

## Planning applications committee

**Date:** Thursday, 13 June 2019

**Time:** 13:15

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

### Committee members:

#### Councillors:

Driver (chair)  
Maxwell (vice chair)  
Bogelein  
Button  
Huntley  
Peek  
Neale  
Ryan  
Sands (M)  
Sarmezey  
Stutely  
Utton  
Wright

#### For further information please contact:

Committee officer: Jackie Rodger  
t: (01603) 212033  
e: [jackierodger@norwich.gov.uk](mailto:jackierodger@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

### Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

## Agenda

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### **A Apologies**

To receive apologies for absence

### **B 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)

### **5 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 5 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 for this part of the committee meeting will commence at 13:15;
- Please note that the committee is meeting earlier in the day at 10:45 to 11:30 for consideration of items 5(a) and 5(b) Eaton Chase (see separate agenda) Further details are available on the summary of applications for consideration for further details attached to this agenda.
- 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

**Summary of applications for consideration**

**5 - 8**

**Standing duties**

**9 - 10**

**5(c) Application no 18/01766/O - 174 Newmarket Road, Norwich, NR4 6AR**

**11 - 28**

5(d)	Application no 19/00373/F - Elaine Herbert House The Great Hospital Bishopgate Norwich NR1 4EJ	29 - 54
5(e)	Application no 19/00119/F - 7 Crummock Road, Norwich, NR5 8LL	55 - 62
5(f)	Application no 19/00262/U - 3 Brereton Close, Norwich, NR5 8LX	63 - 70
5(g)	Application no 18/01823/VC - 128 Dereham Road, Norwich, NR2 3AF	71 - 76
5(h)	Application no 18/01706/F - 53 Dereham Road, Norwich, NR2 4HZ	77 - 90
5(i)	Application no 19/00624/F- 5 Primula Drive, Norwich, NR4 7LZ	91 - 104
5(j)	Application no 18/01831/F – 25 Pennyroyal, Norwich, NR6 6JQ.	105 - 112
5(k)	Enforcement Case 18/00003/ENF – Land at Holt Road, Norwich	113 - 140
5(l)	Applications 19/00381/L and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD	141 - 146

Date of publication: **Wednesday, 05 June 2019**





## Summary of planning applications for consideration

## ITEM 5

13 June 2019

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
<p>There will be a site visit for members of the committee wishing to attend to the site of The Bungalow, Eaton Chase at 9:30. Members of the committee are requested to meet at City Hall Steps at 09:10 for transport to the site.</p> <p>The first part of the formal committee meeting will commence at 10:45 The reports for items 5(a) and 5(b) are set out in the agenda for this first part of the meeting.</p>						
5(a)	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
5(b)	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
<p>At 11:30 provided that the consideration of the above items has been concluded, the formal part of the meeting will be adjourned, and an informal briefing for members of the committee, ward councillors and interested parties on proposals will be held in the Mancroft room for: University Of East Anglia, Earlham Road – Redevelopment of the area around the security lodge, Founders Green and the west end of the main car park to provide a new academic building being designed as the entrance area to the main campus. This forms the Sky House project providing approximately 15,335m<sup>2</sup> of new academic floor-space. The proposal also includes realignment of University Drive and new bus and cycle facilities, drop off area and changes to the main car park layout and entrance.</p> <p>The committee will then reconvene at 13:15 for the second part of the formal committee meeting. The reports for items 5(c) to 5(l) are set out in the agenda for this second part of the meeting.</p>						
5(c)	18/01766/O	174 Newmarket Road	Charlotte Hounsell	Outline application including matters of access for sub-division of plot and construction of dwellinghouse.	Objections	Approve

<b>Item No.</b>	<b>Case number</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
5(d)	19/00373/F	Elaine Herbert House, The Great Hospital	Joy Brown	Demolition of care unit and construction of 19 unit sheltered housing building and associated landscaping	Objections	Approve
5(e)	19/00119/F	7 Crummock Road	Stephen Polley	Two storey rear extension.	Objections	Approve
5(f)	19/00262/U	3 Brereton Close	Stephen Polley	Construction of single storey side and two storey rear extensions.	Objections	Approve
5(g)	18/01823/VC	128 Dereham Road	Stephen Polley	Variation of Condition 4 of previous permission 17/01176/F to extend the opening hours by one hour on any day.	Objections	Approve
5(h)	18/01706/F	53 Dereham Road	Stephen Little	Two storey rear extension to create 1No. flat.	Objections	Approve
5(i)	19/00624/F	5 Primula Drive	Stephen Little	Single storey side extension.	Objections	Approve
5(j)	18/01831/F	25 Pennyroyal	Jacob Revell	Retrospective application for construction of single storey rear extension.	Objections	Approve

<b>Item No.</b>	<b>Case number</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
5(k)	18/00003/ENF	Land at Holt Road, Norwich	Robert Webb	Unauthorised use of the land for the stationing of residential caravans and a portaloo, the storage of waste, the erection of a fence adjacent to the highway and the laying of a hard surface.	Seeking authority for enforcement action to be taken	Authorise enforcement action
5(l)	19/00381/L & 19/00403/F	Norwich School Refectory, The Close	Lara Emerson	Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	To agree a site visit for this application which will be considered by the committee at a future date	That members undertake a site visit



## **STANDING DUTIES**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

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

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

### **Natural Environment & Rural Communities Act 2006 (S40)**

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

### **Planning Act 2008 (S183)**

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

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

#### ***Article 8 – Right to Respect for Private and Family Life***

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

**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 18/01766/O - 174 Newmarket Road,  
Norwich, NR4 6AR

**Reason  
for referral** Objection

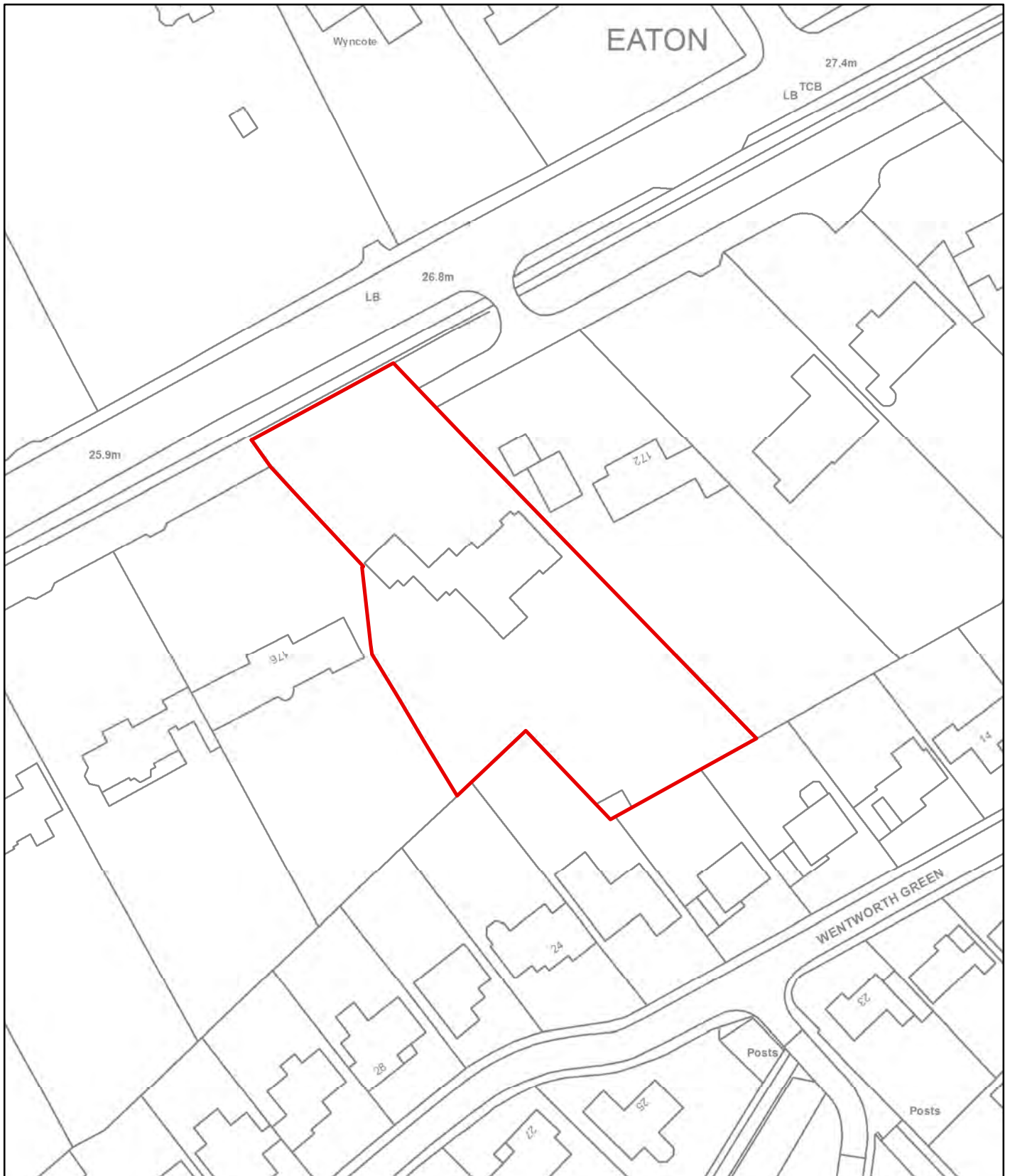
5(c)

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<b>Ward:</b>	Eaton
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

Development proposal		
Outline application including matters of access for sub-division of plot and construction of dwellinghouse.		
Representations		
Object	Comment	Support
8	0	0

Main issues	Key considerations
1	Principle of development
2	Design and heritage
3	Trees
4	Transport
5	Amenity
<b>Expiry date</b>	1 February 2019
<b>Recommendation</b>	Approve



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Planning Application No 18/01766/O  
 Site Address 174 Newmarket Road  
 Scale 1:1,000

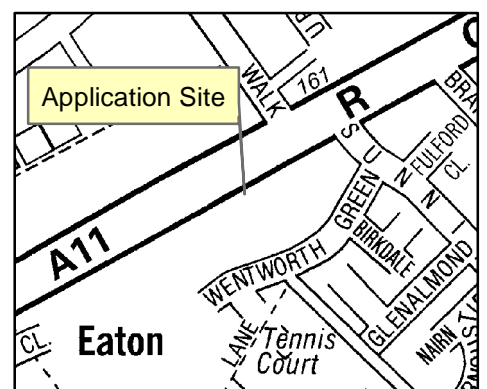


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## The site and surroundings

1. The subject site is located on the South side of Newmarket Road, South West of the City Centre. The site currently comprises a large detached dwelling built in the 1960's. The property is accessed via an access road from Newmarket Road which serves six properties. The dwelling is located within a large plot. To the front of the site is a large driveway and a belt of trees which shields the property from Newmarket Road. To the rear of the site is a large garden and trees line the boundary with the neighbouring properties. The ground level slopes upwards away from Newmarket Road. The surrounding area is residential in nature.
2. Members should note that a number of works have already been undertaken at the site:
  - (a) Removal/clearance of vegetation
  - (b) Partial demolition of the garage
  - (c) Installation of new fencing
  - (d) Laying out a new access

Of the above, only the removal of certain trees requires consent (See Main Issue 3). The remainder of the works do not require planning permission.

3. Part of the fence previously erected has now been removed.

## Constraints

4. The property is located in the Newmarket Conservation Area
5. The area at the entrance to the site is at risk of surface water flooding.

## Relevant planning history

6.

Ref	Proposal	Decision	Date
11/00733/F	Proposed extension and alterations and demolition of existing conservatory (Revised Proposals).	APPR	15/07/2011
12/00619/TCA	Trim trees at back of rear garden by up to 4m.	NTPOS	03/05/2012
13/01098/TCA	Fell tree in driveway	NTPOS	30/07/2013
18/00111/F	Timber cladding and rendering to front elevation.	APPR	27/03/2018

Ref	Proposal	Decision	Date
18/00508/O	Outline application with all matters reserved for sub-division of plot and construction of dwellinghouse.	REF	20/07/2018

## The proposal

7. The proposal is for outline consent for the sub-division of the existing plot and the erection of a new dwelling and garage.
8. The proposal includes matters of access. All other matters (appearance, landscaping, layout and scale) are reserved and will need to be dealt with as part of further reserved matters applications.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	1
Total floorspace	To be considered at reserved matters stage
No. of storeys	To be considered at reserved matters stage
Max. dimensions	To be considered at reserved matters stage
<b>Appearance</b>	
Materials	To be considered at reserved matters stage
<b>Transport matters</b>	
Vehicular access	New vehicular access from existing driveway
No of car parking spaces	To be considered at reserved matters stage – indicatively 2 spaces within garage and additional on driveway are shown.
No of cycle parking spaces	To be considered at reserved matters stage
Servicing arrangements	Details to be considered at reserved matters stage although bins would be required to be brought to the front of the site for collection.

## Representations

9. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation (including 1 councillor

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.

