

Report to Planning applications committee

Item

26 November 2015

Report of Head of planning services

Subject Application no 15/01368/F - 427 Dereham Road,
Norwich, NR5 8QH

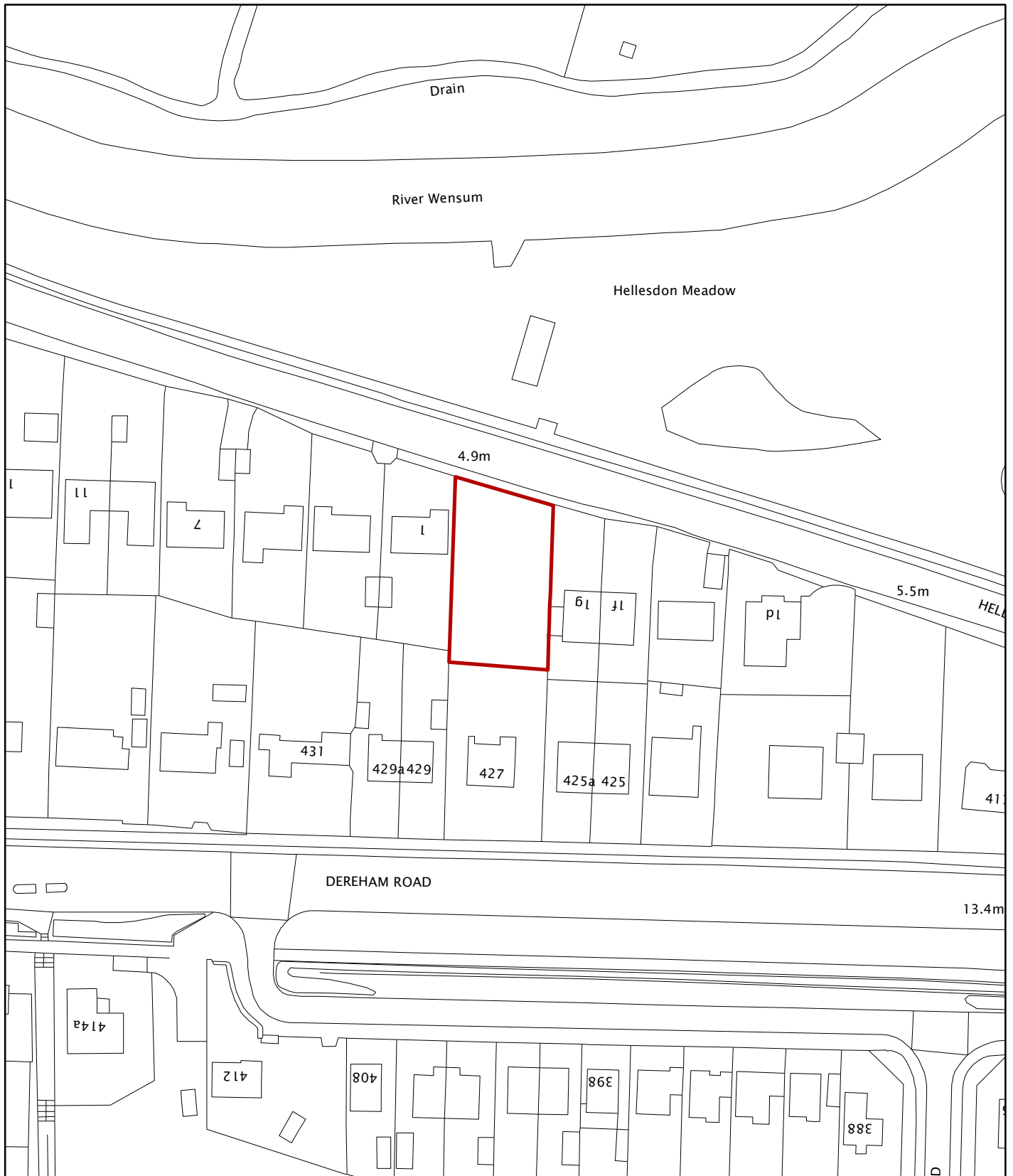
**Reason
for referral** Objection

4(D)

