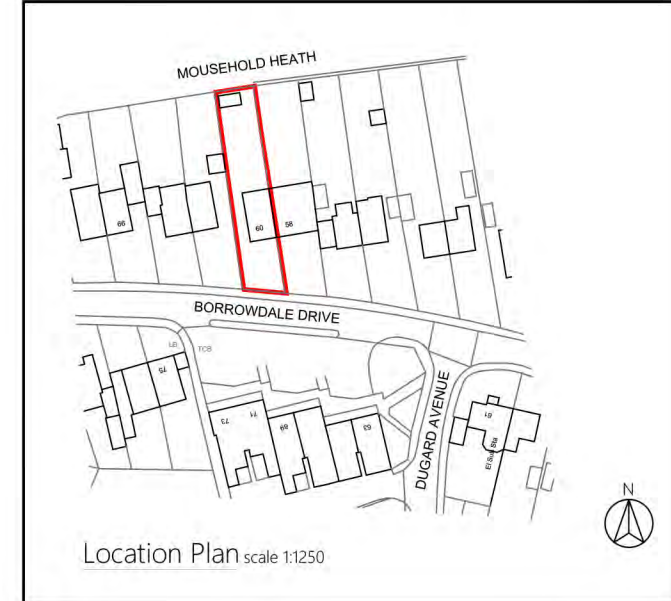
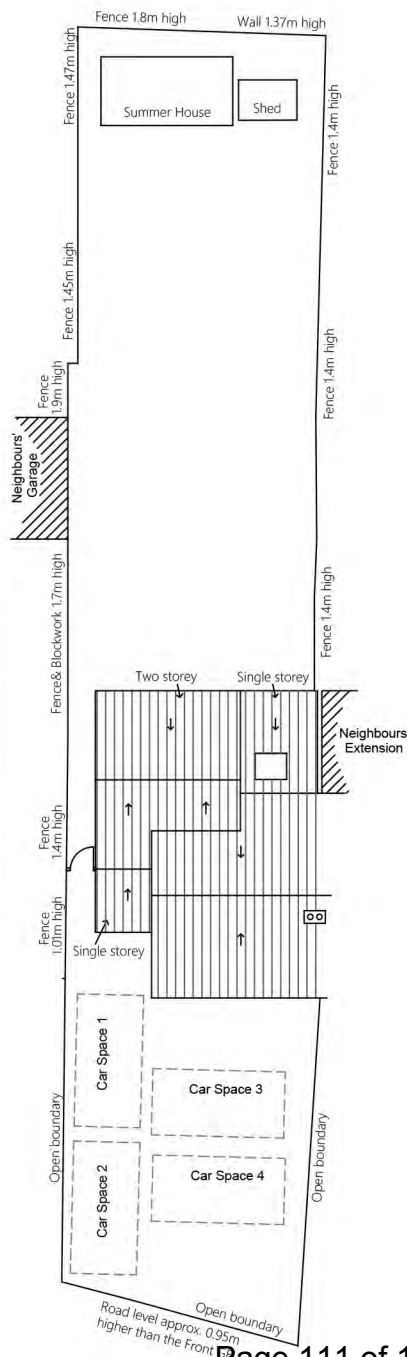
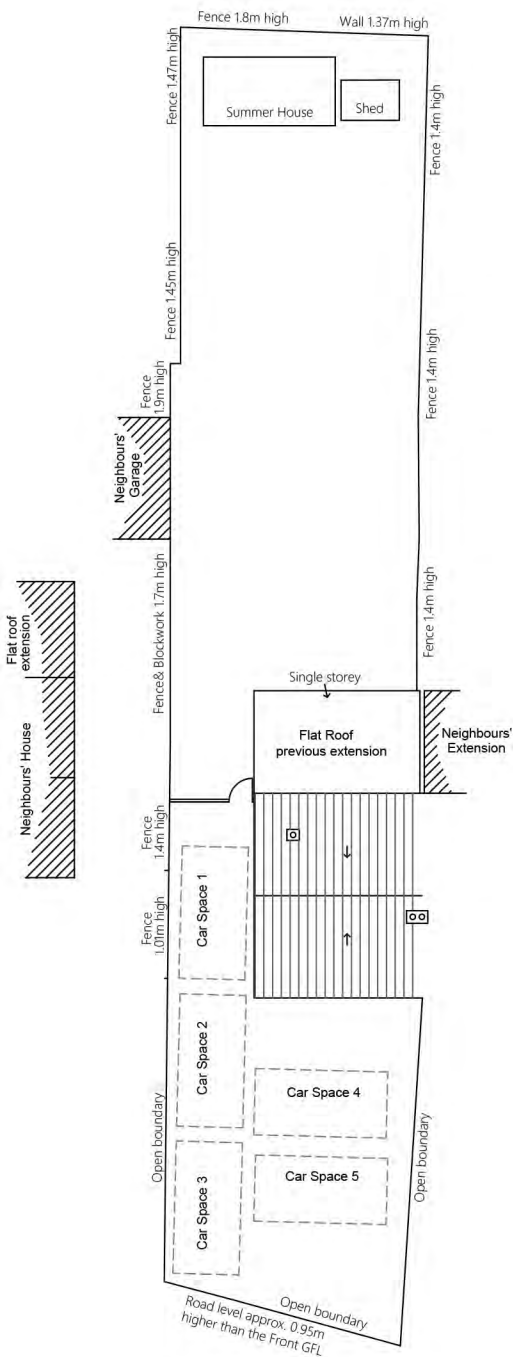
Conclusion

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

Recommendation

To approve application no. 18/01013/F - 60 Borrowdale Drive, Norwich, NR1 4NS and grant planning permission subject to the following conditions:

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



SCALE BAR		
1:200		
0 1 2 3 4 5 6 7 8 meters		
This drawing is part of the Planning Application submission. Should any external element differ from these drawings during construction, the Planning Department must be contacted to ascertain whether further Planning approval is required.		
This drawing is to be read as part of the Planning information and Building Regulation drawing package.		
All dimensions to be verified on site by the 'Builder' before the start of works. Report any discrepancies to the client immediately.		
Rev.	Date	Reason for Issue / amendments
A	02.07.18	Car parking spaces added.
	26.06.18	Client Issue pre Planning Submission.

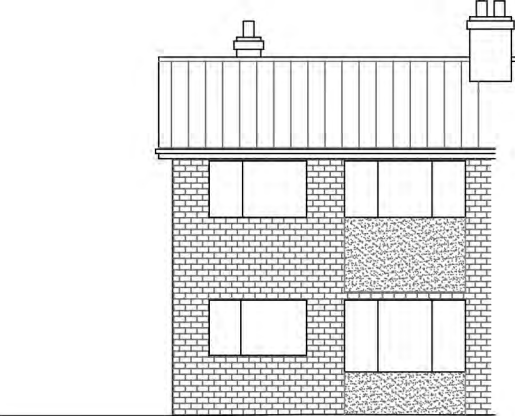
Design Planning Building Regulations

JMR architectural designs

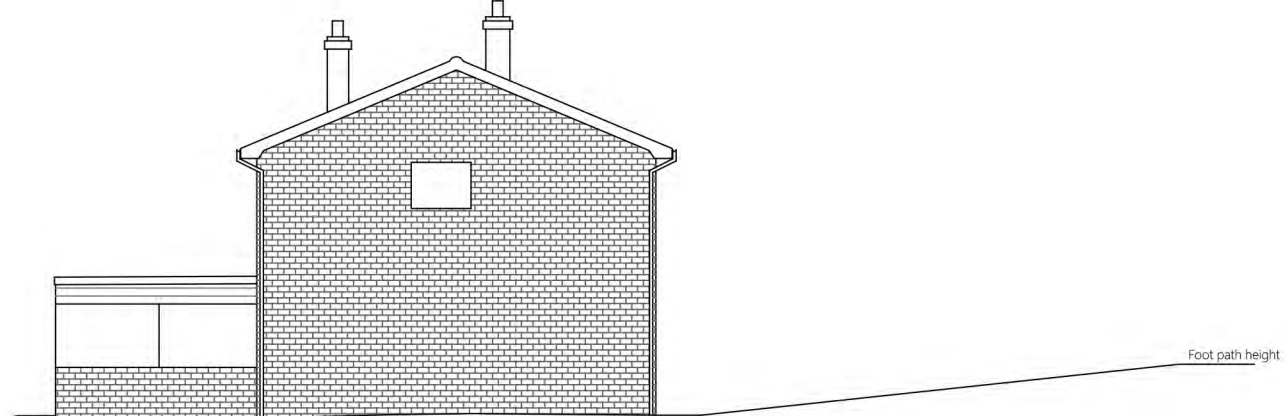
2 Holly Lane, Blofield, Norwich NR13 4BX
 www.jmrarchitecturaldesigns.co.uk
 email: julie@jmrdesigns.co.uk
 01603 717541 / 07906 927037