<b>Issues raised</b>	<b>Response</b>
Garden grabbing	See Main Issue 1
No pressing need for housing in this area	See Main Issue 1
The property is too close to Wentworth Green properties	See Main Issue 2
Cramped housing	See Main Issue 2
The outline application does not give any detail or comfort that the dwelling would not be overbearing or massive	See Main Issue 2
Out of keeping with the size of surrounding properties and their plots. First incursion into rear gardens on this side of the road.	See Main Issue 2
Detrimental to conservation area	See Main Issue 2
Compromised safety and security of existing properties	See Main Issue 2
Trees have been lost from the site and should be replanted	See Main Issue 3
Damage caused to G1 neighbouring trees	See Main Issue 3
Concerns over quality of arboricultural information provided	See Main Issue 3
Concerns over tree protection for new garage	See Main Issue 3
The proposed access is not suitable for further cars and the crossover to Newmarket Road is dangerous	See Main Issue 4
Other new properties have only been allowed where access is obtained onto an adopted road	See Main Issue 4
Concerns of position and distance of waste and recycling arrangements	See Main Issue 4
A fire appliance cannot properly access the site	See Main Issue 4

Issues raised	Response
Loss of privacy	See Main Issue 5
Increased noise/pollution disturbance from proximity of new road and new dwelling	See Main Issue 5
Inconsistent approach to acoustic fencing. Acoustic fence is insufficient for purpose. Additional planting will not block noise.	See Main Issue 5
Wildlife habitats would not be safeguarded	See Main Issue 6
Suggested conditions relating to obscure glazing, retention of hedging, noise limits for construction	See other matters
The front of the site already becomes flooded. The application will make this worse	See other matter
Energy statement should have accompanied the application	See other matters
Bonfires on site	See other matters
The site has recently been sold	See other matters
Asbestos sheets are stored on site	See other matters

## 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.

### Original consultation

#### Design and conservation

11. 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)

12. No objection on highway grounds. The means of access to the adopted highway is fit for purpose. Traffic generation from a single dwelling is very low, typically 8 trips per day for a two car household. Given the length of the driveway, please can the Fire Service be consulted for advice. The turning head will need to be suitable for their requirements to exit in a forward gear.

## **Norfolk Fire Service**

13. I acknowledge receipt of the above application and confirm that the service does 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. This compliance has been noted by the applicant on site plan numbered NR01-S-10.

## **Tree protection officer**

14. I have reviewed the application, tree protection plan and arboricultural report. There is some outstanding replacement planting to undertake on this site it would be logical to plan these replacement trees in line with the application. A landscape plan would be useful to illustrate when replacement planting will go and how this fits with overall site enhancements. Please could you condition TR7 Works on site in accordance with AIA, AMS and TPP.

## **Citywide Services**

15. No comments received.

## **Additional consultee comments**

### **Norfolk Fire Service**

16. Thank you for forwarding the plans of the revised road layout. This authority has no further comments to make on this application than those made in the letter dated 24th January 2019 regarding compliance with the Building Regulations.

### **Tree protection officer**

17. Regarding G2: This area needs reviewing, root pruning may be acceptable or a no dig construction should be specified depending on the distance from the tree to the road edge. It's not clear from the arb report as these trees have been recorded as a group. 3.5.2 Fence installation - the report mentions the posts should be hand dug and spaced to avoid tree stems, this has the potential to cause damage to neighbouring trees. Ideally a site meeting with the arb consultant and the fencing contractor should be held to explain the potential damage and to clarify what needs to happen and how. The amended TPP fence now includes more off site trees and looks adequate

The tree protection officer has spoken to the Arboriculturalist to clarify exactly what he actually saw to report "significant root loss has occurred" (page 4 of the report). He did not actually see any large or structural roots that had been cut, only some fibrous roots and made an assumption based on the level changes and normal root morphology. No excavations were made to confirm either way.

Our previous comments stand: We are unable to take any action in relation to the other matters including the edging as there has been no breach of planning control. In addition, although the removal of the edging has exposed mostly minor, fibrous roots, no major structural roots have been severed. Root morphology prior to the removal of the edging was such that the trees have adapted to growing at this particular location, compensating for the lack of rooting environment, caused by the edging. In this

respect, nothing has essentially changed, therefore I would suggest that structurally, the safety of the trees has not been compromised. The exposed fibrous roots will naturally desiccate, as they hit the open air, but again, the trees will adapt/compensate for this, and this has had no real adverse effects thus far.

If the neighbour is concerned about damage to their property as a result of the works this is a civil matter. The council cannot act for the neighbour in this matter and the neighbour should seek independent legal/arboricultural advice in relation to this. The construction of the driveway in close proximity of G1 should be no-dig and the TPP should be amended to reflect this as this group are to be retained.

18. Thanks for the revised report and TPP. Please could you condition works on site in accordance with AIA, AMS and TPP, Protection of areas and No-dig methods.

## **Assessment of planning considerations**

### **Relevant development plan policies**

19. **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
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Other material considerations**

21. **Relevant sections of the National Planning Policy Framework 2019 (NPPF):**
- NPPF1 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
  - NPP14 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**

22. 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**

23. Key policies and NPPF paragraphs – DM12, NPPF 1 and 5.
24. 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.
25. 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.
26. 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. Therefore the proposal is considered to accord with the first part of policy DM12 (subject to assessment below) and is acceptable in principle.
27. Comments were made that there is no pressing need for new housing in the part of the City. This suggestion is not however consistent with the latest evidence within the Strategic Housing Market Assessment 2017 that there remains a need for new dwellings in the Greater Norwich area.

## **Main issue 2: Design and Heritage**

28. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF 8, 12 and 16.
29. No. 174 Newmarket Road is a detached 1960's property set within a large garden plot. It is located within the Newmarket Road conservation area. This area is characterised by its verdant surroundings. Properties are generally detached, large in size and set within large garden plots not visible from the highway. The boundary vegetation along Newmarket Road is significant and is an important characteristic of this area.
30. The proposal is to construct a new dwelling within the rear garden of No. 174 Newmarket Road. Concerns were raised that the proposal would be harmful to the character of the conservation area. It is acknowledged that the proposal would result in the subdivision of the plot to create two smaller plots thereby resulting in a change to plot patterns. It should be noted that the six dwellings that use the shared access onto Newmarket Road differ from the rest of the development along Newmarket Road in that the plots are smaller and the dwellings are more recently constructed. However, the garden of No. 174 is still large and is of a size that can accommodate further building. As above, the verdant surroundings and tree lined main road are important characteristics of this area. The new dwelling would be located to the rear of the site and would also use the shared access to the front of No. 174. Therefore no physical alterations would be visible from Newmarket Road and the important vegetated front boundary is to be retained. Subject to the assessment of impact upon trees (Main Issue 3) the proposal is considered overall preserve the character of the conservation area.
31. Whilst there would be a degree of less than substantial harm as a result of the subdivision of this plot, given that this would not be readily appreciated from the public realm such harm is extremely low on the scale of harm. Nevertheless any harm must be given great weight in the balancing exercise and weighed against the benefits of the proposal in accordance with paragraph 196 of the NPPF.
32. It is also of relevance that there have been a number of subdivided plots in the wider Newmarket Road conservation area, most have related to plots where the host dwelling is a latter twentieth century property as is the case here. Greater care has been given to plots which are original Victorian villas in the conservation area, this is due to a refusal and subsequent dismissed appeal in 2006 which gave greater weight to protecting those original Victorian villas which are of higher architectural quality. In this case however the host property is of no particular architectural merit and is one of the more latter additions to the conservation area.
33. Concerns were raised that the application does not give much detail with regard to the size and appearance of the proposed dwelling. This is an outline application with all matters but access reserved. Therefore details on the size and appearance of the dwelling will be considered in detail as part of future reserved matters applications and through the imposition of conditions. The purpose of this application is to consider the principle of development only. Nevertheless officers consider that a new dwelling could feasibly be designed in this location without



harm to the surrounding area. Given the size of the plot a reasonable sized dwelling could be provided here even if only single storey in height.

34. Concerns were also raised that the position of the dwelling towards the back of the garden of No. 174 would compromise the safety/security of dwellings along Wentworth Green to the South. This space is currently private garden and would remain as such albeit with a new dwelling closer to the boundary. There is no evidence to suggest that the concerns expressed would be founded and on the contrary a new dwelling in this area is likely to increase surveillance at the rear of the garden.

### **Main issue 3: Trees**

35. Key policies and NPPF paragraphs – DM7, NPPF 15.
36. A number of concerns were raised regarding previous loss of trees from the site, the potential for damage to existing trees as a result of the proposal and the quality of the arboricultural information provided with the application.
37. A number of trees were previously lost from the site of which three were large trees which would ordinarily have required conservation area consent for their removal. This consent was not applied for in this instance. The loss/removal of trees in a conservation area without consent is being investigated by the Tree Officer and replacement planting for those particular trees is being pursued as part of a separate process that is unrelated to the planning application. Whether planning permission is granted or not, the replacement planting will be pursued separately by the Tree Officers.
38. Particular concern was raised regarding the group of trees located adjacent to the existing garage and new access road (G1). These trees are located on neighbouring land. Neighbours were concerned that the partial demolition of the garage building (which has already occurred) has resulted in damage to the trees and that the new access road would result in further damage. The Tree Officer has visited the site and considers that no major roots of the trees in G1 have been damaged and that the safety of the trees has not been compromised. A no-dig method of construction is proposed for the driveway in the vicinity of these trees (and others close to the proposed road access) to prevent further damage and notwithstanding the contents of the submitted arboricultural impact assessment they should be retained.
39. Concerns were raised over the quality of arboricultural information provided as part of the application. Since these concerns were raised, additional arboricultural information has been provided. This information has been reviewed and deemed acceptable by the Tree Officer. They have requested a number of conditions to be included on any planning permission to ensure the protection of trees during construction.
40. Trees to the southwest boundary of the site adjacent to 176 Newmarket Road and 22-24 Wentworth Green are shown as a tree group (G2) as opposed to individual trees. The trees in question are some distance from the operational development on site and this is reasonable in this case. The trees here are shown to be protected during development.

41. As this is an outline application and details of layout will be agreed at reserved matters stage supplementary tree information will be required as part of future reserved matters consents.

#### **Main issue 4: Transport**

42. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF 9 and 12.
43. A number of representations referred to applications for other new dwellings within gardens along Newmarket Road being permitted as a result of having accesses directly onto the main adopted highway. Concerns were raised that the private access road is not suitable for additional cars and the crossover to Newmarket Road and the cycle path is already dangerous.
44. The Transportation Officer has not raised any objection to the use of the access road for additional cars and this is considered capable of accommodating the small amount of additional vehicular trips that would be associated with one extra dwelling. Generally, new direct accesses onto Newmarket Road are not looked upon favourably by the Transportation team. In addition, the access to Newmarket Road is existing and traffic resulting from one new dwelling is not considered to differ significantly from the current situation.
45. A swept-path analysis has been submitted demonstrating that a fire appliance can access the proposed dwelling. In addition, Norfolk Fire Service has confirmed that they have no objection to the proposal provided the scheme meets Building Regulation requirements. Representations have raised particular points regarding the weight capacity of the new access road etc. These technical elements are covered by the Building Regulations process and not the planning process and therefore do not form part of this assessment. It should be noted that the proposals involve the realignment of the fence which has been erected on site as in its current location it would not be possible for a fire tender to access the rear of the site. The proposal is to straighten the fence which provides a larger area between the driveway and the neighbour at 176 Newmarket Road.
46. There are two small protrusions from the garage at the front and rear adjacent to the proposed driveway, these protrusions have been raised by objectors as causing a pinch point. It is unfortunate that this is not clearly illustrated on the plans however this does not represent a reasonable ground to withhold consent. The width of the driveway at this location has been measured at this point at its narrowest is 3.3m which is well in excess of that needed for fire tender access.
47. Concern was also raised regarding the waste and recycling arrangements for the property. Details of bin stores will be required by condition. The future occupants of the new dwellings would be required to bring their bins to the front of the site for collection. No comments were received from Citywide Services.

#### **Main issue 5: Amenity**

48. Key policies and NPPF paragraphs – DM2, DM11, NPPF 8 and 12.
49. Concerns were raised that a new dwelling in this location would result in a loss of privacy to surrounding properties. This application is for outline consent and therefore the detail of the size of the property, and position and orientation of windows is not currently known. It is considered reasonable that a new property

could be designed to avoid overlooking through provision of a low height dwelling, windows facing away from nearby properties and obscure glazing. This would be secured through future reserved matters applications.

50. Concerns were also raised regarding the increased noise and air pollution from vehicles using the proposed new access and turning area. Representations consider that the proposed acoustic fencing and new planting would not mitigate these impacts.
51. It is acknowledged that this part of the garden plot would experience an increase in the amount of activity as a result of the proposal. This activity would be of a residential nature and would therefore be in keeping with the character of activity in the surrounding area. However, the proposed access road would still be located in fairly close proximity to both the host dwelling and the neighbouring dwelling. The proposed access road has been pulled away from the boundary with No. 176 Newmarket Road to create an area for planting which will help to create a buffer to the neighbouring dwelling (and also to provide planting to mitigate previous clearance in this area). The fencing which has been erected on site in order to divide the plot would need to be relocated in order to facilitate this.
52. In addition, acoustic fencing is proposed along the East, South and West boundaries of the site in an attempt to minimise noise disturbance to surrounding properties. Further details of the acoustic fencing should be requested by condition to ensure it is satisfactory in mitigating noise impacts.
53. Consideration has been given to the removal of permitted development rights for the new property however it is considered that this should be revisited at reserved matters stage, depending on the design of the property removal of permitted development rights for roof extensions and certain other extensions may be appropriate to protect neighbour amenity and trees on site.

