

Planning applications committee

Date: Thursday, 09 May 2019

Time: 09:30

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

Committee members:

Councillors:

Driver (chair)*

Maxwell (vice chair)*

Button*

Malik*

Peek*

Ryan*

Sands (M)*

Stutely*

Wright*

4 vacancies

For further information please contact:

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Democratic services

City Hall

Norwich

NR2 1NH

www.norwich.gov.uk

*Subject to re-election on 2 May 2019

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

Page nos

1 Apologies

To receive apologies for absence

2 Declarations of interest

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

3 Minutes

5 - 6

To approve the accuracy of the minutes of the meeting held on 11 April 2019

4 Planning applications

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

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

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

Please note:

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

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

7 - 8

Standing duties

9 - 10

4(a)	Application nos 18/01837/F - 117-127 Trinity Street, Norwich, NR2 2BJ and 1801838MA - 117 Trinity Street, Norwich, NR2 2BJ	11 - 24
4(b)	Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW	25 - 46
4(c)	Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, NR4 7QW	47 - 56
4(d)	Application no 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN	57 - 72
4(e)	Application no 19/00264/F - 73 Sukey Way, Norwich, NR5 9NZ	73 - 80
4(f)	Application no 19/00046/F - 30 Irving Road, Norwich, NR4 6RA	81 - 90
4(g)	Application no 19/00176/F - 22 Milton Close, Norwich, NR1 3HX	91 - 100
5	Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases	101 - 114

Date of publication: **Tuesday, 30 April 2019**



Planning applications committee

9:30 to 9:45

11 April 2019

Present: Councillors Driver (chair), Maxwell (vice chair), Bradford, Button, Peek, Raby, Sands (M), Stutely, Trevor and Wright

Apologies: Councillors Henderson and Ryan

1. Declarations of Interest

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meetings held on 14 March 2019.

3. Application no 19/00293/F - 26 Tillett Road, Norwich, NR3 4BJ

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

During discussion, the planner and the senior planner referred to the report and the presentation slides and answered members' questions. The main area of concern was that the two storey extension might lead to some loss of light from the neighbour's rear back bedroom window but this was considered acceptable on balance because of the southern aspect and general design of the extension. Members noted that there would be potentially five bedrooms (including the garden room) and that there were three bathroom/shower rooms. In response to a question from a member as to whether a condition should be added preventing the use of the property as an house in multiple occupation (HMO), the senior planner said that under planning regulations a dwelling house could be used as a small HMO and it would therefore be unreasonable to impose such a condition. Most HMOs with over six residents had at least six bedrooms, and planning permission would be required to operate as a large HMO. Members also sought confirmation that the two storey extension would not look out of place and noted that there were terraced houses with two storey extensions in the vicinity. Members also noted that the plans had been amended to swap the location of the bedroom and bathroom in the existing rear bedrooms, to ensure that the bedroom had access to a window and means of escape in order to comply with building regulations. The bathroom would therefore have the roof light.

RESOLVED, unanimously, to approve application no. 19/00293/F - 26 Tillett Road, Norwich, NR3 4BJ and grant planning permission subject to the following conditions:

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

(The chair took the opportunity to thank all the members of the committee for their contribution to the work of the committee during the civic year. Members joined with the chair in thanking Councillors Bradford, Henderson, Raby, and Trevor, who were standing down in the elections in May and in wishing them well. It was noted that the last meeting of the civic year would be held on 9 May 2019 and would comprise members of the current committee who had been re-elected.)

CHAIR

Summary of planning applications (including tree preservation order (TPO)) for consideration

ITEM 4

09 May 2019

Item no	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	18/01837/F	117-127 Trinity Street	Lara Emerson	Change of use of former private accessway to amenity land ancillary to 117 Trinity Street.	At the discretion of the Head of Planning	Approve
	18/01838/MA	117-127 Trinity Street	Lara Emerson	Amendment to approved plans of previous permission 15/00305/F to allow a revised design and appearance.	Objections	Approve
4(b)	18/01190/O	The Bungalow Eaton Chase	Lee Cook	Outline application including matters of access, layout and scale for the erection of 5 no. two storey dwellings and associated works (Revised).	Objections	Approve
4(c)	TPO 467	The Bungalow Eaton Chase	Imogen Mole	Amendment to TPO 467 to reflect potential changes to the site following application 18/01190/O	Objections	Approve
4(d)	17/01886/F	36 St Clements Hill	Charlotte Hounsell	Subdivision of plot and construction of detached four bedroom two storey dwelling.	Objections	Approve
4(e)	19/00263/F	73 Sukey Way	Stephen Polley	Erection of two storey side and single storey rear extensions.	Objections	Approve
4(f)	19/00046/F	30 Irving Road	Stephen Polley	Single storey rear, side and first floor extensions.	Objections	Approve
4(g)	19/00176/F	22 Milton Close	Jacob Revell	Two storey side extension.	Objections	Approve

STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

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

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

Natural Environment & Rural Communities Act 2006 (S40)

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

Planning Act 2008 (S183)

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

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

Article 8 – Right to Respect for Private and Family Life

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

Report to Planning Applications Committee

Item

9 May 2019

Report of Head of planning services

Subject Application nos 18/01837/F - 117-127 Trinity Street,
Norwich, NR2 2BJ and 18/01838/MA - 117 Trinity
Street, Norwich, NR2 2BJ

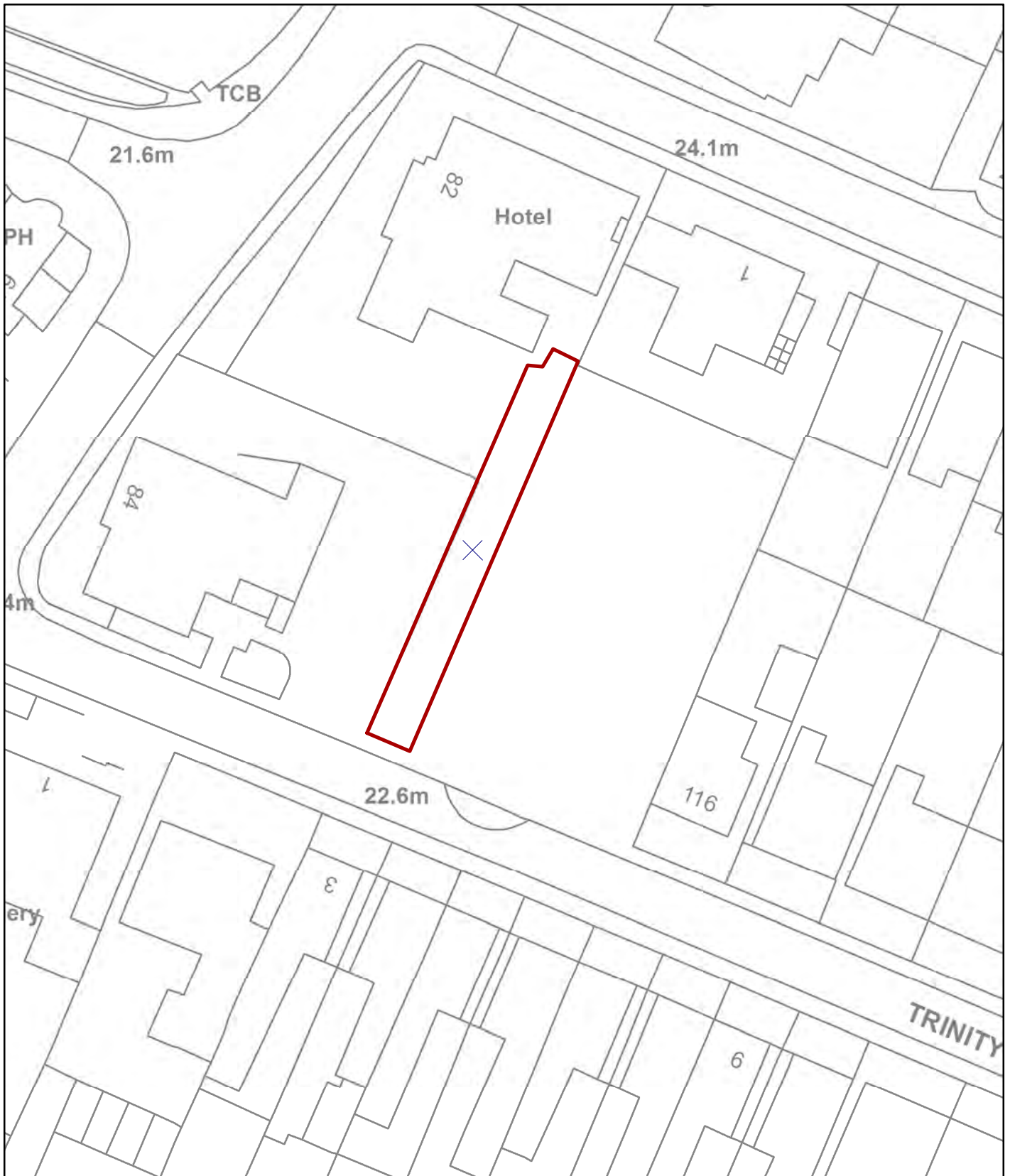
4(a)

**Reason for
referral** Objections

Applicant	Mrs J Tillett Butterworth
Ward	Town Close
Case officer	Lara Emerson - laraemerson@norwich.gov.uk

Development proposal		
18/01837/F	Change of use of former private access way to amenity land ancillary to 117 Trinity Street.	
18/01838/MA	Amendment to approved plans of previous permission 15/00305/F to allow a revised design and appearance.	
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1. Amenity	Overlooking.
Expiry date	13 May 2019 (extended from 5 February 2019 & 12 March 2019)
Recommendation	Approve applications 18/01837/F & 18/01838/MA



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Planning Application No 18/01837/F
 Site Address 117-127 Trintiy Street
 Scale 1:500

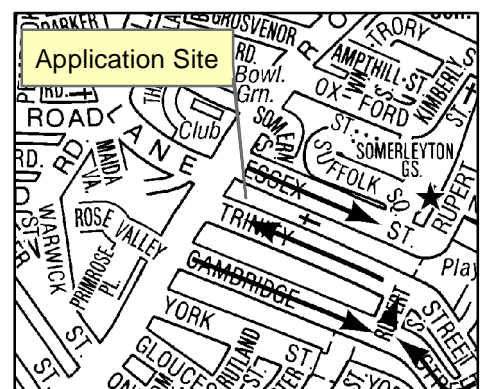


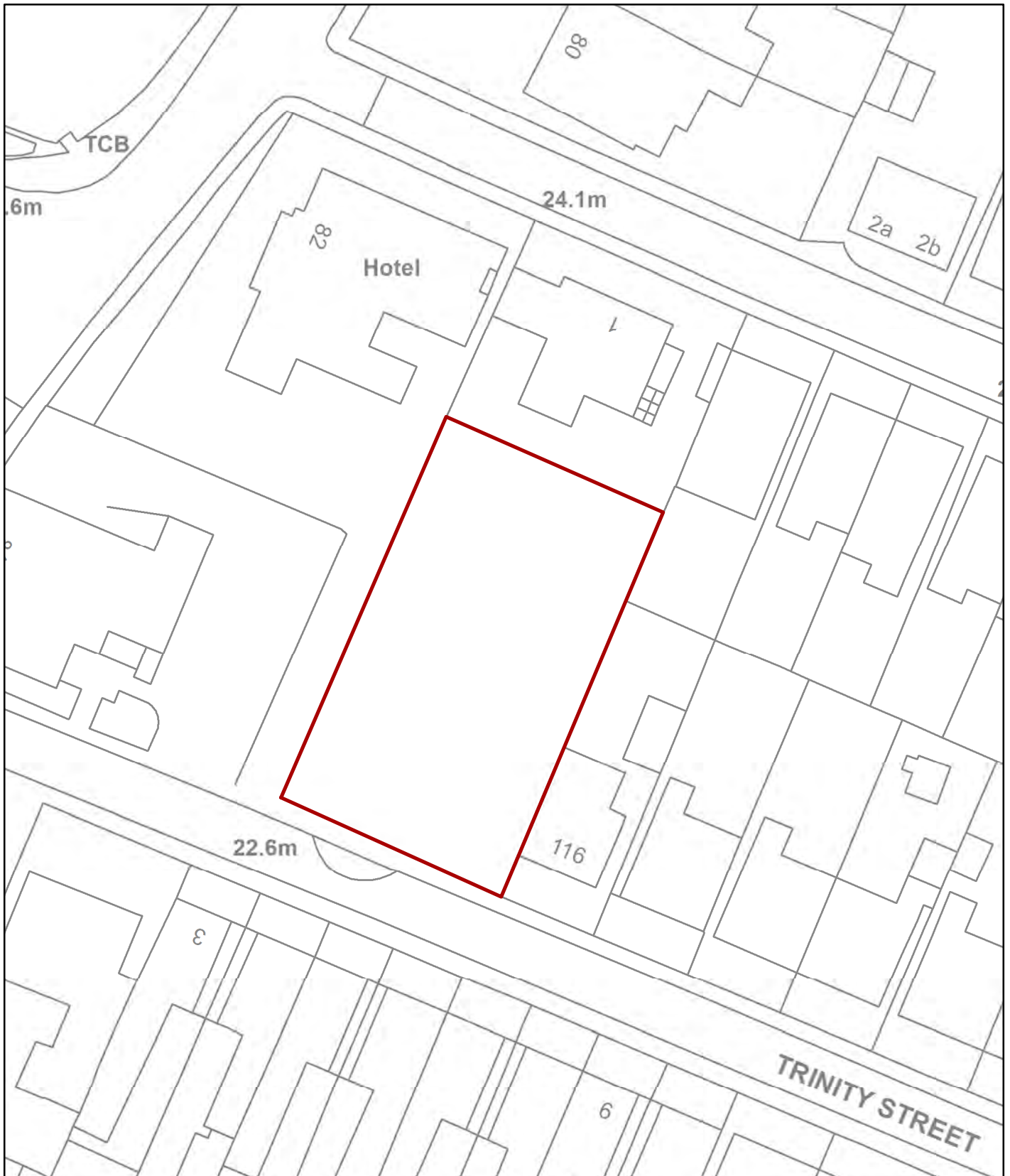
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PLANNING SERVICES



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Planning Application No 18/01838/MA
 Site Address 117-127 Trintiy Street
 Scale 1:500

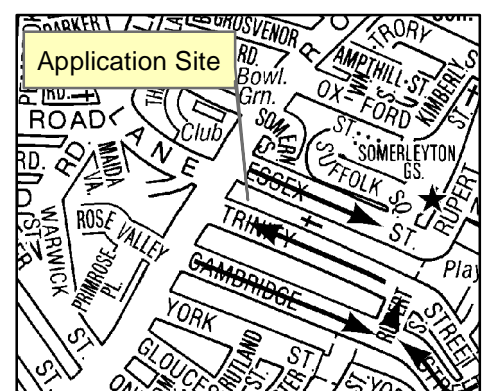


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The site, surroundings & constraints

1. The site is situated on the northern side of Trinity Street to the west of the city. The site formerly accommodated 11 flats and garages, but in recent years the site has been undergoing redevelopment for 13 flats (15/00305/F). This development is nearing completion.
2. To the north of the site are two detached residential properties (numbers 1 & 3 Essex Street), to the west is the Unthank Road Tesco Express store and the newly refurbished hotel at 82 Unthank Road. To the east of the site is a modern detached dwelling.
3. The site sits adjacent to the Heigham Grove Conservation Area and a number of the surrounding properties are locally listed.
4. The site is within the Critical Drainage Catchment Area.

Relevant planning history

5. The site has previously benefitted from planning consent for “Demolition of 11 No. flats and associated garages. Erection of 13 No. flats and basement car parking.” (reference 15/00305/F). The planning permission was granted subject to a number of conditions, some of which have not been properly discharged. Nevertheless the development is now nearing completion.

Ref	Proposal	Decision	Date
14/01094/F	Demolition of existing 11 flats and garages and erection of 13 flats with associated basement car parking.	Refused	16/01/2015
15/00305/F	Demolition of 11 No. flats and associated garages. Erection of 13 No. flats and basement car parking.	Approved	06/05/2015
16/01733/D	Details of Condition 3: evidence of contract for site redevelopment of previous permission 15/00305/F.	Approved	11/01/2017
17/00296/D	Discharge of Condition 5: Details and samples; Condition 6: Predicted energy requirement; Condition 7: Noise assessment and acoustic attenuation and Condition 8: Refuse store of previous permission 15/00305/F.	Part-approved, part-refused	03/04/2017
17/01764/D	Details of Condition 4: surface water drainage and Condition 14: boundary wall treatments of previous permission 15/00305/F.	Refused	22/12/2017

The proposal

6. These current applications seek to regularise the development as-built.
7. Application 18/01837/F is for the change of use of an additional strip of land to the west of the site adjacent to Tesco. The strip previously provided vehicular access to the hotel at 82 Unthank Road. It is proposed that this strip of land be incorporated into the development site, providing space below ground for an attenuation tank for surface water drainage, and above ground for bin storage.

8. Application 18/01838/MA is for amendments to the approved scheme under 15/00305/F. Changes include:
- The basement has not been dug as deep as shown on the approved plans, resulting in the floor to ceiling height being reduced on all floors.
 - Minor alterations to the roofline.
 - Alterations to the size of some windows.
 - Changes to the layout of all floors, primarily the basement where the bin store has been removed, cycle stores relocated, car park layout amended and a car park vent added.
 - Use of additional land to the west for refuse storage and surface water attenuation tank.
9. In addition to the changes listed above, it should be noted that while the proposed development appears in the same location on the current plans and the original plans (as approved by 15/00305/F), 1 Essex Street appears to have been wrongly placed on the original plans. As a result of this error, the original plans indicated that there was an additional distance of 20cm between the rearmost wall of the proposed development and the rear wall of 1 Essex Street, but this mistake has been corrected on the current plans.
10. Given the advanced stage of the development, application 18/01838/MA also includes a raft of additional documents to avoid the need for any extra information to be requested via condition (i.e. surface water drainage scheme, tree replacement planting scheme, details of bird and bat boxes, and details of renewable energy provision).

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	13
No. of affordable dwellings	0 (none required since the development included the demolition of 11 flats i.e. a net increase of 2)
No. of storeys	2-3 storeys
Density	144 dwellings per hectare
Appearance	
Materials	Brick, render and cladding. Glazing to the rear block lift core.
Energy and resource efficiency measures	Photovoltaic panels providing 12.68% of the development's expected energy consumption.
Transport matters	
Vehicular access	Access from Trinity Street to basement car park.
No of car parking spaces	14
No of cycle parking spaces	25

Proposal	Key facts
Servicing arrangements	A communal bin store located on the additional land to the west, accessed from Trinity Street via a pin code operated gate.

Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Letters of representation have been received from 3 individuals citing the issues as summarised in the table below.

Issues raised	Officer Response
Loss of amenity at 1 Essex Street	See Main Issue 1 which relates to Amenity.
Overlooking to 3 Essex Street	See Main Issue 1 which relates to Amenity.
Inaccuracies on the plans	Plans now amended.

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.

Historic England

13. On the basis of the information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Lead Local Flood Authority

14. I can confirm that the County Council as Lead Local Flood Authority has no comments to make.

Norwich City Council Transport

15. No objection on highway grounds. Detailed comments relating to the rebuilding of the speed control island.

Design and conservation

16. Do not wish to comment on application.

Area Management Officer

17. This [details of bin storage] looks fine, what seems to be an exact interpretation of what was agreed at our meeting.

Environmental protection

18. Following a review of the information provided I have no additional comments regarding contaminated land or air quality.

Tree Protection Officer

19. This is acceptable from an arboricultural perspective.

Landscape

20. Overall the level and quality of landscape provision has been reduced, particularly in terms of amenity. There is also insufficient information provided as detailed above. I am therefore unable to support the landscape scheme in its current form.

Ecology

21. Bird nesting and bat boxes are acceptable products. Locations and numbers are also acceptable. It would be worthwhile clarifying for contractors that the building mounted versions (rather than tree mounted) are to be used. Planting should include more native plants and/or plants with biodiversity benefits. I have been unable to find any details of external lighting. This should be minimised and avoid impacting bird and bat boxes.

Anglian Water

22. The surface water/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. Whilst it is noted that the intention is to discharge surface water at Greenfield rate, we require confirmation of the proposed discharge rate in litres per second so as to make an accurate capacity assessment. We request a condition requiring a drainage strategy covering the issue to be agreed.
23. *NB: The case officer notes that a full scheme and calculations have been submitted showing that the runoff rate during a 1 in 100 year flood event would be 1.9l/s which is well below the generally accepted rate of 5l/s. A condition is therefore not recommended.*

Norfolk Constabulary Architectural Liaison

24. Concern over car park access control and secure cycle storage.

Assessment of planning considerations

Relevant development plan policies

25. **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
 - JCS9 Strategy for growth in the Norwich policy area
26. **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
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Other material considerations

27. Relevant sections of the National Planning Policy Framework 2018 (NPPF)

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

Case Assessment

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

Principle of development

29. The principle of the construction of 13 flats on the site has been established by 15/00305/F. It is therefore only necessary to deal with the aspects of the scheme which have been changed (see paragraph 8 above). The approved scheme is a material consideration in the determination of this application.

Main issue 1: Amenity

30. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraph 127.
31. The previously approved scheme (15/00305/F) was deemed acceptable on amenity grounds. As such, it is the changes to that scheme which should now be assessed in terms of their impacts on amenity.
32. The floor levels within the as-built development are such that the high level windows on the north and east elevations of the rear block (which were required to

protect the privacy of occupants at 1 and 3 Essex Street) are now at eye level and have been built at larger dimensions than approved. As such, there is more opportunity for overlooking from these windows. It has therefore been agreed with the developer that these windows should be obscure glazed and fixed shut in order to protect the privacy of 1 and 3 Essex Street, as well as future residents of the new flats.

33. The size and location of the development itself has not been changed in any notable way from the previously approved plans so the impacts in terms of outlook and light do not need to be reassessed. As noted in paragraph 9 above, the neighbouring property, 1 Essex Street, was slightly misplaced on the original plans so the plans were misleading to those assessing the amenity impacts of the development. Nevertheless, the development was correctly drawn and the inaccuracies were minor (a distance of 20cm) and the amenity impacts are not considered to be a significant issue.