Ward:	Wensum
Case officer	John Dougan - johndougan@norwich.gov.uk

Development proposal		
Sub-division of curtilage and erection of two-storey dwelling fronting Hellesdon Road.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1 Principle	Access to services and public transport
2 Design	Character of the area, density, scale and design
3 Environmental hazards	The feasibility of the development – subsidence, contamination and relationship with hazardous installations
4 Flood Risk	Minimising flood risk and control of surface water flooding
5 Amenity	Adequate internal / external amenity space. Will the development result in significant loss of light, overlooking or overshadowing of other properties.
Expiry date	20 November 2015
Recommendation	Approve



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Planning Application No 15/01368/F

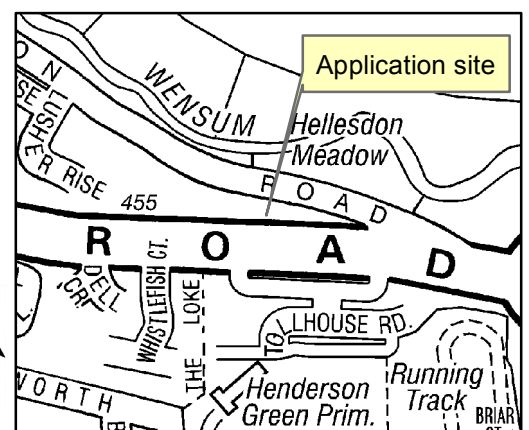
Site Address Rear of 427 Dereham Road

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The area is residential, the site fronting Hellesdon Low Road and Hellesdon Meadow which is part of the river Wensum, a key feature which provides a pleasant outlook for many of the properties along this Road.
2. The density of the area is relatively consistent along Hellesdon Road, each property having generously proportioned plots.
3. The scale and design of dwellings along Hellesdon Low Road is considered mixed including low profile bungalows, spit level properties, flat roof apartments to the east and two-storey examples further to the west. The frontages of the properties along this road are mixed comprising driveways and varying degrees of landscaping.
4. The application site reflects the plot size of the other properties and formed part of 427 Dereham Road, which had an unusually large plot in comparison with the other properties in the area. It is a sloping site with a hard edge in the form of a 2 metre high close boarded fence to the road frontage.

Constraints

5. The site is not designated as have known incidences of subsidence as a result of chalk workings or landfilling activities. Although, on the basis of the evidence provided by other properties and the recent planning approval at 419 Dereham Road, the area may be subject to instability and contamination as a result of sewerage seepage.
6. A small section of the site (next to the main road) is within flood zone 2.
7. The site is also within the Health and Safety Executive consultation zone for Bayer Crop Science which is located further to the north on the opposite side of the River Wensum.

Relevant planning history

8. None for the application site.
9. Although a planning appeal against the planning authorities decision to refuse the sub-division of no. 419 Dereham Road for a two storey dwelling (13/00013/F) was allowed at appeal in January 2015.
10. The key conclusions of the inspector where that the dwelling and plot would not be out of keeping with the character of the area and that any land contamination or subsidence issues could be adequately addressed as part of the Building Regulations process and Anglian Water.

The proposal

11. Sub-division of curtilage and erection of two-storey dwelling fronting Hellesdon Road.

Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	One
Total floorspace	145 sqm
No. of storeys	two
Appearance	
Materials	Timber cladding, glazing and sedum roof
Construction	Flat roof
Transport matters	
Vehicular access	From Hellesdon Road
No of car parking spaces	two
No of cycle parking spaces	Not indicated
Servicing arrangements	Not indicated

Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Three 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
The building is not in keeping with the other buildings along the road or character of the area.	See main issue 2
The building will result in loss of light and overlooking of my property.	See main issue 4
The construction of the large surface water drain along Hellesdon Road caused damage to my property. The movement is still happening, a new dwelling will make things	See main issue 3 and other matters

Issues raised	Response
worse.	
The ground in the area is generally unstable and subject to sinking, another dwelling will make things worse.	See main issue 3 and other matters
The building and driveway would compromise the Anglian water infrastructure running through the site and the stability of surrounding properties	See main issue 3 and other matters
The area experiences sewerage seepage requiring the fitting of return valves, another dwelling will make things worse.	See main issue 3 and other matters
Anglian Water imposed a restriction on any development on this site.	See other matters
My insurer states that the house is in a flood plain and flood comes from the drains.	See main issue 4
I will hold the planning department responsible for any damage to my property.	See other matters

Consultation responses

13. 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.

