

Minutes of a meeting of the **Planning Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 4 March 2020** at **9.30am** when there were present:

Miss S Lawn – Chairman

Mr A D Adams  
Mr S C Beadle  
Mr N J Brennan  
Mr S M Clancy

Mr R R Foulger  
Mrs C Karimi-Ghovanlou  
Mr I N Moncur  
Mrs S M Prutton

Mr S Riley  
Mr J M Ward

The following Member attended the meeting and spoke with the Chairman's concurrence on the item shown:

Mrs T Mancini-Boyle    Minute no: 83 (6 School Lane, Thorpe St Andrew)

Also in attendance were the Assistant Director of Planning; Area Team Manager (NH); Senior Planning Officer (JuF) and the Senior Governance Officer.

### 78    DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

Member	Minute No & Heading	Nature of Interest
Mr Brennan	81 (Builders Yard, Mill Lane, Felthorpe)	The applicant was known to him. Non-disclosable non-pecuniary interest.
Assistant Director of Planning on behalf of all Members	81 (Builders Yard, Mill Lane, Felthorpe)	Members had been lobbied by the applicant. Non-disclosable non-pecuniary interest.
Mr Riley	82 (Weir Cottage, The Street, Buxton with Lamas)	Parish Councillor and had attended the meeting when the application had been discussed but had not voted. Non-disclosable local choice interest.
Miss Lawn*	83 (6 School Lane, Thorpe St Andrew)	Town Councillor and Ward Member. Had not been involved in any discussions on the application.

*\*interest declared during the meeting*

### **79 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mr Fisher and Ms Grattan.

### **80 MINUTES**

The Minutes of the meeting held on 5 February 2020 were confirmed as a correct record and signed by the Chairman.

*In respect of the decisions indicated in the following Minutes (nos: 81 to 83), conditions or reasons for refusal of planning permission as determined by the Committee being in summary form only and based on standard conditions where indicated and were subject to the final determination of the Director of Place.*

### **81 APPLICATION NUMBER 20191921 – BUILDERS’ YARD, MILL LANE, FELTHORPE**

The Committee considered an application for the change of use of a former builders’ yard to an HGV drivers’ training centre at Mill Lane in Felthorpe. The proposed use would provide a base for eight different types of training: five types would be practical driver training both on-site and off-site; two classroom-based training groups located in existing buildings on site and forklift training on site (both theoretical and practical) within an existing warehouse building. Hours of operation would be 0730 to 1700 Monday to Saturday. The gates and fencing currently securing the front of the site would be moved back to allow vehicles to manoeuvre into the site without obstructing the carriageway even when the gates were closed. As vehicular access to and from the site was restricted by existing traffic calming measures on The Street and weight restrictions on Taverham Road, the application had provided a plan which indicated the route vehicles would use to avoid these roads.

In presenting the application, the Senior Planning Officer referred to an email from the agent which had been received the previous day providing further clarification on the highway improvements. However, this did not present any information which had not previously been considered by the Highway Authority and accordingly, the officer recommendation remained as refusal.

The application was reported to committee as it fell outside of the scheme of delegation (potential to generate employment but recommendation was refusal). It was noted that Ms Starling, one of the Ward Members, had requested that the application be reported to committee if the recommendation had been amended to approve (which was not relevant in this case).

The Committee noted the comments of Mr Thomas, one of the Ward Members and the content of a letter from the landlord of the builders' yard, both as reported in the Supplementary Schedule. In addition, the Committee received the verbal views of John Babbington, Vice-Chairman of the Parish Council, objecting to the application, at the meeting.

The site was located outside of the settlement limit and had not been allocated for any purpose. Members noted that Policy GC2 of the DM DPD permitted development outside settlement limits provided it did not result in any significant adverse impact and where it accorded with a specific allocation and / or policy of the development plan. The relevant policies in this instance were GC3 of the DM DPD and Policies 5 and 17 of the JCS which supported the conversion of buildings for employment uses and development which provided jobs and economic growth in both urban and rural locations in a sustainable way, subject to other considerations. The Committee noted that the proposal would not result in additional employment as the business was relocating from two existing sites in Norwich.