Client:	Address:
Mr Ayers & Ms Armes	60 Borrowdale Drive Norwich NR1 4NS

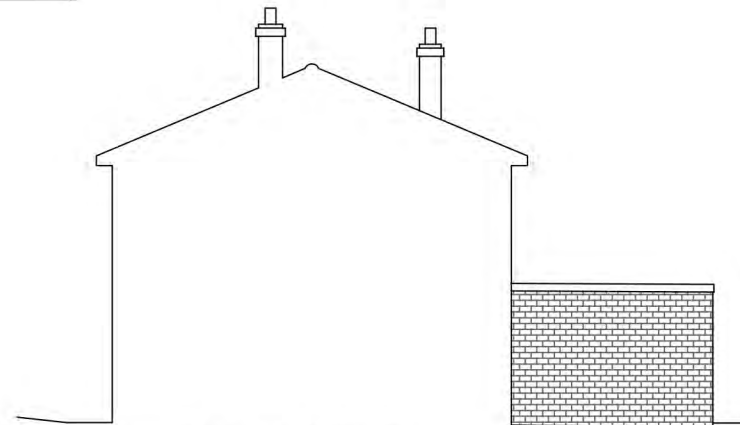
Drawing Title: Location Plan Site Plans				
Date: 06.12.17	Scales: 1:1250/200	A3	Dwg:001	Rev: A



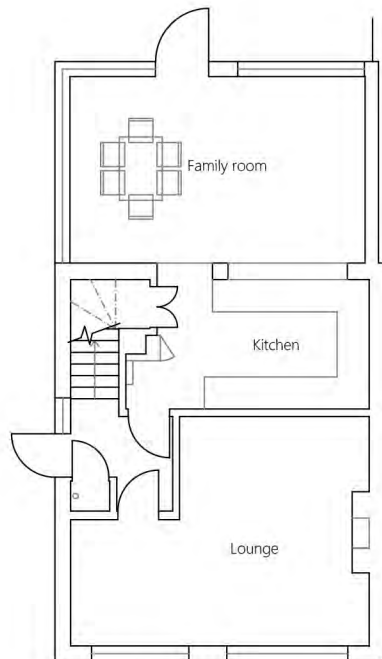
Front Elevation



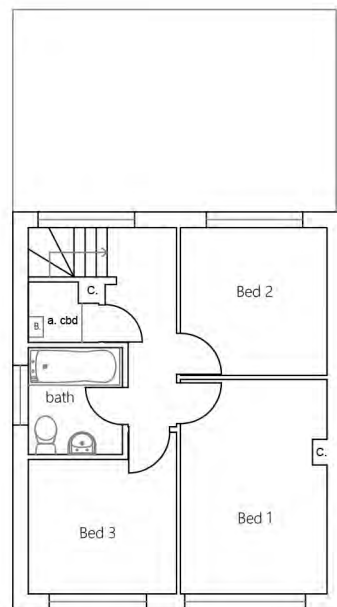
South-West Side Elevation (Driveway)



North-East Side Elevation



Ground Floor Plan



First Floor Plan



Rear Elevation

SCALE BAR		
1:100		
0 1 2 4 meters		
This drawing is part of the Planning Application submission. Should any external element differ from these drawings during construction, the Planning Department must be contacted to ascertain whether further Planning approval is required.		
This drawing is to be read as part of the Planning information and Building Regulation drawing package.		
All dimensions to be verified on site by the 'Builder' before the start of works. Report any discrepancies to the client immediately.		
Rev.	Date	Reason for Issue / amendments
-	26.06.18	Client Issue pre Planning Submission.

Design Planning Building Regulations	
JMR architectural designs	
2 Holly Lane, Blofield, Norwich NR13 4BX	
www.jmrarchitecturaldesigns.co.uk	
email: julie@jmrdesigns.co.uk	
01603 717541 / 07906 927037	

Client:	Address:
Mr Ayers & Ms Armes	60 Borrowdale Drive Norwich NR1 4NS
Drawing Title: As Existing Floor Plans & Elevations	
Date: 28.03.18	Scale: 1/100
A3	Dwg: 002
Rev: -	



SCALE BAR

1:100 0 1 2 4 meters.

This drawing is part of the Planning Application submission. Should any external element differ from these drawings during construction the Planning Department must be contacted to ascertain whether further Planning approval is required.

This drawing is to be read as part of the Planning information and Building Regulation drawing package.

All dimensions to be verified on site by the 'Builder' before the start of works. Report any discrepancies to the client immediately.

Rev.	Date	Reason for Issue / amendments
B	10.07.18	Proposed walls hatched brick in-line with previously issued Planning form.
A	02.07.18	Walls adjustment.
	26.06.18	Client Issue pre Planning Submission.

Design Planning Building Regulations

JMR architectural designs

2 Holly Lane, Blofield, Norwich NR13 4BX

www.jmrarchitecturaldesigns.co.uk
email: julie@jmrdesigns.co.uk
01603 717541 / 07906 927037

Client: Mr Ayers & Ms Armes	Address: 60 Borrowdale Drive Norwich NR1 4NS			
Drawing Title:		As Proposed Floor Plans & Elevations		
Date: 18.06.18	Scale: 1/100	A3	Dwg: 003	Rev: B

Report to date: Planning applications committee

Item

13 September 2018

Report of: Head of planning services

4(h)

Subject: Enforcement Case 17/00151/ENF – 137
Unthank Road, Norwich

Summary	
Description:	Construction of building not in accordance with approved plans and pre-commencement conditions that have not been discharged.
Reason for consideration at committee:	Being reported at officer's discretion.
Recommendation:	Authorise enforcement action up to and including prosecution in order to secure compliance with condition 2, 3, 4 and 5 of permission 16/00759/F through: (1) Undertaking alterations to the existing development to bring it in line with the approved scheme; (2) The submission of an appropriate landscaping scheme.
Ward:	Nelson
Contact officer:	Charlotte Hounsell charlottehounsell@norwich.gov.uk



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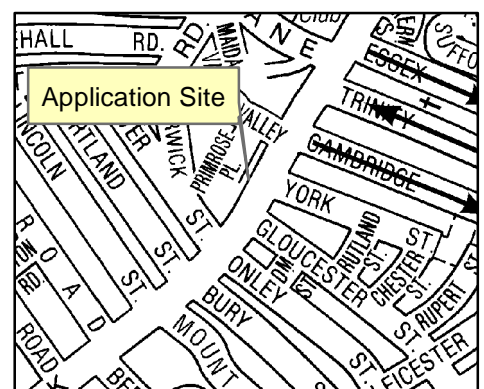
Planning Application No 17/00151/ENF
 Site Address 137 Unthank Road
 Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



Page 116 of 138



The site

1. The site is located on the West side of Unthank Road to the South West of the City. The former Burrells hardware store used to be located on this site and was demolished as part of application 16/00759/F. A new building has been constructed on site of roughly the same footprint as the previous building, although not in accordance with plans. There is a forecourt area to the front of the site which was previously used for parking but has remained fenced off during construction. There is a raised garden space to the rear of the site with a timber workshop outbuilding which was retained as part of the previous planning application. The site is located within a local retail centre and in a critical drainage area.
2. Following officer visits to the site, the building is considered to have been largely built to the correct external dimensions and in the correct location as approved under application 16/00759/F. Therefore officers consider that the 2016 permission has been implemented, however, not all conditions have been complied with. Permission 16/00759/F was subject to the following conditions (which have been summarised below):
 - (a) Three year time limit;
 - (b) Development in accordance with plans;
 - (c) Details of the shopfront including details of materials, first floor windows to be timber sliding sash;
 - (d) External materials to be agreed;
 - (e) Landscaping details to be agreed;
 - (f) Details of any extract ventilation systems to be agreed prior to any A3 or A5 occupation of the ground floor units;
 - (g) Hours restrictions of 08:00 to 23:00 for any A3/A5 use of the ground floor;
 - (h) Trade deliveries and collections limited to 07:00 to 19:00 Monday to Saturday;
 - (i) Water efficiency to meet the higher building regulations requirement of 110 litres/person/day;
 - (j) First floor windows on the side elevation to be obscure glazed;
 - (k) Removal of permitted development rights for new boundary treatments to the front of the site.
3. None of the pre/early commencement conditions (2, 3 and 4 above) were discharged.
4. Currently works have ceased on site and the commercial units on the ground floor are incomplete internally and remain unoccupied. The residential unit at first floor appeared to be completed at the time of the last visit to site and was occupied.

Relevant policies

National Planning Policy Framework July 2018:

- NPPF8 Promoting healthy and safe communities
- NPPF12 Achieving well designed places

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

- JCS2 Promoting good design

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

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design

The breach

5. Application 16/00759/F required that the development be undertaken in accordance with the approved plans and required the submission of details for approval prior to the commencement of development. The current as-built development is in breach of conditions 2, 3, 4, 5 and 10 of permission 16/00759/F. The details of each breach is outlined in the following sections:

- (a) Use of windows of incorrect size, proportion, style and materials within the front elevation at first floor. The windows as installed are currently PVC casement windows of inappropriate size and opening mechanism. In breach of conditions 2 and 3.
- (b) Installation of inappropriate shop front. The existing building utilises a PVC shop front of smaller dimensions and different framing style without decorative surrounding. In breach of conditions 2, 3 and 4.
- (c) Use of low quality red brick for the construction of the building without first being approved. In breach of condition 4.
- (d) Use of non-obscured glazing within first floor side windows as shown on approved plans in 16/00759/F. In breach of condition 10.
- (e) Use of roof tiles without first being approved. In breach of condition 4.
- (f) Internal layout changes. The scheme as built is largely the same in its principle layout in that it comprises two ground floor commercial units and one first floor residential unit. The changes include removal of partition walls in the residential unit to create an open plan living/kitchen/dining space, relocation of W/Cs on the ground floor and inclusion of a separated (rather than integrated) kitchen area to one commercial unit. In breach of condition 2.
- (g) Installation of PVC windows and doors to the side and rear elevations without first being approved. In breach of condition 4.
- (h) Construction of metal exterior staircase at the rear of the site without material first being approved. In breach of condition 4.