Anglian Water

14. Anglian Water would not normally comment on Planning Applications under 10 dwellings or under 0.5 hectares. Their response did not object to the principle of a dwelling in this location.
15. Nevertheless, Anglian Water did respond to the applicant, indicating that there are no grounds to suggest that a new dwelling in this location would compromise their infrastructure subject to further detailed engineering design.

Building control

16. Building control would not normally be consulted. However, they have been provided within an opportunity to respond on whether or not the erection of a dwelling would be feasible. No response was received.
17. However, the applicant contacted the Building Control to establish the feasibility of development on this site. Building Control and advised stated that they are not aware of any contamination or poor ground conditions in that area. They would

advise that engineers should be engaged to design the foundations, because of the topography of the ground, and to avoid any risk of instability to the site.

Environment Agency

18. No formal response received.

Highways (local)

19. The proposed development is suitable in transportation terms for its location and access to the highway network.
20. It is essential that water does not run-off from the site and drive onto Hellesdon Low Road, there must be adequate permeable surfacing and an aqua drain is likely to be needed to capture run off into a soakaway.
21. There is no indication of where the bins and bikes will be stored.

Health and safety executive

22. Do not advise against the granting of planning permission in this case.

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
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
 - DM11 Protecting against environmental hazards
 - DM12 Ensuring well-planned housing development
 - DM28 Encouraging sustainable travel
 - DM30 Access and highway safety
 - DM31 Car parking and servicing

Other material considerations

25. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF0 Achieving sustainable development
 - NPPF1 Building a strong, competitive economy

- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

Case Assessment

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

Main issue 1: Principle of development

27. Key policies and NPPF paragraphs – DM12, NPPF paragraphs 49 and 14.
28. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the NPPF 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.
29. The principle of residential development in an established and accessible and established residential area 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.

Main issue 2: Design

30. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
31. Specifically, paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Paragraph 60 also states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
32. The layout of the plot reflects the density and layout of the majority of other properties in the area. In addition the nature of the development site with a frontage and access onto Hellsedon Low Road is similar in many respects to the

development site at 419 Dereham Road, which was subject to of an appeal decision by the Planning Inspectorate, see planning history. In the appeal case the Inspector considered that a new in fill dwelling fronting onto Hellesdon Low Road, would relate well with the pattern of development in the surrounding area. Given the proximity and similarities between these two sites the conclusions of the Planning Inspector are important material considerations in relation to this application.

33. A defining feature of the area is the proximity Hellesdon Meadow, a pleasant verdant setting opposite the urban development to the southern side of Hellesdon Road.
34. It is acknowledged that the plot is set amongst low rise bungalows and the proposal is of a contrasting contemporary flat roof design with a glazed frontage and sedum roof.
35. Nevertheless, the flat roof construction ensures that the form of the proposal is reflective of the scale of the adjoining properties. Indeed, by way of context, the scale and design of the dwellings in the area is considered to be mixed including 1.5 – 2 storey dwellings, flat roof apartments and even dwellings which are of a form which are akin to a Dutch barn.
36. The use of modern construction materials such as timber cladding, glazing and sedum roofing coupled with the landscaping to the northern boundary would result in a sensitive transition between the urban area and Hellesdon Meadow. Further details on materials and landscaping can be secured by condition.
37. In light of the above, the dwelling in the context of the varied examples, is of an appropriate scale and design which would enhance visual amenities of the streetscene and not be significantly at odds with the character of the area.

Main issue 3: Subsidence and contamination

38. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
39. Under the National Planning Policy Framework, paragraph 120 identifies that planning decisions should ensure that new development is appropriate for its location. It also clearly identifies that it is the responsibility of the developer and/or land owner to ensure development is safe from land contamination and subsidence.
40. Policy DM11 states that where the best available evidence shows that the viability of development could be affected by serious and exceptional risk of subsidence. Or serious or exceptional risk of ground instability or potentially unstable land on or adjoining the site, developers will be required as part of the viability assessment necessary under policy DM33, to show that they have investigated and taken account of such risk by identifying appropriate design elements, or exceptional engineering works which are necessary to satisfactorily address that risk and enable a viable development to proceed.
41. Planning records do not indicate that the site or adjoining properties are affected by serious and exceptional risk of subsidence and or serious or exceptional risk of ground instability or potentially unstable land. Furthermore, whilst the land is relatively gently sloping, it is not considered to be abnormal to the extent to justify requesting a stability report as part of this planning application.

