

Report to Planning Applications Committee

Item

14 October 2021

Report of Head of Planning and Regulatory Services

Subject Application no 21/00682/F, 170 Unthank Road
Norwich, NR2 2AB

Reason for referral Objection

4(b)

Ward	Town Close
Case officer	Katherine Brumpton katherinebrumpton@norwich.gov.uk
Applicant	Mr Auberon Limmer

Development proposal		
Subdivision of existing dwelling into 2no 2-bedroom dwellings and associated works.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1	Principle
2	Design
3	Heritage
4	Amenity
5	Transport
6	Trees
Expiry date	14 July 2021
Recommendation	Approve

The site and surroundings

1. Located on a corner plot bordering Mount Pleasant, Unthank Road and Bury Street, set slightly higher than Unthank Road.
2. End terrace, with the attached dwellings principal elevation's facing northeast onto Bury Street, and rear gardens onto Mount Pleasant.
3. No. 170's principal elevation faces Unthank Road. An attached single garage is located to the southwest elevation, with vehicular access gained from Mount Pleasant. A pedestrian gate provides access off Unthank Road, with a few steps leading up to the front door and immediately off the pavement. The garden in the south-eastern corner is treated with a brick wall along both the south and east boundary here, with a large magnolia tree growing behind. The garden contains quite a lot of vegetation in addition to the magnolia, to include a self-set sycamore tree.
4. As well as other residential dwellings in the area there is a public house sited to the southwest (Eaton Cottage) and on the other side of Unthank Road an estate agents. Other commercial uses are found to the north and northeast within the Local Retail Centre, to include a takeaway and former corner shop (currently empty).

Constraints

5. Critical Drainage Catchment Area
6. Borders local retail centre to the southwest, west and northeast
7. Borders Newmarket Road Conservation Area to the southeast

The proposal

8. To subdivide the existing 3 bedroom dwelling to create 2 dwellings. One dwelling would have 2 bedrooms and the other 2/3 bedrooms (one ground floor room is labelled as snug/bedroom).
9. Revised plans were received following negotiation and were re-advertised and re-consulted on. The revised plans removed the new access off Unthank Road and include proposed replacement planting in the front gardens to compensate for the removal of the magnolia tree and other vegetation.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
New vehicular access onto Unthank Road would result in dangerous conditions and disrupt a lot of existing traffic. The amount of traffic in this part of Unthank Road is considerable.	This has now been removed from the proposal
Applicant should use permit parking or/and the existing garage on site instead	One dwelling will be eligible for permit parking. See main issue 5 for further information.
Concerns regarding traffic during the construction	A Construction Method Statement shall be requested
Concerns that future occupiers in the far south-eastern dwelling may object to noise from the pub.	See main issue 4
Object to any removal of the tree and vegetation to the front of the property.	See main issue 6

Consultation responses

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

Highways (local)

12. *Original Plans*
13. No objection to the subdivision but object to the proposed vehicular access onto a C class road. Proposed access and parking area is raised from the road (details of which are not provided on the plans) and would not allow for any vehicle to turn within the site and so vehicles would have to reverse out.
14. *Revised Plans* (final comments)
15. No objection
16. Would like a condition added to ensure that any future occupiers are aware that there is to be no direct vehicular access from or onto Unthank Road.
17. 170 will be entitled to parking permits, 170a will not be.
- Verbal comments;
18. Construction Method Statement should be requested, in relation to parking of vehicles of site operatives, loading and unloading of plant and materials and storage of plant and materials used in constructing the development.

Tree protection officer

19. *Original Plans*
20. No objection to the removal of the magnolia in principle, but it does, together with the other vegetation on site, contribute positively to the area.

21. *Revised Plans*
22. Proposed replacement planting of 2 English Oak trees would be inappropriate for the site. Suggest alternatives could be 4/5 "street tree" species that wouldn't create issues as they grew, e.g *Crataegus*, *Sorbus*, *Tilia* or *Pyrus*. The proposed planting takes into account the future removal of the sycamore as this will have to be removed in the near future.