It was acknowledged that the site was defined as brownfield land and Paragraph 84 of the NPPF encouraged the use of previously developed land. However, developments had to be sensitive to their surroundings and not have any unacceptable impacts on local roads. Members considered that the proposal did not justify a rural location and furthermore, it did not promote economic growth in a sustainable way; it would not increase rural employment nor lead to an enhancement of the immediate setting. In addition, the rural location and type of use proposed would result in an unacceptable impact for local roads. Accordingly, the proposal was considered to be contrary to Policies GC2 and GC3 of the DM DPD, Policies 5 and 17 of the JCS and Paragraph 84 of the NPPF.

In terms of impact upon neighbour amenity, the Committee accepted that some of the activities to be undertaken would have a degree of impact but it was considered that this would not result in any significant detrimental impact in terms of levels of noise and pollution to neighbouring residents.

Regarding the impact on highway safety, the Committee noted the objections raised by the Highway Authority relating to the suitability of the site access, junction from Mill Lane onto The Street and suitability of the location for increased HGV traffic, taking account of the surrounding road network. The suggestions put forward by the applicant relating to a proposed route for their vehicles and the creation of visibility splays along Mill Lane as well as the potential for increasing the width of Mill Lane (subject to Highways Authority approval) were acknowledged by the Committee but overall, it was considered that the fundamental objection relating to the wider highway network could still not be overcome. Therefore, the application was considered to be contrary to Policy TS3 of the DM DPD.

In terms of all other matters raised, Members concurred with the officer

appraisal within the report.

In conclusion it was considered that the application would not provide any economic or social benefits, the site was in an unsustainable location which would cause significant harm to highway safety and the benefits of the proposal would not significantly and demonstrably outweigh highway concerns. Accordingly, the proposal was contrary to policies of the development plan and therefore it was

### **RESOLVED:**

to refuse application number 2019192 for the following reasons:

The unclassified road, Mill Lane (U57150) and adjacent roads serving the site are considered inadequate to serve the development proposed, by reason of their poor alignment, restricted width, lack of passing provision and restricted visibility at adjacent road junctions. The proposal, if permitted, would likely give rise to conditions detrimental to highway safety contrary to Policy TS3 of the Development Management DPD.

The applicant does not appear to control sufficient land to provide adequate visibility at the site access. The proposed development would therefore be detrimental to highway safety contrary to Policy TS3 of the Development Management DPD.

### **82 APPLICATION NUMBER 20191849 – WEIR COTTAGE, THE STREET, BUXTON WITH LAMAS**

The Committee considered an application to demolish an existing single storey rear wing, erect a two storey side and rear extension and single storey rear and side extension at Weir Cottage, The Street in Buxton with Lamas.

The application was reported to committee at the request of the Ward Member for the reasons given in paragraph 4.1 of the report.

The Committee received the verbal views of the applicant at the meeting.

The site was located outside of the settlement limit and had not been allocated for any purpose. Members noted that Policy GC2 of the DM DPD permitted development outside settlement limits provided it did not result in any significant adverse impact and where it accorded with a specific allocation and / or policy of the development plan.

Within the vicinity of the site was Buxton Mill, a Grade II listed building and accordingly, the Committee had regard to S16(2) and S66(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990.

It was considered that the proposals would not be contrary to the Landscape Character Assessment SPD; would not have a significant detrimental impact on the character of the area, given their size, siting, design and external appearance and taking into account the extension at Weir Cottage which had already been permitted In January 2019 (ref: 20180811) and the extension to the adjoining property, Lock Cottage. Furthermore, it was considered that the setting of Buxton Mill would be preserved given the size and siting of the extensions proposed (approximately 67m to the east of the Mill on the opposite side of the highway) and given the protection of the affected trees. Therefore, in terms of the impact on the character of the area, the proposed extensions would comply with Policies 1 and 2 of the JCS and Policies GC4 and EN2 of the DM DPD.