Other matters

34. Change of use of land proposed under 18/01837/F

The change of use of land proposed under 18/01837/F is considered acceptable since the hotel premises (82 Unthank Road) is not prejudiced by the removal of its rear entrance since it is still well serviced by its Essex Street entrance. The additional land makes a positive addition to this development site, by providing space for bin storage and below ground surface water attenuation.

35. Impact on conservation area

The impact of the proposed development on the adjacent conservation area is not materially different to the impact of the previous scheme and thus it is not necessary to reassess this impact.

36. Trees

The original consent (15/00305/F) included a condition which required a small plum tree within the neighbouring garden (116 Trinity Street) to be retained. If it was not possible to retain the tree, the developer was required to agree with the council a scheme for replacement planting. It has been noted by the case officer on a site visit that the plum tree has been removed without the developer agreeing a replacement tree planting scheme. As such, a replacement tree is now offered in the form of a flowering cherry plum tree in the neighbour's garden, close to the location of the tree which has been felled. This is considered to constitute suitable compensatory planting.

37. Cycle storage

25 cycle storage spaces are provided for residents within the basement, which exceeds the policy requirement of 23 spaces for this mix of dwellings in this location.

38. Refuse servicing

Communal bins are to be stored on the additional land to the west of the site, and accessed via a pin-controlled gate.

39. Surface water drainage

It is proposed that surface water drainage is dealt with via an attenuation tank located on the additional land to the west of the site which discharges at a restricted rate of 5 litres per second to the main sewer. The sustainable urban drainage (SUDs) hierarchy has been followed and it is accepted that this is the most sustainable option on this site.

40. Renewable energy provision

Photovoltaic panels providing 12.68% of the developments expected energy consumption. This exceeds the policy requirement of 10%.

41. Landscaping

The landscaping plan which has been submitted in support of this application is of poor quality and it has been necessary to re-impose a condition which requires the developer to submit a revised landscape scheme prior to the occupation of the units.

Equalities and diversity issues

42. There are no significant equality or diversity issues.

Local finance considerations

43. 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

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

- (1) application no. 18/01837/F - 117 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans.
- (2) application no. 18/01838/MA - 117 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:

1. Development to be built in accordance with plans;
2. Landscape scheme to be submitted, agreed & implemented prior to occupation;
3. SUDS to be installed and maintained as agreed prior to occupation;
4. Obscure glazing to be installed prior to occupation and retained thereafter;
5. No occupation until renewable energy scheme fully operational;
6. No occupation until sound insulation installed;
7. No occupation until refuse store made available for use;
8. Replacement tree shown on plan to be planted prior to occupation;
9. No occupation until balcony screens have been installed as shown on plans;
10. No occupation until approved landscape details installed;
11. Bird & bat boxes to be installed as agreed prior to occupation;
12. Water consumption;
13. Cycle storage to be installed as agreed prior to occupation;
14. Car parking to be laid out and managed as agreed;
15. Removal of PD rights;
16. No plant & machinery without express consent.

Informatives:

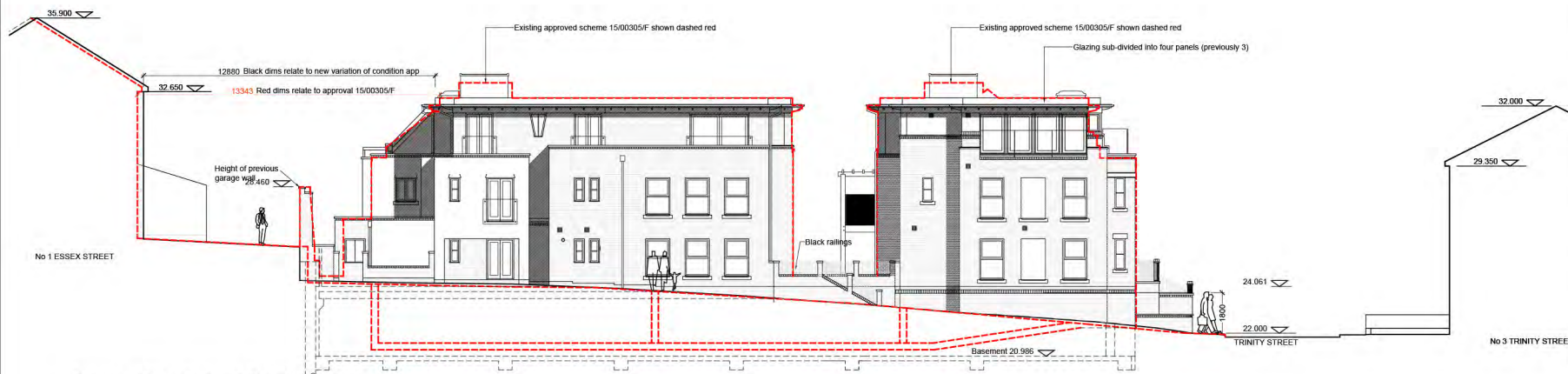
1. No parking permits;
2. Works to the highway - speak to highways.

Note:
Current approved building outline shown dashed red.

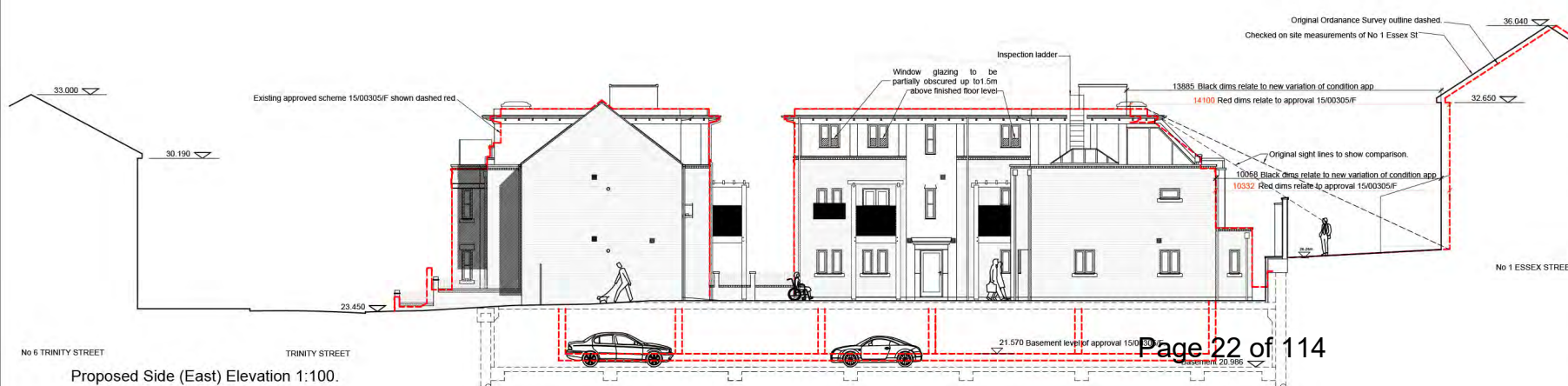
All materials to be as shown on drawings 6028 / P08A & P08 1A
unless shown on variation of condition application drawings in red cloud.



Proposed Trinity Street Elevation 1:100



Proposed Side (Unthank Road) Elevation 1:100.



Proposed Side (East) Elevation 1:100.

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Scale Bars:

Scale: Length:



J	Landscaping updated	26.03.19	HJA
H	Window planters removed. Obscure glazing added	26.02.19	HJA
G	Revision to roof above rear stairs.	03.12.18	DL
F	Variation of condition revisions.	22.11.18	DL
E	Revised elevations.	18.02.15	DL
D	Revised rear fence line.	07.01.15	DL
C	Revised elevations.	13.10.14	DL
B	Revised elevations.	06.10.14	DL

Rev: Date: By:

architects and consulting engineers

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T: 01603 787778 F: 01603 787496
e: info@dfal.tv w: www.dfal.tv

Project:

Residential Redevelopment,
117, Trinity Street, Norwich.

Client:

Mr & Mrs Butterworth

Drawing:

Proposed Elevations.

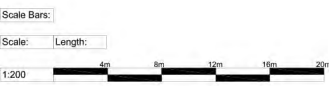
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Checked by: J

Job No: 6028 Drawing No: P03 Rev: J



Proposed Site Layout Plan 1:200



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D Post refusal revision.	26.01.15	DLLL
C Roof lantern added etc.	13.10.14	DLLL
B Flat 14 removed etc.	06.10.14	DLLL
Rev:	Date:	By:

architects and consulting engineers



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dfal

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Arkitech House
35 Whiffler Road
Norwich Norfolk
NR3 2AW

Project:

**Residential Redevelopment,
117, Trinity Street, Norwich.**

Client:

Mr & Mrs Butterworth

Drawing:

Proposed Site Layout.

Scale: 1:200 @ A1	Date: March	Drawn by: DLLL	Checked by: -
Job No. 6028	Drawing No. P05	Rev: D	



Proposed Site Layout Plan 1:200



NOTES

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A Revisions to rear roof above stairs. 04/12/18 DL
Rev: Date: By:

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Project:
Change of use of former private
accessway to amenity land ancillary
to 117 Trinity Street.

Client:
Mr & Mrs Butterworth

Drawing:
Proposed Site Layout.

Scale:	Date:	Drawn by:	Checked by:
1:200 @ A1	March	DLLL	-
Job No.	Drawing No.	Rev.	
6028A	SL01	A	

Report to Planning applications committee

Item

09 May 2019

Report of Head of planning services

Subject Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW

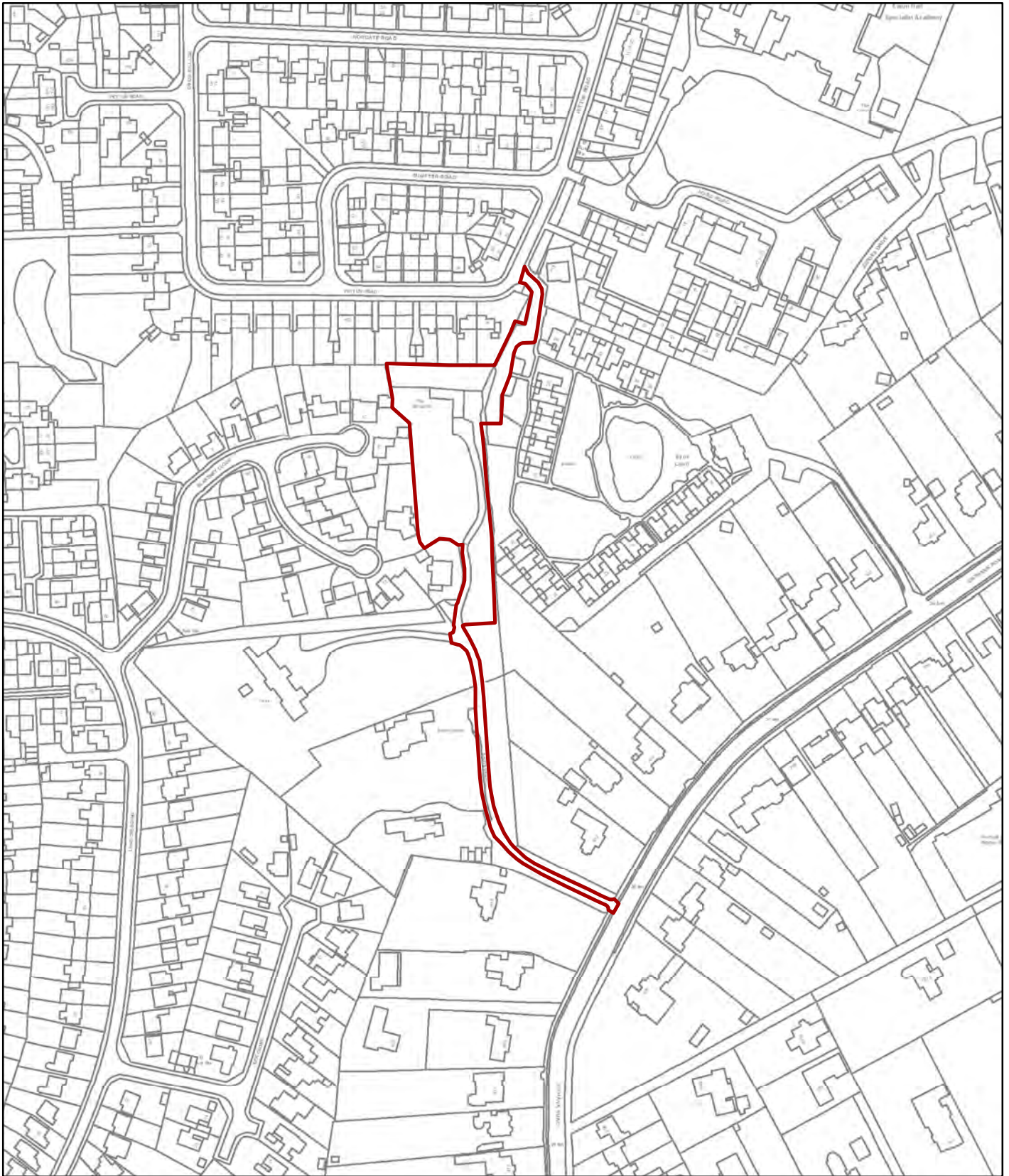
Reason for referral Objections

4(b)

Ward:	Eaton
Case officer	Lee Cook - leecook@norwich.gov.uk

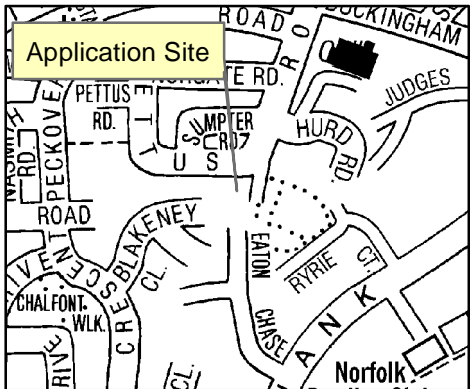
Development proposal		
Outline application including matters of access, layout and scale for the erection of 5 no. two storey dwellings and associated works (Revised).		
Representations		
Initial proposal		
Object	Comment	Support
29	0	0
First revised proposal		
Object	Comment	Support
13	0	0

Main issues	Key considerations
1 Principle	Provision of housing. Garden land. Layout
2 Amenity	Impact on amenities of neighbouring properties (outlook, overlooking, building impact, shading). Construction stage.
3 Transport	Provision of parking and servicing. Suitable access. Local impacts. Private access.
4 Trees	Protection of viable trees. TPO. Woodland designation
5 Ecology	Protection of habitat and wildlife species
Expiry date	14 May 2019
Recommendation	Approve



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Planning Application No 18/01190/O
 Site Address The Bungalow, Eaton Chase
 Scale 1:2,500



The site and surroundings

1. The site is currently occupied by a single storey building set at the northern end of the site and visible from Ryrie Court to the east. Access to the site is via Eaton Chase which leads down to Unthank Road. There is currently no vehicular access onto Ryrie Court.
2. Properties on Pettus Road to the north of the site and Blakeney Close to the west are two-storey in height. Those on Eaton Chase and Unthank Road to the south are varied in style and include 2 storey scale properties. Ryrie Court is occupied as a sheltered housing scheme and is predominantly single storey with 2 storey buildings in the centre and edge of the scheme. Access to Ryrie Court parking and service spaces is via Pettus Road to the north. A second access to Ryrie Court is via Unthank Road which again provides parking and service space.

Constraints

3. The site has a woodland tree preservation order (TPO) number 467. The site is one of a number of areas of green planting within this part of the City and there are further TPO's at Hurd Road and Blakeney Close. There is also designated open space (Policy DM8) to the south east around Ryrie Court and, in part, adjacent to the east boundary of site.
4. Unthank and Christchurch conservation area (policy DM9) adjoins part of the south east boundary and part of the application red line is within the conservation area at the lower end of Eaton Chase access route.

Relevant planning history

5. There is no directly relevant planning application history related to this site. There are some tree works applications affecting the TPO as covered below.

Ref	Proposal	Decision	Date
14/01502/TPO	Works to trees as per Arboricultural Report (produced by Ace of Spades Gardens Ltd, dated 29 September 2014).	Approved	02/12/2014
17/00764/TPO	Removal of 25 No. Sycamores on site. Re-planting of trees to replenish site; mainly oaks, birches and maples.	Approved	22/05/2017

The proposal

6. The outline application includes matters of access, layout and scale. This application does not include matters of landscaping and external appearance which are reserved for future agreement of these details.
7. The initial outline application submission was for the erection of 8 two storey dwellings (7 with access from Ryrie Court). Following first consultation and discussion with the applicant this has been revised to 5 no. two storey dwellings and associated works (4 with access from Ryrie Court)

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	Five dwellings – three 3 bed houses; one 4 bed house; one 4/5 bed house.
No. of affordable dwellings	Zero – below threshold
Total floorspace	719m ²
No. of storeys	Design for two storey dwellings is indicated within the submissions
Max. dimensions	5.4m eaves height and 8.7m ridge height for plots 1 to 4 and 8.6m for plot 5. Car port for plot 5 2.5m eaves and 5m ridge heights.
Density	Excluding access approximately 13.5 dwellings per hectare
Appearance	
Materials	Not part of outline application - reserved for future agreement
Energy and resource efficiency measures	Indicates fabric first approach potentially in combination with PV installation but is below policy threshold to secure these by condition.
Transport matters	
Vehicular access	4 dwellings with access from Ryrie Court and 1 with access from Eaton Chase
No of car parking spaces	Two per dwelling (plots 1 to 4) plus two visitor spaces; three parking spaces for plot 5
No of cycle parking spaces	None shown as part of these outline details
Servicing arrangements	New size 8 turning area and bin collection point within site off Ryrie Court; Eaton Chase access retained with possible option for bin collection from Unthank Road as per existing arrangements.

Representations

8. Adjacent and neighbouring properties have been notified in writing. A petition signed by 75 residents and 28 letters of representation from local residents and 1 representation from Cllr Lubbock have been received in response to the initial scheme. 13 letters of representation have been received in response to the revised proposals citing the issues as summarised in the table and paragraphs below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised – first consultation for original scheme	Response
Impact on sheltered housing scheme and vulnerable residents e.g. noise, traffic, disturbance, safety. Overbearing impact on some neighbouring homes – loss of light, overlooking, noise	Main issue 1, 2 and 3

Issues raised – first consultation for original scheme	Response
New builds are all two-storey which will overlook adjacent properties, be visually intrusive and overbearing	Main issue 1 and 2
Established tree screening required to protect amenity	Main issue 1, 2 and 4
Loss of woodland views and peaceful setting	Main issue 1, 2 and 4
Lighting from Ryrie Court is a nuisance which will increase with any further tree removal	Main issue 2
Construction phase over several years will create noise, vibration and dust disturbance	Main issue 2 and 3
Details included to address contamination issues is weak	Para 67
Human Rights impacts – protocol 1 article 1 on Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions ...	Para 37
Future use (and during construction) of shared access will have negative impact on residents. Space is used for emergency services, doctors, carers, taxis, care deliveries.	Main issue 3
Development will lead to greater parking demands. Car parking arrangements are insufficient and impractical in design	Main issue 3
Impact of heavy works vehicles on Pettus Road and wider network, local residents, Eaton Hall school and bus access in the area – which might also lead to impacts on the running of the bus service.	Main issue 3
Ryrie Court access is inadequate for further homes. Access is too tight for lorries.	Para 46
No provision of safe pedestrian footways within development. Ryrie Court requires surfacing works – in part to improve the area.	Main issue 3
Expected traffic movements should be submitted to assess local impacts – extent of building will likely cause safety issues	Para 48
Refuse collection and fire tender access / areas are inadequate	Para 46
Extent of refuse bins required and safety and amenity impacts on the area – environmental clutter on the highway	Main issue 1 and Para 47, 69
Disruptive excavation works would be required for drainage / water supply / hydrants – water supply system would need upgrading	Main issue 3
Access for 1 dwelling off Eaton Chase is acceptable but not for multiple dwellings. Not permissible for construction traffic to use Eaton Chase	Para 45, 46 and 50
More than one replacement dwelling would not be acceptable	Main issue 1
Density exceeds that within the locality and is out of keeping. Site design and density is overdevelopment	Para 32
The site is not brownfield (previously fields / grassland / woodland) also confirmed by not being on brownfield register.	Para 29, 30
Local Plan does not designate site for development	Main issue 1
Is development consistent with local policies?	Main issue 1
Local Councils have approved thousands of houses to satisfy policy which means this site could be protected as urban	Para 31

Issues raised – first consultation for original scheme	Response
habitat and ecosystem	
Applicant defines development as “sustainable” but fails to identify how this is true	Noted
Based on proposed density development appears a money making exercise – personal gain rather than creating a diversity of housing stock	Noted
Impacts on protected wildlife species – a valuable local site for bats, birds, toads, newts, deer, foxes, woodpeckers, owls, hedgehogs. Loss of a “City island” is unacceptable to local biodiversity	Main issue 5
Ecological report is biased and unrepresentative – habitat altered by removal of trees and revised survey should be undertaken following replanting.	Para 63
Unacceptable density of new development impacting on woodland TPO and loss of most trees affecting character of area	Main issue 1 and 4
Service routes need to be defined to protect retained trees and planting	Main issue 4 and para 57
Proposed wildlife hedge is ineffective	Main issue 4 and 5
Existing tree info is lacking – should have regard to existing TPO	Main issue 4
Council is responsible for enforcing tree replacement. These replacement tree works are required by 17/00764/TPO should be carried out before considering other applications.	Main issue 4 and para 54
Replacement trees required by TPO would effectively fill the site leaving no space to develop	Main issue 1 and 4
Retained trees will have unacceptable impact from new dwellings. Site is a registered Forestry Commission asset.	Main issue 4, 5 and para 58
Purpose of creating original TPO was to safeguard woodland against development, promote biodiversity and ensure maintenance took place	Main issue 1, 4 and 5
S106 should be required to legally bind subsequent owners to tree protection / replacement	Control would be covered by any TPO
Design of buildings is not in keeping with the area.	Para 69
FRA and drainage strategy not submitted – development could be a flood risk or add to drainage impacts in the locality	Para 73, 74
Will only go ahead if Council gives access over Rylie Court	Para 49
Suggests a full EIA be done before considering application	Falls below threshold
Removal of trees would cause foundation problems. Some potential for ground movement if significant changes are made to ground or use of it	Largely a Party Wall issue
Believes a covenant exists limiting any redevelopment to one single storey dwelling on the site	Land tribunal matter
Lack of debate on implications for those directly affected	Issues assessed under application processes
Questions whether residents should have been consulted	Falls below