- (i) Use of PVC gutters, fascias and bargeboards without materials first being approved. In breach of condition 4.
 - (j) Commencement of development without first submitting and gaining approval of a suitable landscaping scheme. In breach of condition 5.
6. The breaches as outlined above have occurred within the last ten years, therefore enforcement action can be taken in accordance with Section 171B of the Town and Country Planning Act 1990.

Justification for enforcement

7. Each of the breaches have been addressed in turn below, assessing what harm is caused by each breach and whether it is considered expedient to take enforcement action on each issue:

- A. The previously approved scheme included a carefully designed front elevation to ensure that the replacement building would sit comfortably within the existing parade of shops. The use of windows of a traditional style and opening mechanism to match those seen on the surrounding buildings and constructed of timber was considered important to ensure that the building responded appropriately to its surroundings.

In this instance, the currently installed windows within the first floor of the front elevation of the building are considered to be harmful to appearance of the building and the surrounding area. Due to their incorrect size and proportions, the windows appear squat on the front elevation with large areas of exposed brick. Approval of the proposed window material was also required prior to commencement of development; however PVC windows have been installed without approval. It should be noted that there are a number of other shops along the parade which utilise inappropriate PVC windows at first floor. However, the installation of such windows would likely be considered permitted development and in the majority of those cases the historic shopfronts are retained. In this instance, the historic building was to be demolished including the loss of the timber shop front. Therefore timber windows were required in order that they were of a high quality construction that contributed towards mitigation for the loss of the former building. The windows currently installed are considered to result in harm to the character and appearance of the building and the wider surrounding area and are therefore contrary to policy DM3 of the Local Plan.

- B. The approved scheme included a condition requiring the detailed design of a replacement shop front to be approved prior to commencement of development. As above, the approved proposal resulted in the demolition of the historic building and shop front. Therefore, officers considered it necessary to ensure that the replacement shop front would be of high quality to mitigate for this loss. It was also noted that the majority of the shops along the parade retain their timber shop fronts and these are largely attractive features that contribute positively to the area. The approved plans showed that the shop front would largely replicate what was seen on the former

building, referencing the size and proportion of framing and glazing, door position and the decorative surround.

The shop front as installed does not relate to the previously approved plans. The shop fronts are of a design and proportions incongruous to the original and out of keeping with those seen in the area, and utilise low quality PVC materials. The smaller size of the shop fronts contributes towards the squat appearance of the building and also accentuates the large area of brick on the front elevation. Therefore the as-installed shop fronts are considered to be harmful to the character and appearance of the building and the wider surrounding area and are therefore contrary to policy DM3 of the Local Plan.

- C. The shops in the surrounding area are constructed of a mixture of white/grey and red bricks with a large proportion having painted their front elevations. A number of the units have constructed extensions to the rear of the original buildings from red brick. The use of an appropriate brick for the scheme approved under 16/00759/F was required to ensure that the building respected and responded to the character of the surroundings.

As above, the proposal involved the loss of the former historic building and details of materials were required by condition to ensure that its replacement was of a sufficiently high quality such that the building would fit in with the surrounding context. The as-built building utilises a low quality brick. This is of a vibrant red colour which is very prominent within the street scene and is not representative of other brick types used on the front elevations of the surrounding buildings. Therefore this element is considered to result in harm to the character and appearance of the surrounding area and is contrary to policy DM3 of the Local Plan.

- D. On the approved plans from 16/00759/F, a number of windows at first floor within the residential unit were shown to be obscure glazed to reduce overlooking to neighbouring buildings.

At present, the residential unit has not employed the use of obscure glazing within two side elevation windows at first floor which serve a bedroom and the kitchen. Obscure glazing has been utilised in the first floor bathrooms. The locations of the bedroom and kitchen windows within the side elevation do not correspond with windows in the adjacent property and therefore they do not result in any direct overlooking into habitable rooms. Given the proximity between the building and those on neighbouring sites, there is little opportunity for overlooking into rear garden/outdoor spaces. Therefore this breach is not considered to result in an unacceptable standard of amenity for current or neighbouring occupiers in accordance with policy DM2 of the Local Plan.

- E. The proposed materials indicated on the approved application 16/00759/F showed the use of slate roof tiles. Although details were required by condition, the principal of using slate was considered acceptable as it would be in keeping with roof materials used on many of the surrounding buildings.

In this instance, the as-built building utilises dark grey plain tiles on the roof. These tiles are of a similar colour and texture to the surrounding slate roofs. In addition, it is expected that these tiles will dull down with time and weathering. The existing tiles, although of a lower quality material than slate, are considered to be of a similar appearance to the roofs in the surrounding area. As such the tiles do not appear incongruous or overly prominent within the street scene and are, on balance, considered to respond appropriately to the materials used in the surrounding area in accordance with policy DM3 of the Local Plan.

- F. The as-built scheme includes internal layout changes as indicated in section 2(f) above. However, the overall character of development has been implemented largely as approved and still comprises two ground floor commercial units of the approved sizes, and a first floor residential unit. The internal layout changes have not resulted in the insertion of any new doors/windows that would result in additional overlooking, nor have they resulted in a material change to the amount of commercial or residential space compared with the previously approved scheme. Therefore the as built layout is still considered to accord with the relevant Local Plan policies.
- G. As above, details of materials, including for windows and doors, to be used within the side and rear elevations of the building were required to ensure that the proposal would relate well to the buildings and character of the surrounding area. It should be noted that whilst the majority of the units in the parade retain their historic frontages, some have utilised PVC windows and doors to the side and rear elevations. Along this parade, it is the historic frontages that are the main attractive features within the street scene and the side and rear elevations of the buildings are less visible and therefore less sensitive.

PVC windows and doors have been included within the side and rear elevations of the as-built building. Given that these elevations are less sensitive than the front elevation and that a number of other units in the area also use PVC fittings to the side and rear, the use of PVC windows and doors in these locations is not considered to result in significant harm to the character and appearance of the surrounding area in accordance with policy DM3 of the Local Plan.

- H. Details of the materials of the exterior staircase to the rear were required as this was not indicated as part of the approved application. The scheme as built utilises a metal staircase. Although this material was not submitted for approval, it is not considered inappropriate, would be located to the less sensitive rear of the site and is not visible from the road. Therefore the installation of the metal staircase is not considered to result in material harm to the character and appearance of the surrounding area in accordance with policy DM3 of the Local Plan.
- I. Details of materials to be used for the gutters, fascias and bargeboards were requested by condition as these were not detailed as part of the approved application. Black PVC gutters and downpipes have been utilised along with

white PVC fascias. It should be noted that PVC fittings are seen in the surrounding area and can be installed and replaced on buildings under permitted development rights. Therefore the use of PVC fittings is not considered to be significantly harmful to or out of keeping with the character and appearance of the building or surrounding area in accordance with policy DM3 of the Local Plan.

- J. During the consideration of application 16/00759/F, it was acknowledged that the large parking forecourt was not desirable from a highway safety or aesthetic point of view. The approved plans identify an outdoor seating area with bollards to prevent vehicle access and an area for cycle parking. The landscaping condition from 16/00759/F required the submission of details of hard surfacing, location of functional services, details of boundary treatments, and cycle parking and bin storage facilities. These details were to be approved prior to commencement of development; however these details have not yet been submitted. It is considered necessary for these details to be submitted to ensure the satisfactory appearance of the site in accordance with policies DM2 and DM3 of the Local Plan.

Options for enforcement

8. As per section 7, it is considered expedient to take enforcement action against items A, B, C and J.
9. As per section 7, it is not considered expedient to take enforcement action against items D, E, F, G, H, and I.
10. Officers have been investigating the breach and working with the applicants for some time to find a solution to the matters detailed in section 5. Several visits to the site have confirmed that the building is largely built to the correct overall dimensions and in the correct location as per the approved plans. Therefore permission 16/00759/F is considered to have been implemented.
11. The applicants have submitted a revised set of plans outlining a number of alterations that could be undertaken to the existing building to resolve the breaches and to ensure that the development complies with the conditions imposed upon 16/00759/F. The revised plans detail the following changes:
 - (a) Painting of the external brick to the front and side elevations in an off-white colour. This would reduce the prominence of the building by removing the vibrant red appearance from the street scene. In addition, a large number of shops within the parade have painted front elevations and therefore this change would ensure the building sits more appropriately in the context of its surroundings.
 - (b) Replacement of first floor front elevation windows with timber sliding sash windows of appropriate proportions and inclusion of stone cills. This would ensure that high quality windows are inserted that would more closely resemble those lost through the demolition of the former building, with the

inclusion of cills that are a common feature on the other buildings along the parade.

- (c) Replacement of the existing shop front with a new shop front constructed of timber and glazing. The shop front would be of a design to mirror that of the former building with a painted decorative surround and would have more appropriate proportions and designated signage areas.