In terms of neighbour amenity, Members noted the objection from the occupiers of The Anchor of Hope but, given the separation distance of approximately 74m and difference in angle of orientation, it was considered that there would be no issues of overlooking. In relation to Lock Cottage, it was considered that the proposed extensions would not have a detrimental impact on the occupants' amenity, given the size, siting and design. Therefore, it was considered that the proposals complied with Policy GC4 of the DM DPD.

In terms of highway safety, it was noted that the Highways Authority had no objection to the proposal. Members acknowledged the constraints of the site in relation to access visibility and on-site car parking / turning provision, as well as the potential for additional traffic to be generated from the site, but considered these would not result in significant detrimental impact on highway safety, given three car parking spaces would be provided and the turning space was currently limited. Accordingly, the proposal was considered to accord with Policies TS3 and TS4 of the DM DPD.

In terms of all other matters raised, Members concurred with the officer's appraisal addressing these in the report including the imposition of conditions, as appropriate.

In conclusion it was considered that the proposed development would not result in any significant adverse impact, including the setting of the Listed Building and accordingly, it was

### **RESOLVED:**

To approve application number 20191849 subject to the following conditions:

- (1) Time limit
- (2) Plans and documents

- (3) Tree protection
- (4) Flood resilience measures

### **83 APPLICATION NUMBER 20191926 – 6 SCHOOL LANE, THORPE ST ANDREW**

The Committee considered an application for a first floor rear extension at 6 School Lane in Thorpe St Andrew. The first floor extension was as deep as, but wider than, the existing ground floor and the additional width was carried over on supporting columns. The proposal was to increase the width of part of the existing ground floor extension by 500mm with the first floor extension following the entire extended footprint of the ground floor extension.

The application was reported to committee at the request of two of the Ward Members for the reasons given in paragraph 4.2 of the report.

The Committee noted corrections to the report (description of development and reason for reporting to committee) as detailed in the Supplementary Schedule.

The Committee received the verbal views of the agent at the meeting. Mrs Mancini-Boyle, one of the Ward Members, spoke in support of the application.

The site was located within the settlement limit where the principle of development was acceptable, subject to other considerations.

The property was one in a row of five similar cottages dating from 1867 within the Thorpe St Andrew Conservation Area and were considered to be undesignated heritage assets. It was noted that each property (which were relatively small) had sought to increase its ground floor living accommodation by the addition of rear extensions of varying sizes, with the application site having the largest rear extension. These extensions had little impact on the character and appearance of the area given their scale and boundary features. It was noted that the proposed extension at first floor level would add another 6.2m onto the rear of the property, almost doubling in effect the depth of the building which was also the most elevated of the terrace in relation to Yarmouth Road, given the rising nature of surrounding levels.

It was considered that the layout and uniformity of these properties contributed to the character and appearance of the area and resulted in a quality worth protecting. Furthermore, it was beneficial to maintain a consistent approach to the size and scale of rear extensions, particularly within a Conservation Area. The Committee agreed that this uniformity would be quite substantially altered by the first floor element of the proposed extension and would appear excessively large, contrasting unfavourably with

the size of the terraced cottages. When viewed from the south, the first floor elevation would appear visually overbearing and unbalanced in relation to the relatively narrow, two storey depth of the terraced properties which were distinctive in their immediate setting. It was further considered that the amount of development proposed at first floor level would not be well-related to either the existing dwelling or the terrace as a whole, particularly as they were viewed collectively and from a number of vantage points within the street scene. Accordingly, the proposal was considered to be contrary to Policy 2 of the JCS and Policy 4 of the DM DPD, representing an unacceptable form of development which would have a significantly harmful effect on the character and appearance of the area.