Issues raised – first consultation for original scheme	Response
before application submitted	threshold
Questions extent of information submitted	Deemed to comply with validation requirements

Issues raised – second consultation for revised scheme	Response
In addition to comments listed above related especially to amenity, sheltered housing residents, parking, parking overspill, access, waste collections, bus service and routes, wildlife, woodland, tree protection, landscaping, overcrowding, overlooking, pollution, dust, noise, light pollution, policy, brownfield site, reports accuracy, ground impacts, S106 and EIA required – the following comments have been added.	
Concerns remain unchanged following revision to scheme. Reduction in plot numbers does not reduce objections	Noted
Scheme shows improvement but fundamental concerns have not and cannot be resolved	Noted
Houses (west side) are higher causing more overlooking. Plot 5 is likely to overlook adjacent properties.	Main issue 2
Site remains overdeveloped	Main issue 1 and 2
New houses will not be screened by new planting – largely small and deciduous – remains overbearing	Main issue 1, 2 and 4
Shading by new high hedges and trees is not acceptable	Main issue 2, 4 and para 22
Parking permit scheme proposed but not implemented – might need to be revisited for Pettus Road	Main issue 3
Developers should be challenging access from Eaton Chase and not destroying peace and tranquility of Ryrie Court.	Main issue 1 and 3
Has Transport Planner taken into consideration local first-hand knowledge	Main issue 3 and para 48
Concern on construction management and parking	Main issue 3 and para 50
Impact on existing parking spaces and manoeuvring. Will increase use of Ryrie Court 2 nd access which is for emergency use only	Main issue 3 and para 46
Emergency access location will impact on neighbouring bungalows	Main issue 3
Planting scheme seems vague. Questions who will be responsible for upkeep. Will it be retained as planting screen for always? Will it be part of someone's garden/	Main issue 4 and para 56
A suitable, sustainable and appropriate planting scheme is required that complements the woodland habitat. Proposed replanting is wholly inadequate.	Main issue 4 and para 22, 57
Proposals to plant on boundary is unacceptable – rob adjacent gardens of nutrients and sunlight	Main issue 4 and para 22

Issues raised – second consultation for revised scheme	Response
Questions the finding of the arb report and accuracy – should be revisited along with assessment of earlier tree work	Para 55
Proposals to lift TPO to permit development is a dereliction of duty. Removal of TPO subverts Council's own decision making process. How on changes to the TPO can you plant trees before a planning application is approved	Main issue 4 and para 54
Continued monitoring of a new planting scheme will be a waste of resources	Para 56
Bungalow was built within a woodland – not that a woodland grew up around it	Main issue 5
Local habitat will be eradicated (89%) and many birds eradicated from the site	Main issue 5
Density is more in line with locality – 3 dwellings at rear would be better	Noted
Proposal for a lesser number of bungalows would be more suitable	Considering application as submitted
The social apartheid the proposal represents is unpleasant and socially unacceptable	Main issue 1
Concern that no comments made by Head of Housing – there is a duty of care to be upheld	Noted
Will lead to more anti-social behaviour by people viewing / breaking into the development site	Main issue 2
If site is secured what are safeguards for ensuring domestic pets are not locked in causing concern for pet owners	Para 50
New development and overlooking might impact on re-sale value of existing properties	This is not a material planning consideration.
Will committee date be made available	See website

9. **A local member** expressed concerns about scale and layout – tree removal and lack of replanting; concern on further tree loss; impact on habitat and wildlife; overlooking, overshadowing and possible disturbance; overdevelopment. Access – Ryrie Court impacts for residents, care staff and emergency services; safety issues; construction stage impacts; adequacy of area to accommodate this new access. Scheme is not a well-planned housing development. Adverse impact on character of area.

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.

Asset and City Management

11. No comment

City wide services

12. No objection in principle. So long as there is no change to the entrance road used now or parking allowed should not be a problem; for the new part the normal rules apply and if the road is going to be narrow we would need parking restrictions so trucks could safely enter to access the bins.

Environmental protection

13. No comment

Fire service

14. No objection in principle subject to compliance with relevant building regulations.

Highways (local)

15. No objection in principle on highway grounds. The site layout and parking provision meets local plan requirements. The site access roads would not be adopted by the highway authority.

Highways (strategic)

16. No comment

Housing strategy

17. No comment

Natural areas officer

18. Initial concerns. No objection in principle to revised scheme.
19. The revised plan is seen as an improvement from an ecological perspective. Of note; T4 is to be retained and as long as dwelling 2 can be built without undue harm to T4 the revised arrangement in this corner is supported. The re-working of the south eastern corner is also supported. My comments regarding bats and birds remain from my email dated 30 October 2018 – adequate mitigation and appropriate protection. The creation of an amphibian hibernacula and pond is supported. Details should be provided which are informed by an Ecologist either prior to determination or via a condition. The revised layout would seem capable of supporting the updated recommended mitigation/enhancement measures within the revised Ecological Report (ER). Given the existing biodiversity value of the site all of these measures should be implemented.

Private sector housing

20. No comment

Street works Network officer

21. No objection in principle. Would wish to see the kerbs/footway at the Unthank Road access to be protected or reinstated if damaged. A photo survey of the area would be of benefit to the contractor and should be submitted to the highways team prior to commencement

Tree protection officer

22. Initial concerns. No objection in principle to revised scheme. Has had correspondence from several neighbouring properties. The tree planted areas illustrated on the submitted planting plan are broadly acceptable as a proportion of the site to be retained as wooded area but the finer points on species selection, tree protection and tree retention require further information. Where possible, good quality trees should be retained on site and not removed to facilitate the replacement planting; however, there are several trees in poor condition or dead that will need removing especially given the change in site use. The species selected will need careful consideration, to not create too much shade in gardens at the North of the site at Pettus Road. Native species would be preferable where appropriate and tree species that do not require ongoing coppice management.

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
 - JCS7 Supporting communities
 - 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
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

25. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
- NPPF 2 Achieving sustainable development
 - NPPF 4 Decision-making
 - NPPF 5 Delivering a sufficient supply of homes

- NPPF 8 Promoting healthy and safe communities
- NPPF 9 Promoting sustainable transport
- 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
- NPPF 15 Conserving and enhancing the natural environment
- NPPF 16 Conserving and enhancing the historic environment

26. Supplementary Planning Documents (SPD)

- Landscape and trees SPD adopted June 2016

Case Assessment

27. 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

28. Key policies and NPPF sections – JCS1, JCS4, JCS9, DM1, DM3, DM6, DM7, DM12, NPPF sections 2, 5, 11 and 15.
29. Commentary by various residents has been provided countering the assertion within the application that the site is brownfield land. This site is also not currently on the brownfield register. 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 2012 NPPF stated 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 is restated at paragraph 70 of the current 2019 NPPF. Private residential gardens in built-up areas are also excluded from the NPPF glossary definition of 'previously developed land'.
30. The council considered this matter as part of the development of policies in the 2014 local plan and concluded that the criteria based policies in DM3 and DM12 were satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties. Given that the site meets the relevant exception criteria and is not designated for other purposes or within a hazardous installation notification zone it is considered that 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 below.
31. As part of the strategy for local growth in meeting housing demand JCS policies 4 and 9 set out a minimum number of dwellings to be delivered in each location across the policy area to address housing need and support the growth potential of the local economy. At least 40 dwellings (net density) per hectare should normally

be achieved within new development unless this would have a harmful impact on character and local distinctiveness of the area or there are other exceptional circumstances which justify a lower density.

32. Given the nature of the site and necessity for tree protection this requires a balancing of issues to seek to ensure that the development has suitable regard to the local environment, safety and amenities in the area. In revising the scheme the applicant has sought to agree areas of the site which might be capable of being developed whilst re-introducing tree planting as required by condition of the earlier TPO application 17/00764/TPO. Excluding access land the scheme now provides a maximum density of approximately 13.5 dwellings per hectare. This reduced density is in keeping with the existing character and function of the area. The layout is also such that areas of land are still available for the required tree replacement planting whilst still establishing a suitable character to the area.
33. In terms of policy DM3 it is noted that this is an outline application but that matters of scale and layout are being considered. In its revised form the scheme makes efficient use of land and in orientation aligns north – south to optimise energy efficiency and maximise solar gain. Indication is also given that the scheme will seek to achieve improved standards of energy efficiency.
34. The central public access space is potentially attractive, overlooked, safe and secure. Through future consideration of landscape matters well-designed and well-defined private and public spaces are capable of being incorporated into the scheme along with the protection of existing and the provision of new green infrastructure as an integral part of the overall design.
35. The proposal provides for a mix of dwellings with the buildings being positioned away from boundaries. The indicative height, scale, massing and form of the development avoid dominant or incongruous buildings. Given the outline nature of the application various conditions could be considered to help further reduce any possible amenity impacts. Further detailed assessment is given below and subject to suitable conditions the residential redevelopment of the site appears to be acceptable in principle.

Main issue 2: Amenity

36. Key policies and NPPF sections – DM2, DM11, NPPF sections 2 and 12.
37. Concerns have been raised related to overlooking, overshadowing, visual impact or noise for existing residents. Specific mention has been made to the Human Rights Act in this regard and Members will be aware that the Human Rights Act and European Convention form part of standing duties in assessing the merits, reaching a recommendation and in determining any application.
38. The scheme provides for 5 dwellings within an arrangement of 4 dwellings around a mews court on the north area of the site and an individual dwelling within the south area of the site. Buildings are pitched roof and two storey. The shape of the site has led to the positioning of buildings within potential development spaces on the north and south sections which would then be framed by planting and sited away from sensitive boundaries. The scale of the buildings and relationships to boundaries does not suggest that these would have an overbearing impact on neighbouring properties.

39. The distances between existing and new buildings are considered to be acceptable and typical of an urban layout for all elements of the revised scheme. This arrangement is unlikely to have significant effects of overlooking, overshadowing or noise for existing residents. The building on plot 3 is a larger 4 bed house with a side extension which neighbours have expressed concern about. The final external design is a reserved matter at this stage and final window opening positions are not fully known. The design and location of windows could be considered at this later stage and suitable conditions could be imposed to control opening and/or require obscure glazing as appropriate subject to suitable amenity assessment at that time.
40. The dwellings have areas of private space incorporated into their layout and on the north site share communal access spaces within the development and leading from adjoining land. Generally the properties appear to have been designed to meet appropriate space standards. The provision of planting and design features within the site will also enhance the amenity and outlook for existing and future residents. However; given that the revised layout indicates that in some circumstances the arrangement of houses could in some instances be close to each other or have gardens limited in size, in order to protect amenity and to ensure that extensions and outbuildings would not have an adverse impact on neighbouring trees which are to be protected or retained, a condition is suggested at this stage removing permitted development rights for extensions and outbuildings to any new houses on the site.
41. The existing property is in residential use. New development would be screened from the wider area with gardens to boundaries and will involve no significant change in potential activity. Any statutory nuisance would ordinarily be controlled by environmental protection regulations. Impact from noise is more likely to occur during construction phases with contractor's noise, parking, operations and dust. An informative is suggested in terms of working to considerate constructor practices to help address this. Given that the Ryrie Court access is in multiple use conditions relating to construction methods to control items such as delivery timings and contractor parking and also for contact details for local residents to report issues are also suggested.
42. Although no exact details have been provided, lighting should be positioned to the front entrances of all dwellings together with lighting provided to illuminate the road, parking spaces and bin stores. Illumination of the communal spaces will help to further overcome security issues and are considered to be essential features to promote a safe and secure development. Conditions are suggested requiring submission of details of site lighting to ensure that there is no design or adverse amenity impacts or that light spill affects the ecology value of the edge areas of the site.
43. The proposals work well with reference to their relationship with adjacent properties and subject to conditions it is not considered that the proposals would result in any unacceptable impact to adjacent properties in terms of outlook, overlooking or overshadowing or in terms of quality of the living environment for existing or future residents.

Main issue 3: Transport

44. Key policies and NPPF sections – JCS6, DM30, DM31, NPPF sections 2 and 9.

45. The existing site entrance is from Eaton Chase which local residents have advised can only give access for one dwelling on the application site. The applicant has therefore sought to split access and development between Eaton Chase and the remaining 4 dwellings from Ryrie Court. Both access ways are un-adopted with that from Ryrie Court being under the control of the Council.
46. The transport officer has advised that the means of access to both of the sites makes use of extant access points, and their continued use for residential purposes of this small number of dwellings is acceptable. The layout appears to be sensible and functional from a vehicle and pedestrian movement point of view. Refuse access has been assessed as acceptable and the Fire Service has been consulted who again raise no concern subject to the development being built to relevant standards.
47. The surface material of the site access roads should be designed to be fit for vehicular use and permeable but ideally built to adoptable standards; this would form part of consideration at reserved matters stage for details of hard landscaping. In assessing parking for the site agreement has been sought and made within the revised layout to show a maximum or above maximum level car parking for the site to assist in containing all parking requirements within the new mews area. Parking volume within the site should be sufficient for new residents. There also appears to be sufficient space for future cycle parking requirements. It is considered that the proposal can provide for sufficient bin and cycle storage which can be secured via condition. Some garage parking is shown and a condition is also suggested to prevent their conversion to help avoid a loss of any necessary on-site parking.
48. A number of residents have expressed concern at the use of Ryrie Court and potential impacts on emergency services; care workers; doctors etc. who also need to access this space. There is also some concern about wider access impacts and to local services. The quantum increase in housing is not considered to be so great as to suggest that this development would lead to significant impacts in the area. This in part is based on transport information and knowledge for development in the Norwich area and data for the nature of use proposed.
49. Housing officers have not commented on the rights of access, which is not unusual, and would await the outcome of any application based on its planning merit. Should parking cause an obstruction within the Court private parking management could be appointed by the freeholder of the land or arrangements made through land covenant to seek to control this. There would also need to be consideration of future maintenance arrangements. The developer would likely be required to cover full costs of such an arrangement. In terms of land ownership an informative is also suggested to bring attention to the applicant of the necessity of any separate negotiation required to secure such access rights.
50. The increase in parking within the development site mentioned above should assist with such impacts but a condition is suggested to secure details of access parking control which could be agreed as part of Housing discussions about the use of this Court. A construction management plan would be required to manage construction traffic e.g. wheel washing, hours of working, dust mitigation etc. and as mentioned above would assist with local amenity impacts during construction phase. A photo survey of the area submitted to the highways team prior to commencement and details of protection or reinstatement if damaged of the kerbs/footway at the

Unthank Road access is suggested as an informative to meet with Network comments made on the application.

Main issue 4: Trees

51. Key policies and NPPF sections – JCS1, DM3, DM6, DM7, NPPF sections 2 and 15.
52. The site is covered by TPO 467 which was served in 2014 following a report to committee. The removal of 27 poor specimen sycamore trees under application 17/00764/TPO and now the submission of the outline application have prompted tree officers to review the TPO. Replacement planting is still required following the removal of the sycamore trees in 2017 and in assessing revisions to the planning application discussions were held in order to identify areas suitable for planting which would then inform any remaining spaces available for any potential redevelopment on the site. There are also specific trees on the site that should be afforded protection and the scheme layout has been changed to allow space for trees to develop and mature on site.
53. A woodland TPO such as that on this site is to safeguard a woodland as a whole. Guidance states that it is unlikely to be appropriate to use the woodland classification in gardens. Individual trees are not listed in a woodland TPO and the authority dealing with an application relating to woodland must grant consent so far as it accords with good forestry practice. This means the authority is less able to refuse work if applied for on forestry grounds. Tree officers have advised that a Woodland categorisation is not considered to be appropriate for this site and is not the most appropriate power to protect trees on site.
54. A local planning authority has powers to vary (change) or revoke (cancel) their orders and this is reported separately within the committee items for consideration by members. The proposed alterations to the TPO will list individual trees and where appropriate groups of trees. This will give a clearer record of what is on site. If the changes to the TPO go ahead, retained trees will be specifically plotted and listed. Any future applications for tree work on the site will be assessed and evaluated in line with government guidance.
55. The current outline planning application does not include matters of landscaping and this will be assessed at reserved matters stage. There is a separate consideration in part to the suitability of tree replacement in the manner now largely proposed under the changes suggested to the TPO. In reviewing the outline application proposals it is clear that this site has capacity for development in the form proposed. There is also potential to further enhance site planting under any future consideration of landscape matters.
56. A neighbour request has been made to require a S106 agreement to ensure the protection of trees on site. In the revised site layout these areas of protection would sit within private gardens. As the land will be privately owned, it will be the owners' responsibility to maintain and ensure appropriate levels of tree cover are established under the TPO. If the owners fail to do this we can enforce with tree replacement notices and formal enforcement action. Having the individual replacement plantings listed, rather than as a block of woodland, also gives more scope to detail exactly what should be planted and established on site.

57. A more detailed tree plan, including location, species and size will be needed when replanting and reserving of the TPO takes place. Conditions are suggested to ensure any new TPO is protected during construction works. Conditions related to pre-commencement site meeting to establish parameters for tree protection and works are also suggested. An updated tree protection plan and method statements would follow from this and further condition is suggested in relation to ensuring that these works are carried out in accordance with agreed details and that tree protection is retained for the duration of development.
58. Comment has been made by residents in relation to the sites designation as woodland with the Forestry Commission. The council has a statutory duty to consult the Forestry Commission for planning applications that are within 500m of ancient woodland sites only. (Ancient woodland is characterised as woodland that has been continuously wooded since 1600 or before.) The application site is not considered to be ancient woodland. There is one oak tree on the site that has ancient or veteran characteristics and it is understood that the tree officer will seek to list this tree, as well as other good specimens to be retained, individually and provide protection measures where necessary.

Main issue 5: Biodiversity

59. Key policies and NPPF sections – JCS1, DM3, DM6, DM7, NPPF sections 2 and 15.
60. The submitted Ecology Report (ER) is considered to be sufficient for the proposal with the authors being suitably qualified. This suggests that there are no further significant survey works proposed. The report identifies several features at the site that have an ecological value. With the original development proposed, in addition to impact on the value as stand-alone habitat, there was concern that the proposal could result in fragmentation of habitat and drainage issues with surrounding habitats. However, it has subsequently been concluded that with suitable mitigation and enhancement redevelopment of the site which results in a satisfactory impact upon biodiversity is possible.
61. With the initial scheme it seemed unlikely that the proposal could deliver the level of mitigation and enhancement measures recommended due to the scale of development being proposed. Following discussion the scheme has been revised and significantly more space provided around buildings and within linked spaces that provide more valuable site space for enhancement. Both the AIA and ER propose mitigation/enhancement in the form of native hedgerows. Additionally, a few half-buried piles of deadwood could be laid within the hedging strip for added wildlife benefit.
62. It is welcomed that mature oaks are retained as these can provide valuable habitats. Trees on site have been assessed as having moderate potential for roosting bats (including hibernation) within holes and cracks and underneath ivy. The building was assessed as being used by roosting bats, but the species and type of roost is not clear. No details of mitigation are given on this, other than that some will be required as part of the European Protected Species License (EPSL). Potential for providing bat boxes is also mentioned within the enhancement section of the ER. It is recommended that bat boxes are sought as part of the enhancements to the site in addition to any required under the licensing. In terms of other site enhancements the provision of 2 built-in starling boxes and 4 built-in

house sparrow terrace is recommended along with conditions to ensure that nesting birds are protected during development. Creation of an amphibian hibernacula within the site and a pond is also proposed, which is supported.

63. As mentioned above a revision to the TPO has been discussed which includes options for the replanting of native tree species and various groupings to encourage habitat creation. Such trees would be protected under any revised TPO which cannot be fully guaranteed at this time under the current TPO arrangements. Conditions related to site reassessment following tree planting and details of site enhancement are recommended at this stage. At reserved matters stage details of landscape planting of native species to further enhance the site is also likely to be sought. In conclusion development of the site without having an unacceptable impact upon biodiversity would appear feasible.

Compliance with other relevant development plan policies

64. 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	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

Other matters

65. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
66. **Contamination**
67. The scale of development is not one where a detailed phase 1 assessment of geo-technical or geo-environmental matters would be undertaken to support the planning application. The history of the site does not suggest that there have been contaminative uses or any extent of ground excavation; although some chalk excavation is mentioned in an area just north of the site. The status of this is not considered sufficient to prevent determination of the application. Further control would be exercised through Building Regulations but a precautionary condition is suggested to require works to stop and remediation undertaken in an agreed way should any unidentified contamination be found on site. An informative is also

suggested in relation to the removal of asbestos materials following the demolition of the bungalow.

68. Design

69. Elements of site layout are discussed above. Two key elements which will feed into the final design in terms of landscape setting and external appearance are reserved from consideration under this application. However; from the indicative material and revised layout of the site the final design of external surfaces would not necessarily result in an incongruous or over-dominant form of development. Setting within a revised TPO and future landscape scheme suggest that a scheme could be agreed to help minimise any remaining local impacts and potential concerns. The final scheme should result in an attractive environment suitable for future occupants of the development.

70. Energy and water

71. Whilst the development is below the policy threshold for the installation of low or zero carbon technologies for energy production the applicant has indicated a willingness to improve the building fabric and potentially install energy devices such as PV's. Water efficiency measures in line with policy JCS3 could however be secured by condition.

72. Flood risk

73. There is very limited information submitted with the application to address measures to be taken to deal with surface water flooding. The site is however sited within flood zone 1 where this type of development would be considered to be appropriate in principle.
74. Any landscaping scheme submitted at reserved matters stage would be expected to explain the nature of design features which are required to be incorporated into the scheme to help promote and facilitate sustainable drainage and mitigate against flood risk from surface water runoff as required by policy DM5. Options available which are likely to be acceptable are catchment facilities and braking of discharge of water into the main system and use of permeable surfaces. Space appears to be available on-site to allow for collection or attenuation of surface water. Further assessment is not considered necessary at this stage and a condition is suggested to ensure that details are agreed as part of any final scheme design.

75. Heritage

76. Unthank and Christchurch conservation area adjoins part of the south east boundary and part of the application red line is within the conservation area at the lower end of Eaton Chase access route. The principle character of the conservation area is one of larger detached properties within landscaped gardens. The area within and adjacent to the conservation area will be largely unchanged and with a scheme to revise tree planting on site the area should remain as a planted backdrop to views along Unthank Road and from within the conservation area.
77. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or

destruction, or from development within its setting), should require clear and convincing justification.