12. Officers have reviewed the plans detailing the above changes and consider that the alterations would bring the as-built development in line with the approved plans of 16/00759/F.
13. Authorisation is therefore sought to serve a breach of condition notice to secure compliance with the revised plans and to secure the submission of an appropriate landscaping scheme.
14. Officers have also considered the expediency of requiring the existing building to be demolished in its entirety and rebuilt in accordance with the approved plans. As outlined above, permission 16/00759/F is considered to have been implemented. In this instance, officers consider that it would be neither expedient nor proportionate to require the existing building to be demolished given that the development can be brought in line with the approved plans using less onerous measures (outlined in section 11).

Equality and diversity Issues

15. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
 - (a) Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure alterations to the existing building to bring the development in line with the approved plan and to secure the submission of appropriate landscaping details in the interests of visual amenity of the area is proportionate to the breach in question.
 - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the breach of condition notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

Conclusion

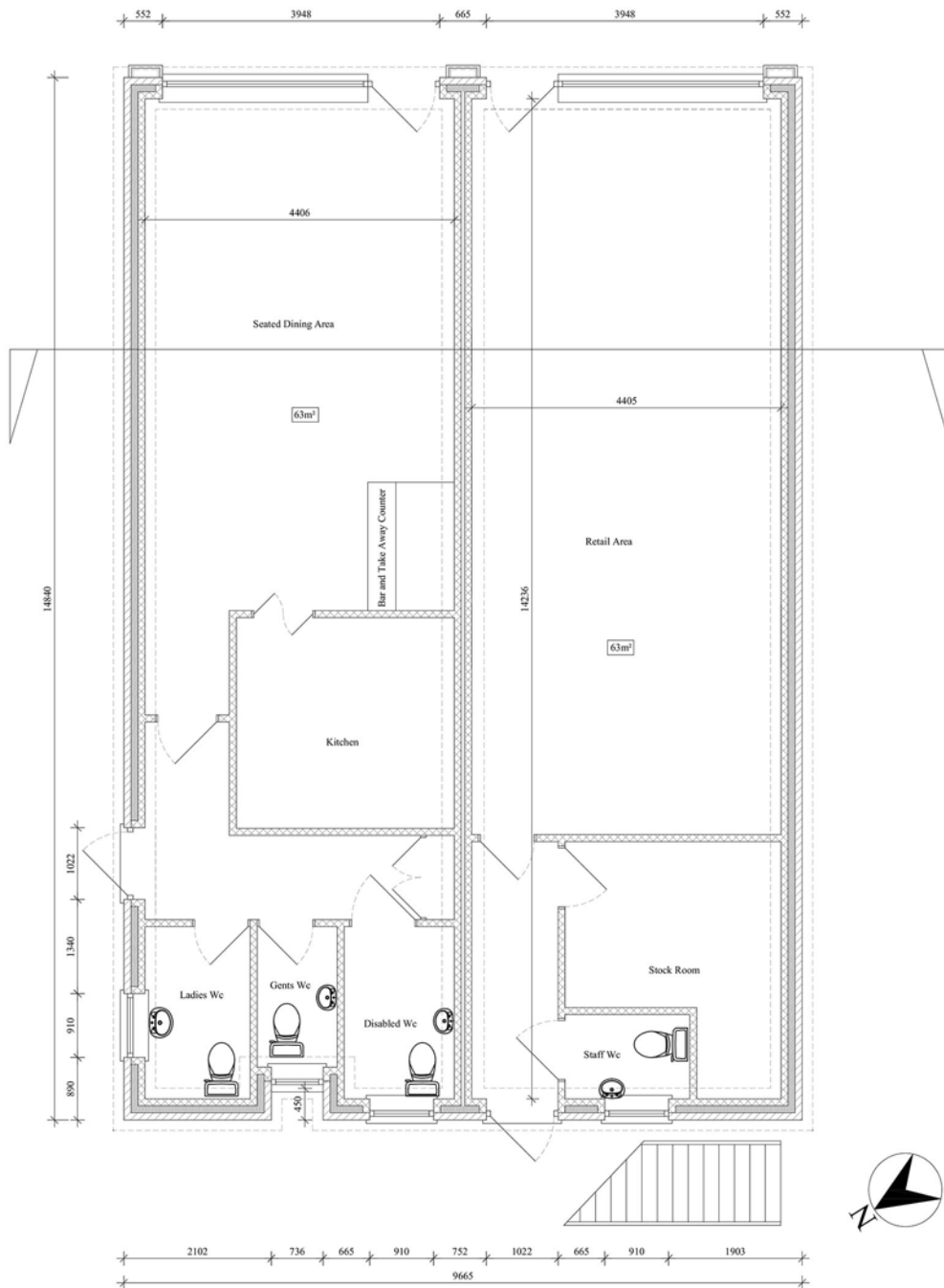
16. For the reasons outlined above the works that have been undertaken to date are considered to be harmful to the character and appearance of the surrounding area. The applicants have proposed alterations to the scheme to bring the development in line with the approved scheme under application 16/00759/F. Therefore it is recommended that authorisation is given to serve a breach of

condition notice seeking compliance with the revised plans and the submission of an appropriate landscaping scheme.

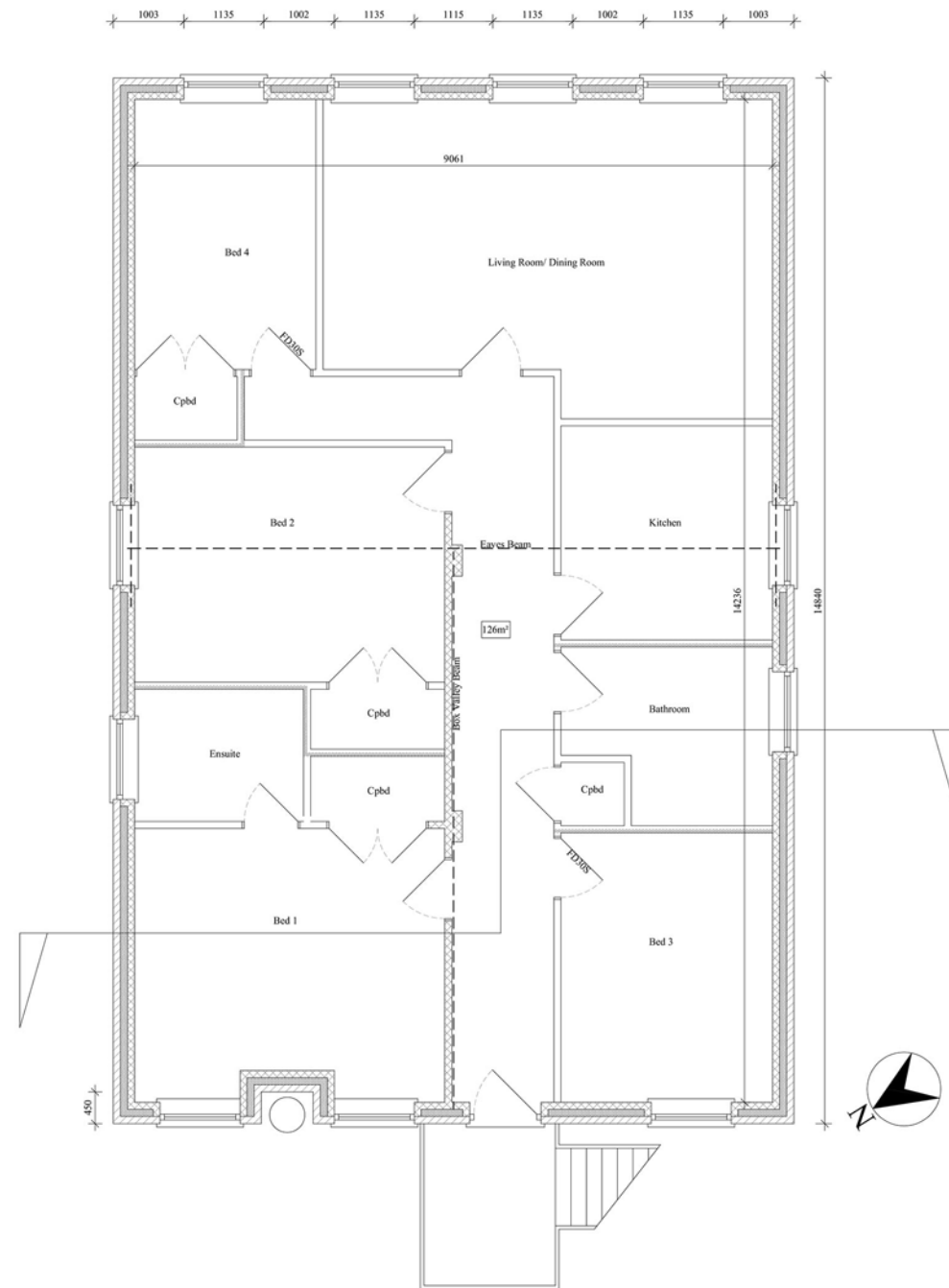
Recommendation

Authorise enforcement action up to and including prosecution in order to secure compliance with conditions 2, 3, 4 and 5 of permission 16/00759/F through:

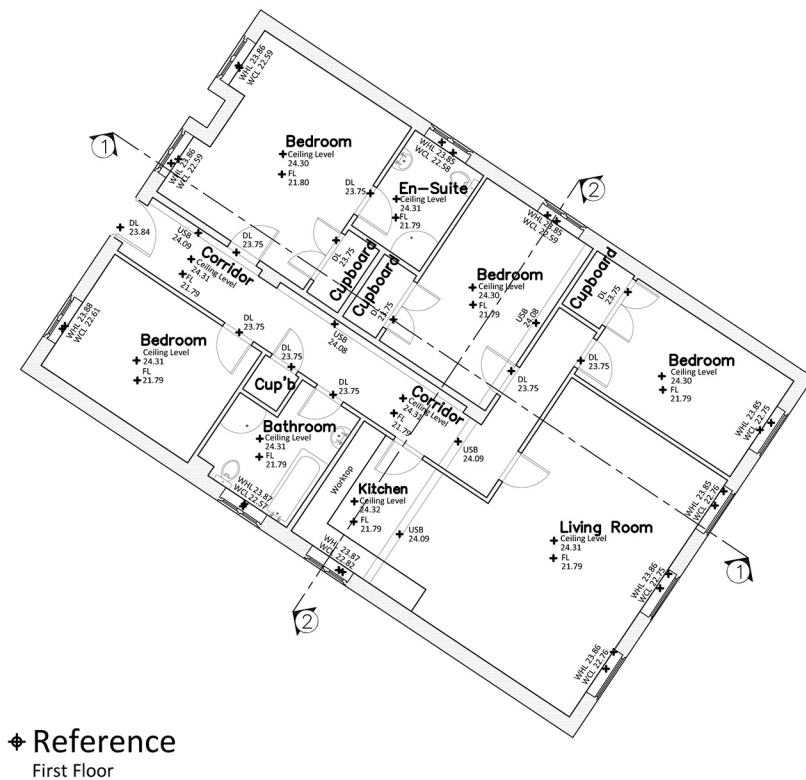
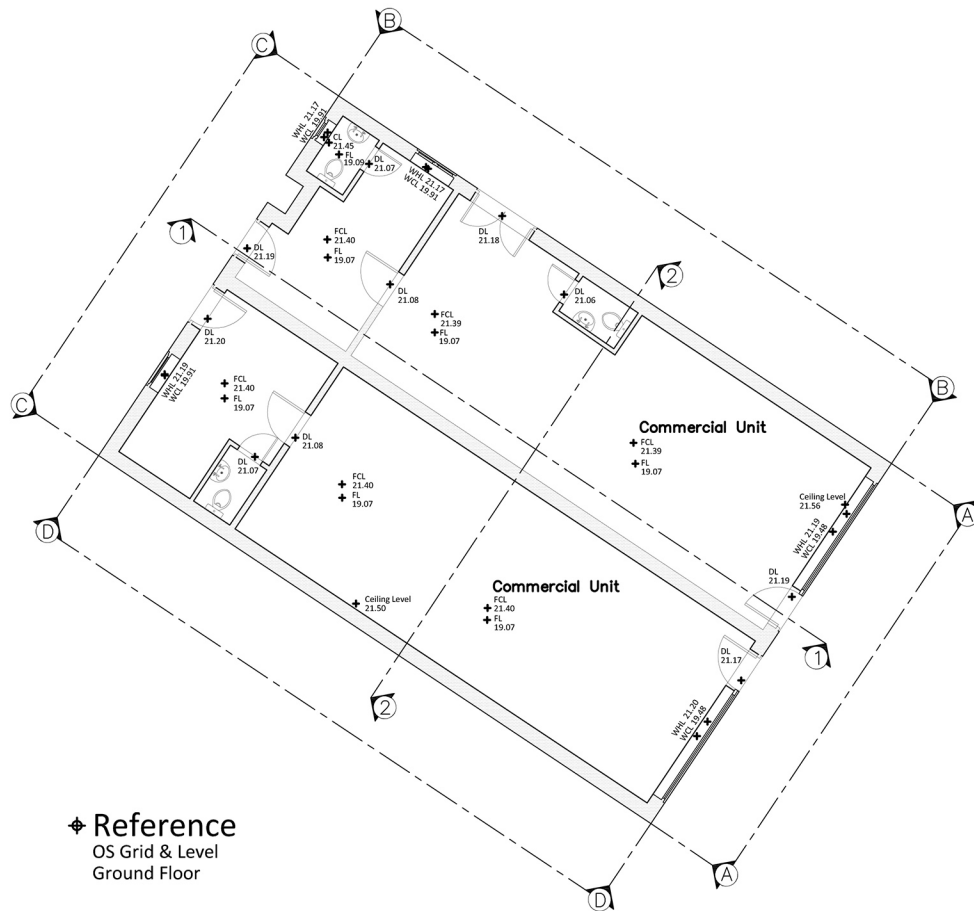
- (a) The carrying out of works on site to ensure the building is constructed in accordance with the submitted revised plans to bring the development in line with the approved scheme under 16/00759/F; and,
- (b) The submission of an appropriate landscaping scheme which was required under condition 5 of permission 16/00759/F.