#### **Compliance with other relevant development plan policies**

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

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

## **Other matters**

55. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation.
56. Concerns were raised that the front of the site already becomes flooded and that the proposed development would worsen the situation. In accordance with policy DM5, new development is required to ensure that it would not worsen the surface water drainage situation of a site. As such, details of sustainable drainage measures will be required by condition. The site is of sufficient size for a feasible surface water solution to come forward at reserved matters stage.
57. One representation queried why an energy statement had not been submitted with the application. Only applications for 10 or more new residential dwellings (or more than 1000m<sup>2</sup> non-residential floorspace) are required to provide an energy statement. The new dwelling, if granted consent, would be required to comply with building regulations in relation to energy efficiency etc. which is a separate process to the planning process.
58. A number of letters of representation outlined conditions that should be included on any permission. A list of conditions has been included within the recommendation section below as a result of the above assessment.
59. A number of representations were concerned with the loss of property value as a result of this scheme. This is not a material planning consideration and has not been considered further.
60. A number of letters of representation referred to bonfires on the site and storing of asbestos sheets. These are matters to be dealt with by Environmental Protection, do not relate directly to this planning application and have not been considered further as part of the planning application. An informative note can be placed on the consent to provide general advice on how to deal with asbestos should this be found on site.
61. It was brought to the Council's attention that the site has recently been sold. Therefore the applicant listed on the application may no longer be the owner of the site. Notice is not required to be served on the new owner as they were not the owner of the site at the time the application was made. The Council are still required to determine the application submitted.

## **Equalities and diversity issues**

62. There are no significant equality or diversity issues.

## **Local finance considerations**

63. 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.
64. 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.

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

## **Conclusion**

66. The proposal is for the subdivision of the plot and erection of a new dwelling with associated access. The principle of providing a new dwelling in this location is considered acceptable. The plot is within the Newmarket Road conservation area. The verdant nature of the conservation area is an important characteristic. Although the proposal would result in the provision of smaller garden plots than the neighbouring properties, the dwelling and access would not be visible from the public realm and therefore the harm to the character of the conservation area is limited on the less than substantial scale. Replacement tree planting for those trees previously lost on site is being pursued separately by the Council's Tree Officer and future reserved matters applications and conditions will secure high quality landscaping at the site. The benefits of a new dwelling on site in terms of housing provision are also limited however taking these matters into account on balance, the proposal is considered acceptable. It is also considered that an appropriately sized and designed property can be brought forward at reserved matters stage that would overcome amenity concerns. It is acknowledged that the proposed access road would have some impact upon the amenity of the neighbouring properties, however, on balance this is considered acceptable given the provision of acoustic fencing and new landscaping to reduce impacts on neighbouring properties.

## **Recommendation**

To approve application no. 18/01766/O - 174 Newmarket Road Norwich NR4 6AR and grant planning permission subject to the following conditions:

1. Outline time limit and submission of reserved matters;
2. In accordance with plans;
3. Reserved matters application to include an updated arboricultural impact assessment, method statement and tree protection plan, notwithstanding the information submitted.
4. No dig construction of access;
5. Pre-development site meeting with the Council's arborist;
6. Surface water drainage proposals to be provided at reserved matters stage;
7. Bin/bike stores details and provision;
8. Acoustic fencing details and provision;
9. Water efficiency;
10. Vehicular access to be made available prior to first occupation.

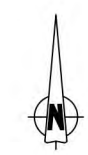


A number line representing distance in metres. The line starts at 0 and ends at 50. Major tick marks are labeled at 0, 10, 20, 30, 40, and 50. Between 0 and 10, there are 10 minor tick marks, each representing 1 metre. Between 10 and 50, there are 20 minor tick marks, each representing 2 metres.

SITE PLAN – EXISTING  
SCALE 1:500

A1	ISSUED FOR PLANNING	21.03.19	DF							
REV	DESCRIPTION	DATE	DRAWN BY	CHKD BY	APRVD BY	ENG. APRVD	CUSTOMER APRV			
PROJECT TITLE 174, NEWMARKET ROAD, NORWICH, NR4 6AR										
CLIENT MR S CHRISTOPHI		W/O No. NR01		CAD FILE No.			SCALE AS NOTED			
				ENVISION CAD UNION BUILDING 51-59 ROSSE LANE, NORWICH, NORFOLK NR1 1BY TEL: 07879 653997						
DRAWING TITLE  SITE PLAN – EXISTING										
DRAWING NUMBER NR01-S-01		SHEET No. 001			REVISION A1					





NORTH

306725 -

306700 -

306675 -

306650 -

306625 7

306600 -

520975

521000

C0107E

26.8m

NEWMARKET ROAD

— SHARED DRIVE

PLOT 1

172

Replacement planting  
minimum distance from boundary –  
to meet NCC recommendation

Existing trees and  
replacement planting—  
(see Arboricultural Report  
QAS 18-228-AR01)

Turning point—  
The site will meet all  
building regulation requirements  
(Document B)

6m x 6m Garage —

2 x Space  
(approx) 24


Fire Engine (tracking)

PLOT 2

Acoustic fence along the boundary at 1.8m high to reduce/avoid noise to neighbours who live on Wentworth Green.

INDICATIVE SITE LAYOUT  
SCALE 1:500

Page 27 of 146

A3	REVISED TO SUIT PLANNING COMMENTS	05.03.19	DF						
A2	RE-ISSUED FOR PLANNING	25.01.19	DF						
A1	ISSUED FOR PLANNING	07.11.18	DF						
REV	DESCRIPTION	DATE	DRAWN BY	CHKD BY	APRVD BY	ENG. APRVD	CLIENT APRVD		
PROJECT TITLE 174, NEWMARKET ROAD, NORWICH, NR4 6AR									
CLIENT	MR S CHRISOPIH	W/O No. NR01	CAD FILE No.	SCALE AS NOTED					
				ENVISION CAD UNION BUILDING 51-59 ROSE LANE, NORWICH, NORFOLK NR1 1BT TEL: 07879 653997					
DRAWING TITLE				INDICATIVE SITE LAYOUT					
DRAWING NUMBER			NR01-S-10			SHEET No. 001		REVISION A3	





**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 19/00373/F - Elaine Herbert House The Great Hospital Bishopgate Norwich NR1 4EJ

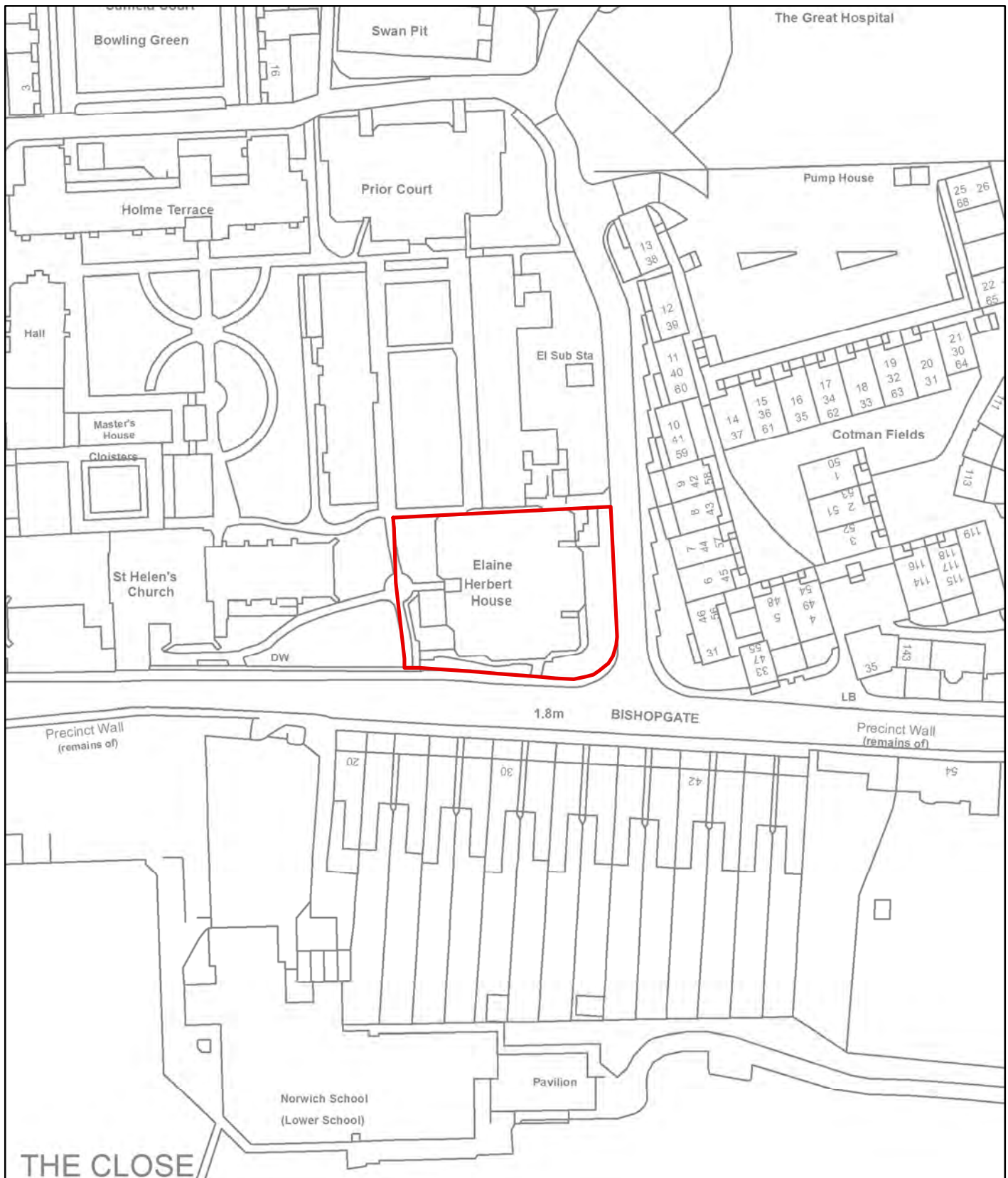
**5(d)**

**Reason for referral** Objection

<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Joy Brown - <a href="mailto:joybrown@norwich.gov.uk">joybrown@norwich.gov.uk</a>

Development proposal		
Demolition of care unit and construction of 19 unit sheltered housing building and associated landscaping.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle of development	Loss of existing care home and provision of 19 units of sheltered housing
2 Design	Loss of the existing Elaine Herbert House and the design of the proposed building including layout, height and scale, contextual materials
3 Heritage	Impact on the conservation area, nearby listed buildings and archaeology
4 Trees	Loss of trees and replacement planting
5 Landscaping	Hard and soft landscaping
6 Transport	Car free accommodation, provision of bin, bike and buggy stores, construction traffic
7 Amenity	Impact upon neighbouring residents of Bishopgate and Cotman Fields taking into consideration overlooking, overshadowing and loss of light. Living conditions for future residents including size of units, light and external space
8 Energy and water	Renewable energy and water efficiency
9 Flood risk	Minimising the risk and impact of flooding and the management of surface water drainage
<b>Expiry date</b>	26 June 2019
<b>Recommendation</b>	<b>APPROVE</b>



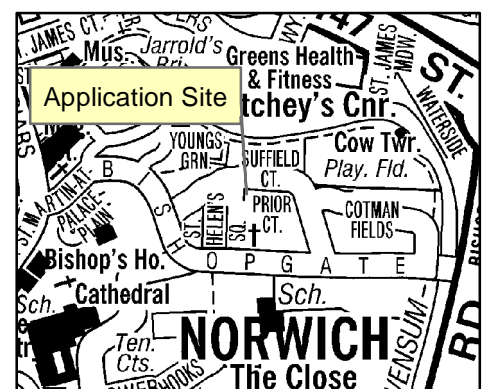
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Planning Application No 19/00373/F  
 Site Address Elaine Herbert House  
 The Great Hospital  
 Scale 1:1,000



**NORWICH**  
 City Council

PLANNING SERVICES



## The site and surroundings

1. The Great Hospital is situated to the South of the River Wensum on the north side of Bishopgate. To the east is Cotman Fields where there is a flatted development that varies in height from 2 to 3 storeys. Directly to the south is a row of red brick terrace houses on the south side of Bishopgate which were built by the Dean and Chapter in 1903. The Great Hospital is located to the east of Norwich Cathedral.
2. The hospital was founded in 1249 by Bishop Walter de Suffield. The site began with the Church and hospital of St Helen and expanded over hundreds of years as further buildings were added to the complex. The hospital was briefly dissolved in 1547 but the City took it over and it has continued into the present day, currently in use as an elderly person's sheltered accommodation. It provides accommodation for 105 people in a range of sheltered housing flats and cottages.
3. The Great Hospital Complex is located within the Cathedral Close character area of the wider City Centre Conservation Area. The character area and the Great Hospital Complex benefits from a very high concentration of historic buildings from various historical periods and is an area of very high landscape and townscape quality.
4. The Great Hospital site is characterised by a range of very high quality domestic and religious architecture. It has a unique character as a distinct and separate enclave defined by the high boundary walls along the eastern and southern boundaries housing a mixture of high status medieval architecture which remains the most dominant in scale and form with later domestic architecture being more modest in scale and subservient in character. The architecture is largely based around landscaped courtyards and consequently has a green character. Traditional building materials are employed throughout the area with red brick and flint being the modest dominant.
5. Elaine Herbert House is a 2 storey building situated on the corner of Bishopgate and Cotman Fields and was constructed to the designs of Anthony Rossi (prominent local architect) in the 1960s as a purpose built care home. The building is constructed in buff brick with small windows deeply set within rectangular reveals with curved edges. It contains 20 flats and a hospital ward for the most infirm of the residents but has been disused since 2013.