78. With the current application it is considered that the setting of the asset will not be harmed due to a combination of the tree cover within the area obscuring views, proposals to replant areas of the site and maintain an area of protected trees, the distance of new buildings within the site from the asset and the height limits being applied.

Equalities and diversity issues

79. There are no significant equality or diversity issues. The scheme provides for potentially accessible housing for new residents and visitors. The proposal will result in the change of access facilities on the site, which is likely to have an impact on the sheltered housing scheme and a range of age groups some of whom require health and care assistance. It is likely that arrangement can be sought with the land owner and housing provider to seek to control associated impacts. Details are suggested as part of the permission to set out changes required to the access areas and its use. The proposal provides for new housing in a sustainable location with benefits of helping to meet existing and future demand which is likely to be of particular benefit across the population spectrum. In this instance, therefore, it is considered that the proposal would not have an unacceptable impact on people of a particular age group or ability within the community.

Local finance considerations

80. 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.
81. 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.
82. In this case local finance considerations are not considered to be material to the case.

Conclusion

83. The proposals for a low density form of urban development have been carefully developed and the scheme in terms of layout; delivery of housing in a highly sustainable location; and the effective re-use of land provides a suitable form of development in this edge of City location close to local facilities and transport connections. The scheme also provides for other benefits in enhancing this long standing underused site and potential for revision to and the re-establishment of tree planting, habitat and site management. Amenity and highway impacts have been largely reduced in the revised scheme and subject to conditions should be adequately addressed. 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. 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW and grant planning permission subject to the following conditions:

1. Standard time limit for outline consents;
2. Reserved matters to relate to appearance and landscaping;
3. In accordance with plans;
4. Details of sustainable urban drainage scheme;
5. Protection of birds during nesting season;
6. Details of updated ecological survey and proposed enhancement
7. Details of external lighting;
8. Details of car parking, electric vehicle charging points, cycle storage, bin stores, access / mews road surface;
9. Details of parking control, alterations and management scheme for Ryrrie Court;
10. Details of Construction Management Scheme including road condition survey;
11. Tree officer site meeting;
12. Detail of arboricultural information;
13. Compliance with Arboricultural Implications Assessment, Arboricultural Method Statements etc. and Tree Protection Scheme implemented prior to commencement;
14. Siting of services within protected areas;
15. Retention of tree protection - no changes etc. in ground levels within root protection areas / construction exclusion zones
16. Removal of PD rights for extensions, alterations and roof alterations;
17. Garages to be retained for parking purposes only and not converted;
18. Water efficiency measures to comply with latest standards;
19. Cessation of works if unknown contaminants found and submit details of remediation;
20. Details of testing and/or suitable compliance of all imported material prior to occupation.

Informatives

- Considerate constructors;
- Dealing with asbestos;
- Impact on wildlife – protected species;
- Note of TPO;
- Land ownership;
- Highways contacts, street naming and numbering, design note, works within the highway etc.;
- Street Works Network officer comments.

Article 35 (2) statement

The local planning authority in making its decision has had due regard to paragraph 38 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.

for information only

Existing Buildings to be demolished

Extent of Amended TPO. Please refer to Mitigation Planting Plan and report produced by Talking Elm Tree Services

New boundary vegetation to allow for privacy for existing residents

Existing trees to be retained/removed as necessary. Refer to AIA report for tree details

Existing vehicular access and driveway to be retained

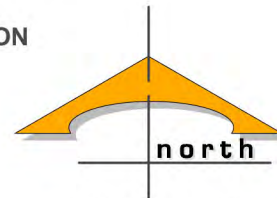
Size 8 turning - Parking spaces to be demarcated using paving details rather than paint, bond detail to be used to highlight turning square and its approach

Refuse collection point to be demarcated in the paving with small gap between the bins and parking space.

New vehicular access from Ryrie Court

Size 3 turning for emergency vehicles

EATON CHASE - UNTHANK ROAD JUNCTION



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KEY

- Existing Tree
- New tree landscaping
- Private garden
- Existing building
- New dwelling
- Private drive
- Private parking
- Mitigation Planting Area

Accommodation and Height

Plot 1 - 3B House @ 90m ²	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 2 - 3B House @ 90m ²	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 3 - 4B House @ 146m ²	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 4 - 3B House @ 90m ²	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 5 - 4/5B House @ 303m ²	- Max Eaves height 5.4m - Max Ridge height 8.6m

TOTAL - 758m²

1 car port

- Maximum Eaves height 2.5m - Max Ridge height 5.0m

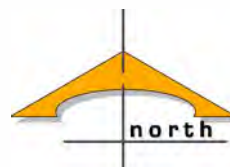
NB. Heights above external ground levels

SITE PLAN AS PROPOSED



KEY

	Existing Tree
	New tree landscaping
	Private garden
	Existing building
	New dwelling
	Private drive
	Private parking
	Mitigation Planting Area



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REV D Accommodation Schedule Amended to Match Layout 28 April 19
REV A Revised planting Mitigation 31 Jan 19



Client:
G Philpotts
Project Details
New residential development

Project Address
The Bungalow
Eaton Chase
NR4 7QH

Drawing Title
Site Plan as Proposed Showing Mitigation Planting

Job No.
1433
Drawing Number
1433-A-PLC

Date
26.04.19
Scale
1:500 (A3)
Revision
C

Drawn
EA
Checked
CSD
Date

Report to Planning applications committee
09 May 2019

Item

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2014. City of Norwich
Number 467; The Bungalow, Eaton Chase, NR4 7QW

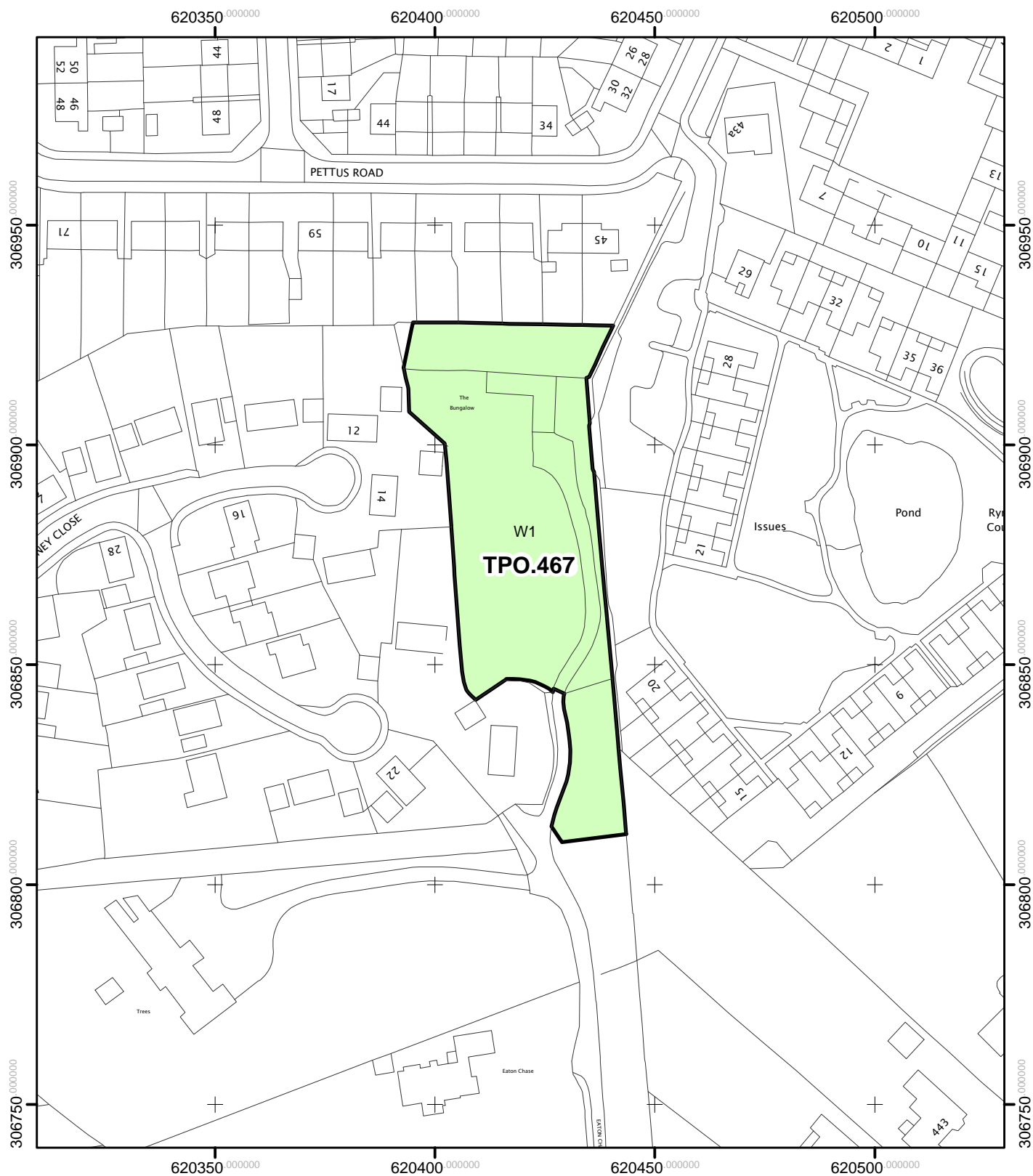
**Reason
for
referral** Representations for, and objections to, vary Woodland
TPO 467, 2014
Tree Preservation Order 467

4(c)

Ward:	Eaton
Case officer	Imogen Mole, Lead arboricultural officer contact imogenmole@norwich.gov.uk

Proposal		
To revoke and reserve Tree Preservation Order 2014, City of Norwich Number 467, The Bungalow, Eaton Chase, should planning permission be granted for new dwellings on site.		
Representations		
Object	Comment	Support
5	3	0

Main issues:	Key considerations:
1 Amenity	Level of amenity for residents of/visitors to, Norwich city
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	N/A
Recommendation	To revoke and immediately reserve TPO467 in light of proposed changes to the site.



PLANNING SERVICES

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

Date : 24 Oct 2014

Scale : 1:1,250

Drawn by : SB



Background

1. In 2014, the council served a 'Woodland' category tree preservation order (TPO) at The Bungalow, Eaton Chase, to preserve an area of woodland that was perceived by local, concerned residents to be under threat due to the property being sold.
2. An objection was received to the confirmation of this order. At its meeting on 6 November 2014, the planning applications committee and resolved to confirm the order. The order was confirmed following this meeting.
3. In May 2017, the authority received an application to remove 25 sycamore trees from the site (17/00764/TPO) and permission was granted as good forestry management of the woodland.
4. Permission was granted to remove these sycamore trees with a replacement planting condition, the replacement planting has not yet been carried out.
5. Past management of the site has resulted in a number of structurally poor specimen trees, overcrowded individuals of poor quality and form.
6. The council has since received an application for a number of dwellings on the site. This application coupled with the removal of trees in 2017 (17/00764/TPO) has prompted us to review the TPO categorisation on the site and the replacement planting requirements.
7. The location of the site is shown on the attached plan.

The site, surroundings and content

8. The area is located within the boundary of The Bungalow, Eaton Chase. It is surrounded by residential properties to the north, Pettus Road, to the east Ryrie Court and the west, Blakeney Close.
9. The site is dominated by sycamore trees, with ash, elm and oak occurring and occasionally lime, bird cherry with an understory of holly and cherry laurel.
10. There is a statutory duty to consult when revoking a TPO, we have sent letters to adjacent properties and interested parties to inform them of the proposed changes to the order.
11. Given the link to the current application the proposed revocation and reserving of the notice is being reported to planning committee.

Representations

12. The issues set out in the representations, and the responses from the lead arboricultural officer are summarised below:

Representation	Response
The planting scheme should complement the remaining woodland habitat, not create overcrowding	Where possible good quality, existing woodland will be retained, replacement planting will be located in areas lacking trees, in particular around the boundary edges and areas void of trees to increase screening for neighbouring properties and biodiversity of the site.
The woodland is registered with the Forestry Commission as priority habitat. An ancient, historic woodland site.	<p>The authority has a statutory duty to consult the Forestry Commission (FC) for development occurring in or within 500m of ancient woodland.</p> <p>This site is not classified as ancient woodland but as an additional measure we have contacted the FC to consult them on the proposed changes to the order and the planning application. No response has been received.</p>
Changes to the order and granting consent for planning on the site contradicts the purpose of the original woodland TPO	<p>The authority has the power to vary or revoke orders.</p> <p>When land is developed, trees have been removed, replacement trees have been planted or when the authority considers the order is no longer providing appropriate or effective tree protection it is appropriate to review the order.</p> <p>Individual important trees are not currently listed, we are less informed about what is on site and should planning be granted the woodland order would no longer be appropriate.</p>
Changes to the site and enforcement of the scheme will place a burden on the authority	All planning applications have similar burden, including the administration of the existing woodland TPO.
A clear plan of the trees, setting out construction exclusion zones, root protection areas, crown spreads has not been provided	This comment relates to the associated planning application. As an outline application this level of detail is not appropriate as changes are likely and can be detailed at a later stage in the planning process.

Representation	Response
The site is important ecologically, plans present a loss of habitat	<p>The ecological report and mitigation measures are set out in the application.</p> <p>Replacement planting and other mitigation measures have been assessed by qualified ecologists.</p>
The perimeter of the site is already well stocked with trees, the planting plan illustrates planting in these areas	Where good quality trees are growing on the perimeter of the site and can be retained, they will be. The detail of where replacement trees will be planted can be amended to take into account the neighbouring properties, existing vegetation and proposed dwellings.
Service route for the new dwellings have the potential to damage trees	As an outline application this level of detail has not yet been submitted, non-invasive techniques, like air-spading and thrust boring, can be employed to minimise the risk of tree damage through the service connections.
Loss of vegetation and screening will be detrimental to neighbouring properties	Where possible perimeter vegetation will be retained, replacement planting will provide additional trees on site.
Properties on Pettus Road do not want robust boundary planting and want smaller trees to be planted	The specifics of the planting plan can be amended to accommodate this.
Neighbouring properties would like space to maintain the boundary edges	The specifics of the planting plan can be amended to accommodate this.
Recent tree cover loss will be permanently lost by the development	The effects of the proposed development have been assessed by qualified ecologists, from an arboricultural perspective, low quality trees have been removed and replacement planting plan illustrating areas of planting is acceptable.

Representation	Response
The planning application and replacement planting would not be acceptable if no development was proposed	<p>The planting plan and the development proposals must go together and be considered together.</p> <p>If no planning application was submitted replacement planting will still be required as part of the felling work in 2017.</p>
An updated tree plan needs to be provided referencing the retained trees	Varying the order will provide this level of information as well as a full planning application. This application is outline.
Replacement trees should be native, woodland trees	The specifics of the planting plan can be amended to accommodate this.
The outline application will denature the woodland turning it into gardens	<p>The woodland TPO has enabled us to require higher levels of replacement planting than would normally be seen on a development site.</p> <p>The garden of The Bungalow was once that, a garden but the level of replacement planting will allow a woodland feel along the boundary edges.</p>

Main issues

Issue

13. The discharge of the condition to replace trees following the removal work in 2017 has not yet taken place and is required. It is important these new trees should be part of a cohesive plan for the future use and layout of the site.
14. Important individual trees, including an oak tree displaying veteran characteristics is not listed and therefore not adequately protected as part of the woodland category TPO.
15. Should planning be granted for the dwellings on site, it is proposed to revoke the woodland category TPO and immediately reserve the TPO on site, listing important individual trees, groups of retained trees and the newly planted trees.
16. If the planning application is not granted, no changes to the order will be made, but irrespective of the planning decision replacement planting will still be required and can be secured by a tree replacement notice.

Conclusion

17. The objections to the proposed changes to the Order have been taken note of, and whilst officers appreciate the issues and concerns raised, it is their opinion that the trees are best protected by varying the order taking into account the future changes to the site.
18. Minor amendments to the planting plan can address the issues and concerns raised.

Recommendation

19. To revoke Woodland TPO 467 and immediately reserve individual and groups of trees listed on the same site Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW, should planning permission for new dwellings be granted.



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 2014

THE CITY COUNCIL OF NORWICH NUMBER 467

ADDRESS: The Bungalow, Eaton Chase, Norwich, NR4 7QW.

THIS IS A FORMAL NOTICE to let you know that on **25th June 2014**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *to secure the retention of the area of woodland at the property so that any future management is carried out within the bounds of good arboricultural and woodland management practice.*

[The Order took effect, on a provisional basis, on **25th June 2014**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.]

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **24th July 2014**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact **Michael Volp, Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546)**.

DATED this **25th June 2014**.

Signed

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

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

Objections and representations

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

(a) shall be made in writing and—

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

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

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

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

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

Dear Resident,

Tree protection – The Bungalow, Eaton Chase

I am writing to let you know I have received a proposed tree planting plan for The Bungalow, Eaton Chase. The planning service is also now consulting on the outline planning application at this site (18/01190/O).

Alongside the planning application, we are reviewing the way the trees are protected on the site.

You are probably already aware this site is covered by a woodland preservation order, TPO 467. The woodland category's purpose is to safeguard the woodland as a whole. Guidance states, it is unlikely to be appropriate to use the woodland classification in gardens.

Tree work was undertaken in 2017 to remove 25 poor quality sycamore trees (17/00764/TPO). The planting plan submitted was insufficiently detailed and did not address any future plans for the site.

The council are now in a position to evaluate the plans and the proposed replacement planting. The large areas of tree planting around the boundary edge will enhance the wildlife value of the site; recreate robust boundary edges and also encourage positive management of the site and trees through residential occupancy.

We need to make sure these new trees are afforded robust protection and to do this we will revoke the woodland preservation order after the replacement tree planting has taken place and on the same day, reserve a preservation order illustrating the new groups of planting and individually important trees on site.

For ease of access details of the tree replacement plan are being held with the documents on the above application (18/01190/O). If you have any comments you wish to make on the tree replacement works please let me have these within 21 days of the date of this correspondence.

Report to Planning applications committee

Item

09 May 2019

Report of Head of planning services

Subject Application no 17/01886/F - 36 St Clements Hill, Norwich,
NR3 4BN

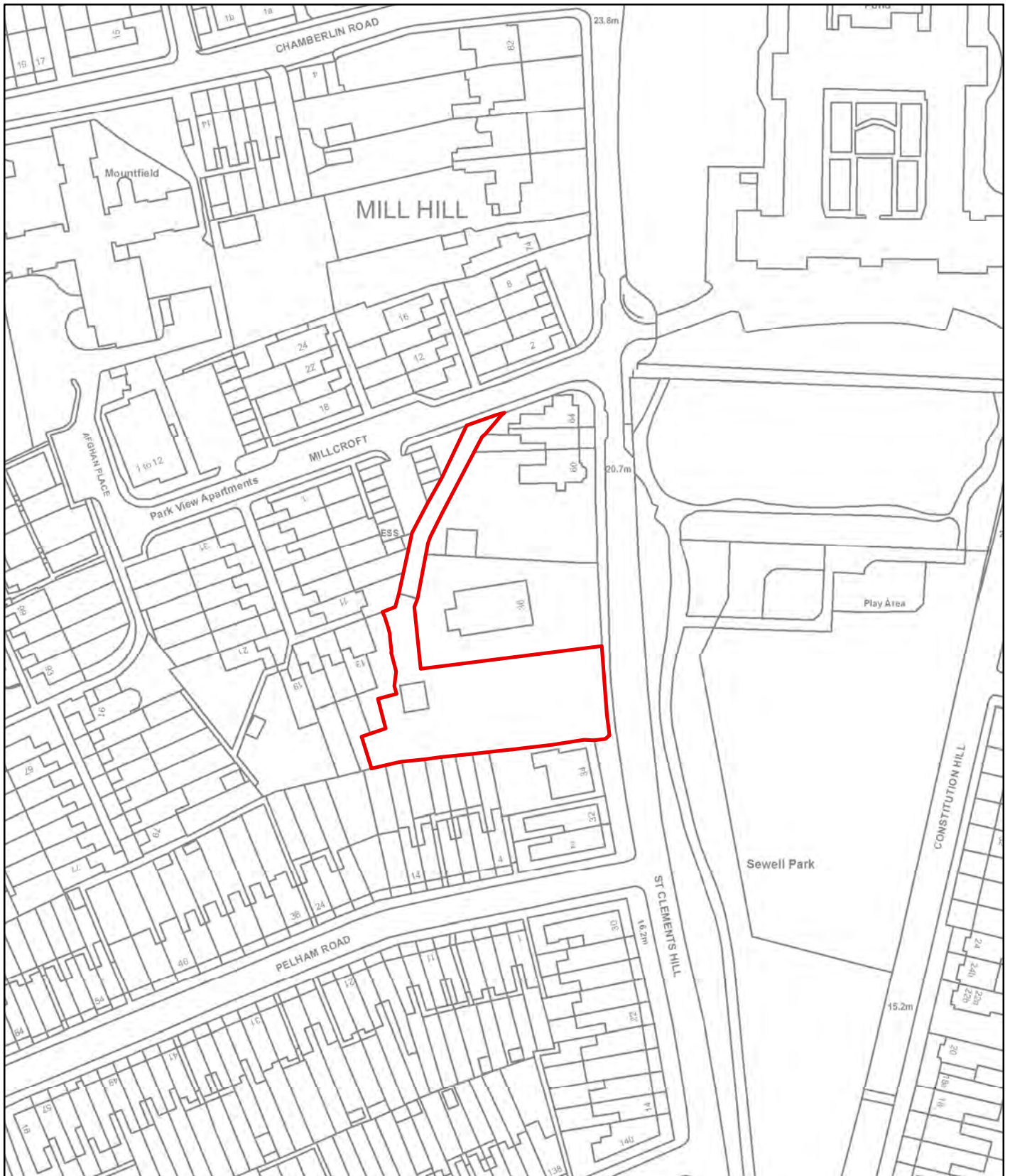
**Reason
for referral** Objection

4(d)

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

Development proposal		
Subdivision of plot and construction of detached four bedroom two storey dwelling.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Principle of development
2	Design and heritage
3	Amenity
4	Trees
5	Biodiversity
Expiry date	7 May 2018
Recommendation	Approve



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Planning Application No 17/01886/F
 Site Address 36 St Clements Hill
 Scale 1:1,250

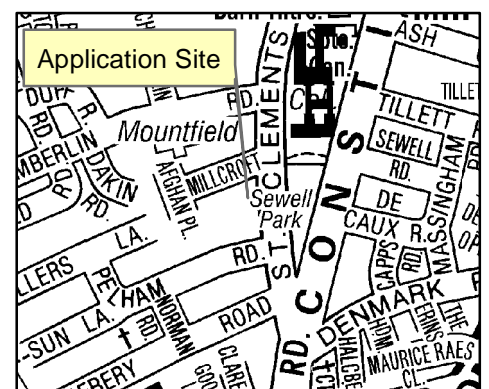


NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. The subject site is located on the West side of St Clements Hill, North of the city centre. The ground level slopes away towards the South towards the City. The host property is a 1960's bungalow property and is therefore at odds with the more traditional brick built dwellings in the surrounding area. It can be accessed on foot from St Clements Hill and vehicular access is from Millcroft to the North. This property has an exceptionally large garden unlike many of the other properties in the surrounding area. Due to the change in ground level, the garden 'steps' down to the south of the bungalow. The plot contains a detached garage and a number of large trees, some of which are subject to TPOs.