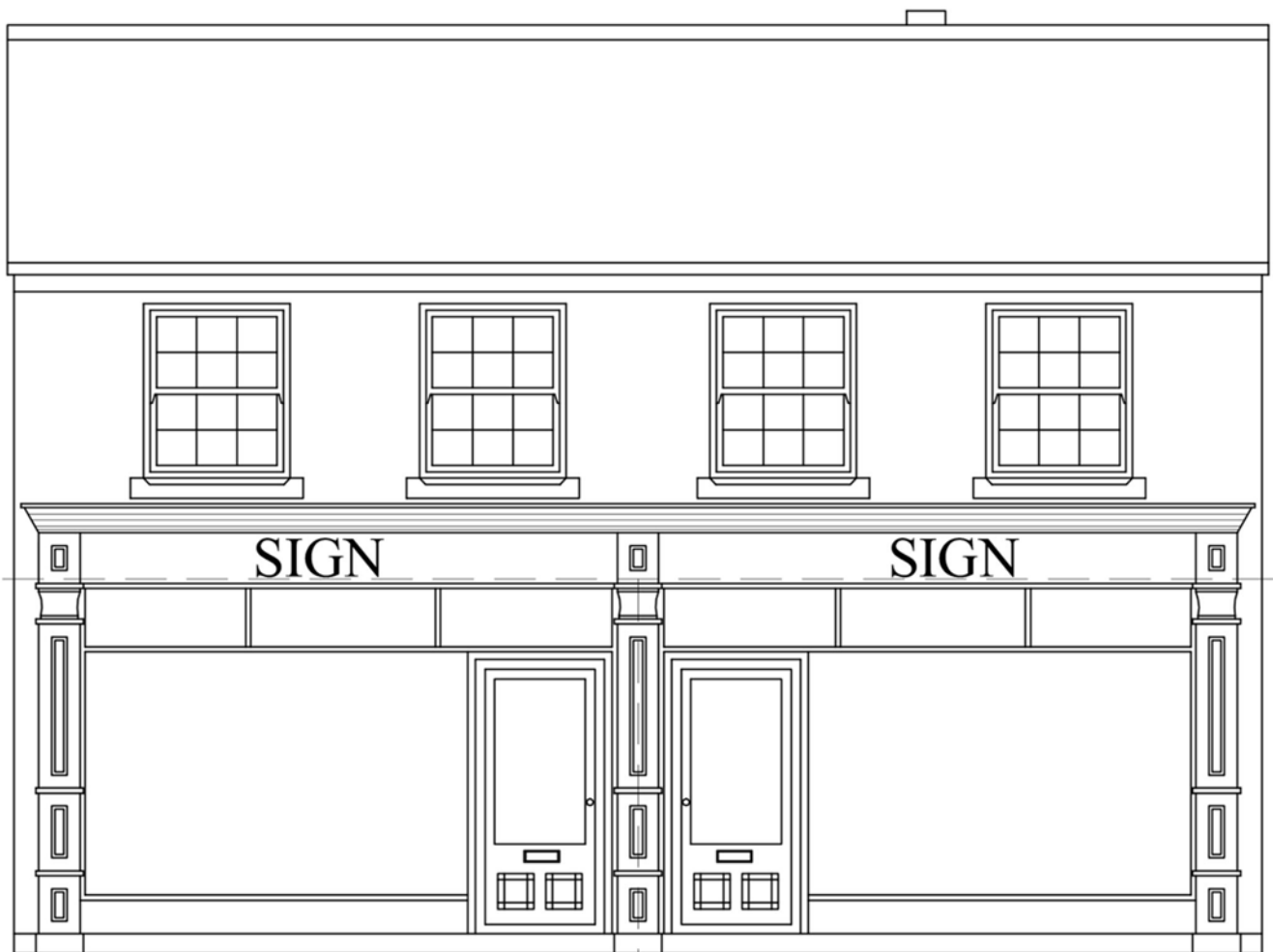


PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

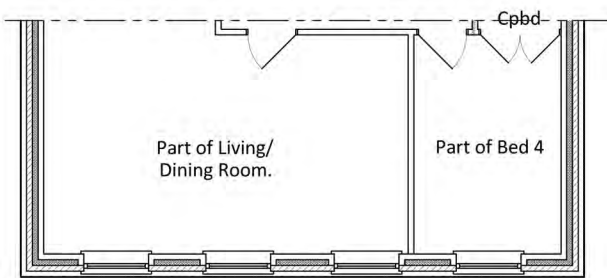




PROPOSED SOUTH EAST ELEVATION

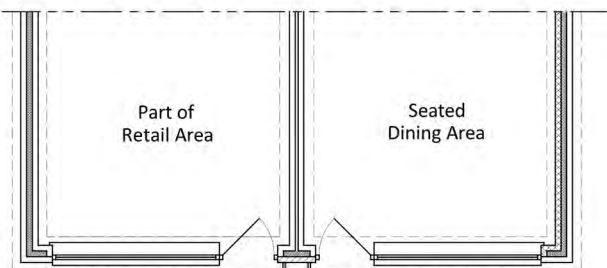


Elevation A



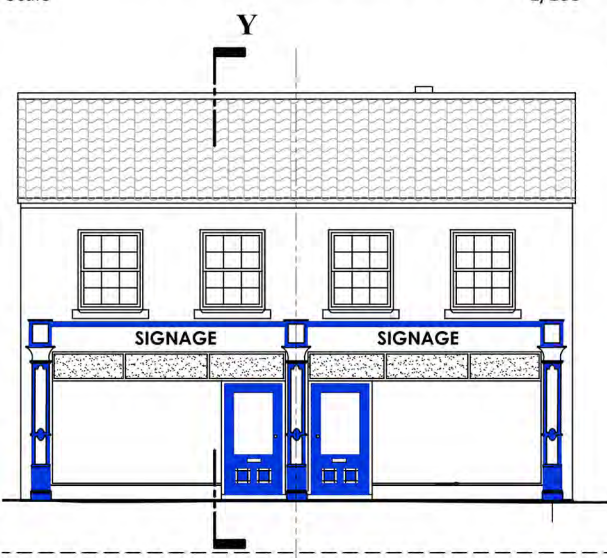
Proposed First Floor Part Plan

Scale 1/100



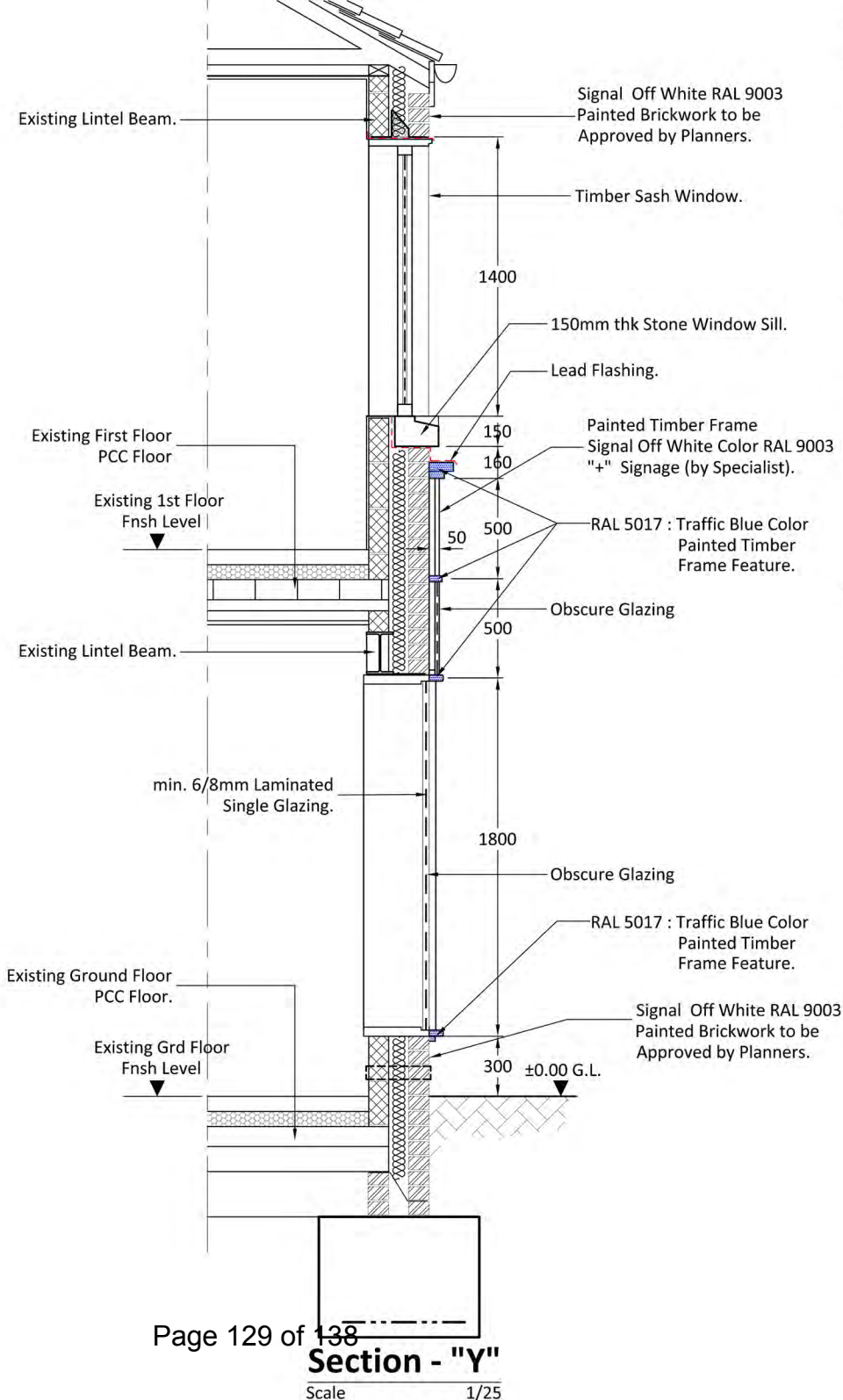
Proposed Ground Floor Part Plan

Scale 1/100



Proposed (with Signage) Elevation

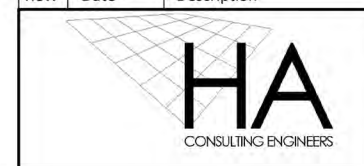
Scale 1/100



1.0 GENERAL NOTES

- 1.1 This drawing must not be scaled and if in doubt ask.
- 1.2 Any construction or fabrication carried out prior to obtaining all necessary statutory and other approvals is done so at the risk of the Contractor.
- 1.3 All Contractors are to check all dimensions and levels on site prior to commencing any construction or fabrication.
- 1.4 This drawing is to be checked and read in conjunction with all relevant Engineers and any specialists drawings, together with any relevant additional Engineers specification.
- 1.5 The Contractor is to ensure the stability of each element and the stability of the overall construction until the construction is complete.
- 1.6 All designs, connections, workmanship and materials are to comply with the latest relevant British Standard Specification and Codes of Practice or otherwise be to the specific written approval of the Engineer.
- 1.7 Where proprietary structural elements, fixings are used they are to be used strictly in accordance with the manufacturers recommendations and Engineers approval.
- 1.8 No permanent structural members are to be cut, notched or jointed unless shown on the Engineers details.

A	04.07.18	Updated Drawings
Rev.	Date	Description



5 Recorder Road
Norwich Norfolk NR1 1SZ
Telephone: 01603 664499
Email: mail@haengineers.co.uk
Web: www.haengineers.co.uk

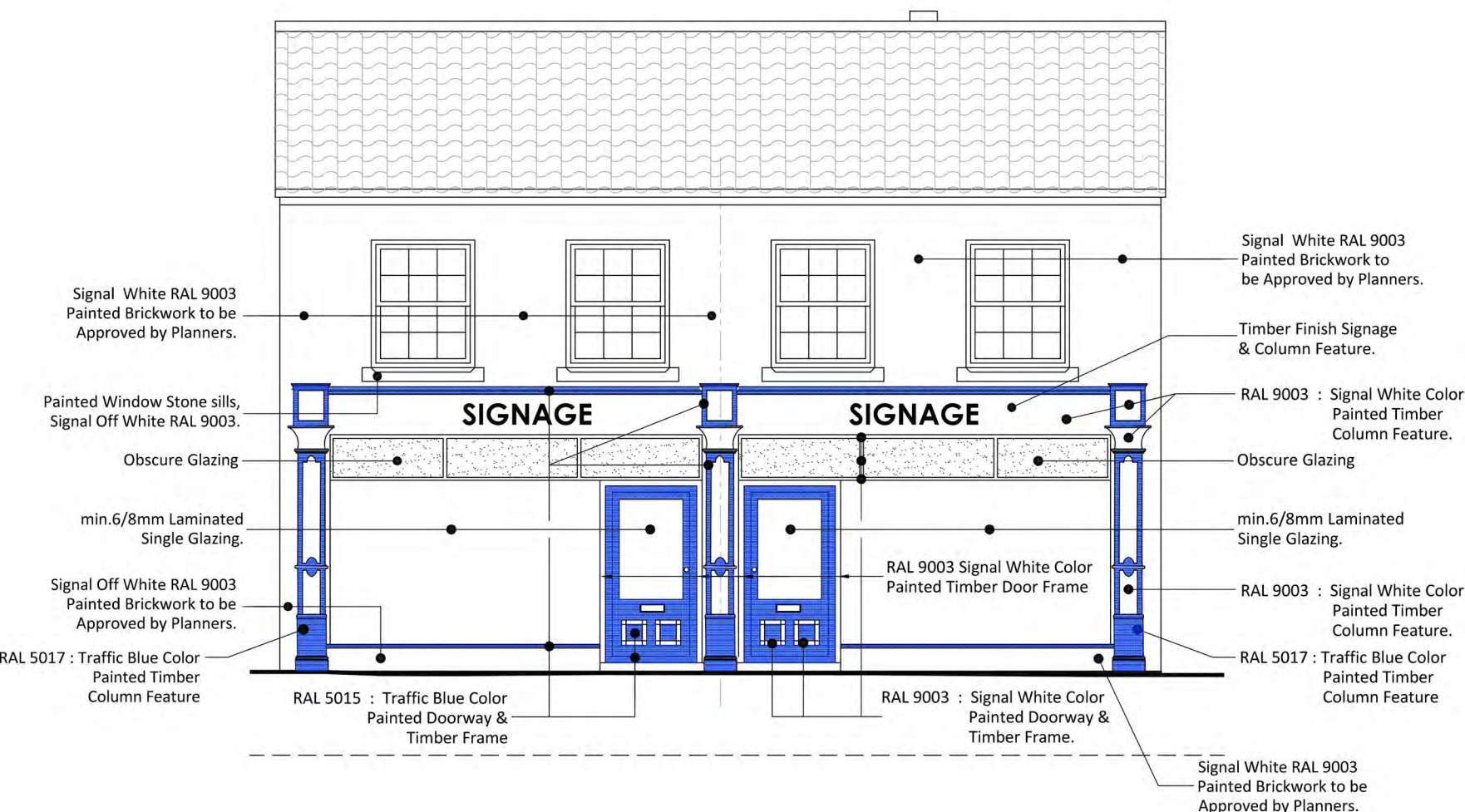
Project
137 Unthank Road, Norwich.