## Constraints

6. The Great Hospital contains sixteen listed buildings and structures and is situated within the City Centre Conservation Area. Elaine Herbert House is not listed but directly to the north (and attached to Elaine Herbert House) are the East Wards, which are grade II listed; and to the north west, but separate from Elaine Herbert House, are the White Cottages that are also grade II listed. Both properties are single storey buff brick buildings built in the early 19<sup>th</sup> century as residential/wards with the white cottages currently being in use as offices and the east ward being a restaurant/community space. Directly to the west of Elaine Herbert House is the grade I former chancel of St Helen's which is now the Eagle Ward.
7. Elaine Herbert House is elevated around 0.5m above the level of Bishopgate. The site of the building is relatively flat although the wider Great Hospital site rises up

away in a north-westerly direction away from the highway. The site is situated in flood zone 2 for fluvial flooding. There are a number of trees on the site.

## Relevant planning history

8. The wider Great Hospital Site has an extensive planning history. There is however no relevant recent planning history relating to Elaine Herbert House.
9. There are three other applications which have recently been granted consent on the site. Full planning permission and listed building consent was permitted for the conversion of the White Cottages from office space to residential (six flats) with a number of external and internal alterations and Listed Building Consent was granted for internal and external alterations to East Wing to allow for disused plant space to be brought into communal use in association with the existing residential use of that building.

Ref	Proposal	Decision	Date
19/00376/L	Internal and external remodelling to turn unused plant room into community space.	Approved	22.05.19
19/00374/F	Change of use to sheltered housing and associated external alterations.	Approved	28.05.19
19/00375/L	Change of use to sheltered housing and associated internal and external alterations.	Approved	28.05.19

## The proposal

10. The application seeks full planning permission for the demolition of the existing 1960s purpose built nursing home and for the construction of a new building to provide accommodation for the elderly and to rehouse the existing administration offices within part of the ground floor of the new building. This latter part of the proposal will allow the White Cottages to revert back to housing as approved under applications 19/00374/F and 19/00375/L.
11. The new accommodation will comprise of 19 one bedroom apartments which could be used by a single occupier or a couple. Each apartment has a double bedroom, open plan kitchen, diner and lounge and bathroom. The application also seeks 260m<sup>2</sup> of offices, reception and associated space, a service area of 27m<sup>2</sup> and circulation space. This totals around 1625m<sup>2</sup> of floor space.
12. The proposed building will be largely three storeys, stepping down to two storeys at the north-east and north-west corners. The proposed building is U-shaped which will allow for the creation of a new landscaped courtyard in the centre. There will be two main entrances, one for the residential accommodation and one for the offices. The four residential units at ground floor level have their own door off the central courtyard.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	19 units of sheltered accommodation for the elderly
Total floorspace	1625m <sup>2</sup> (including 260m <sup>2</sup> office space).
No. of storeys	2-3 storeys
Max. dimensions	38m (frontage to Bishopgate) x 28m (east and west elevations) x 12m (ridge height)
<b>Appearance</b>	
Materials	Buff brickwork, flint, slate roof, timber and aluminium doors and window, zinc chimneys, stone entrance, stack bonded brickwork to stairwell, stone to window surrounds, aluminium rainwater goods, metal/glazed Juliet balconies, glazed lantern.
Construction	The development will exceed the latest air tightness and insulation requirements of current building regulations.
Energy and resource efficiency measures	Ground source heat pump system
<b>Operation</b>	
Ancillary plant and equipment	Plant room to be situated at ground floor level and within zinc chimneys
<b>Transport matters</b>	
Vehicular access	There will be no new vehicular access
No of car parking spaces	No additional car parking spaces are to be provided on the Great Hospital Site
No of cycle parking spaces	10 spaces within covered store near to the car park to the north of the Great Hospital Site
Servicing arrangements	Bin storage area to the north of Elaine Herbert House to accommodate shared 360 litre bins (9 refuse and 5 recycling)

## Representations

- 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. Redacted representations are available

to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The proposal will result in loss of light and I will be left to look at a brick wall rather than a fantastic view of our city.	See main issue 6
There are traffic problems on Bishopgate caused by Norwich School with parents dropping children off and school buses. Demolition and construction traffic will exacerbate the problem. The construction will lead to more pollution, traffic, dust and noise.	See main issue 5

## Consultation responses

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

### NCC - Design and conservation

15. The overall scheme is an improvement on the existing building and enhances other heritage assets within the site. I have reservations regarding the proposed entrance and consider there are other options that could be an improvement to that which is proposed. However, although this entrance is an important element of the building and how it reflects upon the courtyard and adjacent listed buildings, I do not consider its impact so great that it should be a reason for refusal when the overall scheme is an improvement on the existing and further enhances other heritage assets within the site. Conditions recommended.

### Historic England

16. At pre-application stage we accepted the demolition and construction of a new building in principle. We stated that the form and scale of the new building facing Bishopsgate is acceptable but raised a number of matters of detail which have largely been addressed although a number of issues remain outstanding. We have long had concerns how the new building will relate to the east end of St Helen's Church and the wards to the north and some positive changes have been made. We do however still consider that the residents' porch and entrance is an overly complex element as it embraces the base of the stair tower and does not respond to the change in the building behind it. If the materials are of good quality they could be acceptable however there is concern regarding the zinc ventilation stacks which could detract from the simplicity of the roof line.
17. Whilst we accept the principle of the proposed development and would not wish to object to the application, some areas of detail could be addressed in order to minimise any harm to the listed buildings and conservation area.

## **Anglian Water**

18. There is available capacity for foul drainage and the sewerage system has capacity. The preferred method of surface water disposal would be SuDs with connection to the sewer as the last option. The surface water strategy/flood risk assessment is unacceptable as no final discharge rate or connection point has been provided. We would therefore recommend that the applicants consult with Anglian Water and request a condition requiring a drainage strategy.

## **Environment Agency**

19. No comment – refer to standing advice.

## **Highways (local)**

20. No objection on highway grounds. The proposed development would not be of concern in terms of traffic or parking and the provision of new cycle parking is particularly welcome. A new street bench at the bus stop would be of great benefit to residents and consideration should be given to funding and installing one. The streetscape could also be improved. In terms of refuse access, the ramp should be remained and it should be checked to see if it is fit for purpose.

## **City wide services**

21. The entrance gate is not wide enough for 1,100 litre bins. The ideal arrangement will be for a caretaker to pull the bins out to the road side but it may be better to have a number of shared 360 litre bins (9 refuse and 5 recycling) rather than the 1,100 litre bins. Individual bins should not be provided.

## **Landscape**

22. The intention of this scheme is to provide a simple, elegant green space in a contrast to the rich planting provided elsewhere on the site. Given the simple nature of the green space, the only varying interest will be berries, flowers and autumn colour of the Sorbus. We suggest that the space may benefit from some bulb planting or up-lighting to the trees to provide additional interest. The success of the scheme will rely on the detailing and quality of materials.

## **Norfolk historic environment service**

23. Previous archaeological investigations within the wider hospital site have identified evidence of late Anglo-Saxon and early medieval activity predating the establishment of the hospital itself. There is high potential for heritage assets with archaeological interest which could be adversely affected by the associated demolition and construction works. The construction of Elaine Herbert House and previous nineteenth century buildings will have had an adverse impact on the archaeological remains at the site. Due to the presence of buildings at the site it is not practical to undertake any archaeological evaluation prior to the determination of the planning application and the demolition of Elaine Herbert House. If planning permission is granted this should be subject to conditions for a programme of archaeological mitigatory work.

## Norwich Society

24. We strongly support the proposal, both for the brief's objectives and for the quality of the design response, which has been superbly and sensitively drawn up. We also note the excellent landscaping scheme.

### Tree protection officer

25. The loss of trees T6 and T7 is extremely regrettable as they provide a significant contribution to the immediate area. However, the number of trees to be planted to mitigate this loss is acceptable. I have minor concerns over other aspects of the replacement planting particularly along the Bishopgate frontage. The south elevation drawing shows the new trees with clear stems. This won't be the case with *Fagus sylvatica* 'Dawyck Gold'. Positioning of these trees will be critical if issues surrounding blocked windows/lack of light are to be avoided. There must be adequate clearance between the new trees and the new building to allow the trees to reach maturity. Details of planting (including planting pits, exact locations and size of new trees) would be useful. As long as the recommendations contained within the Arboricultural Implications Assessment (AIA) are fully implemented, no objection. Conditions recommended.

## Assessment of planning considerations

### Relevant development plan policies

26. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS11 Norwich city centre
  - JCS20 Implementation
27. **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
  - DM13 Communal development and multiple occupation
  - 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**

### **28. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF4 Decision-making
- 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

### **29. Supplementary Planning Documents (SPD)**

- Trees, development and landscape SPD adopted June 2016

## **Case Assessment**

30. 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**

31. Key policies and NPPF paragraphs – DM12, DM13, JCS4, NPPF5.
32. The provision of 19 residential units will help to meet the housing need within Norwich as identified within policy 4 of the adopted Joint Core Strategy and will help contribute towards Norwich's five year land supply. The site will provide 19 no. one bedroom flats which can either be occupied by a single resident or a couple in a sustainable location within the city centre. Policy 4 of the Joint Core Strategy and policies DM12 and DM13 of the Local Plan set out the criteria against which residential development will be assessed. These issues along with other material considerations are discussed within the report.
33. The proposal will result in the loss of a care home which contains 20 flats and a hospital ward for the most infirm of the residents. It has been unused since 2013 as it is no longer suitable for the type of housing and care offered by the Great Hospital. Its replacement with more fit for purpose accommodation is therefore supported.
34. The proposal also includes the provision of office accommodation but this is office accommodation associated with the Great hospital and will replace existing office accommodation currently housed within the White Cottages.

### **Main issue 2: Design**

35. Key policies and NPPF paragraphs – JCS2, DM3, NPPF12.
36. Elaine Herbert House was constructed to the designs of Anthony Rossi (prominent local architect) in the 1960s as a purpose built care home. The building is constructed in buff brick with small windows deeply set within rectangular reveals with curved edges. The building is of its time and benefits from some associative and historic heritage value as a consequence of the architect and as evidence of the development of the wider hospital site over time.
37. The building is modest and recessive and is not identified within the conservation area appraisal as either negative or positive and therefore it is considered that it makes a neutral contribution to the character and appearance of the conservation area and has a neutral impact upon the setting of listed buildings.
38. The demolition of the existing building is considered acceptable subject to its replacement with an appropriate high quality building and a demolition strategy has been included with the application to indicate how the building can be removed without harming the East Ward (grade II listed) which is currently attached to Elaine Herbert House.
39. Extensive pre-application discussions took place regarding the development. As a result the scale of proposed development has been reduced and the design has been amended in a way that has resulted in a significant improvement in the overall scheme.
40. The proposed C shaped arrangement of the building around a new courtyard provides an effective termination to the southern end of the existing courtyard flanked by the White Cottages and East Ward. The creation of a further courtyard form is characterful and contextual and will provide the opportunity for attractive amenity space for the new residents.
41. The south elevation is contextual with the gable ends fronting Bishopgate being reminiscent of the 19<sup>th</sup> Century terraced housing immediately to the south. The windows have been enlarged to provide greater vertical emphasis and the proposed decorative brick work adds visual interest to the elevation. There were some concerns with regards to the proposed oriel window and this has been changed to a recessed corner window which has a much simplified form and fits in better with the overall design concept and is unlikely to date as quickly.
42. At the pre application stage there was some concern that the projecting gable on Bishopgate that steps forwards in line with the front boundary wall is too assertive and will compete with the 2 storey entrance porch to St Helens; it was recommended that this gable should be set further back. In the submitted scheme the gable is still in line with the boundary but a flint feature at ground floor level means that it is tied in with the existing gates. Consequently, rather than competing it is now considered that the proposal emphasises the gateway and that the positioning is appropriate. Furthermore, the positioning of this gable also reflects the positioning of the historic Red Ward building which was built around 1820 and occupied the site before its demolition in the 1960s to make way for the existing Elaine Herbert House.
43. The reduction in scale of the north western wing from 3 to 2 storeys has alleviated pre-application concerns in respect of the proposed building overwhelming and

overshadowing Eagle Ward and it is considered that the height is appropriate in relation to the surrounding buildings. At pre application stage there was concern that the entrance was not appropriately modelled. The reduction in height of the tower has helped somewhat but Historic England still have concern that the residents porch and entrance is an overly complex element that HE feel does not respond to the change in the building behind it. Some of these concerns are shared by the Council's Conservation and Design team but it is not considered that they out-weight the considerable town-scape and built heritage benefits that the wider scheme delivers. Having reviewed a number of alternative options, it is considered that, on balance, the proposed entrance is acceptable and will not detract significantly from the setting of the nearby St Helen's Church.