Constraints

2. The property is located in the Sewell Conservation Area. The property is located within a critical drainage area. The property is opposite a historic park. The property is surrounded by locally listed buildings.

Relevant planning history

- 3.

Ref	Proposal	Decision	Date
16/01638/TPO	T19 Mulberry: Fell.	Approved	17/11/2016
16/01745/TCA	Sycamore (T1) - pollard at a height of 2m. Elder (T2) - remove branches overhanging 34 St Clements Hill. Holly (T3) - remove branches overhanging 34 St Clements Hill.	TPO not required	12/12/2016
16/01746/TPO	Sycamore (T12): Re pollard to previous point at approx 4m.	Approved	08/12/2016
18/00577/TPO	Beech tree - to be cut back to main trunk / close as able, reduce height of tree.	Cancelled	07/06/2018

The proposal

4. The proposal is to sub-divide the existing garden plot and construct a new four bedroom dwelling.
5. The original proposal was not considered acceptable for a number of reasons relating to design and tree protection. Amended plans and revisions to the tree report were submitted and a period of re-consultation was undertaken. The assessment below is based on the revised plans only.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	One dwelling
Total floorspace	218m²
No. of storeys	Two storey
Max. dimensions	13.80 x 11.20, 5.50m at eaves and 8.90m maximum height
Appearance	
Materials	Brick walls Slate roof Timber windows and doors
Transport matters	
Vehicular access	Use of existing access via Millcroft
No of car parking spaces	Two spaces in double garage and extension of existing driveway

Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received in total throughout two consultation periods 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
The extant permission must be considered again in light of the designation of the conservation area.	See Main Issue 1
There is no need for another house of this size in the area.	See Main Issue 1
Harmful impact on the character of the conservation area.	See Main Issue 2
The property is mentioned in the conservation area appraisal as having a mature garden which makes an important contribution to the character of the	See Main Issue 2

Issues raised	Response
conservation area.	
The proposal would result in interrupted views in the conservation area. Loss of openness.	See Main Issue 2
The proposal would destroy one of the last remaining open spaces in the area.	See Main Issue 2
The design of the property is out of keeping with those in the surrounding area. It would be overbearing and disproportionate.	See Main Issue 2
The property would be at higher ground level than the neighbouring dwelling and would overlook the garden. Overlooking to other neighbouring properties.	See Main Issue 3
Noise disturbance from vehicles and people living in closer proximity.	See Main Issue 3
Harmful impact on biodiversity and wildlife corridor.	See Main Issue 4
Concerned for the protection of trees during construction.	See Main Issue 5
Difference in the number of protected trees between the plans and conservation tree survey.	See Main Issue 5
Access is narrow and could be difficult for deliveries. Construction traffic will cause congestion. Millcroft is already congested.	See Main Issue 6
The driveway is not suitable for additional traffic. There is already too much traffic.	See Main Issue 6
The proposal would further compromise the integrity of the boundary wall.	See other matters
Noise disturbance from construction.	See other matters

Consultation responses

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

8. Revised plans were received to address a number of issues raised with the original scheme. Once revised plans were submitted, a second consultation period was undertaken.

Initial Consultation

Design and conservation

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

Highways (local)

10. No objection on highway grounds. The means of access is acceptable via a shared drive.

Norfolk Fire Service

11. No comments received

Tree protection officer

12. Despite the inconsistencies contained within the AIA and TPP (T5 in the survey schedule is a scots pine, whereas on the TPP, the location of the scots pine is given as T6. T5 on the TPP is an ash. T6 in the survey schedule is given as a walnut, and there were no walnuts on site), the essential information regarding the tree protection measures seems to be acceptable. However, I have concerns around the root protection areas of three of the most important trees on site - T1, T2, and T3, and the proposed construction of the driveway within the RPAs of these trees. There seems to be a slight slope in this area and I would require assurances that there will be no level changes within the RPAs. Specific details regarding the special construction methods of the driveway will also be required before I can comment fully on this application.

Re-consultation

Design and Conservation

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

Highways (local)

14. No objection on highway grounds. Please consider where bins will be sited, ideally in a bin store to reduce visual impact on the site. A Construction management plan as a condition is recommended.

Norfolk Fire Service

15. I acknowledge receipt of the above application and I do not propose to raise any objections **providing** the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

Tree protection officer

16. Much better I am now happy with the AIA.

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
 - JCS4 Housing delivery
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
 - DM6 Protecting and enhancing the natural environment
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing
 - DM32 Encouraging car free and low car housing

Other material considerations

19. **Relevant sections of the National Planning Policy Framework 2019 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF5 Delivering a sufficient supply of homes
 - NPPF8 Promoting healthy and safe communities
 - 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

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 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

21. Key policies and NPPF paragraphs – DM12, NPPF 5.
22. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 70 of the NPPF 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. 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.
23. 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 below given that:
- The site is not designated for other purposes;
 - The site is not in a hazardous installation notification zone;
 - The site is not in the late night activity zone;
 - It does not involve the conversion of high quality office space; and
 - It is not in the primary or secondary retail area or in a district or local centre.
24. Furthermore, this proposal does not compromise the delivery of wider regeneration proposals, does not have a detrimental impact upon the character and amenity of the surrounding area which cannot be resolved by the imposition of conditions (subject to more detailed assessment below), contributes to achieving a diverse mix of uses within the locality and contributes to providing a mix of dwellings within the area. The proposal would make a small contribution to housing supply in Norwich.
25. Therefore the proposal is considered to accord with the first part of policy DM12 (subject to assessment below) and is acceptable in principle.
26. The submitted design and access statement refers to previous permissions on this site. There were several outline permissions granted on this site for two dwellings between the late 70s/early 80s. It is not clear which of those permissions has been implemented and therefore it is unclear whether there is an extant consent on the site. However, notwithstanding this matter, the principle of development is acceptable as outlined above.

27. Comments were received suggesting that there is no need for another dwelling of this size within the area. This suggestions is not however consistent with the latest evidence within the Strategic Housing Market Assessment 2017 that there remains a need for new dwellings including 4,982 four bedroom homes in the Greater Norwich area between 2015-2036.

Main issue 2: Design and heritage

28. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF 8, 12 and 16.
29. No. 36 St Clements Hill is an existing bungalow set within a large garden plot. The property is located adjacent to No. 34 which is a locally listed building and is within the Sewell Conservation Area. The houses in this area line the two roads (St Clements Hill and Constitution Hill) facing into Sewell Park. There are attractive views into the park from all sides. The dwellings are characteristically set back from the road and the boundary wall to the front of No. 36 is identified as an important boundary in the Sewell Conservation Area Appraisal. The Conservation Area Appraisal also praises the quality of workmanship of the dwellings in this area.
30. The trees and open spaces of Sewell Park and private gardens make a significant contribution to the character of the conservation area. The garden of No. 36 is specifically referred to in the conservation area appraisal as being exceptionally large and mature.
31. Concerns were raised that the proposal would result in the erosion of the natural character and the destruction of one of the last open spaces in the area. It is acknowledged that the proposal would result in some loss of openness along this part of St Clements Hill through the infilling of part of the garden with an additional dwelling. However, this garden space is particularly large, is much bigger than those associated with the surrounding dwellings and can therefore accommodate an additional dwelling. The proposal does not propose to remove any of the trees located on site ensuring that they continue to contribute to the verdant character of the area. The proposal is for a residential property similar to those in the surrounding area and would not be incongruous with the surrounding buildings. The property is proposed to be set well-back within the plot (approx. 10m) in order to provide a large front garden. This is without detriment to the size of the rear garden that would be available for the dwelling.
32. Concerns were also raised that the property would not be in keeping with the character of the surrounding properties. The dwelling is proposed to be designed to mirror the adjacent No. 34. The original proposal included a balcony, render and was disproportionately large. The scheme has been revised and further detail provided to indicate a more traditional use of materials and a reduced scale of the property. The boundary wall would not be altered and the dwelling set back from the road. The applicant has been made aware that constructing a property of this design in a conservation area will require a high level of workmanship and the use of high quality materials. Any attempt to reduce the quality of the scheme at a later date will not be acceptable. Although an indication of materials has been provided to provide some comfort as to the quality of the build, it is considered appropriate to require full details of materials by condition.
33. Concerns were raised that the dwelling would result in interrupted views within the conservation area. The property would be set back within the plot behind No. 34

and is therefore not considered to be intrusive in the street scene. It is acknowledged that the property to the North at No. 60 St Clements Hill currently enjoys views towards the city centre as a result of south facing windows and elevated position. The proposed dwelling may result in a change to the views from surrounding properties. Loss of outlook is covered by DM2 however this relates to avoiding development that has an overbearing impact. In this instance, concerns over loss of private views of a distant feature/object are not a material planning consideration.

34. In summary, whilst there would be an infilling of a gap within the streetscene, this infilling would be of a residential nature and therefore not incongruous to the surrounding area. The property would be set back from the boundary to reduce its prominence and the retention of the important trees on site would continue to contribute to the verdant character of the area.
35. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
36. In this case, subject to the retention of trees on the site and the use of high quality materials, the harm to the conservation area would be less than substantial and would be considered to be very minor i.e. at the lesser end of less than substantial harm.
37. In accordance with paragraph 196 of the NPPF, where a development results in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Taking into consideration paragraph 193 of the NPPF, the benefit of providing additional housing is considered to outweigh the very minor harm resulting from the proposal.

Main issue 3: Amenities

38. Key policies and NPPF paragraphs – DM2, DM11, NPPF 8 and 12
39. Concern was raised regarding overlooking from windows within the South elevation of the proposed dwelling. The objection cited the change in ground level as worsening this impact. The vegetated boundary between No. 34 and the development site would prevent overlooking from the two ground floor windows which would serve the living room. The only proposed first floor window facing South would be located within the rear bay and approx. 9m from the boundary which is considered to be a sufficient distance to protect from unacceptable loss of privacy. There are no proposed first floor windows within the North elevation.
40. Concerns were also raised that the new property would result in additional noise disturbance from additional vehicle movements and residents living in close proximity. It is acknowledged that the proposal would result in an increase in the intensity of the use of the site. However, activities at the site would be residential in character and therefore in keeping with the surrounding area. Furthermore, the proposal includes the use of the existing garage and driveway which is currently

utilised by No. 36 St Clements Hill. Therefore any increase in the activity on site is not considered to differ significantly from the current situation.

Main issue 4: Biodiversity

41. Key policies and NPPF paragraphs – JCS1, DM6, NPPF15.
42. A number of representations have expressed concerns regarding the impact of the proposal upon biodiversity both during construction and once the dwelling is occupied. This relates to the loss of the green space providing a corridor from Sewell Park and noise/light disturbance.
43. Advice taken from the Ecology Officer suggests that grassed areas are not of particularly high biodiversity value, however trees/hedges etc are important for foraging and nesting etc. The construction of the dwelling would result in the loss of a grassed area. However, the scheme does not propose to remove any trees from site. Furthermore, there is no demolition required which could result in the destruction of roosts/nests.
44. Nevertheless, given the reports of wildlife using the site by surrounding residents, it is considered appropriate in this instance to require a protected species survey to be undertaken prior to the commencement of development and for appropriate mitigation and enhancement measures to be provided.

Main issue 5: Trees

45. Key policies and NPPF paragraphs – DM7, NPPF 15.
46. Concerns were raised that the trees on site would not be adequately protected during construction. An arboricultural methods statement has been submitted as part of the application and the Tree Officer is satisfied that the trees on site will be adequately protected. Compliance with the tree protection information should be secured by condition.
47. It was highlighted that the number of trees identified within the TPO plan differs from the number shown in the application information. The original TPO for this site dates back to the 1970s and therefore a number of changes to the trees of site could have occurred in this time. Through the process of this application an assessment of the existing trees on site is required to be made as well as ensuring their protection. This information has been provided and is deemed sufficient.

Main issue 6: Transport

48. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF 8 and 12.
49. Existing access to No. 35 is via an access driveway from Millcroft to the North leading to the rear of the dwelling. This access road is an informal track surface. Concerns were raised that this road would not be able to accommodate any more traffic as there are already a large number of cars using. Currently this access road serves two properties and therefore vehicle trips are considered to be very low. One additional dwelling is not considered to result in a significant increase in the number of vehicles using the road. The Highway officer has also not raised any concern with regard to the capacity of this road.

50. Concerns were raised that the congestion and on-street parking on Millcroft would make it difficult for construction traffic to access the site. It is acknowledged that there is congestion near to the driveway on Millcroft which could make access the site difficult for larger vehicles. The Highways officer has recommended a condition requiring the submission of a construction management plan which should include details of how construction traffic and deliveries will be managed.

Compliance with other relevant development plan policies

51. 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 - provided on driveway/existing garage
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

52. Concerns were raised regarding noise and disturbance during construction. This is not a material planning consideration and has not been considered further.
53. A number of representations cite stability concerns with the boundary wall between No. 36 St Clements Hill and the properties to the South on Pelham Road. Due to the change in ground level, this wall functions as both a retaining wall of land at No.36 and the rear boundary of the gardens along Pelham Road. Any alterations to make good the boundary etc. would be covered under the requirements of a landscaping condition. It is the responsibility of the land owner to ensure the safety of their site. In addition, land stability would be considered by Building Control.

Equalities and diversity issues

54. There are no significant equality or diversity issues.

Local finance considerations

55. 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.

56. 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.
57. In this case local finance considerations are not considered to be material to the case.

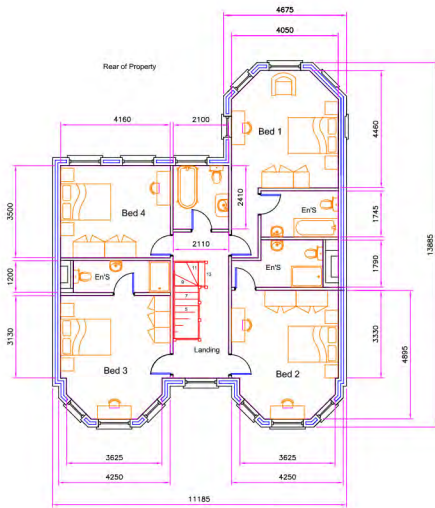
Conclusion

58. 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.

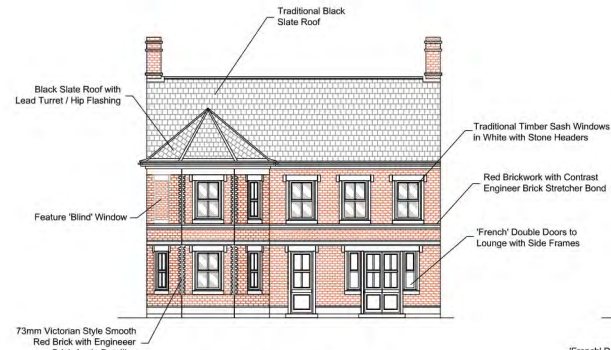
Recommendation

To approve application no. 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN and grant planning permission subject to the following conditions:

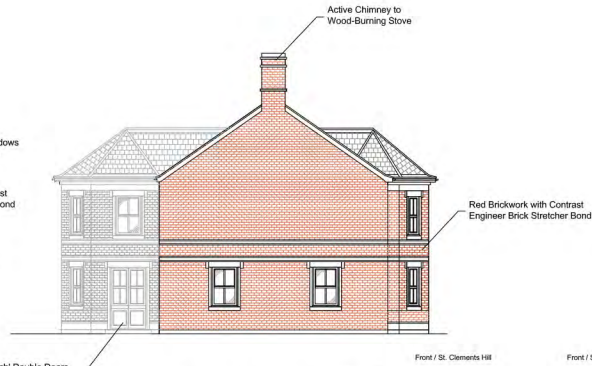
1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Lighting;
5. In accordance with AIA/AMS;
6. Protection of RPAs;
7. Submission of ecology survey and mitigation measures;
8. SUDS;
9. Bin/bike stores;
10. Landscaping scheme;
11. Construction management plan;
12. Removal of PD rights for extension, curtilage buildings, boundary treatments.



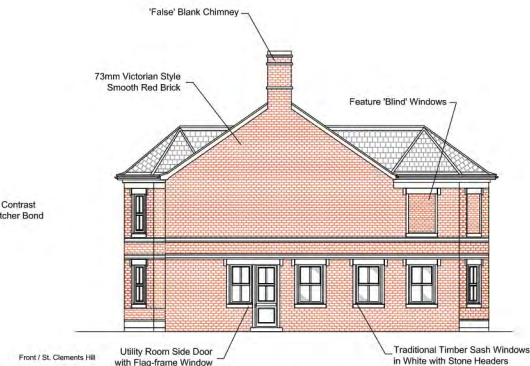
Proposed First Floor Plan



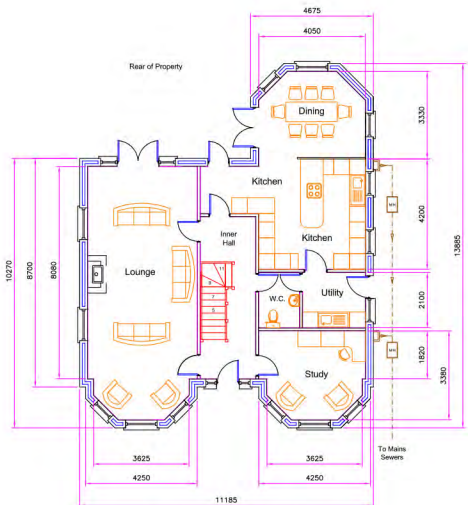
Proposed Rear Elevation - West



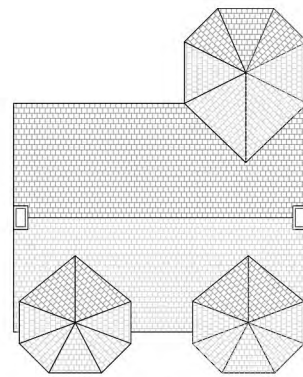
Proposed Side Elevation - South



Proposed Side Elevation - North



Proposed Ground Floor Plan



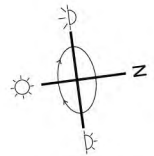
Proposed Roof Plan



Proposed Front Elevation - East



Proposed Front Elevation Street View off St. Clements Hill



Proposed Site / Plot Plan
Scale 1:200

This drawing is to be read in conjunction with Drg Nos. TD041117-PP-2 & Associated Documents

All dimensions noted are approximate and for reference purposes only. Ensure full dimensional survey is undertaken prior to any site layout, development or structural work.