Part of Structure
Proposed South Elevation & Section.

Job Ref. HA169	Sheet No. SK4
Scale @ A3 AS	Date. 16.04.18
Drawn by MMC	Chck'd by JDS

Note :

Shop Front Window/Door surrounds are in **Timber**.



Proposed (with Signage) Front of Shop Elevation

Scale

1/50

- 1.1 This drawing must not be scaled and if in doubt ask.
- 1.2 Any construction or fabrication carried out prior to obtaining all necessary statutory and other approvals is done so at the risk of the Contractor.
- 1.3 All Contractors are to check all dimensions and levels on site prior to commencing any construction or fabrication.
- 1.4 This drawing is to be checked and read in conjunction with all relevant Engineers and any specialists drawings, together with any relevant additional Engineers specification.
- 1.5 The Contractor is to ensure the stability of each element and the stability of the overall construction until the construction is complete.
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- 1.7 Where proprietary structural elements, fixings etc. are used they are to be used strictly in accordance with the manufacturers recommendations and Engineers approval.
- 1.8 No permanent structural members are to be cut, notched or jointed unless shown on the Engineers details.

A	04.07.18	Updated Drawings.
Rev.	Date	Description



5 Recorder Road
Norwich Norfolk NR1 1SZ
Telephone: 01603 664499
Email: mail@haengineers.co.uk
Web: www.haengineers.co.uk

Project
137 Unthank Road, Norwich.
Part of Structure
Proposed Front of Shop - South Elevation.

Job Ref. HA169	Sheet No. SK5
Scale @ A3 AS	Date. 16.04.18
Drawn by MMC	Chck'd by JDS

Report to Planning applications committee

Item

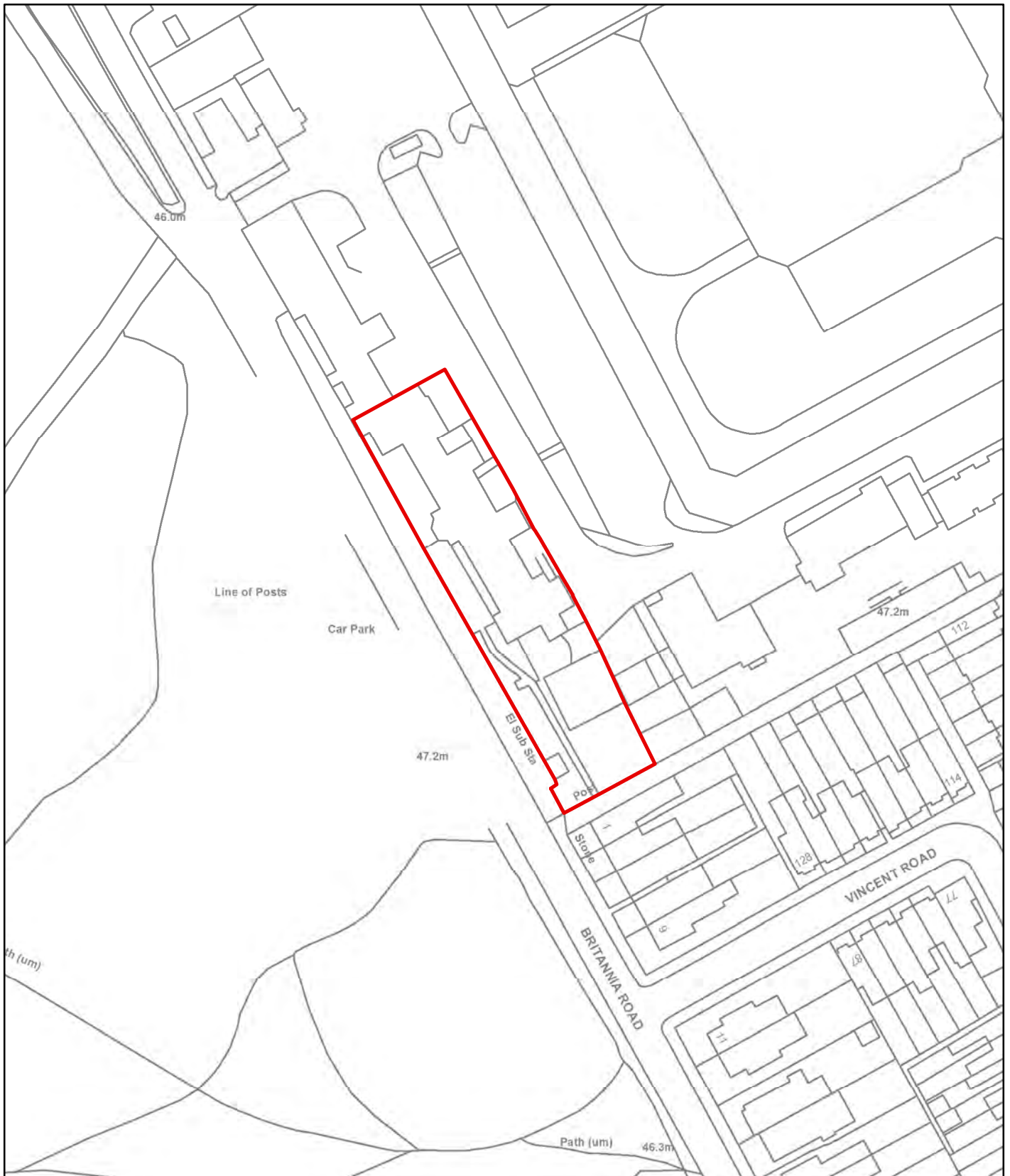
13 September 2018

Report of Head of planning services

4(i)

Subject Enforcement Case 16/00167/ENF – Café Britannia,
Britannia Road, Norwich

Summary	
Description	Without planning permission the change of use of the land to café (A3), shop (A1) and function rooms (D1).
Reason for consideration at committee	Enforcement action recommended
Recommendation	Authorise enforcement action to require the occupier to comply with the requirements set out in paragraph 23 of this report in full.
Ward	Crome
Contact Officer	Robert Webb robertwebb@norwich.gov.uk



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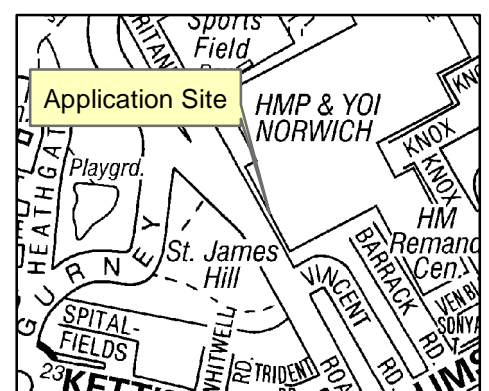
Planning Application No 16/00167/ENF
 Site Address Former Britannia Barracks
 Britannia Road
 Scale 1:1,000



NORWICH
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 PLANNING SERVICES



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The site

1. The site forms part of the Britannia Barracks building and grounds on Britannia Road and is part of the wider complex occupied by Norwich Prison. It comprises a café (Café Britannia) which is located on the ground floor of the historic barracks building and has an outside seating area, rooms on the first floor which are used for purposes such as meetings of networks and yoga sessions, and a shop which is located in a detached building next to the café which sells arts and crafts.
2. The barracks building itself is grade II listed. To the north east is the remainder of the complex occupied by HM Prison Norwich. To the south east is residential development on Britannia Road and Vincent Road. To the south west and west is Britannia Road, a public car park and Mousehold Heath. The site is elevated and benefits from expansive views towards Norwich city centre.

Relevant planning history

3. There is no relevant planning history.

The breach

4. The breach of planning control is the operation of a café, shop and function rooms from the site without planning permission. The café has operated since December 2013. Garden sales have taken place from the site since June 2015, and in October 2016 a shop selling arts and crafts began trading from a building next to the café.