Within the vicinity of the site was Old Thorpe House and opposite was The River Garden Public House, both Grade II Listed Buildings and accordingly, the Committee had regard to S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, also taking into account the comments of the Council's Historic Environment Officer. Members concurred that, whilst the effect on these Listed Buildings would be neutral, they considered there would be some degree of harm to the character and appearance of the Conservation Area, albeit less than substantial. Regard was also given to Paragraphs 196 and 197 of the NPPF which required consideration to be given to both designated and non-designated heritage assets. Members noted that the rear of the cottages were visible from Yarmouth Road and Bishops Close and, whilst of less significance to the Conservation Area than the front or west elevation, still remained valuable and significant to the cottages as a terraced group which remained relatively unaltered on the first floor, roof and chimney stacks and demonstrated a uniformity in appearance. With School Lane rising up the hill from Yarmouth Road, this meant that the first floor element of the extension would be widely visible from Yarmouth Road and Bishops Close and therefore, the uniformity of the row of terraces would be eradicated. The Committee concluded that the loss of symmetry between the group of buildings when viewed from the roads would contribute to the visual erosion of the regular pattern of this development. Accordingly, the proposed development was considered to be contrary to Policy 1 of the JCS and Policy EN2 of the DM (DPD) and the NPPF, representing an unacceptable form of development which did not preserve or enhance the character and appearance of the Conservation Area.

In terms of the impact of the development on residential amenity, the Committee considered that the first floor south elevation would not be particularly neighbourly on the amenities of no: 5 School Lane and would impact considerably on the outlook and amenity enjoyed from a first floor rear bedroom window, presenting a 6.2m long blank wall within close proximity to this existing habitable room window. In addition, the increase in both the eaves and ridge height was considered to be both dominating and overwhelming in terms of the neighbour's existing level of amenity. Furthermore, a first floor bedroom window within the rear elevation of the proposed extension would overlook the rear garden of no: 5 and other

neighbouring properties would be nearer to the rear garden space (by 6.2m) than currently existed from the upper floor bedroom windows within all the terraced cottages and this further contributed to the unsatisfactory nature of the proposal. In terms of the impact on no: 7, Members were concerned at the reduced distance which would exist between each properties' bedroom windows (reducing to about 6m) and this would lead to an unacceptable degree of overlooking and more intrusive than at present. Members acknowledged the existence of a hedge which created a degree of privacy between the two properties but took into account the fact that there was no way of securing the current degree of privacy (it could become diseased, die or removed) and its retention could not be reasonably conditioned. The Committee therefore concluded that the proposed development would not accord with Policy GC4 of the DM DPD as it would not achieve a high standard of design or avoid significant detrimental impact on the amenity of adjoining residents.

In conclusion it was considered that the degree of harm associated with the proposal would not be outweighed by the public benefit and accordingly, it was

### **RESOLVED:**

To refuse application number 20191926 for the following reasons:

This application has been considered against the Development Plan for the area, this being The Joint Core Strategy for Broadland, Norwich and South Norfolk 2011[JCS] and the Development Management Plan (DPD) 2015 [DMDPD]. Sections 16(2), 66(1) & 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework, the Broadland Design Guide and The Thorpe St Andrew Conservation Area Appraisal have also been taken into consideration.

The development plan policies particularly relevant to the determination of this application are Policies 1 and 2 of the JCS and Policies GC4 and EN2 of the DMDPD.

### **Impact upon the character and appearance of the area:**

The overriding characteristic of this row of terraced cottages is the uniformity in appearance (both to the front and rear) and in particular their currently unaltered first floor rear aspects which are visible from Yarmouth Road and Bishops Close. This layout and the uniformity of these properties contribute to the character and appearance of the area and result in a quality worth protecting. It is beneficial to maintain a consistent approach to the size and scale of rear extensions particularly within a Conservation Area.

This uniformity is of importance and the character of this rear elevation would



be quite substantially altered by the first floor element of the proposed extension; extending for some 6.2 beyond the properties existing rear elevation and which would appear excessively large and would contrast unfavourably with the size of the terraced cottages.

The first-floor elevation when viewed from the south will appear visually overbearing and unbalanced in relation to the relatively narrow two storey depth of the terraced properties and which has been maintained to date and is therefore distinctive of this immediate setting.

Furthermore, the amount of development proposed at first floor level would not be well related in scale to either the existing dwelling or the terrace of dwellings as a whole, particularly as they are viewed collectively and from a number of vantage points within the street scene.

As such the proposed development is considered to be contrary to Policy 2 of the JCS and Policy GC4 of the DM (DPD) representing an unacceptable form of development having a significantly harmful affect upon the character and appearance of the area.