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Tel: 01603 720148

Client: Mr. C. Brockwell
Location: South View Lodge
36 St. Clements Hill
Norwich
NR3 4BN
Title: South View Lodge - Sub-division of Plot & Proposed New Four Bedroom Detached Residential Dwelling
Planning Permission Approval
Proposed Plans & Elevations
Scale @ A1: 1:100 / 200 Drawn by: G. Daynes
Date: Nov' 17 Approved:
Preliminary Tender Construction
Drawing No: TD041117-PP-1 Revision:

Report to Planning applications committee

Item

09 May 2019

Report of Head of planning services

Subject Application no 19/00264/F - 73 Sukey Way, Norwich,
NR5 9NZ

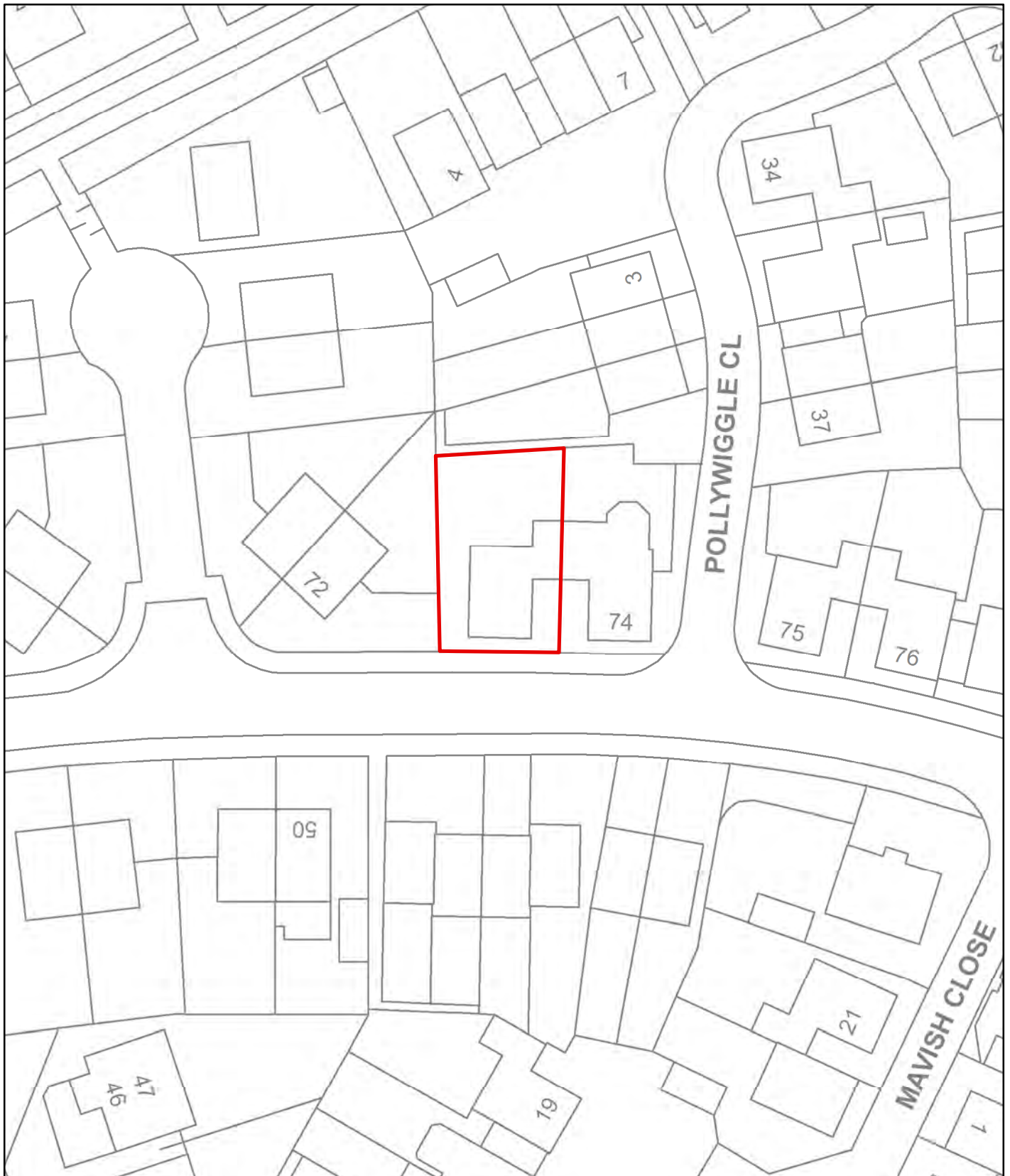
**Reason
for referral** Objection

4(e)

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

Development proposal		
Erection of two storey side and single storey rear extensions.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Scale and Design	The impact of the proposed development within the context of the original design / surrounding area
2 Residential Amenity	The impact of the proposed development on the neighbouring properties; loss of light; outlook; privacy; use of the property as an HMO.
Expiry date	22 April 2019
Recommendation	Approve



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Planning Application No 19/00263/F
 Site Address 73 Sukey Way
 Scale 1:500

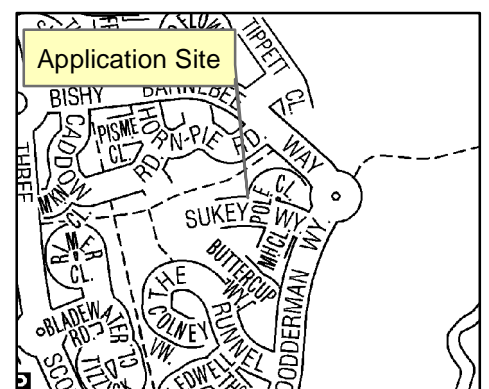


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PLANNING SERVICES



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The site and surroundings

1. The site is located to the north of Sukey Way, a residential cul-de-sac within the Three Score area, to the west of the city. The subject property is a link-attached two storey dwelling constructed circa 2000 using red bricks, clay coloured pantiles and white coloured windows and doors. The site features a small front garden area, shared driveway space to the side which leads to an attached single garage, garden to the west side and a larger rear garden. The property also benefits from a passageway providing access from the rear.
2. The site is bordered by the link-attached dwelling to the east, no. 74 Sukey Way, with which the respective garages are attached, no. 72 Sukey Way to the west and no. 1 Pollywiggie Close beyond the passageway to the rear. The site boundaries are marked by close boarded fencing and mature planting. The prevailing character of the surrounding area is predominantly residential with neighbouring properties all having been built as part of a wider housing development, in a variety of styles.

Relevant planning history

3. There is no relevant planning history.

The proposal

4. The proposal is for the construction of a single storey rear and two storey side extensions at 73 Sukey Way. The 5.75m x 2.6m rear extension has been designed with a sloping roof measuring 2.5m to eaves and 3.4m to the highest part.
5. The 2.65m x 8m side extension has been designed with a dual-pitched roof measuring 5m to the eaves and 8.2m to the ridge.

Representations

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

Issues raised	Response
Concern that the property is to be used as an HMO – noise disturbance.	See main issue 2.
Concern that the property is to be used as an HMO – parking problems.	See other matters.

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

Other material considerations

10. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
 - NPPF7 Requiring good design

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 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: Design

12. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
13. The single storey extension is to adjoin the rear portion of the garage which projects beyond the rear elevation of the subject property, and will extend across effectively squaring off the rear. The two storey side extension is to fill the majority of the side garden, covering the majority of the side with only a 0.3m step at the front.
14. The proposal is to be constructed using matching materials including red bricks, clay coloured pantiles and white UPVC windows and doors.
15. The proposed single storey rear extension will have a limited impact on the overall appearance of the subject property as it is considered to be of an appropriate scale and design. It will have a similarly limited impact on the character of the wider area as it will largely not be visible from outside of the site.
16. The two storey side extension will noticeably alter the appearance of the subject property as the extension will be obviously visible from the highway. The stepping of the front elevation and of the ridge, which is 0.15m lower than the original, will

assist in ensuring that it appears subservient and that the original design remains clearly legible. The use of matching materials will also ensure that the proposed development blends well with the existing. The two storey side extension is considered to fit in well with the character of the area.

17. The proposed development is therefore considered to be of an appropriate scale, form appearance and is acceptable in design terms.

Main issue 2: Amenity

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
19. The proposed development will have a limited impact on the residential amenities of neighbouring properties with only no. 72 noticing any change from the current situation. The siting of the rear extension against the garage ensures that there will be no changes along the boundary shared with no. 74.
20. The two storey side extension will be visible from the rear garden of no. 72, however there is sufficient distance between the two to ensure that significant harm is not caused by way of overshadowing or loss of outlook. The inclusion of a rear facing en-suite bathroom window to the first floor of the side extension will allow for some oblique views across some of the neighbouring rear garden. It is not however expected that a significant loss of privacy will occur as the window serves a secondary living space and provides a view of a garden only which is considered to be typical of the area.
21. The proposed development represents a significant addition to the original three bedroom house and also includes the incorporation of the garage within the integral layout. It is possible that the additional floorspace created could be rearranged in the future so that the property could be used as a large scale house of multiple occupancy (HMO). Particular concern has been raised that the property will be used as such, leading to noise disturbances. The property can be used as a small scale C4 HMO with up to six bedrooms without the need for planning permission. As the site is located within an area close the UEA, popular with student landlords, it is considered reasonable to add a condition prohibiting the establishment of a large HMO in order to protect the residential amenities of future occupiers and neighbours.
22. The proposed development will enhance the residential amenities of the occupiers of the subject property as the internal living space is improved without significant loss of external amenity space.

Other matters

23. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
24. Particular concern has been raised that the property will be used as an HMO which will lead to an increase in cars parking within the area, resulting in problems for drivers and pedestrians. The application is for a household extension only and as such a change of use to a large HMO is not being applied for. As such, the impacts of an HMO use are not considered as part of this application.

Equalities and diversity issues

25. There are no significant equality or diversity issues.

Local finance considerations

26. 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.
27. 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.
28. In this case local finance considerations are not considered to be material to the case.

Conclusion

29. The proposal will result in an enlarged dwelling which is considered to be of an appropriate scale, which does not cause significant harm to the character and appearance of the subject property or surrounding area.
30. The proposed development will have a limited impact upon the residential amenities of neighbouring properties with no significant harm being caused by way of overshadowing, overlooking or loss of outlook.
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. 19/00264/F - 73 Sukey Way Norwich NR5 9NZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Permission is for C3 / C4 dwellinghouse only.



External lighting to be fitted with batten having a luminous efficacy greater than 45 Lumens per watt and low beam light distribution.

External lighting to automatically extinguish when there is enough daylight and when they are not required at night or when the fire alarm sockets that can only be used with fittings having a luminous efficacy greater than 45 Lumens per watt. Water (or other liquid) must be used to clean and compact footprints immediately after being stepped on by anyone carrying a long-range laser with battery pack as Edison screw bases).

INTERNAL WALLS

120mm plasterboard either side of 750mm brick SW
Either side of 3mm solid Irish Clay to be 30mm
Gypsum with 25mm air gap. All wet areas to have moisture resistant gasketed plasterboard.

UNITS

By/Cable or similar detector

SMOKE/HEAT DETECTORS

To be installed as shown and to be inter-connected and notified to RSE 6833 Part 9. Greater Company Ltd and dislocated as drawn on the plans.



DATE: AS SHOWN	DRAWN BY: BH	DATE: JAN 11
AGE NO: NOB 454	PRO NO: 01	REVISED: A

Report to Planning applications committee

Item

09 May 2019

Report of Head of planning services

Subject Application no 19/00046/F - 30 Irving Road, Norwich,
NR4 6RA

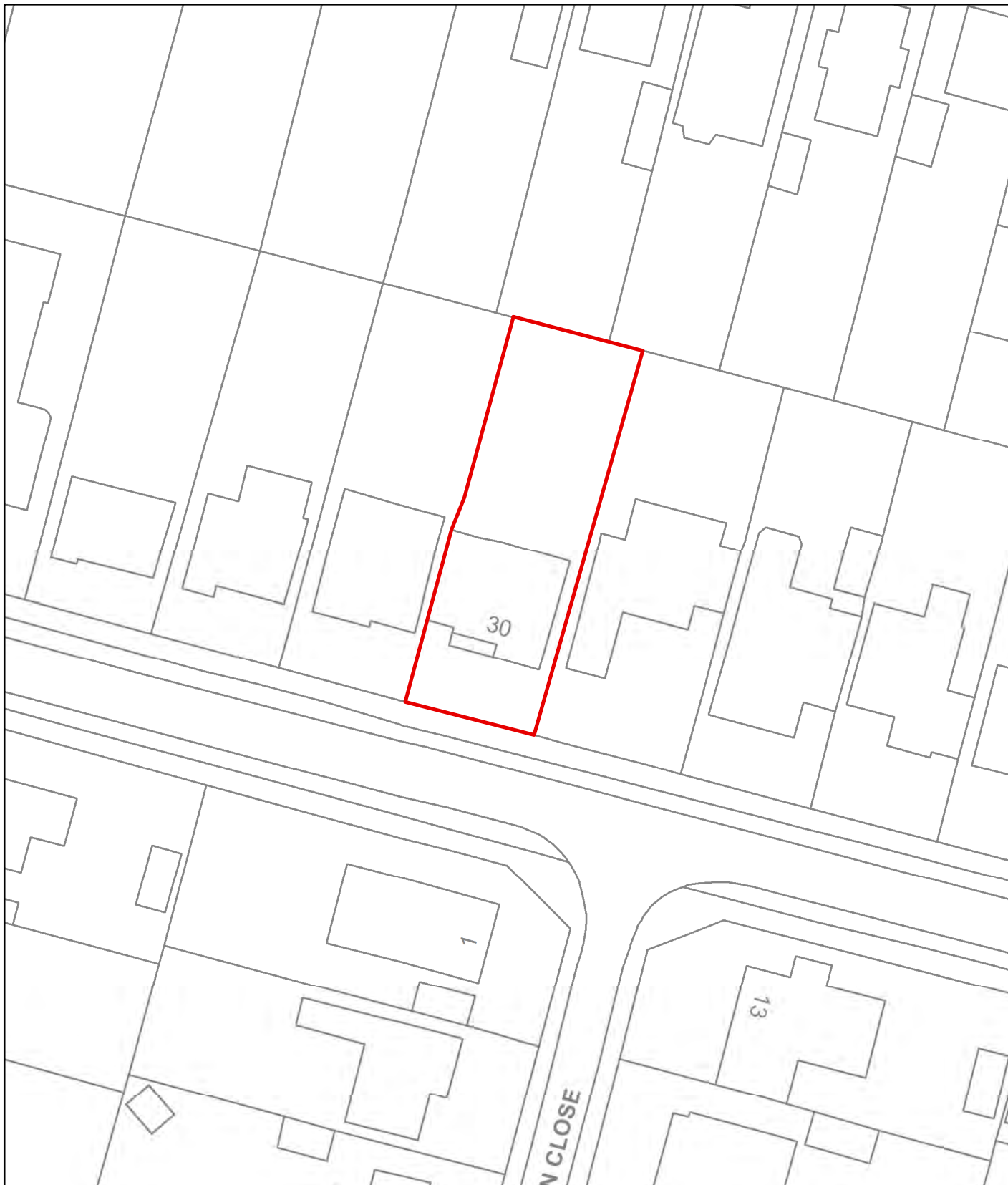
**Reason
for referral** Objection

4(f)

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

Development proposal		
Single storey rear, side and first floor extension.		
Representations		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1 Scale and Design	The impact of the proposed development within the context of the original design / surrounding area
2 Residential Amenity	The impact of the proposed development on the neighbouring properties; loss of light; outlook; privacy; use of the property as an HMO.
Expiry date	8 March 2019
Recommendation	Approve



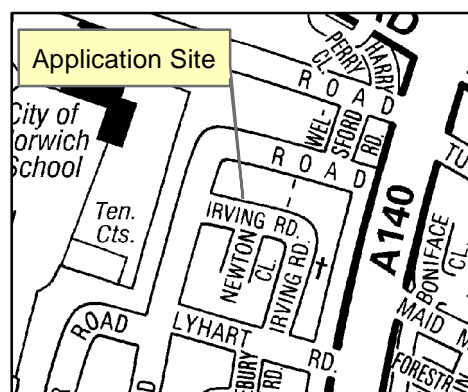
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Planning Application No 19/00046/F
 Site Address 30 Irving Road
 Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



Deferred Assessment

1. A version of this report was previously prepared for the planning applications committee meeting held on 14 March 2019. It was decided to defer the assessment for a further month in order to ascertain details which were unclear. The original elevation drawings included the outlines of the neighbouring properties which it was determined had been represented inaccurately, resulting in no. 32 to be taller than the true situation. The neighbouring properties have now been accurately measured using a laser measure and new plans produced accordingly.

The site and surroundings

2. The site is located to the north side of Irving Road within the Eaton Rise area, to the south of the city. The prevailing character of the area is residential comprising a mixture of predominantly detached dwellings constructed during the middle part of the C20, in a variety of designs, of both single and two storeys. Properties have typically been arranged on plots with front garden / parking areas and larger mature rear gardens.
3. The subject property is a single storey detached bungalow style dwelling constructed circa 1960 using red bricks, concrete roof tiles and sections of white coloured render. The site features a front parking area, car port to the side and a garden to the rear. The property is arranged over a rectangular footprint and is of a simple dual pitched roof design. The car port extends beyond the rear to form an annexe extension providing access to the rear.
4. The site is bordered by nos. 28 and 32 Irving Road to the east and west respectively. No. 28 is a similar bungalow style dwelling which has been extended to the front and rear, and no. 32 is a two storey detached dwelling. The site boundaries are marked by small sections of brick wall, 1.8m tall close boarded fencing and mature planting.
5. The property is currently let to multiple occupants by the owner on a short term basis following its purchase before the proposed development commences.

Constraints

6. There are no particular constraints.

Relevant planning history

- 7.

Ref	Proposal	Decision	Date
4/1998/0533	Erection of front and rear dormer windows.	APCON	10/08/1998

The proposal

8. The proposal is for the removal of the car port and for the construction of first floor and single storey rear extensions. The first floor extension builds upward from the existing footprint to a new eaves height of 5.1m and a ridge height of 8.7m. The design is of a dual-pitched roof. A front facing dual-pitched roof gabled dormer has been removed from the proposals since the March committee in order to reduce the prominence of the building within the street scene.
9. The single 8.7m x 6m single storey rear extension is to be constructed across the majority of the rear of the ground floor and has been design with a 3.2m tall flat roof. The existing annexe extension is to be rebuilt and the car port replaced with a garage, both sharing the same 2.6m tall flat roof.
10. The proposed development is to be finished with new materials throughout including dark grey coloured windows and doors, brick finish to the ground floor, render to the first floor and slate coloured roof tiles. The flat roofs are to be finished with wildflowers and sedum, behind a parapet.
11. The proposed development creates an enlarged dwelling with seven bedrooms, including a master suite within the roof space.

Representations

12. Adjacent and neighbouring properties have been notified in writing. A re-consultation process was undertaken following the receipt of the revised plans. Two letters of representation were received during the initial process and a further letter during the second consultation period 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
The proposed development would result in an over-dominant building within the street scene which is predominated by bungalows.	See main issue 1
Increase in scale, by way of number of rooms is out of scale with the surrounding area.	See main issue 1
Loss of light to two windows located on the side elevation and side passageway to no. 28.	See main issue 2
Concern that the property could be used as an HMO in the future.	See main issue 2

Consultation responses

13. No consultations have been undertaken.

Assessment of planning considerations

Relevant development plan policies

14. **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
15. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design

Other material considerations

16. **Relevant sections of the National Planning Policy Framework 2018 (NPPF)**
 - NPPF7 Requiring good design

Case Assessment

17. 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

18. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12.
19. The proposed development will significantly alter the overall appearance of the subject property in terms of both scale and materials, to the extent that the property will appear as a new dwelling. The proposed extensions however will have a limited impact on the character of the surrounding area.
20. Particular concern has been raised that the increase in the size of the subject property will result in an over-dominant dwelling within the street scene which predominantly consists of single storey dwellings. It is acknowledged that the majority of properties on this section of Irving Road are of only a single storey, it is also noted that the three properties immediately to the west of the site are all of two storeys. It is also noted that further properties to the eastern end of Irving Road are of two storeys, as are a significant number within the wider Eaton Rise area. As such, it can be considered that there is no one particular house style or size which defines the character of the area, which consists of a great variety of individual dwellings. It is also noted that a number of similar developments have also been completed within the area in recent years. It should also be noted that the revised design has removed the originally proposed dormer to the front roof slope, which

assists in lessening the impact of the proposed development within the street scene.

21. The proposed ridge and eaves heights of the proposed development are to be broadly similar to those of the neighbouring two storey dwellings. It is also noted that the proposed ridge height will be slightly taller than that of no. 32, by a difference of approximately 0.3m. As such, the proposed development is considered to be of an appropriate scale and will not result in a dwelling which appears as being over-dominant within the street scene.
22. Concern was raised that the increase in the scale of the dwelling, in particular the increase in the number of bedrooms would result in a dwelling which is out of scale within the surrounding area. It is similarly considered that the proposed development will result in an enlarged dwelling which is considered to be of a similar scale to significant number of dwellings located within the Eaton Rise area. It is also noted that it would be possible for many of the existing two storey dwellings to convert their loft spaces without the need for planning permission. As such, the proposed development is considered to be of an appropriate scale for the area.

Main issue 2: Amenity

23. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 178-182.
24. Despite the significant change to the current situation, the proposed development will have a limited impact on the residential amenities of neighbouring properties. This is by virtue of the orientation, layout and prevailing building line on the north side of Irving Road. The neighbouring property to the west has been constructed with near matching building lines to both the front and rear. It is also noted that there are windows at first floor level facing the subject property. These however serve as secondary windows to bedrooms. The first floor extension will therefore not result in a significant loss of light, outlook or privacy as a result. The single storey section to the rear will be enlarged by an additional 2.2m at a height matching the current height, ensuring that there is not a significant change along the shared boundary.
25. The proposed development includes two windows on the side elevation facing no. 32, one serving a bathroom and the other a flight of stairs. The window serving the stairs is centrally located and faces directly onto a section of bank wall. The window serving the bathroom is located closer to the furthest forward of the two windows serving bedrooms of the neighbouring property. As such, it is considered reasonable to add a condition requiring that the proposed bathroom window is obscured glazed to prevent overlooking from occurring.
26. The proposed development will have a similarly limited impact on the other neighbouring property, no. 28 to the east. No. 28 is of a single storey only, it has however been constructed with a deeper rear building line resulting in a noticeable step between the two properties. The proposed rear extension will therefore extend beyond the rear building line by only 2.3m and will be set in from the shared boundary by over 1m. As such, it is not considered that the rear extension will cause significant harm to the neighbouring residential amenities by way of overshadowing, loss of outlook or loss of privacy.

27. The proposal includes a window on the side elevation facing no. 28 to serve a bedroom. The window will face directly across the roof of the neighbouring property and as such will not result in a loss of privacy.
28. Particular concern has been raised regarding two windows located on the side elevation of the neighbouring property (no.28) which serve a bathroom and bedroom. They are located approximately 2m from the side elevation of the subject property and are both obscure glazed. As such, it is not considered that they currently benefit from direct sunlight or any form of outlook. The proposed development will result in some loss of light to these rooms, however it is not considered that the first floor extension will significantly alter the current situation.
29. The proposal will result in an enlarged dwelling which enhances the residential amenities of the occupiers. The proposed layout indicates six bedrooms as well as a guest room, a study and a playroom. Concern has been raised that the property could be used as a house of multiple occupancy (HMO). In order to protect the residential amenities of any future occupiers and neighbours alike, it is considered reasonable to add a condition requiring that the proposal is developed as a C3 dwellinghouse only, preventing it from being used as an HMO in the future.

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

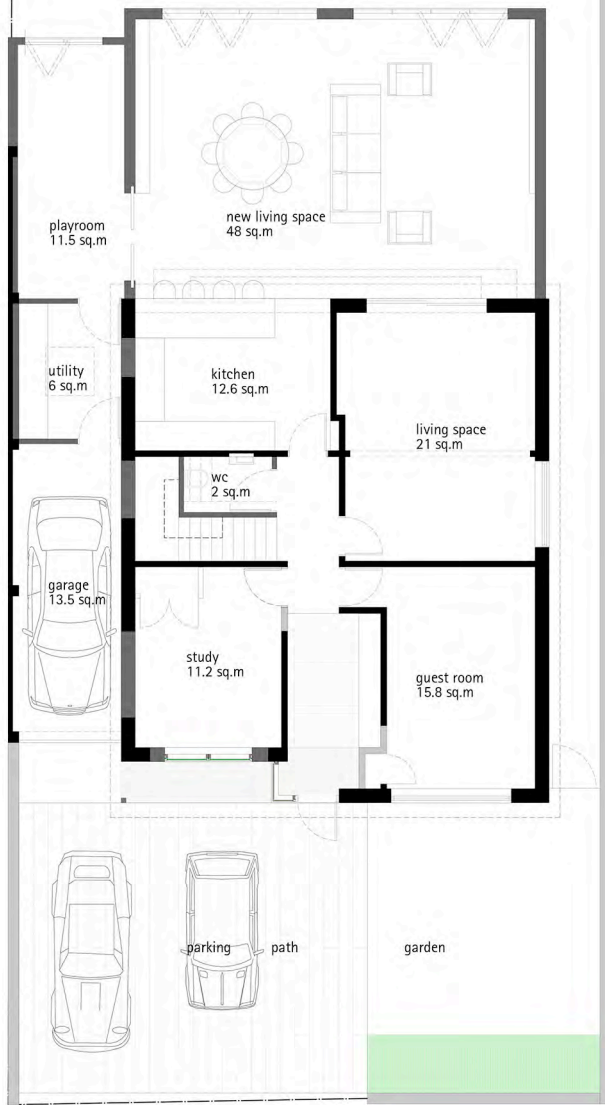
34. The proposal will result in an enlarged dwelling which is considered to be of an appropriate scale, which does not cause significant harm to the character and appearance of the subject property or surrounding area.
35. The proposed development will have a limited impact upon the residential amenities of neighbouring properties with no significant harm being caused by way of overshadowing, overlooking or loss of outlook.
36. 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. 19/00046/F - 30 Irving Road Norwich NR4 6RA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing to first floor bathroom;
4. Permission is for C3 / C4 dwellinghouse only.