44. The success of the proposal will largely be in the selection of high quality contextual materials. The materials proposed in the supporting documentation are largely contextual and the selection of an appropriate brick for example can be dealt with by condition. The proposed zinc chimneys are an interesting addition and although Historic England do have reservations regarding these chimneys; they have been used successfully elsewhere within the hospital site and they will house external services and plant so as well as being functional will add character in a location where prominent chimney breasts feature strongly.
45. Overall therefore it is considered that the proposal will enhance the streetscene as the proposed building is an improvement on the existing. The proposed development has been carefully and appropriately modelled and the visuals submitted with the application show that a successful piece of architecture will be created which fits in with its surroundings. Any planning permission however would need to be subject to conditions requiring a palette of material samples in order to ensure that the proposal is of high quality.

### **Main issue 3: Heritage**

46. Key policies and NPPF paragraphs – DM9, NPPF16
47. Elaine Herbert House is not listed but is located in a Conservation Area. Overall it has a low heritage value although there is high evidential potential in relation to buried archaeology below or close to the building and therefore any consent would need to be subject to archaeological investigations. The building has a strong design coherence but, in relation to the Great Hospital and the rest of Bishopsgate, its aesthetic value is very low. It is currently disused and its communal value is neutral.
48. The White Cottages and East Wards which are grade II listed buildings in close proximity to the site have a high group value as they were designed as two sides of the courtyard within a few years of each other. The Red Ward (which was demolished to make way for Elaine Herbert House) formed the southern side of the courtyard. Elaine Herbert House however is awkwardly situated in relation to the rest of the courtyard and does not contribute to this group value. The removal of Elaine Herbert House will therefore have a negligible impact on the setting of White Cottages, East Ward and the conservation area provided that a new building is constructed as there have long been buildings in this corner of the site. Furthermore the careful removal of Elaine Herbert House will reveal the original south elevation of the East Wards. Therefore in heritage terms the demolition of Elaine Herbert House is considered acceptable however to retain the association with Elaine

Herbert, the plaque that is attached to the west wall could be retained and installed in or on the new building.

49. With regards to the construction of a new building it is considered that the massing of the building has been carefully considered so that the taller, three storey range, is along the street frontage and that the north ranges step down to two storeys to reflect the height of the lost Red Ward and to relate to the listed ranges of White Cottages and East Wards. The new building has been arranged around a courtyard which also helps ensure that the massing is appropriate to the historic context. The roof ridge height of the new building will be significantly lower than that of the Eagle Ward so the church will remain the dominant building. At the north end of the new building, the overall height of the two storey range including the new chimneys is the same as the height of the chimneys of the White Cottages and East Wards.
50. Overall it is considered that the design is a blend of historical and contextual references and contemporary design details. The north-west range has been designed to reflect the lost Red Ward and the street frontage incorporates gables that echoes the gabled terrace of the houses opposite. The east side is more contemporary whilst the courtyard elevation echoes the historic cloisters of the Great Hospital site and the chimney although contemporary in nature create a varied roofscape and are important features in the historic buildings on the site. The materials reference the materials found in nearby buildings but there are also some contemporary materials such as aluminium windows. The impact upon the setting of the Grade I listed St Helen's Church is also acceptable. Overall therefore it is considered that the new building will have a negligible impact on the setting of Eagle Ward, the White Cottages, East Ward, St Helen's Church and the conservation area.

#### **Main issue 4: Trees**

51. Key policies and NPPF paragraphs – DM7, NPPF15.
52. Three trees will need to be removed in order to allow the development to take place T2 (Japanese flowering cherry – category C), T6 (ash-leaved maple – category B) and T7 (Japanese flowering cherry – category B) and two trees will need pruning to provide clearance between the outer branches and the new building and to provide sufficient clearance for construction works.
53. Trees T6 and T7 provide a significant contribution to the immediate area and their loss is regrettable. However the number of trees that are proposed to be planted will mitigate this loss and will help soften the development. The positioning and type of the trees will be critical in order to prevent loss of light to the future residents but this can be dealt with by condition along with the wider landscaping for the proposal.
54. The arboricultural report sets out how the retained trees will be protected during demolition and construction and it will be partially important to protect the Japanese flowering cherry (T1) which is situated in the north-west corner of the building. Subject to the recommendations within the report being undertaken, the tree officer has confirmed that he has no objection to the proposal. A number of conditions have been proposed.

## **Main issue 5: Landscaping and biodiversity**

- 55. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
- 56. The Great Hospital is an extremely well landscaped site which is of great benefit to the residents and visitors and significantly enhances the setting of the listed buildings within the site and provides valuable habitat for wildlife in this city centre location. Previous phases of development on the site have always delivered high quality landscaping.
- 57. The intention of this scheme is to provide a simple, elegant green space which will contrast the rich planting provided elsewhere on the site, given residents will have access to all landscaped areas of the site this approach is justified. The success of the scheme however will rely on the detailing and the quality of materials and the selection of plants; therefore a condition is proposed to require a full landscaping scheme.

## **Main issue 5: Transport**

- 58. Key policies and NPPF paragraphs –DM28, DM30, DM31, DM32, NPPF12.
- 59. The site is situated within the city centre and is in an accessible location. There is a bus stop close to the site on Cotman Fields and the applicant has confirmed that they will install a street bench at the bus stop which can be conditioned. No additional car parking is to be provided although there is some car parking on the Great Hospital Site that future residents or their visitors may be able to use. DM32 states that car-free or low car housing is acceptable in sites within controlled parking zones and in and surrounding the city centre and therefore this is acceptable particularly given that this is a replacement building.
- 60. The application provides for 10 no. cycle spaces in the form of Broxap CaMden cycle stands which will be positioned near to the car park to the north of the Great Hospital site. This meets the requirements of the local plan for care facilities. The cycle racks are unlikely to be used by many residents but will provide cycle parking for visitors and staff. Details of the cycle storage will need to be controlled by condition in order to ensure that the cycle storage is covered. Two areas of buggy parking are also proposed on site which will provide a safe and secure place for residents to store their buggies.
- 61. In terms of bin storage it is proposed to have a store towards the north of the site adjacent to the East Ward. This is screened from the road by an outbuilding and is screened from the newly proposed courtyard by a historic wall. The space is sufficient to accommodate 9 x 360 litre refuse bins and 5 x 360 litre recycling bins which is what City wide services are suggesting rather than the larger 1,100 litre bins which would be harder to manoeuvre and drag through the gates to the site. Due to the bin store being greater than 5m from the highway a caretaker will need to pull the bins out to the road site and return the bins to the store. The applicant has confirmed that they are happy with this arrangement although full details will need to be secured by condition.
- 62. The proposal development will inevitably result in additional traffic during construction in an area which can be very busy at certain times of the day due to the proximity to the Norwich School. A construction management plan should form

a condition of any future consent in order to minimise noise, traffic, dust and disruption to local residents. It is also proposed to place an informative on any permission requiring considerate construction.

### **Main issue 6: Amenity**

63. Key policies and NPPF paragraphs – DM2, DM11.

#### **Impact upon neighbouring residents**

64. With regards to the impact upon neighbouring residents the main issue to consider is the impact upon the row of terraces on the south side of Bishopgate and the flats on the east side of Cotman Fields. It is not considered that the proposal will have any impact upon residents of the Great Hospital itself.
65. Firstly with regards to the properties on Bishopgate, the proposal may result in some additional overshadowing and overlooking due to the proposed development being taller and having larger openings (including Juliet balconies) within the south elevation; however due to the distances involved and the orientation any additional overlooking and overshadowing will be minimal and at an acceptable level.
66. With regards to the properties on Cotman Fields, the proposed development will be up to 5m closer to the flats than the existing building and the south east corner of the building will be 3 storeys in height rather than 2 storeys. There will also be more glazing on the elevation facing the flats than the existing building which is characterised by having very small recessed windows. At its closest point however the new building will still be more than 11m from the flats and with the north corner of the proposed development stepping down to 2 storeys, it is not considered that any additional overshadowing, loss of light or overlooking will be significant particularly taking into consideration this city centre location. One of the residents of Cotman Fields has raised concerns that the proposal will mean that they will be looking at a brick wall instead of the fantastic view of Norwich. It is acknowledged that the view from the second floor of the flats will be affected by the proposal due to the increase in height but no one has a right to a particular view in planning terms and the outlook from all flats on Cotman Field will remain good.

#### **Living conditions for future residents**

67. The proposal will provide good living conditions for future residents of the site. The properties all meet national space standards and will benefit from good levels of light. The Great Hospital has extensive landscaped gardens for all residents of the site to enjoy and this proposal will also provide a new landscaped courtyard.

### **Main issue 7: Energy and water**

68. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
69. Within the design and access statement it is set out that the building will be designed to very high standards and will exceed the latest air tightness and insulation requirements of current building regulations. Furthermore it is proposed to meet the renewable energy requirement by having a Ground Source Heat Pump as an alternative to a conventional gas fired condensing boiler. It is anticipated that this would provide around 89% of the on-site energy requirements. The applicants are also exploring the use of solar thermal panels on the flat roof sections so they

would not be visible from the street. Further details of the fabric first measures and Ground Source Heat Pump can be secured by condition.

70. A condition should also be attached to any future planning permission to ensure that a water standard that is equivalent to Level 4 Code for Sustainable Homes will be achieved.

### **Main issue 8: Flood risk**

71. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
72. The site is situated within flood zone 2 with the principle source of flood risk being fluvial from the nearby River Wensum. The site is not impacted by tidal flood risk and the risk from sewer flooding is considered to be low. In terms of surface water flooding the surface water flood maps show that surface water generally flows along the highway to the south of the site (Bishopgate) and collects in the road where Bishopgate meets Cotman Fields. No surface water flooding is modelled to occur on site.
73. With regards to fluvial flooding, the site will experience a degree of flooding during both the design flood event (1% AEP plus climate change) and the more extreme flood event (0.1% AEP) and therefore mitigation measures are required. A sequential test is not required as the building is a replacement building.
74. It is proposed that the finished floor levels will be set at the same height as the existing threshold (2.7m AOD) which will prevent internal flooding during the design flood event (1% AEP + 25% cc allowance); providing 60mm of freeboard. The amount of freeboard reduces to 10mm during the more extreme 35% allowance for climate change. Ideally the floor level would be raised by a further 90mm to increase the freeboard but as the building will be used as sheltered housing, disabled access is essential. Furthermore the site is situated adjacent to a grade I listed building and any increase in floor levels will impact upon the setting of this building. This therefore prevents the raising of floor levels any further.
75. All construction below 3.00m AOD (1% AEP plus 35% climate change allowance plus 300mm freeboard) will require the incorporation of flood resistant/resilient measures. This could potentially reduce the impact of water damage arising from an extreme flood and accounts for possible errors in the current modelling, without compromising the structural integrity of the building. The measures include but are not limited to:
- Adding flood barriers to a maximum height 0.6m
  - Raising the electric supply
  - Orientating plasterboard horizontally
  - Using water and corrosion resistant materials
  - Installing one-way valves within the sewer system.
76. As the new building will be located within a flood risk zone, it should register with the EAs flood warning system and future staff/residents should be provided with a Flood Response Plan to ensure they have sufficient knowledge and awareness of how to respond. This should form a condition of any future consent.