Relevant development plan policies

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS5 The economy
- JCS6 Access and transportation
- JCS8 Culture, leisure and entertainment
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes

6. 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
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM18 Promoting and supporting centres
- DM22 Planning for and safeguarding community facilities
- DM23 Supporting and managing the evening and late night economy
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability.

Other material considerations

7. Relevant sections of the National Planning Policy Framework August 2018 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF4 Decision taking
- NPPF6 Building a strong competitive economy
- NPPF8 Promoting healthy and safe communities
- NPPF9 Requiring sustainable transport
- NPPF12 Achieving well-designed places
- NPPF12 Conserving and enhancing the historic environment.

Background

8. Prior to the occupation by Café Britannia, the building had been historically been used as an officers mess for prison officers. This was an ancillary use to the prison and therefore no planning consent was required. In 2014, shortly after Café Britannia began to operate from the site, a complaint was received and planning officers investigated the matter. It was determined at that time that because of the scale of the operation and the functional linkages with the prison, that the use was ancillary to main use of the site as a prison.
9. Since the initial period when the café was first established, it has increased in size and diversified and visitor numbers have increased significantly. Following continued complaints, officers carried out a further investigation of the matter in 2016 and legal advice was sought which determined that a breach of planning control had occurred. For the reasons set out in this report, the use is causing a degree of harm and whilst there has been a number of discussions between officers and the operator of the site and attempts made to resolve the matter without recourse to formal enforcement action, this approach has been unsuccessful. As a result formal action is considered necessary, to tackle the

harm caused by the development and to minimise the risk of the council being accused of maladministration in failing to deal with the matter.

10. The following paragraphs set out the process that officers have gone through in reaching this position.

Consideration of whether a breach of planning control has occurred

11. Any test for whether a use is ancillary to another, or not, is a matter of fact and degree and each case has to be determined on its particular merits. However, in practice two principal criteria have emerged from case law (*Harrods Ltd v Secretary of State for the Environment Transport and the Regions* (2002), see appendix 3). First, a severability test, and second an environmental impact test.
12. Applying the first test, it could be asked whether the alleged ancillary use could practically and viably operate on its own were the primary use of the premises to cease. If it could, then the use is very unlikely to be ancillary as there is clearly no linkage or dependency. In the case of Café Britannia it could be argued that the current use would not viably operate without the prison as there would be very few staff available to operate the cafe in its current form.
13. The second test would look to any outward effects of the use, in terms of the appearance of the premises, the amenity of the surrounding area or neighbourhood traffic conditions. If it could be shown that there would be a significantly greater impact following from the introduction of the alleged ancillary activity than one could reasonably expect from the existing use, then it is likely that a change of use has occurred.
14. In the case of Café Britannia, it was determined in 2016 that evidence from site visits and comments from neighbouring occupiers showed that a significant increase in activity from people entering and leaving the building via the access adjacent to dwellings on Britannia Road occurred when the café opened. Visits to and from the site continued to increase as the café diversified and became more popular. An increase in vehicle movements and car parking in Britannia Road and the Mousehold Heath car park also occurred, to the extent that it was considered that the development was resulting in impacts which should legitimately be considered as part of a planning application.
15. As such, based on legal advice, the local planning authority has concluded that the café and associated uses are not ancillary to the prison, and amount to a separate mixed use of café, shop and function rooms (use classes A3, A1 and D1) in its own right, for which planning permission is required.

Consideration of whether it is expedient to take enforcement action and what action is necessary

16. Having established that a breach has occurred, the planning authority should consider whether the level of harm is such that it is expedient to take action. In doing so it should have regard to the policies of the development plan and any

material considerations. In making this judgement the council should have regard to the following options which are available:

Option A - If the operation of the café and other uses is considered acceptable as it stands with no physical change or ongoing restriction on its operation then it would not be expedient to take any form of enforcement action;

Option B - If the operation of the café and other uses is considered unacceptable and not capable of being made acceptable through physical change or ongoing restriction on its operation then it would be expedient to serve an enforcement notice requiring the breach of planning control to cease within a specified timescale;

Option C -If the operation of the café is considered unacceptable as it stands but capable of being made acceptable through physical change or ongoing restriction on its operation then it would be expedient to serve an enforcement notice setting out such requirements and restrictions (known as under-enforcement).

17. In making this judgement it is recognised that the café delivers significant social benefits due to the success of its rehabilitation work and the associated reduction in re-offending rates. It also provides a social benefit in terms of providing a meeting place for people and adds to the attraction of visiting Mousehold Heath. It provides benefits to the local economy as it employs a number of people in addition to the prisoners who work in the café. It provides heritage benefits in terms of making good use of a listed building which provides an incentive to maintaining the building and its grounds to a good standard.
18. It is also recognised that the café and associated uses are not the sole reason why people visit the area, as some people visit to enjoy the views and for recreation purposes on Mousehold Heath. It is understood the area is also used informally for commuter parking by people working in the city centre. Notwithstanding this, the café is considered to be a significant draw which has led to an increased number of visitors.
19. In considering the level of harm, it is noted that the associated movements to and from the café has a particular impact upon the occupier of the residential dwelling at no. 1 Britannia Road, which is sited immediately adjacent to the pedestrian entrance to the café. The associated impacts from noise, disturbance and loss of privacy which occur are considered to represent harm which conflicts with the requirements of policy DM2 of the Development Management Policies document. This could be solved by the provision of a new entrance closer to the car park and main door of the café.
20. Additional impacts on nearby residents have arisen from increased parking and traffic congestion in the vicinity of the site, both on Britannia Road and within the car park for Mousehold Heath. However the café is not the sole cause of this congestion. Furthermore a number of highway improvements would be required to make a significant difference to the situation, and this is considered to be outside of the scope of the development and outside of the control of the occupier of the site. It would therefore not be reasonable or possible to require such

measures through an enforcement notice. The provision of some cycle stands closer to the café could however, make a small contribution towards encouraging people to cycle rather than drive to the site, which would help in reducing parking pressures.

21. In terms of the options available to the council set out in paragraph 16, the degree of harm is such that it is considered expedient to take some form of action to improve the situation, with particular reference to the entrance arrangements. Option A is therefore not encouraged.
22. Regarding option B (to require the uses to cease), it is considered that the principle of development is acceptable and measures could be required or imposed which would reduce the harm and make the development acceptable in planning terms. It is therefore considered that option B would be disproportionate and unreasonable.
23. The recommended way to proceed is option C – is to under-enforce by serving a notice which would allow the current uses to continue, providing the following measures are complied with:
 - (a) The provision of a new pedestrian entrance, closer to the front door of the café and better positioned for the car park, reducing the flow of people using the entrance next to no. 1 Britannia Road and therefore reducing the impact in terms of noise and privacy on the occupier of that property. It is recommended that this should be installed and opened within 12 months of the date of the enforcement notice, to allow sufficient time for the access to be designed and constructed, given that it involves work to a curtilage listed wall.
 - (b) The installation of cycle parking at a suitable location within the site, to encourage alternative modes of transport and reduce parking pressure. This should be provided within 12 months of the date of the notice.
 - (c) A restriction on opening hours so that the uses may operate between the hours of 07.30 and 22.00 on any day. This is a standard requirement to protect the amenity of neighbouring occupiers given the location of the site within a residential area. It is recommended that this restriction comes into effect 28 days following the serving of the notice.
 - (d) A restriction on the ability to change use without applying for planning permission. Current permitted development rules allow cafes to change use to a range of different uses such as a hotel, residential school, or temporarily to an office or shop. There are further permitted development rights that could apply to the shop. It is recommended that a restriction is applied allowing the premises to be operated as a café, shop, and function rooms, within the current areas of the building(s) only and with no change of use permitted without formal planning approval, as a number of potential uses that might otherwise be permitted development may be considered unacceptable in this location. This restriction should come into effect 28 days after the serving of the enforcement notice.

24. Should the occupier comply in full with the measures set out in the enforcement notice, they would be deemed to benefit from planning permission for the use(s).
25. Consideration has also been given as to whether any restriction seeking to limit the café and associated uses to those with some functional link to the adjacent prison should be applied. It is considered that any such restriction would be difficult to enforce in practice and also that the café operation would be acceptable in this location adjacent to Mousehold Heath even without this functional link. Therefore such a restriction is not proposed and it is recommended that the café should be able to operate irrespective of whether it retains the functional link to the prison.

Equality and Diversity Issues

26. The Human Rights Act 1998 came into effect on 2nd October 2000. In so far as its provisions are relevant:
- (a) Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient and in the public interest.
 - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the committee as necessary. This could be in person, through a representative or in writing.

Conclusion

27. The development represents a change of use for which planning permission is required. Whilst Café Britannia delivers significant social and economic benefits and alongside the other uses including shop and function rooms is acceptable in principle in this location, a number of measures and restrictions are considered necessary to reduce the harm the development is causing to local residents in Britannia Road and to ensure a degree of planning control is imposed to safeguard public amenity. It is therefore considered expedient to pursue enforcement action in the form of under-enforcement to allow the use to continue, subject to the measures and restrictions as set out in paragraph 23 being complied with.

Recommendation

28. That the committee authorises enforcement action, up to and including prosecution, to require the measures set out in paragraph 23 of this report to be complied with in full.