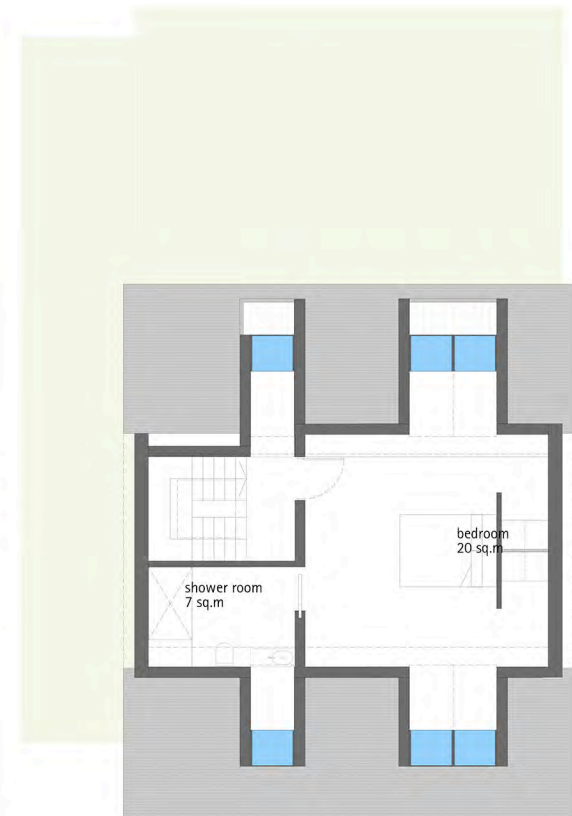




1 1:50 @ A1
ground floor plan



2 1:50 @ A1
first floor plan



3 1:50 @ A1
attic floor plan

legal notes:	north point	general notes	riba practice	date	revision	notes	client:	drawing title:				
1. this drawing should not be scaled. 2. all dimensions are in millimetres unless otherwise stated. 3. atelier-bill to be notified in writing of any discrepancies. 4. any variations, or supplementary drawings are to be approved by atelier-bill architects. 5. the contractor is to verify all dimensions on site. 6. this drawing is the intellectual property of atelier-bill architects and we reserve the copyright. 7. it is issued on the understanding that it will not be copied, reproduced or disclosed in whole or in part to any unauthorized party without written permission from atelier-bill architects.				19.3.2019	a	remove dormer	andy xu	proposed plans	project #	scale@ a1	drawing #	ATELIER BILL ARCHITECTS norwich - london - tokyo 00 44 (0)1603 461171 architects@atelier-bill.com www.atelier-bill.com
							project:	status:				
							drawn:	check:	date:	project #	scale@ a1	drawing #
							yk	jb	15.08.2018	20181.00	1:50	d2.01/a

Report to Planning applications committee

Item

9 May 2019

Report of Head of planning services

Subject Planning application no 19/00176/F - 22 Milton Close,
Norwich, NR1 3HX

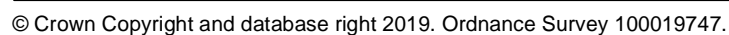
**Reason
for referral** Objections

4(g)

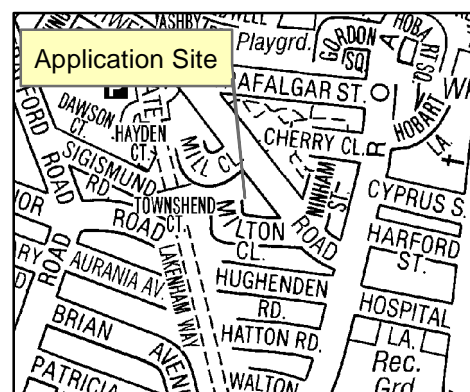
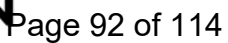
Ward:	Town Close
Case officer	Jacob Revell – jacobrevell@norwich.gov.uk

Development proposal		
Two storey side extension.		
Representations		
Object	Comment	Support
2	0	1

Main issues	Key considerations
1	Height, scale and form.
2	Impact on light and privacy.
Expiry date	2 April 2019
Recommendation	Approval



PLANNING SERVICES



The site and surroundings

1. The site is located on Milton Close, a cul-de-sac to the south of the city centre. The area is largely residential, with a mixture of semi-detached and terraced properties. The cul-de-sac is roughly 'L' shaped. The site is located on the corner of the street as it turns north into the end of the close.
2. The subject property is a two-storey semi-detached dwelling. The property is of mid-20th century construction, featuring red brick and pantile roofing. The property has a small garden and drive to the front and a larger garden to the rear. To the immediate south of the property, on the side elevation, there is some unfilled space which connects the front and the rear of the property. There is space for parking for two cars to the front of the property. The dwelling and the semi-attached have mirrored pitch-roof extensions.
3. The site is bordered by the adjoining property at 24 Milton Close, and the neighbouring 20 Milton Close, whose garden runs adjacent to the space to the side of the property.

Constraints

4. There are no particular constraints.

Relevant planning history

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

Ref	Proposal	Decision	Date
4/2000/0744	Installation of access control system/frames to the front entrance halls and door to rear.	APPR	19/10/2000
11/01904/F	Erection of two storey side extension and single storey rear extension, with alterations.	WITHDN	01/12/2011
12/00238/F	Erection of two storey side extension and single storey rear extension, with alterations.	APPR	29/03/2012

The proposal

6. The application proposes a two-storey extension in the space at the side of the property.
7. The planned extension has a footprint of 3 x 5.8m, 5m to the eaves and 6.7m to the highest point. The ground floor is proposed as a garage and the first floor as an additional bedroom. The extension will feature a large window to the front elevation of the property. The window to the side has been removed on the revised plans.

The extension will fill in the space to the immediate south of the property. Materials proposed as red-brick and pantile tiles to match existing.

8. The proposal is slightly larger than an application previously approved in 2012 but for which the permission has expired (12/00238/F).

Representations

9. 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.
10. The objectors have not indicated that the submission of additional information in the form of a sunlight and daylight assessment has addressed their concerns.

Issues raised	Response
Appearance and design of development.	See main issue 1.
Proximity to boundary close. Would present issues with erecting fence and maintaining property access.	See main issue 2.
Overlooking into conservatory and bedroom window.	See main issue 2.
Blockage of light into bedroom and kitchen. Blocking light into conservatories and rear gardens of properties.	See main issue 2.
Loss of outlook looking onto extension.	See main issue 2.

Consultation responses

11. No consultations have been undertaken.

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)**
- JCS2 Promoting good design
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM2 Ensuring satisfactory living and working conditions

- DM3 Delivering high quality design

Other material considerations

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

- NPPF12 Achieving well-designed places

Case Assessment

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

Main issue 1: Design

16. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
17. The proposed development has been designed with measures to reduce the impact of the extension and to retain the character and physical appearance of the property in relation to the character of the wider area. The hipped roof continues the style of the main dwellinghouse, although it is set slightly lower to ensure that the extension is of a subservient design. The applicant has proposed to use matching materials. The proximity of the extension to the neighbouring boundary is not considered to be harmful in this instance, although this will be discussed in further detail below.

Main issue 2: Amenity

18. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
19. Concerns were raised about the potential overbearing characteristics of the extension in relation to the neighbouring properties, especially given the close proximity of the development to the neighbouring boundary walls. The proposed extension would be located around one metre from the neighbouring boundary wall, and around 2.5m from the corner of the wall of the neighbouring property at 20 Milton Close. Although this distance seems close, the two properties are positioned at right-angles opposite each one other, so the gap between the properties is less sensitive in this instance. Given the location of the extension in relation to the neighbouring property, the development is not considered to overbear on any immediately usable space.
20. Further concerns focus on the potential amenity impact of the development on the neighbouring properties. Objectors have highlighted a possible loss of light to the neighbouring properties and gardens to the west of the property. The position of the application property on the corner of the 'L' shape of the close ensures that the rear gardens of the neighbouring properties could potentially feel enclosed by the

extension, as it would partially fill in the open space between the houses and the street.

21. The applicant has submitted a daylight report that focusses on the impact the extension would have on the garden of number 20 Milton Close. The report concludes that the extension 'will not experience a noticeable decrease in sunlight', as 13.49% of the garden would receive 2 hours of sunlight on the equinox, in line with BRE standards. Whilst there may be some overshadowing in later parts of the day, it is concluded that the proposed extension would not cause a significant loss of daylight to the neighbouring properties and their gardens. It is useful to consider here the permission previously approved in 2012. Although this earlier permission was marginally shorter (6.6m) than the current proposal (6.8m), the officers report concluded that the mitigation measures made in negotiations with the applicant – using a hipped roof, stepping the extension back from the front elevation and boundary with no 20 – ensured that the impact on the neighbouring property had been lessened to an acceptable degree. The very slight difference between this earlier scheme and the current proposal, combined with the technical information submitted by the applicant, suggests that the impact of the extension on the neighbouring property will be acceptable.
22. Initial concerns were raised about overlooking from the rear of the extension into the neighbouring property. The agent has responded by removing the window from the rear elevation of the extension so there will be no issues with overlooking into the neighbouring properties.
23. Objections have highlighted concerns that neighbouring properties at number 20 and 18 will have their outlook affected by the size of the extension. It is acknowledged that there will be some impact in that the extension will be highly visible from the neighbouring gardens, but this impact is not considered significant enough to warrant refusal by itself.
24. The proposed development will result in increased amenity space for the occupiers of the subject property as the internal living space will be significantly enlarged without the loss of usable external amenity space.

Other Issues

25. Objections have further highlighted a potential loss of value to the neighbouring properties stemming from a loss of light and outlook to the neighbouring gardens. Although this is not a planning concern, the above points outline why this concern is not relevant.

Equalities and diversity issues

26. There are no significant equality or diversity issues.

Local finance considerations

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

28. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
29. In this case local finance considerations are not considered to be material to the case.

Conclusion

30. The proposal will result in an enlarged dwelling which is considered to be of an appropriate scale, which does not cause significant harm to the character and appearance of the subject property and surrounding area.
31. The proposed development will not have a significant impact on the residential amenities of the neighbouring properties with no significant harm being caused by way of overshadowing, loss of light, loss of outlook or overlooking. The additional information submitted by the applicant in conjunction with the decision on the previous application demonstrates that the proposed development will have an acceptable impact on the surrounding properties.
32. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

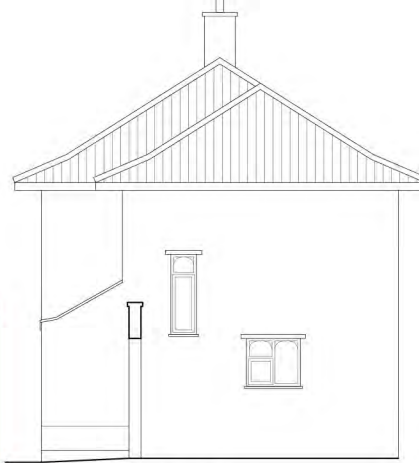
Recommendation

To approve application 19/00176/F - 22 Milton Close, Norwich, NR1 3HX, and grant planning permission subject to the following conditions:

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



FRONT/ WEST ELEVATION



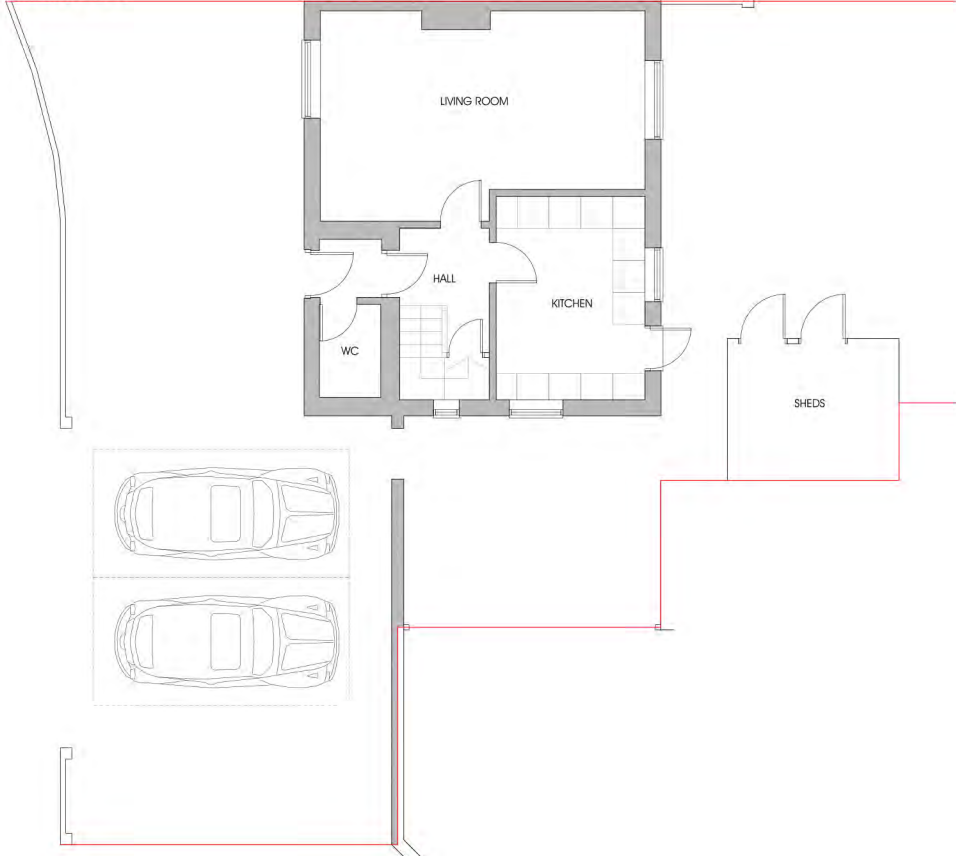
SIDE/ SOUTH ELEVATION



REAR/ WEST ELEVATION

EXISTING ELEVATIONS & PLANS

GROUND PLAN



1ST FLOOR PLAN



EXISTING SITE LOCATION PLAN 1:1250

REV DATE DESCRIPTION
AD Architects
 30 ROBIN HOUSE NEWCOURT ST LONDON NW8 7AD
 TEL 020 77229558 www.angliadesign.co.uk
 11 CHARING CROSS NORWICH NR2 4AX
 TEL 01603 666576 mail@angliadesign.co.uk

JOB TITLE
 22 MILTON CLOSE NORWICH NR1 3HX

CLIENT
 MR & MRS SCHALK

DWG STAGE
 PLANNING

DWG TITLE
 EXISTING PLANS

SCALE
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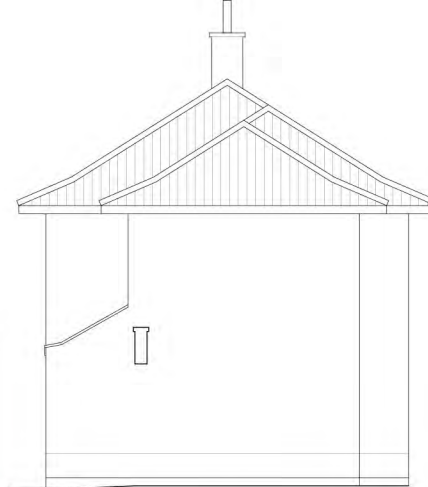
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 JAN 19

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 NS-4235 -200

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FRONT/ WEST ELEVATION



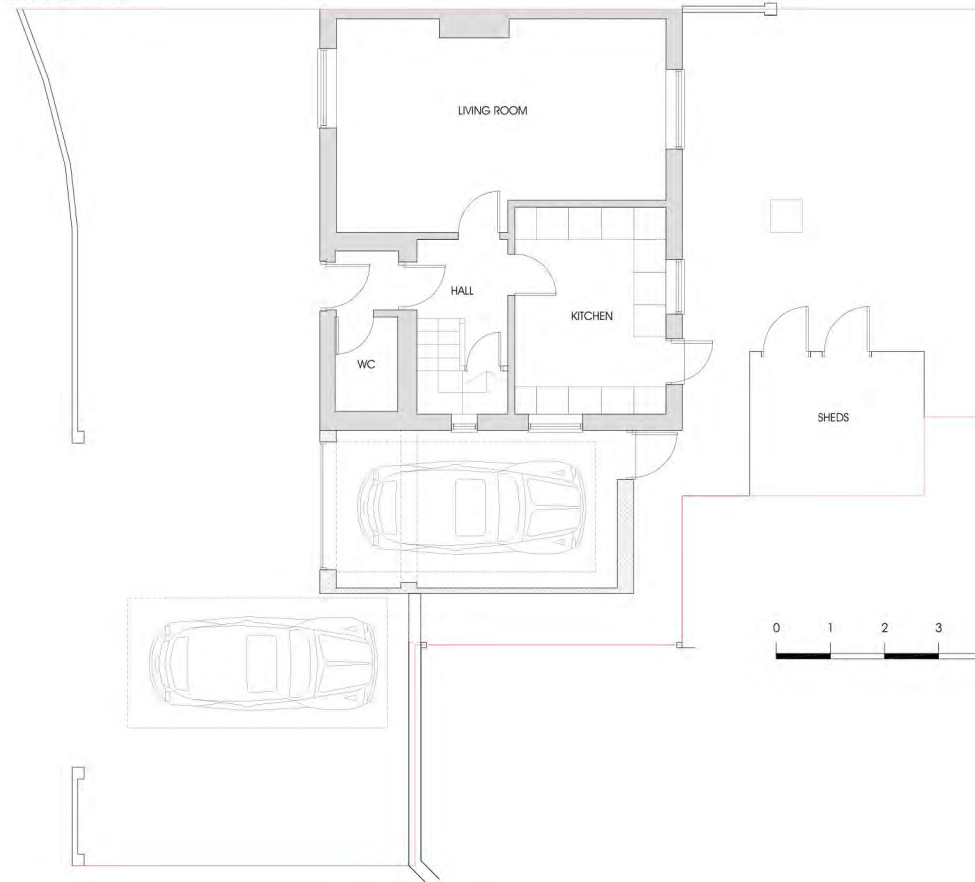
SIDE/ SOUTH ELEVATION



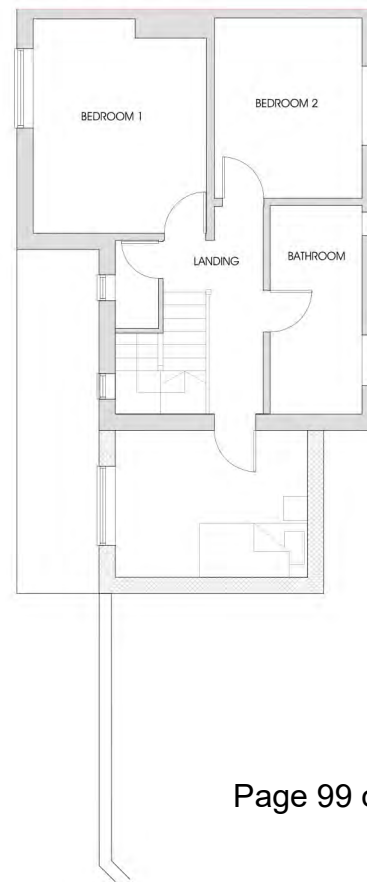
REAR/ WEST ELEVATION

PROPOSED ELEVATIONS & PLANS

GROUND PLAN



1ST FLOOR PLAN



PROPOSED SITE PLAN 1:250

REV	DATE	DESCRIPTION
AD <small>LLP</small> Architects 30 ROBIN HOUSE NEWCOURT ST LONDON NW8 7AD TEL 020 77229558 www.angliadesign.co.uk 11 CHARING CROSS NORWICH NR2 4AX TEL 01 603 666576 mail@angliadesign.co.uk		
JOB TITLE		
22 MILTON CLOSE NORWICH NR1 3HX		
CLIENT		
MR & MRS SCHALK		
DWG STAGE		
PLANNING		
DWG TITLE		
PROPOSED PLANS		
SCALE	DATE	REV
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Report to	Planning applications committee	Item
	09 May 2018	
Report of	Head of planning service	5
Subject	Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases	

Purpose

This report updates members on the performance of development management service; progress on appeals against planning decisions and progress on planning enforcement action.

Recommendation

To note the report.

Corporate and service priorities

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

Financial implications

There are no direct financial implications arising from this report.

Ward/s: All wards

Cabinet member: Councillor Stonard

Contact officers

Graham Nelson, Head of planning services 01603 212530

Mark Brown, Development Manager (Outer) 01603 212542

David Parkin, Development Manager (Inner) 01603 212505

Background documents

None

Report

Background

1. On 31 July 2008 the planning applications committee considered a report regarding the improved working of the committee which included a number of suggested changes to the way it operates. In particular it suggested performance of the development management service be reported to the committee and that feedback from members of the committee be obtained.
2. The committee has also asked to be informed on the outcome of appeals against planning decisions and enforcement action.
3. The last performance report was presented to committee on 08 November 2018.

Performance of the development management service

4. The cabinet considers quarterly reports which measure the council's key performance targets against the council's corporate plan priorities. The scrutiny committee considers the council's performance data regularly throughout the year and will identify any areas of concern for review.
5. This report will only highlight trends or issues that should be brought to the attention of the planning applications committee for information.
6. In quarter three of 2018-19, 166 applications out of 181 were dealt with by officers (a delegation rate of 92 per cent) and 15 applications were dealt with by committee.
7. For quarter four 2018-19, 172 applications out of 191 were dealt with by officers (a delegation rate of 90 per cent) and 19 applications were dealt with by committee.
8. For the 2018-19 year in total the delegation rate was 90%, this compares to a delegation rate of 91.4% in 2017-18, 86.4% in 2016-17 and 90.6% in 2015-16.