42. Nevertheless, the concerns of neighbouring properties with regard to this issue are noted. It is also noted that the applicant has given consideration to the constraints of the site i.e. the surface water and sewer pipes. They have also contacted Building Control and Anglian Water to establish if the principle of the development was acceptable. In an effort to establish the general feasibility of the development, officers also consulted CNC Building Control and Anglian Water.
43. On the basis of the responses, there are no grounds to suggest that a development of this scale would not be feasible. Taking all of the above factors into consideration, the development of the site is feasible subject to the construction methodology for the excavations and stability of surrounding properties being dealt with under separate legislation namely Building Regulations and the Party Wall Act, a conclusion drawn by the planning inspector at the recently allowed appeal at 419 Dereham Road.
44. Policy DM11 also states that permission for development or change of use within locations where it is known or suspected that land is contaminated or within 250m of a former landfill site (as shown on the policies map) will only be granted where it can be demonstrated by site investigations that there is no evidence of contamination which is likely to present the granting of planning permission; or where evidence of contamination exists, provision is made for any site remediation measures necessary to deal appropriately with that contamination before development.
45. Letters of representation have raised the issue of sewage disposal including problems of sewage backing up into properties. The issue of adequate sewage disposal is a matter for the water authority for the area, Anglian Water in this instance, to be responsible for.
46. A contamination report has not been submitted with the application. However a recent planning appeal was allowed for a new dwelling at 419 Dereham Road providing a helpful insight on this issue.
47. The contamination desk study submitted with that application cited that there is potential for historic sewerage spills, migration of ground gasses from a former sand pit / lime kiln in the area to the west of the site, and gasses from the previous worked ground off-site to the east and from underlying gases. In that case the inspector concluded that sewerage spills are unlikely to have significantly affected that site because higher land levels in comparison to other parts of the locality. The conclusion was that the Building Regulations process was sufficient to address concerns about methane gas.
48. Whilst the application site is at a slightly lower level than the site on at no.419, the conclusions of the contamination study that accompanied that application would indicate the development is feasible subject technical approval at the building regulations stage. A condition is proposed requiring that if contamination is established on site during construction, then work shall cease and further studies will be required to be submitted including appropriate mitigation measures.
49. In regards to the sites proximity to the Briar Chemicals Ltd site, the Health and Safety Executive has raised no objection to the proposal.

Main issue 4: Flood risk

50. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
51. A small portion of the lower extents of the site is located within flood zone 2, but dwelling itself is elevated and therefore outside flood zone 2. As such it is not considered that the occupants of the new dwellings will be at subject to any significant risk of flooding. It is noted that no objection has been submitted by the Environment Agency to the proposals.
52. However, as the site is sloping, it is recommended that a condition be imposed requiring further details of surface water drainage controls to ensure that no significant run off within the site, adjoining site or street occurs.

Main issue 5: Amenity

53. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
54. The internal space is an appropriate size for a family home, the minimum being 96sqm for a 3 bedroom / 5 persons. The external amenity space is also reflective of other examples in the area.
55. The building is of a scale and position which will not result in any significant loss of outlook or overshadowing or loss of light to adjoining properties. The use of a sedum roof will help soften the appearance of the building when viewed from the south.
56. The building compromises no side facing windows. The existing fence to the west and east boundaries are sufficient to secure the privacy of the new occupants and adjoining properties.
57. The applicant proposes a 1.8 metre high fence to the rear of site. It is recommended that this measure be supplemented by additional planting to enhance the privacy of the new occupants. This matter can be secured by condition.
58. The sloping nature of the site will mean that the windows to the rear of the building coupled with the proposed boundary treatment will be sufficient to secure the privacy of both sets of occupants. Although, it is recommended that additional planting to each of the boundaries will soften the appearance of the building and enhance levels of privacy.