Assessment of planning considerations

Relevant development plan policies

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

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

24. 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
- DM16 Supporting the needs of business
- DM17 Supporting small business
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

Other material considerations

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

- NPPF2 Achieving sustainable development
- NPPF3 Plan-making
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF6 Building a strong, competitive economy
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land

- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

26. 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

27. Key policies and NPPF paragraphs – JCS4, DM12, NPPF paragraphs 11 and 60.
28. The site is not subject to any specific site allocations and therefore the main policy against which to assess the principle of development against is policy DM12 of the DM Plan. This policy raises no in principle objection to residential development at this site but outlines a number of criteria against which development should be assessed.
29. With regard to the criteria a) of the policy the proposal would not prejudice wider regeneration proposals on the site. DM12 criterion b) requires that the proposal has no detrimental impacts on the character and amenity of the surrounding area, which is discussed below. Criterion c), d) and e) of DM12 refers to the type and density of residential development, and advises that it should be in keeping with the existing character and function of the area, whilst providing some variety in terms of size and type. The proposed subdivision of the dwelling would not be unusual within this part of the city; it is not unusual for properties to be in use as HMO's or flats, and there is a variety of sized dwellings within the area. The proposed dwellings are therefore considered to provide a suitable size and type of dwelling at this site in principle.
30. Para 60 of the NPPF advises that the government has an objective of significantly boosting the supply of homes, and that it is important that a sufficient amount of land can come forward where necessary.

Main issue 2: Design

31. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 126-136.
32. This part of the city is characterised by Victorian terraces, to include this site. Dominant features are red bricks, white sash windows, pantile roofs and decorative lintels.

33. 170 Unthank Road is an end terrace and is designed with its principal elevation facing Unthank Road. The site is larger than the majority of the neighbouring terraces' sites. It benefits from a garden to the northeast, northwest and southwest. The rear garden (southwest) is occupied by a single storey attached garage, with access directly onto Mount Pleasant.
34. The division of the property would divide the front (northwest) garden in half and create separate pedestrian accesses for each dwelling. The section of the dwelling to the north (labelled no.170) would remain largely unaltered except for internal works.
35. The other dwelling would undergo more works (labelled 170a). The existing garage would be converted, and slightly extended, into a habitable room. This section would be flat roof and sit adjacent to the original dwelling, not encroaching in front of the principal elevation. The side section would provide for an open plan living/dining/kitchen room. An existing window would be replaced with a front door. Internal works are also proposed. The chimney in this section will be repaired or removed. Permission can be granted for it to be removed, but this does not need to be carried out. This chimney appears to be a newer addition, although still of some age. The loss would be regrettable but would not justify refusal. The property has another chimney which will remain.
36. The garden walls are to be retained, and in some areas replaced. New pedestrian accesses are proposed to allow 170 direct access to Bury Street and both properties direct access to Unthank Road. A potting shed is proposed for no. 170a, which is to be brick and lower than the garden wall. Bin stores were shown on a superseded plan but not repeated on the revised plans. Details of the alterations to the walls and potting shed would be required via a condition, in addition to bin and cycle storage.
37. The proposed changes are considered to respect the character of the property and area. Key features are to be retained, such as the lintels and most of the boundary wall. The proposed extension would be clearly subordinate to the main properties. The proposed use of matching bricks for the extension is considered acceptable. No details of the materials for the bi fold doors are proposed. The bricks would be used to infill the existing window and door in the garage, with this section of the dwelling relatively prominent from Mount Pleasant. As such details of the materials are also to be requested via condition.