77. These measures will ensure that the risk of flooding is less than existing and the impact of water damage will be reduced. Furthermore the design of the proposal is such whereby there are only four flats at ground floor level as much of the space is occupied by office accommodation. The proposal does therefore offer betterment.
78. With regards to surface water, pre and post development run-off rates are very similar as the footprint of the proposed building/hard landscaping increases by only 5m<sup>2</sup>. The pre-development runoff rate is 124 l/s for a 1 in 1 year flood event, 304.2 l/s for a 1 in 30 year event and 395 l/s for a 1 in 100 year event. Post-development rates are 124.7 l/s for a 1 in 1 year event, 306 l/s for 1 in 30 year event and 397.3 l/s for a 1 in 100 years event.
79. The drainage strategy recommends that surface water discharge to the nearby River Wensum is considered or more likely a connection to the Anglian Water surface water sewer, which will reduce the loading on the foul sewer.
80. Concern was raised with the applicant that the proposal didn't include a drainage strategy and with the flood risk assessment demonstrating that the run off rate will be increased (albeit by a very small amount) the proposal didn't accord with policy DM5 of the Local Plan which sets out that proposed development should not increase the vulnerability of the site or the wider catchment to flooding from surface water run-off. Where a site is being redeveloped such as this there is an opportunity for betterment and mitigation measures can be incorporated to reduce surface water runoff.
81. In locations where groundwater is shallow and there is a risk of groundwater flooding, as is the case on this site, the Norwich Urban Area Surface Water Management Plan states that infiltration-based SuDS are not considered to be appropriate but in this instance it was considered that it would be feasible to install an attenuation feature such as sub surface storage within the newly created courtyard which could then reduce the run off rate when discharging to the nearby River Wensum or Anglian Water's surface water sewer.
82. The applicant subsequently confirmed that they can restrict surface water discharge to the sewer to 5 l/s via the use of a hydrobrake and attenuation in the form of below ground crates (minimum capacity of 30-35 m<sup>3</sup>) in the area of soft landscaping to the rear of the building. This will significantly reduce the risk of surface water flooding on site and to the wider catchment. A detailed drainage strategy and precise details of any drainage measure should form a condition of any future consent.

### **Compliance with other relevant development plan policies**

83. 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.



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

### **Other matters**

84. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:-

- Affordable housing - The Great hospital is a charity which provides accommodation and care to older people in need who are resident in Norwich. It is a not for profit organisation which invests all its funds in caring for their residents and maintaining their historic site. The proposal is also a replacement for existing accommodation on the site. In these circumstances it is not considered appropriate to seek a contribution towards affordable housing.
- CIL – As a charity the Great Hospital will be able to apply for charitable relief in terms of CIL.

### **Equalities and diversity issues**

85. There are no significant equality or diversity issues. There is level access into the site and a lift serves the upper floors.

### **Local finance considerations**

86. 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.
87. 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.

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

## Conclusion

89. The existing Elaine Herbert House has been unused since 2013 as it is no longer suitable for the type of housing and care offered by the Great Hospital and therefore its replacement with more fit for purpose accommodation is supported. The provision of 19 units of sheltered accommodation will contribute towards Norwich's five year housing land supply and the units will provide good living conditions for future residents of the site.
90. The existing building is of low heritage value and makes a neutral contribute to the conservation area and to the setting of adjacent and nearby listed buildings. Therefore from a heritage point of view its demolition is considered acceptable. The design of the new building is such that it is a blend of historical and contextual references with contemporary design details and is an improvement on the existing. It is considered that the proposed development has been carefully and appropriately modelled so that it will enhance the streetscene and fit in with its surroundings.
91. The loss of 3 trees to facilitate the development is regrettable; however the replacement planting and landscaping will mitigate this loss and help soften the development and provide an additional courtyard for residents to enjoy. The provision of no additional car parking is considered acceptable in this sustainable location and the provision of a covered cycle store is welcomed. The site is within a floodrisk area but the mitigation measures will ensure that the risk and impact of flooding is minimised and the provision of attenuation in the form of below ground crates will significantly reduce the risk of surface water flooding on site and to the wider catchment.
92. The provision of a ground source heat pump will exceed the requirements of the Joint Core Strategy for renewable energy and the proposed development will have minimal impact upon neighbouring residents taking into consideration loss of light, overshadowing and overlooking.
93. The development is therefore in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## Recommendation

To approve application no. 19/00373/F - Elaine Herbert House, The Great Hospital Bishopgate, Norwich, NR1 4EJ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details to be agreed: bricks, brick bond and mortar, stonework to entrance, flintwork, decorative brick finishes, roof coverings, glazed lantern and chimneys, rainwater goods, balconies, external doors and windows (including surrounds), new masonry details, oak cladding, columns to the colonnade

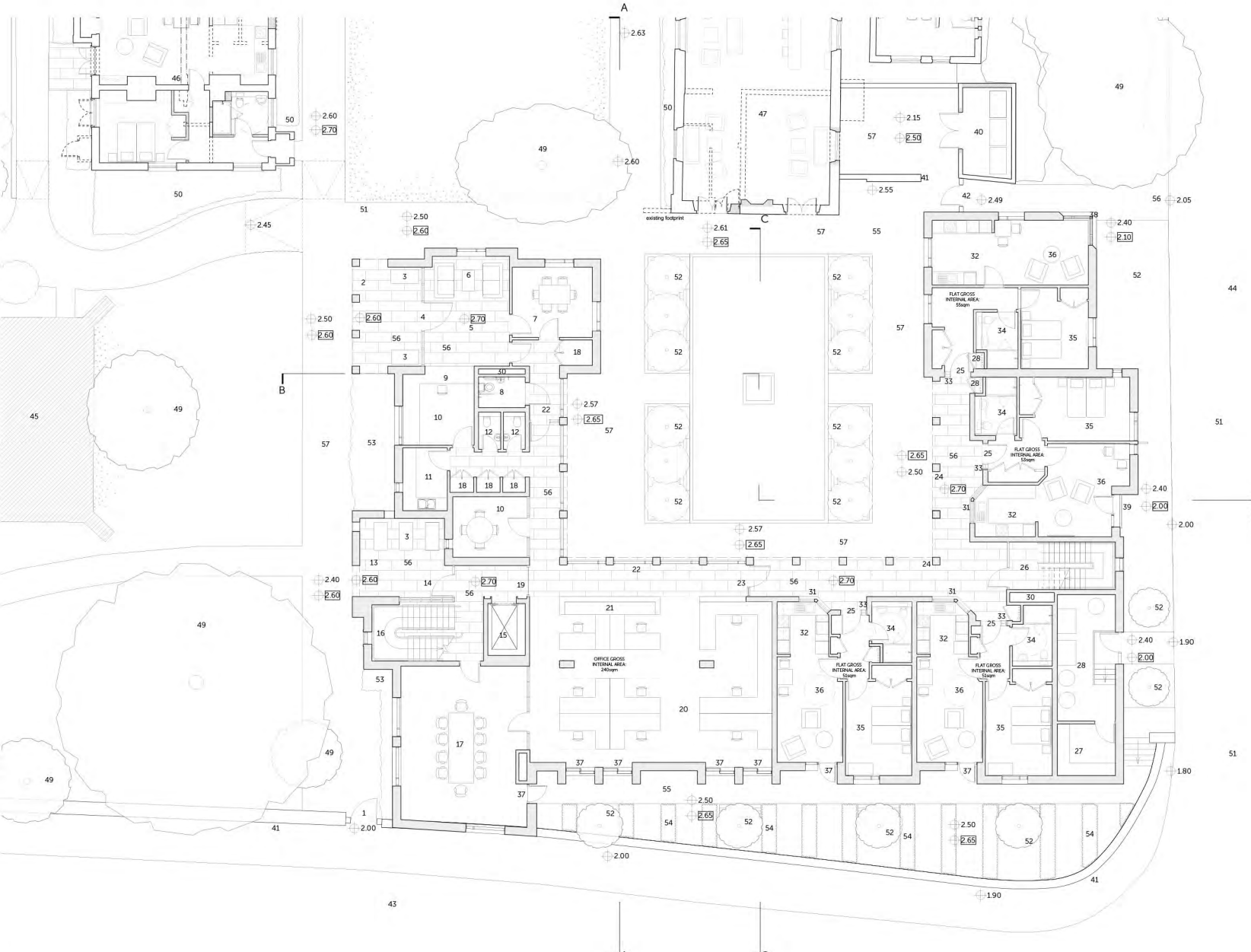
4. No works until Archaeological written scheme of investigation
5. Unidentified archaeological features
6. No works until Drainage strategy to be agreed
7. Minimum Finished floor level 2.7m AOD
8. Flood proofing
9. Flood warning and evacuation plan
10. Scheme for generating a minimum of 10% of the predicted energy requirement from decentralised renewable and/or low carbon sources has been agreed.
11. The development shall be designed to meet 110 litres/person/day water efficiency.
12. Details of covered cycle parking, bin store and collection arrangements
13. Landscaping scheme has been approved (including external lighting, replacement planting and ecological enhancements).
14. Bird nesting season
15. Structural engineers statement for the demolition of Elaine Herbert House
16. Scheme to deal with the protection of the existing historic flint wall and gateway into the site from Bishopgate and the historic wall to the south of the bin store
17. Details of plant and machinery
18. Construction method statement
19. Provision of street bench for bus stop on Cotman Fields
20. Reuse of plaque
21. In accordance with AIA, AMS and TPP
22. Provision of site monitoring for trees
23. Arboricultural supervision

**Informatives:**

1. Any damage to the highway and footways to be made good
2. Development not entitled to on street permits
3. Anglian Water assets
4. Construction working hours
5. Refuse bins and collection arrangement to be arranged prior to first occupation
6. Tree protection barriers
7. Archaeological brief
8. Street naming and numbering

**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 (2018) 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.



# KEY

1. PEDESTRIAN ENTRANCE
2. COVERED PORCH TO OFFICE
3. BUGGY PARKING
4. OFFICE ENTRANCE
5. RECEPTION
6. SEATING
7. MEETING ROOM
8. DISABLED WC
9. RECEPTION
10. OFFICE
11. KITCHEN
12. STAFF WCs
13. RESIDENTS COVERED PORCH
14. RESIDENTS ENTRANCE
15. RESIDENTS LIFT
16. MAIN STAIRCASE
17. MEETING ROOM
18. STORE
19. ETCHED GLAZED SCREEN
20. OPEN PLAN OFFICE
21. FILING STORAGE
22. GLAZED CIRCULATION
23. FIRE EXIT
24. OPEN COLONNADE
25. FLAT ENTRANCE
26. ESCAPE STAIRCASE
27. METERS
28. PLANT ROOM
29. STORE
30. SERVICE RISER

# FLATS:

31. KITCHEN WINDOW
32. KITCHEN
33. VIEWING SLOT WINDOW
34. SHOWER ROOM
35. BEDROOM
36. LIVING ROOM
37. DOOR ONTO GARDEN TO THE FRONT
38. CORNER WINDOW
39. BALCONY

# ANCILLARY:

40. REFUSE AREA
41. HISTORIC WALL
42. NEW GATE

# WIDER CONTEXT:

43. BISHOPSGATE
44. COTMAN FIELDS
45. ST HELEN'S CHURCH
46. WHITE COTTAGES
47. EAST WARD
48. COTMAN FIELDS FLATS
49. EXISTING TREES
50. EXISTING PLANTING
51. TREES REMOVED
52. PROPOSED TREES
53. PROPOSED PLANTING
54. PROPOSED HEDGES
55. OUTLINE OF EXISTING ELAINE HERBERT HOUSE
56. PAVED STONE FLOORING
57. RESIN BOUNDED GRAVEL

# FLOOR LEVELS:

- 2.50 - EXISTING FLOOR LEVEL
- 2.65 - PROPOSED FLOOR LEVEL



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REV	DATE	NOTES
PR01	06/11/18	ISSUED FOR PERMITTING
PR02	18/02/19	ISSUED FOR PERMITTING
PR03	06/03/19	ISSUED FOR PERMITTING
PR04	24/05/19	REVISED DRAWINGS ISSUED FOR PLANNING

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DRAWN	PROJECT	TITLE
PB	THE GREAT HOSPITAL BLAINE HERBERT HOUSE	PROPOSED GROUND FLOOR PLAN
CHECKED	SCALE	NO
TPR	@A1 1:100 @A2 1:200 DATE MAY 2019	1208-150 REV P02

cowper griffith architects

COWPER GRIFFITH ARCHITECTS LLP  
15 HIGH STREET WHITLESFORD CAMBRIDGE CB22 4LT  
www.cowpergriffith.co.uk





- KEY
- |                             |                                 |                                |
|-----------------------------|---------------------------------|--------------------------------|
| 1. RESIDENTS MAIN STAIRCASE | 8. KITCHEN WINDOW               | 19. WIDER CONTEXT: BISHOPSGATE |
| 2. RESIDENTS LIFT           | 9. KITCHEN                      | 20. COTMAN FIELDS              |
| 3. CORRIDOR                 | 10. GLAZED VIEWING SLOT         | 21. ST HELEN'S CHURCH          |
| 4. ESCAPE STAIRCASE         | 11. SHOWER ROOM                 | 22. WHITE COTTAGES             |
| 5. SERVICE RISER            | 12. BEDROOM                     | 23. EAST WARD                  |
| 6. FLAT ENTRANCE            | 13. LIVING ROOM                 | 24. COTMAN'S FIELDS FLATS      |
| 7. ROOFLIGHT                | 14. WINDOW                      |                                |
|                             | 15. BALCONY                     |                                |
|                             | 16. PROJECTING STAIRWELL WINDOW |                                |
|                             | 17. PROJECTING WINDOW           |                                |
|                             | 18. PROJECTING BAY WINDOW       |                                |

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REV	DATE	NOTES
PRO1	08/11/18	ISSUED FOR PERMITTING
PRO2	18/03/19	ISSUED FOR PERMITTING
PO1	08/03/19	ISSUED FOR PLANNING
PO2	24/05/19	REVISED DRAWINGS ISSUED FOR PLANNING