### **Impact upon heritage assets:**

The rear of the cottages are visible from Yarmouth Road and Bishops Close and (whilst of less significance to the conservation area than the front or west elevation) still remains valuable and significant to the cottages as a terraced group of which remain relatively unaltered on the first floor, roof and chimney stacks and demonstrate a uniformity in appearance. In addition; the existing single storey extensions are not particularly visible from the street view given existing means of enclosure thereby preserving the historic appearance of the terraced cottages.

With School Lane rising up the hill from Yarmouth Road, this means that the first floor element of the extension will be widely visible from Yarmouth Road and Bishop's Close and the uniformity of the row of terraces will be eradicated. The loss of symmetry between the group of buildings when viewed from the roads which contribute to the visual erosion of the regular pattern of this development.

Whilst the degree of harm to the significance of the Conservation Area as a designated heritage asset is suggested to be at the lower end of less than substantial harm, this harm is not considered to be outweighed by the public benefit of enlarging the dwelling, given the reasons outlined above.

As such the proposed development is considered to be contrary to Policy 1 of the JCS and Policy EN2 of the DM (DPD) and the NPPF representing an unacceptable form of development detrimental to the character and appearance of the area and which does not preserve or enhance the

character and appearance of the conservation area.

### **Impact on residential amenity:**

In terms of assessing the impact of the proposal on the amenities of No. 5 School Lane, it is considered that the first floor south elevation of the proposed extension is not particularly neighbourly and will impact considerably on the outlook and amenity currently enjoyed from a first floor rear bedroom window, presenting a 6.2 m long blank wall within close proximity to this existing habitable room window.

In addition, the first floor element of the extension will project beyond the rear of No. 5's existing ground floor extension by an additional 2.5m approx. and given the neighbour has a lower ground level at this point [in relation to the application site] of about 0.5m, the resultant eaves height of the extension at this point is likely to be around 6m in height and the ridge about 7.5m high. This increase in height above the existing single storey rear extension and being on the boundary with No. 5 it is considered to be both dominating and overwhelming in terms of the neighbour's existing level of amenity.

It is also noted that a first floor bedroom window within the rear elevation of the proposed extension overlooking the rear garden of number 5 and other neighbouring properties will be nearer to rear garden space [by 6.2m] than currently exists from the upper floor bedroom windows within all the terraced cottages and this further contributes to the unsatisfactory nature of the proposal from the point of view of residential amenity.

In terms of assessing the impact of the proposal on the amenities of No. 7 School Lane to the north, the main issue here is the relationship of the proposed rear facing first floor bedroom window with the habitable room windows forming the principal two storey west facing elevation within No. 7.

The existing rear facing first floor bedroom window at the application site is some 12.5m approx. from the nearest first floor bedroom window at No. 7. It is acknowledged that the hedge which currently exists and is maintained on the boundary but within the curtilage of No 7, does currently restrict direct views between these windows. There is however a degree of concern with regards to the reduced distance that will exist between these windows [reducing to about 6m albeit at a more oblique angle] in that this will create an unacceptable degree of overlooking and more intrusive than at present. It should be noted that the existing hedge is a living feature and whilst this currently exists and is maintained to create a degree of privacy between the two properties, there is no way of securing the current degree of privacy afforded by this existing boundary feature; it could become diseased; die or be removed and is not a permanent feature that reasonably be conditioned to be retained and maintained at this height.

Therefore, the local planning authority has a duty to determine the application as proposed which reduces this distance to just over 6m between first floor windows which is considered unacceptable. Again, this contributes to the unsatisfactory nature of the proposal when assessing the impact upon the residential amenity of existing properties.

The proposed development would not accord with Policy GC4 of the DM (DPD) for the reasons set out above. This states that development will be expected to achieve a high standard of design and avoid any significant detrimental impact and not impact on the amenity of adjoining residences.

The authority confirm that it does work in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with planning applications however due to the conflict of this particular proposal with adopted policy it is not possible to support the proposed development and find a solution to the planning issues.

### **84 PLANNING APPEALS**

The Committee noted details of the planning appeals decisions which had been received for the period 24 January 2020 to 19 February 2020.

*The meeting closed at 10:56am*