Main issue 3: Heritage

38. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
39. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

40. The property itself is not a designated heritage asset nor does it fall within a Conservation Area. However, the southwest boundary, along Mount Pleasant, borders Newmarket Conservation Area and as such the proposal needs to be considered in the context of the setting of the Conservation Area. The public house, Eaton Cottage, is also a locally listed building.
41. The removal of the magnolia tree will impact the setting of the Conservation Area, however with replacement planting this is considered acceptable. With care taken over the materials, the proposed alterations to the garage are also considered to have an acceptable impact upon the heritage assets. No other part of the development is anticipated to have a significant impact.

Main issue 4: Amenity

42. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
43. The change from a single dwelling to two dwellings is not anticipated to have a significant impact upon any neighbours' amenity.
44. The future occupiers of both dwellings will benefit from their own amenity spaces, which will be bordered by brick walls providing a degree of privacy. Internally the rooms benefit from traditionally proportioned sash windows which will provide a relatively good level of natural light. The internal space for both dwellings meets the Technical housing standards – nationally described space standard, and so the dwellings are considered to offer enough space for future occupiers.
45. The concern raised by a representation regarding the potential for future occupiers of 170a to object to any noise from the Eaton Cottage public house is noted, however the area is predominantly residential around the public house and it is not considered likely that any future occupiers will be significantly more impacted than any other residential neighbour. No additional windows are to face the public house.

Main issue 5: Transport

46. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 8, 102-111.
47. With the removal of the new vehicular accesses there are no objections from the Highways Officer. Following discussions with the Highways Officer and other colleagues one of the 2 properties would be entitled to a parking permit.
48. Given the proximity to the local retail centre and level of public transport available here a car free dwelling is considered acceptable.
49. The site is considered large enough to accommodate refuse and cycle storage for both dwellings, although no details have been provided on the revised proposed plans. These can be conditioned.
50. A Construction Method Statement will be requested due to the constraints of the immediate roads.

Main issue 6: Trees

51. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.

52. The magnolia tree to be removed would be classed as a category C tree (low quality). The classifications include A, B, C and U, with A being the highest and U the lowest. As such the Tree Officer does not object to its removal. A self-set sycamore tree is also likely to be removed due to its location to the dwelling and proposed new pedestrian access onto Bury Street.
53. The proposed replacement planting is considered inappropriate, given the size that English Oaks can grow to. As such alternative species should be used. Details of any soft landscaping can be conditioned.

Compliance with other relevant development plan policies

54. 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
Refuse storage/servicing	DM31	Yes subject to condition
Water efficiency	JCS1 & JCS3	Yes subject to condition
Sustainable urban drainage	DM3 & DM5	Yes

Other matters

55. The property is not anticipated to contain any significant habitats or species, however there is some chance that protected species such as nesting birds may use the site. As such informatives will be added to advise the developer of how to avoid protected species. The removal of some of the vegetation will reduce the level of biodiversity on site. The proposed replacement trees will provide sufficient mitigation.
56. Located within a Critical Drainage Catchment Area DM5 advises that where developments result in additional areas of hardstanding/extensions/buildings developers will be required to demonstrate that the vulnerability of the site would not be increased and the proposal would have a positive impact where possible. In this case the additional footprint is less than 2.5 square metres. It is not considered reasonable in this case to request the developer to undertake an assessment of the existing conditions, to include infiltration testing. With no significant addition in hardstanding/extensions/buildings the impact upon flood risk would be minimal, and does not justify any further action.

Equalities and diversity issues

57. There are no equality or diversity issues.

Local finance considerations

58. 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

59. Policy DM12 is considered to be complied with, which ensures that housing is well planned. There are no anticipated detrimental impacts on the character and amenity of the surrounding area which would result in non-compliance with DM12.
60. 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 21/00682/F at 170 Unthank Road and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. External Materials and potting shed
4. Water Efficiency – residential
5. Landscaping Details – Minor Scheme
6. Provision of cycling parking/ bin storage
7. Construction Method Statement

Informatives:

1. Site Clearance and Wildlife
2. Protected Species