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DRAWN	PROJECT	TITLE	PROPOSED FIRST FLOOR PLAN
PB	THE GREAT HOSPITAL BLAINE HERBERT HOUSE		
CHECKED	SCALE	DATE	NO
TPR	@ A1 1:100 / @ A3 1:200	MAY 2019	1208-151
			REV PO2
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#### KEY

1. MAIN STAIRCASE
2. LIFT
3. CORRIDOR
4. ESCAPE STAIRCASE
5. SERVICE RISER
6. FLAT ENTRANCE
7. ROOFLIGHT
8. FLAT ROOF

- FLAT:
9. KITCHEN WINDOW
  10. KITCHEN
  11. GLAZED VIEWING SLOT
  12. SHOWER ROOM
  13. BEDROOM
  14. LIVING ROOM
  15. WINDOW
  16. BALCONY
  17. PROJECTING STAIRWELL WINDOW
  18. CORNER WINDOW
  19. PROJECTING BAY WINDOW
  20. VOID
  21. GLAZED LANTERN OVER
  22. PROJECTING WINDOW
  23. WINDOW SEAT

- WIDER CONTEXT:
24. BISHOPSGATE
  25. COTMAN FIELDS
  26. ST HELEN'S CHURCH
  27. WHITE COTTAGES
  28. EAST WARD
  29. COTMANS FIELDS FLATS

DO NOT SCALE FROM THIS DRAWING AND CHECK ALL DIMENSIONS ON SITE  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT INFORMATION FROM OTHER CONSULTANTS

REV	DATE	NOTES
PROJ	08/11/18	ISSUED FOR PRESENTATION
PROJ	08/03/19	ISSUED FOR PRESENTATION
P01	08/03/19	ISSUED FOR PLANNING
P02	24/05/19	REVISED DRAWINGS ISSUED FOR PLANNING

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DRAWN	PROJECT	TITLE
PB	THE GREAT HOSPITAL ELAINE HERBERT HOUSE	PROPOSED SECOND FLOOR PLAN
CHECKED	SCALE	DATE
TPR	@ A1 1:100 / @ A2 1:200	MAY 2019
NO	REV	P02
1208-152		

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15 HIGH STREET WHITTFIELD CAMBRIDGE CB22 4LT  
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PROPOSED SOUTH ELEVATION FROM BISHOPGATE

PROPOSED ELAINE HERBERT HOUSE

KEY

- | CONTEXT:                       | PROPOSED:                                      |
|--------------------------------|--|
| 1. EXISTING FLINT / BRICK WALL | 11. BUFF BRICKWORK                             |
| 2. EXISTING TILE COPING        | 12. STACK BONDED BRICKWORK                     |
| 3. EXISTING PEDESTRIAN GATE    | 13. CORBELLED BRICKWORK                        |
| 4. EXISTING BRICK PILLAR       | 14. BRICKWORK COPING                           |
| 5. EAST WARD                   | 15. TIMBER/PPC ALUMINIUM PROJECTING BAY WINDOW |
| 6. WHITE COTTAGES              | 16. TIMBER/PPC ALUMINIUM CORNER WINDOW         |
| 7. ST HELEN'S CHURCH           | 17. TIMBER/PPC ALUMINIUM WINDOWS               |
| 8. COTMAN FIELDS HOUSING       | 18. VERTICAL BOARDING                          |
| 9. 20-48 BISHOPGATE            | 19. SLATE ROOF                                 |
| 10. EXISTING OUTBUILDING       | 20. ZINC CHIMNEY                               |
|                                | 21. PPC ALUMINIUM GUTTER/DOWNPipes             |
|                                | 22. STONE ENTRANCE                             |
|                                | 23. METAL/GLAZED BALCONY                       |
|                                | 24. STONE SURROUND                             |
|                                | 25. TIMBER ENTRANCE SCREEN                     |
|                                | 26. STONE COPING                               |
|                                | 27. GLAZED LANTERN                             |
|                                | 28. FLINT                                      |
|                                | 29. BRICK PLINTH                               |
|                                | 30. TIMBER/PPC ALUMINIUM SLIDING DOORS         |
|                                | 31. PROJECTING BRICK STRING COURSE             |
|                                | 32. STONE STRING COURSE                        |
|                                | 33. PROJECTING BRICK HEADER PATTERN            |

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REV	DATE	NOTES
PRO1	08/11/18	ISSUED FOR COMMENT
PRO2	18/02/19	ISSUED FOR COMMENT
P01	08/03/19	ISSUED FOR PLANNING
P02	24/05/19	REVISED DRAWING ISSUED FOR PLANNING
P03	29/05/19	REVISED DRAWING ISSUED FOR PLANNING

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DRAWN	PROJECT	TITLE
TPR	THE GREAT HOSPITAL ELAINE HERBERT HOUSE	SOUTH ELEVATION FACING BISHOPGATE
CHECKED	SCALE	NO
TPR	@ A1 1:100 / @ A1 1:200	1208-153
DATE	REV	P03
MAY 2019		

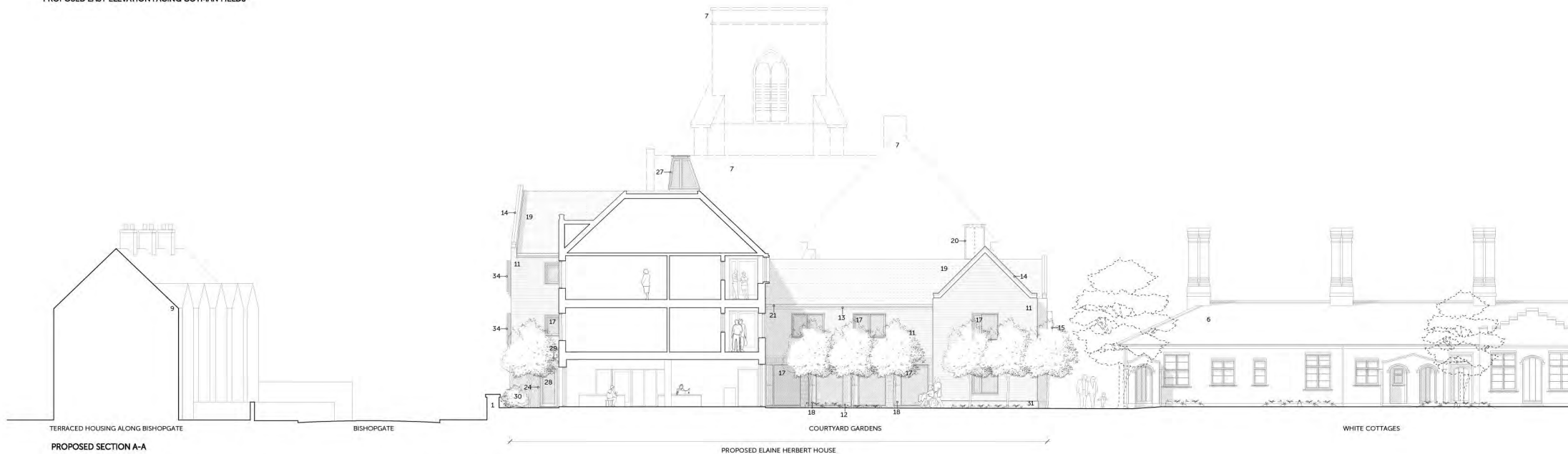
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COWPER GRIFFITH ARCHITECTS LLP  
15 HIGH STREET WHITTLESFORD CAMBRIDGE CB22 4LT





PROPOSED EAST ELEVATION FACING COTMAN FIELDS



PROPOSED SECTION A-A

KEY

- |                                |  |                                     |
|--------------------------------|--|-------------------------------------|
| CONTEXT:                       | PROPOSED:                                      |                                     |
| 1. EXISTING FLINT / BRICK WALL | 11. BUFF BRICKWORK                             | 23. METAL/GLAZED JULIET BALCONY     |
| 2. EXISTING TILE COPING        | 12. STACKED BONDED BRICKWORK                   | 24. STONE SURROUND                  |
| 3. EXISTING PEDESTRIAN GATE    | 13. CORBELLED BRICKWORK                        | 25. TIMBER ENTRANCE SCREEN          |
| 4. EXISTING BRICK PILLAR       | 14. BRICKWORK COPING                           | 26. STONE COPING                    |
| 5. EAST WARD                   | 15. TIMBER/PPC ALUMINIUM PROJECTING BAY WINDOW | 27. GLAZED LANTERN                  |
| 6. WHITE COTTAGES              | 16. TIMBER/PPC ALUMINIUM CORNER WINDOW         | 28. TIMBER/PPC ALUMINIUM DOOR       |
| 7. ST HELEN'S CHURCH           | 17. TIMBER/PPC ALUMINIUM WINDOWS               | 29. STONE STRING COURSE             |
| 8. COTMAN FIELDS HOUSING       | 18. VERTICAL BOARDING                          | 30. FLINT                           |
| 9. 20-48 BISHOPGATE            | 19. SLATE ROOF                                 | 31. BRICK PLINTH                    |
| 10. EXISTING OUTBUILDING       | 20. ZINC CHIMNEY                               | 32. PROJECTING BRICK STRING COURSE  |
|                                | 21. PPC ALUMINIUM GUTTER/DOWNPipes             | 33. PROJECTING BRICK HEADER PATTERN |
|                                | 22. STONE ENTRANCE                             | 34. PROJECTING TIMBER FIN           |

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REV	DATE	NOTES
PR01	08/10/18	ISSUED FOR PERMITTING
PR02	18/02/19	ISSUED FOR PERMITTING
P01	08/03/19	ISSUED FOR PLANNING
P02	24/05/19	REVISED DRAWINGS ISSUED FOR PLANNING
P03	29/05/19	REVISED DRAWINGS ISSUED FOR PLANNING

DATE	NOTES
08/10/18	ISSUED FOR PERMITTING
18/02/19	ISSUED FOR PERMITTING
08/03/19	ISSUED FOR PLANNING
24/05/19	REVISED DRAWINGS ISSUED FOR PLANNING
29/05/19	REVISED DRAWINGS ISSUED FOR PLANNING

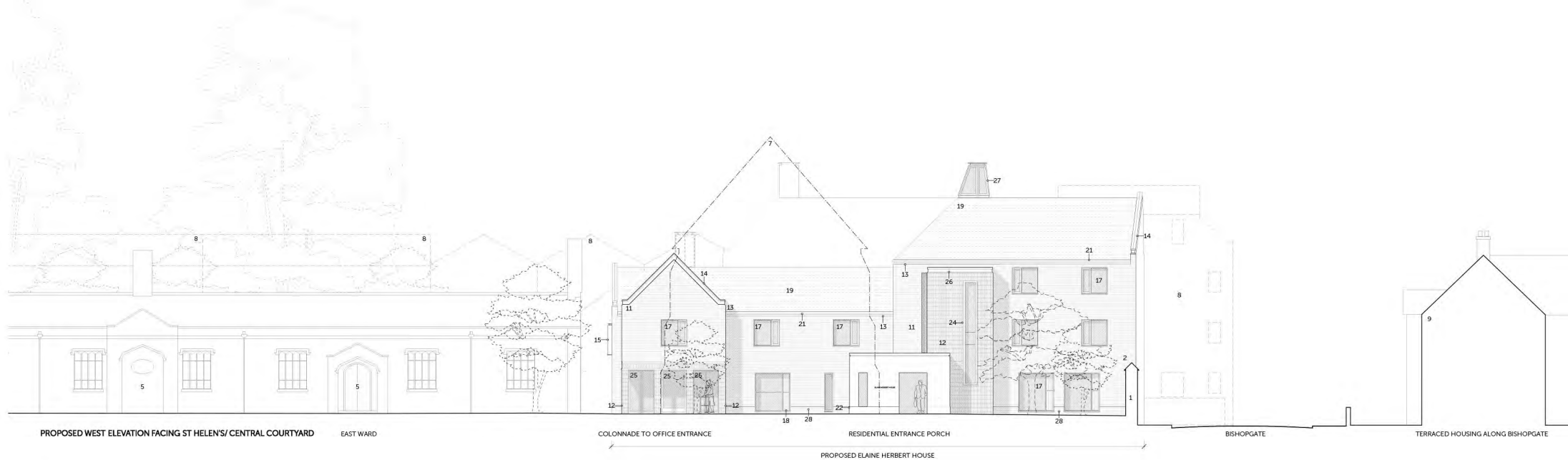
Page 52 of 146

DRAWN	PROJECT	TITLE
PB	THE GREAT HOSPITAL ELAINE HERBERT HOUSE	EAST ELEVATION FACING COTMAN FIELDS & SECTION A-A
CHECKED	SCALE	DATE
TPR	@ A1 1:100 @ A3 1:200	MAY 2019
REV	NO	REV
P03	1208-154	P03

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15 HIGH STREET WHITLESPOD CAMBRIDGE CB22 4LT  
www.cowpergriffith.co.uk