Compliance with other relevant development plan policies

59. 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
Access, car parking provision	DM28, DM30, DM31	Yes

Requirement	Relevant policy	Compliance
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
Trees and landscaping	DM3, DM7	Yes subject to conditions, in particular additional planting to soften the street frontage

Other matters

60. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
61. Whilst ensuring the structural stability of the site and surround properties are subject to separate legislation in the form of Building Regulations and Party Wall Act, it is recommended that an informative be added reminding the applicant of the importance to satisfy these requirements as part of the construction of the dwelling.
62. Whilst any covenant restrictions or assets owned by other bodies within the site are separate to the determination of the application, it is recommended that an informative be adding reminding them that these issues may require separate consultation or consent.
63. The maintenance or upgrade of existing infrastructure such as the installation of return valves to control sewerage seepage is not subject to planning control.

Equalities and diversity issues

64. There are no significant equality or diversity issues.

Local finance considerations

65. 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.
66. 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.

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

Conclusion

68. The principle of a dwelling is acceptable in this location. It is of a scale and design which will enhance the visual amenities of the street scene and be sympathetic to the character of the area. Its layout is also reflective of the density of the area.
69. The development would not result in any significant impact on the amenity of neighbouring properties.
70. Suitable surface water controls can be secured by condition.
71. Matters relating to ground stability can be fully investigated as part of the Building Regulations process and Party Wall Act.
72. There are no reasonable grounds to indicate that any on suite contamination such as methane could not be adequately addressed as part of the Building Regulations process.
73. 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. 15/01368/F - 427 Dereham Road Norwich NR5 8QH and grant planning permission subject to the following conditions:

1. Standard time limit
2. In accordance with plans
3. Details of materials
4. Submission of a landscape plan
5. Details of surface water drainage measures.
6. Details of water efficiency measures
7. Details of secure covered cycle storage
8. Details of bin storage and collection facilities
9. Cease work if contamination found during construction