Appeals

9. There are currently 19 pending planning appeals as listed within the appendix to this report.
10. Since the last performance report 6 appeals have been dismissed and two cancelled. No appeals have been allowed. An appeal has been cancelled at 18 The Crescent due to it not being submitted within the time limit. An appeal has also been cancelled at Bowthorpe Road Methodist Church, however a fresh appeal is now valid. The Bowthorpe Road Methodist Church appeal related to an enforcement notice which sought alterations to the roof of a newly constructed Church Hall. In validating the appeal the inspectorate advised that the notice should also include at least an option to demolish the Church Hall and therefore following the receipt of legal advice the original notice was withdrawn and a new notice served which provided the owner with an option to either alter the roof of the Church Hall or demolish the Church Hall. The newly issued notice has been appealed and is currently pending a start date from the planning inspectorate.

11. A brief summary of the appeals which have been dismissed is provided below:

a) St Peters Methodist Church, Park Lane – Demolition of modern extensions and conversion to provide 20 residential units (class C3) – Committee refusal

This case was refused due to the lack of an appropriate contribution towards affordable housing and therefore affordable housing viability was the main issue in this case. However the inspector also considered in detail other matters raised by third parties including neighbour amenity, flood risk, the loss of a community use, impact on the conservation area, parking and highway safety.

A detailed overview of the decision was provided to committee on 14 March 2019 when it considered an officer report for an identical scheme on the site. Only a brief summary of the decision is provided here and more detail can be found at paragraphs 80-99 of that report. The appeal was dismissed on the basis that an appropriate legal agreement had not been provided to secure the affordable housing contribution. However, the inspector agreed that the final affordable housing commuted sum offered by the appellants was a reasonable figure. That figure was increased during the course of the appeal following submissions by officers. Due to late submissions by the appellant during the appeal the Council won an award of partial costs.

b) Car Park Rear of Premier Inn, Duke Street – Redevelopment of car park site to provide student accommodation – Committee refusal

The application was refused at committee for 3 reasons:-

1. The proposal would be harmful to the character of the conservation area;
2. It would impact upon the users of the Jane Austen College, with particular reference to light and outlook; and
3. The effect of the appeal scheme on the living conditions of the occupants of Dukes Palace Wharf, with particular reference to daylight.

The appeal was dismissed on all counts.

Impact on Conservation Area

The Inspector noted that the proposed building would be taller than all the surrounding buildings, including Dukes Palace Wharf on the opposite side of the river. The tallest part of the building would have the appearance of a tower block in views from along Duke Street, which would be out of character with the horizontal emphasis of buildings elsewhere along the river. He did note that parts of the building would be articulated and set back from the river but that the building's height, in combination with its width, would still create a dominant and discordant 'canyoning' effect along the river when viewed in combination with the monolithic Dukes Palace Wharf.

The Inspector commented that the design of the building had some merit but that this did not out-weigh the key constraint – namely, it's height. He also noted that the scheme would deliver some benefits in terms of delivering student accommodation, re-generating the site, screening the Premier Inn building and delivering a part of the river side walk. However, the Inspector concluded that some of these could be

delivered by a smaller building and consequently they did not outweigh the harm caused to the Conservation Area.

Impact on Jane Austen College

The Inspector concluded that the 6 storey eastern elevation of the building would be too close to the boundary with the play area and would be over-bearing and dominant, severely diminishing the quality of the play area. The building would also result in direct loss of sun-light, that would aggravate the impact upon the play area. Coupled with the loss of light to classrooms, the inspector concluded that the scheme would cumulatively undermine the reasonable expectations of the users of the school to have sufficient to access to sun and daylight inside and outside the building and to an adequate outlook.

Impact on Dukes Palace Wharf

The Inspector accepted that the rooms in Dukes Palace Wharf already have a restricted outlook and are unable to receive direct sunlight as they are single aspect and north facing. The proposal would result in 16 windows experiencing a notable reduction in sunlight. Notwithstanding that levels of daylight received by some of these windows is already below BRE guidelines, the Inspector concluded that this would only serve to compound the impact upon the amenity of residents. He concluded that, on balance, the scheme would have a detrimental impact upon the living conditions of some of the occupants of Dukes Palace Wharf.

c) 159 Drayton Road – Appeal against Enforcement Notice dated 26 March 2018 for the erection of an outbuilding within the front garden facilitated by the erection of a retaining wall and infilling of the garden without planning permission – committee decision.

This was an appeal against an enforcement notice which sought to regularise a retaining structure and outbuilding which had been erected at the front of the property without consent. The notice required the removal of the retaining structure and outbuilding and associated materials from site. The appeal was made on ground a) – that permission ought to be granted for the extension. The inspector considered that the terrace made a strong contribution to the character of the area and that the raised garden area was a decidedly unfamiliar feature in the local street scene. The inspector considered that the outbuilding whilst of limited size was extremely prominent due to its elevated position and proximity to the boundary and that it would materially harm the character and appearance of the property and the street scene. The inspector also found that the outbuilding would result in a degree of harm to the amenities of neighbouring properties due to loss of outlook and light.

d) 10 Ruskin Road – Appeal against Enforcement Notice dated 8 February 2018 for the erection of a first floor extension above the garage at 10 Ruskin Road without planning permission – committee decision.

Appeal against an enforcement notice which sought to regularise a first-floor extension which had been erected without consent. The notice required the removal of the first-floor extension and associated materials from site. The appeal was made on grounds a) – that permission ought to be granted for the extension and f) – that

the requirements of the notice exceed what is necessary. The inspector considered that the first-floor extension above the garage to the front and side of the dwelling would harm the character of the area. The inspector made some minor changes to the notice to make clear that the requirement of the notice was to reinstate the single storey pitched roof extension which existed before the unauthorised development took place.

e) 54 West End Street – First floor extension with external alterations – Delegated refusal

Appeal against the refusal of consent for an extension to a first floor flat. The main issues for the appeal were the quality of internal amenity space for future occupiers of the flat and the effect of the proposal on the character of the surrounding area. In relation to the first issue, the inspector noted that the National Described Space Standards (NDSS) did not strictly apply to extensions but the inspector appears to have agreed that they could be used as a guide. The inspector agreed that all but one bedroom would meet the NDSS standards but considered that the proposals would result in a poor standard of accommodation for future occupiers due to the unusual shape of rooms. This would result in cramped accommodation which would be compounded by limited communal areas for occupiers of up to six bedrooms. The appeal was considered on the basis that the future use was as a flat but the inspector noted the intention was to use the flat in the future as a small HMO. This did not however change the decision. In relation to the second issue the inspector considered that the flat roof in combination with the substantial depth of rearward extension would lead to the proposal appearing bulky, dominant and overbearing. The resultant effect would be an incongruous feature that would be significantly at odds with the character and appearance of the neighbouring properties on West End Street and Nelson Street.

f) 9 Upton Close – Two story side, front and rear extensions – Delegated refusal

The application was refused due to the impact on the amenities of number 7 Upton Close. However due to public representations relating to the appearance of the extensions the inspector considered that the impact of the extensions on the character and appearance of the area should also be a main issue in the appeal. Whilst officers had concerns over the appearance of the extensions due to the mixed nature of properties in the area it was not made a ground for refusal. The inspector however considered that properties in the area generally had spacious gaps between properties at first floor level and that the extension would erode the gap between number 7 and 9 Upton Close to the detriment of the area. The inspector considered that the result of the extensions would be a dominant building harmfully out of proportion with those around it and that the use of white render in a street scene largely characterised by brick would further draw the eye to the structure and increase its visual prominence, which is already high given its location on a bend in the road. The appeal was therefore dismissed based on the impact of the extensions on the character of the area. On the matter of neighbour amenity the inspector did not consider on balance that the impact on number 7 Upton close would be overly overbearing, albeit the report appears to underestimate the extent of built form along the boundary. Nevertheless the appeal was dismissed.

Enforcement action

12. All items that have been referred to committee or where committee has required enforcement action to take place, since April 2013 are listed in appendix 2 with an updated on the current status. Items are removed once resolved and the resolution has been reported to committee.
13. At the committee meeting of 11 October 2018 members approved a revised scheme of delegation which provided delegated powers for the issue of enforcement notices. Going forward therefore enforcement notices which have been issued will be included on the table so that members are aware of action which has been taken.

Appendix 1 – Current Appeal Cases and Decisions

Pending Planning Appeals and Recent Appeal Decisions								
Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
17/00022/REF Application No. 15/01928/F	APP/G2625/W/17/3190739	St. Peters Methodist Church Park Lane	Demolition of modern extensions and conversion to provide 20 residential units (class C3).	Hearing	20/03/2018	Dismissed	Committee	Mark Brown
18/00006/REF Application No. 17/01136/L	APP/G2625/Y/18/3197928	18 The Crescent	Roller shutter doors in garage doorway and re-forming car port roof.	Written Reps	19/02/2019	Pending	Delegated	Maria Hammond
18/00008/REF Application No. 17/01135/F	APP/G2625/D/18/3198007	18 The Crescent	Roller shutter doors in garage doorway and re-forming car port roof.	Cancelled - appeal invalid not submitted in time			Delegated	Maria Hammond
18/00009/ENFPLA Application No. 17/00078/ENF	APP/G2625/C/18/3197471	10 Ruskin Road	Enforcement appeal relating to first floor extension	Written Reps	16/07/2018	Dismissed	Committee	Rob Webb
18/00012/ENFPLA Application No. 17/00118/ENF	APP/G2625/C/18/3200317	159 Drayton Road	Enforcement appeal against raising of front garden and new shed to frontage	Written Reps	16/07/2018	Dismissed	Committee	Stephen Polley
18/00016/COND Application No. 17/01180/F	APP/G2625/W/18/3204745	171 Newmarket Road	Construction of detached two-storey dwelling – appeal against condition on consent	Written Reps	15/10/2018	Dismissed	Committee	Stephen Polley
18/00015/REF App no 17/01078/F	APP/G2625/W/18/3204095	Car park rear of Premier Inn	Redevelopment of car park site to provide student accommodation.	Written Reps	15/10/2018	Dismissed	Committee	David Parkin
18/00018/REF App no 18/00102/F	APP/G2625/W/18/3207408	9 Normans Buildings	Demolition of existing building and erection of a two storey building comprising 4 No. apartments.	Written Reps	19/02/2019	Pending	Delegated	Joy Brown
18/00019/REF App No 18/00771/F	APP/G2625/W/18/3207587	54 West End Street	First floor extension with external alterations.	Written Reps	23/08/2018	Dismissed	Delegated	Stephen Little

Pending Planning Appeals and Recent Appeal Decisions								
Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
18/00021/TA1 App No 18/00836/TPO	APP/TPO/G2 625/6903	18 Brentwood	4x Scots Pine - fell.	Written Reps	16/08/2018	Pending	Delegated	Mark Dunthorne
18/00022/REF App No 17/02024/F	APP/G2625/ W/18/320978 7	Bowthorpe Road Methodist Church	New church hall	Written Reps	Awaiting Start Date	Pending	Committee	Stephen Polley
18/00024/ENFPLA pp No 18/00016/ENF	APP/G2625/C /18/3209827	Bowthorpe Road Methodist Church	Appeal against Enforcement Notice for the construction of a church hall	Cancelled - due to notice being withdrawn and reserved following comments from PINS on the notice.			Committee	Stephen Polley
18/00023/REF App No 18/00172/F	APP/G2625/D /18/3210434	Conifers 9 Upton Close	Two story side, front and rear extensions.	Written Reps	15/10/2018	Dismissed	Delegated	Stephen Polley
18/00026/REF App No 18/00437/F	APP/G2625/ W/18/321100 4	Car Park Adjacent To Sentinel House 37 - 43 Surrey Street	Redevelopment of site to provide 252 student bedroom development with associated access and landscaping.	Written Reps	Awaiting Start Date	Pending	Committee	Joy Brown
18/00027/REF App No 18/00544/F	APP/G2625/ W/18/321226 4	21 Sotherton Road	Single storey extension with associated alterations to create 7 bed large HMO (Sui Generis).	Written Reps	09/04/2019	Pending	Committee	Stephen Polley
18/00028/REF App No 18/00521/F	APP/G2625/ W/18/321496 2	Land Adjacent To Former Shoemaker PH Enfield Road	Construction of building containing eighteen student flats with new refuse compound.	Written Reps	09/04/2019	Pending	Delegated	Maria Hammond
18/00030/ENFPLA Enf Ref 15/00046/CONSR V/ENF	APP/G2625/C /18/3217628	13 Magdalen Street	Removal of six number single glazed, vertical sliding sash windows of white painted timber construction and the installation of PVC-u double glazed casement windows	Written Reps	Awaiting Start Date	Pending	Delegated	Samual Walker

Pending Planning Appeals and Recent Appeal Decisions								
Application Ref.	PINS Ref.	Address	Proposal	Type of Appeal	Start Date	Decision	Decision Level	Officer
19/00001/REF App No 18/00112/F	APP/G2625/W/18/3219060	Land Between 18 And 20 West Parade	2 No. three bedroom dwellings with new access, parking, amenity spaces and landscaping.	Written Reps	09/04/2019	Pending	Committee	Katherine Brumpton
19/00002/ENFPLA Enf Ref 18/00052/ENF	APP/G2625/C/19/3219894	2 Quebec Road	Alteration of the flat roofed side extension not in accordance with 17/00095/F.	Written Reps	Awaiting Start Date	Pending	Delegated	Lara Emerson
19/00003/TA1 Ref. 18/01769/TPO		3 The Crescent	Oak (T1): Fell.	Written Reps	Awaiting Start Date	Pending	Delegated	Mark Dunthorne
19/00004/REF App No. 18/01721/F	APP/G2625/W/19/3223033	2 Edgeworth Road	Single storey rear extension and change of use from dwellinghouse (Class C3) to 7 bedroom HMO (Sui Generis).	Written Reps	Awaiting Start Date	Pending	Delegated	Charlotte Hounsell
19/00005/REF App No. 18/00979/F	APP/G2625/W/19/3224084	22 North Park Avenue	Single storey rear extension and change of use to 7 bed HMO (Sui Generis).	Written Reps	Awaiting Start Date	Pending	Delegated	Stephen Polley
19/00006/REF App No. 18/01478/F	APP/G2625/D/19/3224347	80 Cambridge Street	Single storey extension, 1 No. bay window and loft conversion with dormer windows.	Written Reps	Awaiting Start Date	Pending	Delegated	Stephen Little
19/00007/CALLIN App No. 18/00330/F		Anglia Square	Part Full/Outline application for the comprehensive redevelopment of Anglia Square	Public Inquiry - Called in application	21/03/2019	Pending	Committee	Tracy Armitage
19/00008/ENFPLA Ref No. 18/00016/ENF	APP/G2625/C/19/3225581	Bowthorpe Road Methodist Church	Appeal against Enforcement Notice for the construction of a church hall	Written Reps	Awaiting Start Date	Pending	Committee	Stephen Polley
19/00009/ENFPLA Ref No. 19/00034/ENF	APP/G2625/C/19/3225666	4 Fieldview	Appeal against Enforcement Notice for operating as a 7 bed HMO at 4 Fieldview	Written Reps	Awaiting Start Date	Pending	Committee	Charlotte Hounsell
19/00010/REF App No. 18/01892/F	APP/G2625/W/19/3226214	11 Press Lane	First floor front, side and rear extensions and separation of single dwelling into 2 No. dwellings. New wall cladding, doors and windows.	Written Reps	Awaiting Start Date	Pending	Delegated	Charlotte Hounsell
19/00011/ENFPLA Ref No. 18/00052/ENF	APP/G2625/C/19/3219895	2 Quebec Road	Appeal against Enforcement Notice for alteration of the flat roofed side extension not in accordance with planning permission 17/00095/F.	Written Reps	Awaiting Start Date	Pending	Delegated	Lara Emerson

Appendix 2 – Enforcement Action Update

Enforcement Action Update on Enforcement Notices					
Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
13/02087/VC & 13/02088/VC	Football ground & adjacent flatted development	River bank, landscaping, street trees, etc	6 March 2014 & 08 December 2016	Revised landscaping proposals and timeframes for provision were agreed at the committee meeting of 08 December 2016. The decision has not yet been issued due to difficulties in agreeing wording of the Section 106 agreement. Despite the above the first phase of landscaping works along Geoffrey Watling Way have been undertaken. A revised schedule for the completion of the works is being agreed.	Tracy Armitage
15/00167/ENF	55 Cunningham Road	Change of use from C3/C4 to large HMO	12 January 2017	Case closed following a site visit which identified compliance with the notice (formerly subject to an appeal which was dismissed).	Lara Emerson
17/00078/ENF	10 Ruskin Road	First floor extension and creation of large HMO	13 July 2017	The notice has been served and came into effect on 08 March 2018 with a six month compliance period. An appeal against the notice has now been dismissed. The six months will now run from the date of the appeal decision and therefore compliance is required by 11 May 2019. The majority of works required for compliance are now complete.	Rob Webb
17/00028/ENF	2 Field View	Change of use from C3/C4 to large HMO and change of use of garage to independent office unit	13 July 2017	Planning consent has now been granted for the house as an HMO and the use of the garage has ceased.	Rob Webb
17/00076/ENF	1A Midland Street	Erection of two fabrication units and associated works	10 August 2017	The enforcement notice was appealed. By negotiation, an extension to the compliance period was agreed until the end of October. The spray booths have been removed through the implementation of an earlier consent. DP visiting site to check progress.	David Parkin

Enforcement Action Update on Enforcement Notices

Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
17/00157/ENF	5 Nutfield Close	Subdivision of dwelling to create four residential units	12 October 2017 & 12 April 2018	The enforcement notice was served on 11 December 2017. At the meeting on 12 April 2018 members resolved to withdraw the above notice and issue a revised notice requiring the implementation of revised approval for two residential units on the site (permitted via reference 18/00005/F). The former notice was withdrawn and new notice served on 22 May. The notice required the property to change into two dwellings by 22 February 2019. The latest discussions with the owners indicate that they may now wish to convert the unit back to a single dwelling.	Stephen Polley
17/00118/ENF	159 Drayton Road	Front retaining wall, engineering works and outbuilding to the front of the dwelling.	08 March 2018	The enforcement notice came into effect on 24 April 2018 with a six month compliance period. An appeal against the notice has now been dismissed. The six months will now run from the date of the appeal decision and therefore compliance is required by 06 November 2019. The notice has now been complied with.	Stephen Polley
17/00131/ENF	2 Mornington Road Erection of wooden garage/garden room structure.	Erection of wooden garage/garden room structure.	08 March 2018	The notice has now been complied with.	Stephen Polley
17/00186/ENF	111 Earlham Road	Erection of fence and shed in front garden.	12 April 2018	The enforcement notice has been served and has a compliance period of 07 December 2018. The notice has been complied with.	Charlotte Hounsell
15/00046/ CONSRV/ENF	13 Magdalen Street	Removal of timber sash windows and installation of uPVC windows.	12 April 2018	A planning contravention notice has been served to ascertain relevant parties on whom to serve the notice. A response is required by 03 July 2018. An enforcement notice was subsequently served. The compliance period has expired and the situation is being monitored. Notice appealed. Awaiting start date.	Samuel Walker
17/00068/ENF	1 Magdalen Street	Exterior painted dark grey.	12 July 2018	A listed building enforcement notice has been served. The notice has come into effect – the compliance period ends on 8th May 2019.	Lara Emerson
18/00003/ENF	Land at Holt Road, Norwich	Siting of residential caravan.	09 August 2018 & 11 October 2018	There have been a number of meetings on site and the enforcement notice has been drafted but not to date served. The situation on site is rapidly changing and officers have been pressing the perpetrator to resolve the issues albeit with limited success. It may be necessary to report the	Rob Webb

Enforcement Action Update on Enforcement Notices					
Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
				case back to members at a future meeting.	
15/00046/CONSRV/ENF	13 Magdalen Street	Unauthorised replacement of 4 timber windows to front elevation and 2 timber framed windows to rear elevation with PVC	12 April 2018	Notice served 19th November 2018 and subsequently appealed. Awaiting start date.	Samuel Walker
17/00068/ENF	1 Magdalen Street	Painting of listed building without consent	12 July 2018	Enforcement notice served 12 July 2018 and appealed. Appeal withdrawn 22nd August 2018 after compliance period extended to 8th May 2019. Correspondence with the owner indicates that the notice will be complied with. An application has been made for the scaffolding to facilitate the re-painting.	Lara Emerson
17/00151/ENF	137 Unthank Road	Construction of building not in accordance with approved plans and pre-commencement conditions that have not been discharged.	13 September 2018	The enforcement notice has been served on 19 November 2018 and has been complied with. Officers are in discussion with the applicant in relation to the landscaping arrangements on the site.	Charlotte Hounsell
16/00167/ENF	Café Britannia, Britannia Road	Without planning permission the change of use of the land to café (A3), shop (A1) and function rooms (D1).	13 September 2018	Officers are working with the owners to agree the details of the new access to the café before issuing the notice.	Rob Webb
18/00080/ENF	15 Suckling Avenue	Construction of bike shed/shed in front garden.	11 October 2018	The shed has now been removed.	Stephen Little
18/00052/ENF	2 Quebec Road	Development not in accordance with planning permission 17/00095/F.	08 November 2018	Notice issued requiring compliance with approved plans. Notice takes effect on 08 January with 180 day compliance period. Notice appealed via written representation route. Start date announced.	Lara Emerson

Enforcement Action Update on Enforcement Notices

Case Ref.	Location	Development	Date referred to committee	Current Status	Lead Officer
18/00026/ENF	113 Trinity Street	Demolition of wall fronting highway to form off-street parking area.	14 June 2018	Notice requiring the wall to be reconstructed has been complied with.	Lara Emerson
18/00016/ENF	Bowthorpe Road Methodist Church	Erection of church hall without consent (not in accordance with approved plans)	12 July 2018	Notice served requiring alteration to the roof. This notice has been appealed.	Stephen Polley
19/00034/ENF	4 Fieldview	Operating as a 7 bedroom HMO without consent.	10 January 2019	Notice served requiring use to revert to C3/C4 by mid-August	Charlotte Hounsell