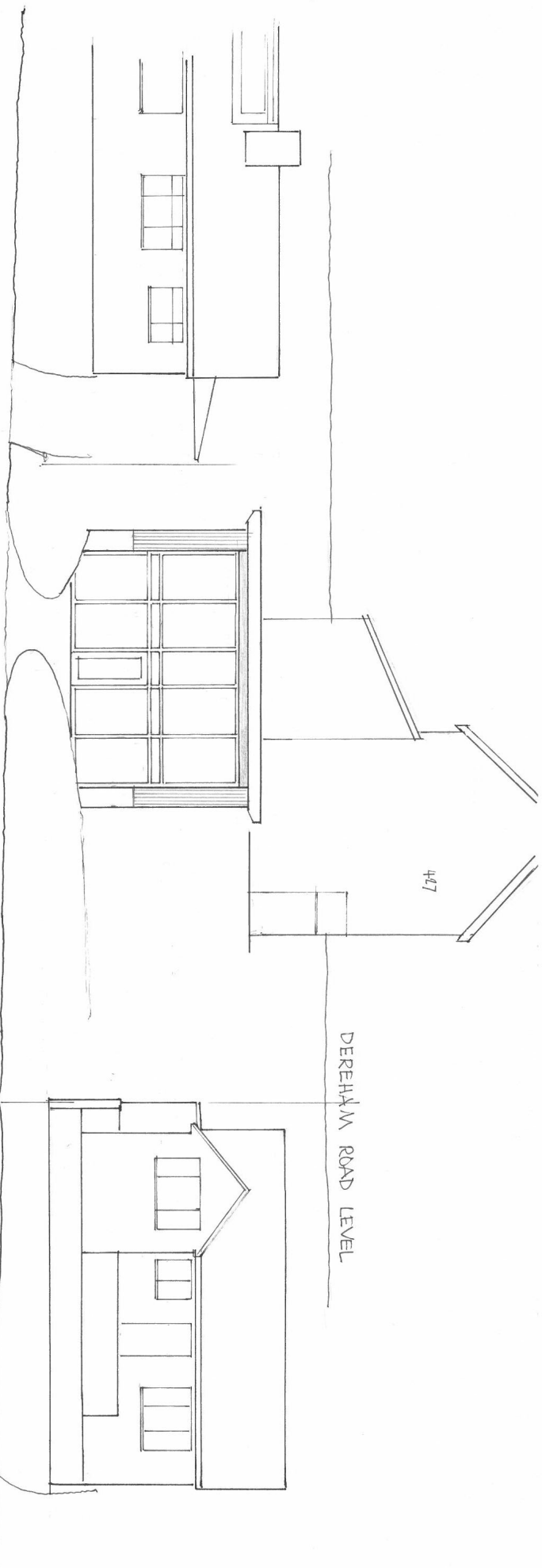
Informative

1. Party Wall Act
2. Building Regulations
3. Liaise with Anglian Water

Article 35(2) statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the

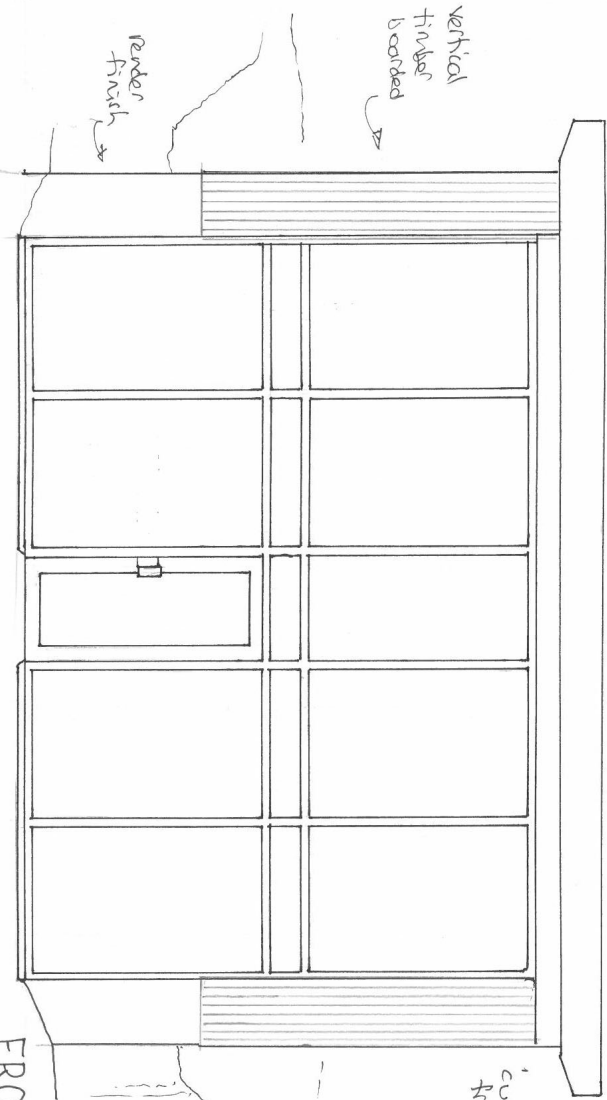
applicant, the application has been approved subject to appropriate conditions and for the reasons outlined in the officer report.



HELLEDON ROAD

DERHAM ROAD LEVEL

STREET ELEVATION 1:125 (PART ESTIMATED)



curved glazed frontage

FRONT (NORTH) ELEVATION 1:50

Rev	Amendment	Date			
			<p>The drawing may contain indicative rather than accurate information. Report any discrepancies immediately and before taking action based on the drawing.</p> <p>Drawing not to be scaled other than as approximation, use written dimensions or confirm from site. Dimensions in mm unless otherwise stated.</p> <p>© This drawing is copyright</p>		
			<p>Frank Davey FRICS Chartered Building Surveyor 10 Queen Street Norwich NR2 4TA tel. 01603 861961 frank@frankdavey.co.uk</p> <p>Client: Executors for Mrs A L Zipfel d/cd</p> <p>Project: Plot rear of 427 Dereham Road and between 1g and 1 Hellesdon Low Road Norwich NR6 5EB</p> <p>Proposed new dwelling</p>		
			Drawing Plan Ref: 1227 04 Revision:	Date: July 2015	Drawn: FND
			Scale: 1:50; 1:100 at A3		