KEY

- CONTEXT:
- EXISTING FLINT / BRICK WALL
  - EXISTING TILE COPING
  - EXISTING PEDESTRIAN GATE
  - EXISTING BRICK PILLAR
  - EAST WARD
  - WHITE COTTAGES
  - ST HELEN'S CHURCH
  - COTMAN FIELDS HOUSING
  - 20-48 BISHOPGATE
  - EXISTING OUTBUILDING
- PROPOSED:
- BUFF BRICKWORK
  - STACKED BONDED BRICKWORK
  - CORBELLED BRICKWORK
  - BRICKWORK COPING
  - TIMBER/PPC ALUMINIUM PROJECTING BAY WINDOW
  - TIMBER/PPC ALUMINIUM PROJECTING CORNER WINDOW
  - TIMBER/PPC ALUMINIUM WINDOWS
  - VERTICAL BOARDING
  - SLATE ROOF
  - ZINC CHIMNEY
- PPC ALUMINIUM GUTTER/DOWNPipes
  - STONE ENTRANCE
  - METAL/GLAZED JULIET BALCONY
  - STONE SURROUND
  - TIMBER ENTRANCE SCREEN
  - TIMBER COPING
  - GLAZED LANTERN
  - BRICK PLINTH

DO NOT SCALE FROM THIS DRAWING AND CHECK ALL DIMENSIONS ON SITE  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT INFORMATION FROM OTHER CONSULTANTS

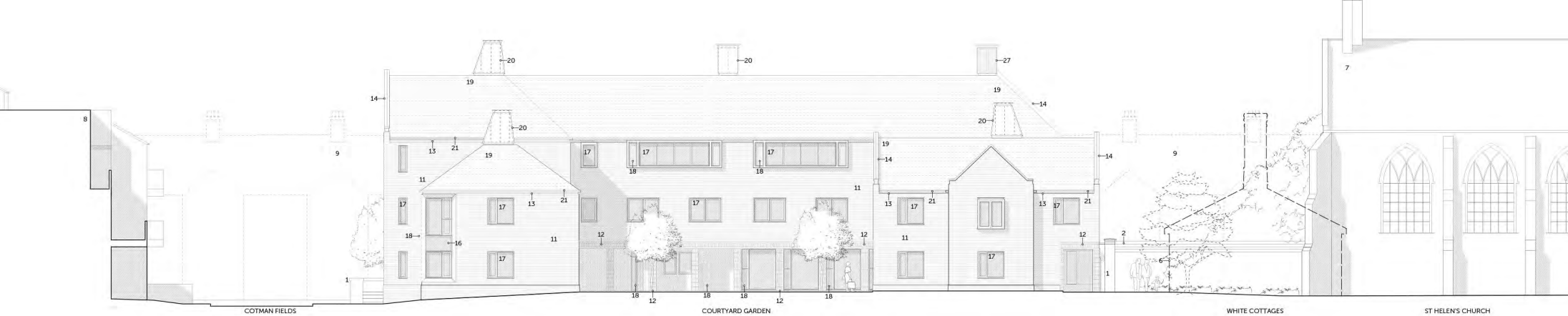
REV	DATE	NOTES
P01	08/11/18	ISSUED FOR CONSENT
P02	18/02/19	ISSUED FOR CONSENT
P01	08/03/19	ISSUED FOR PLANNING

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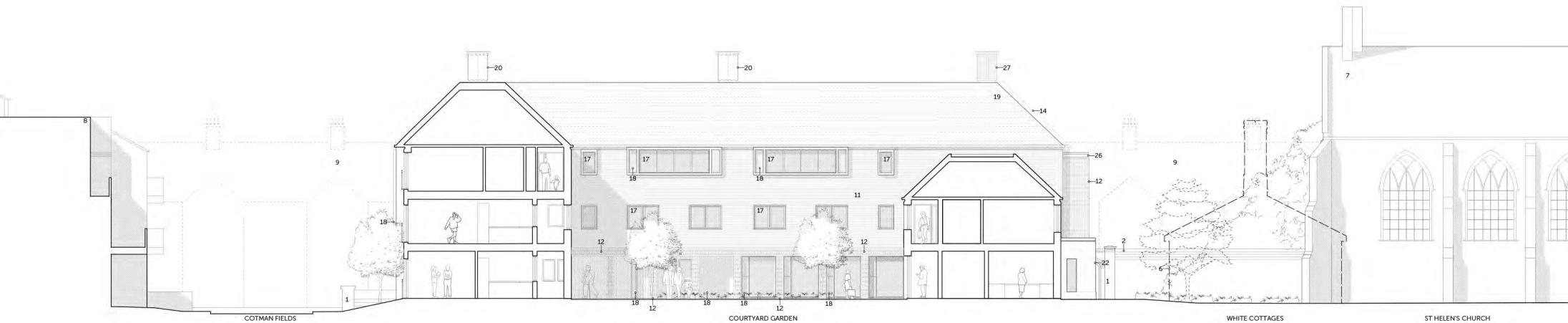
DRAWN	PROJECT	TITLE
PB	THE GREAT HOSPITAL ELAINE HERBERT HOUSE	WEST ELEVATION FACING ST HELEN'S/CENTRAL COURTYARD & SECTION C-C
CHECKED	SCALE	DATE
TPR	@ A1 1:100 / @ A2 1:200	MARCH 2019
NO	REV	P01
1208-155		

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15 HIGH STREET WHITTLESPOND CAMBRIDGE CB22 4LT  
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PROPOSED NORTH ELEVATION FACING EAST WARD



PROPOSED SECTION B-B

#### KEY

- |                                |   |                                    |
|--------------------------------|---|------------------------------------|
| CONTEXT:                       | PROPOSED:   |                                    |
| 1. EXISTING FLINT / BRICK WALL | 11. BUFF BRICKWORK                                | 21. PPC ALUMINIUM GUTTER/DOWNPipes |
| 2. EXISTING TILE COPING        | 12. STACKED BONDED BRICKWORK                      | 22. STONE ENTRANCE                 |
| 3. EXISTING PEDESTRIAN GATE    | 13. CORBELLED BRICKWORK                           | 23. METAL/GLAZED JULIET BALCONY    |
| 4. EXISTING BRICK PILLAR       | 14. BRICKWORK COPING                              | 24. STONE SURROUND                 |
| 5. EAST WARD                   | 15. TIMBER/PPC ALUMINIUM PROJECTING BAY WINDOW    | 25. TIMBER ENTRANCE SCREEN         |
| 6. WHITE COTTAGES              | 16. TIMBER/PPC ALUMINIUM PROJECTING CORNER WINDOW | 26. STONE COPING                   |
| 7. ST HELEN'S CHURCH           | 17. TIMBER/PPC ALUMINIUM WINDOWS                  | 27. GLAZED LANTERN                 |
| 8. COTMAN FIELDS HOUSING       | 18. VERTICAL BOARDING                             |                                    |
| 9. 20-48 BISHOPSGATE           | 19. SLATE ROOF                                    |                                    |
| 10. EXISTING OUTBUILDING       | 20. ZINC CHIMNEY                                  |                                    |

DO NOT SCALE FROM THIS DRAWING AND CHECK ALL DIMENSIONS ON SITE  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT INFORMATION FROM OTHER CONSULTANTS

REV	DATE	NOTES
PROJ	08/11/18	ISSUED FOR COMMENT
PRJL	18/02/19	ISSUED FOR COMMENT
PRJ	08/03/19	ISSUED FOR PLANNING
PRJ	29/05/19	REVISED DRAWINGS ISSUED FOR PLANNING

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DRAWN	PROJECT	TITLE
	THE GREAT HOSPITAL ELAINE HERBERT HOUSE	NORTH ELEVATION FACING EAST WARD & SECTION B-B
CHECKED	SCALE	NO
TPR	@ A1 1:100 / @ A3 1:200 DATE MAY 2019	1208-156
REV	TH	REV
		P03

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**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 19/00119/F - 7 Crummock Road, Norwich,  
NR5 8LL

**Reason  
for referral** Objection

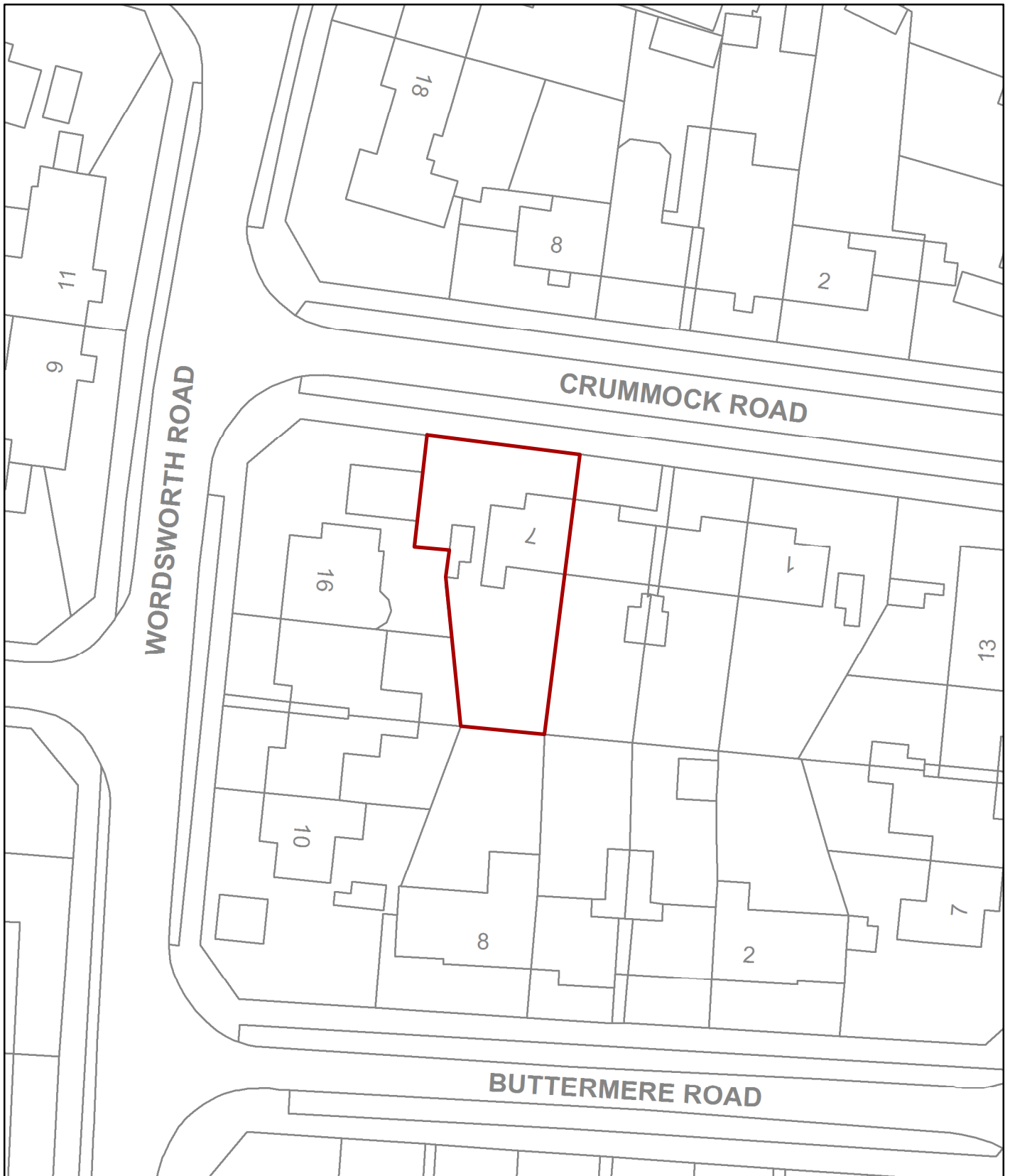
**5(e)**

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<b>Ward:</b>	Bowthorpe
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

Development proposal		
Two storey rear extension.		
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.
<b>Expiry date</b>	15 March 2019
<b>Recommendation</b>	Approve



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Planning Application No 19/00119/F  
 Site Address 7 Crummock Road  
 Scale 1:500

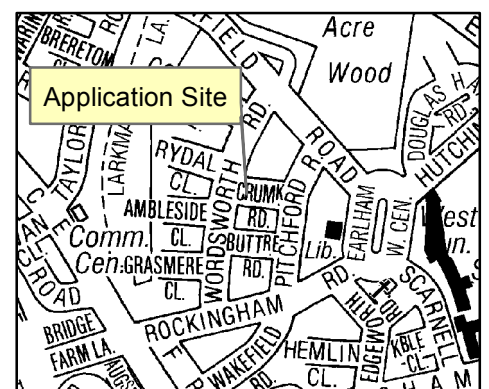


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The site is located to the south side of Crummock Road, within the West Earlham area, to the west of the city. The subject property is a two-storey end of terrace dwelling formed of a group of four dwellings in between the longer Pitchford and Wordsworth Roads. The property was constructed circa 1950 using red bricks, dark coloured pin tiles and white coloured windows and doors. The property is arranged over an 'L' shaped footprint resulting in a stepped front elevation and two distinct sections of hipped roof. The site features a front garden area, parking / driveway area to the side, small outbuilding to the side and a larger rear garden. The subject property has previously been extended by way of a small single storey rear extension.
2. The site is bordered by the adjoining terrace dwelling to the east no. 5 Crummock Road, the rear of nos. 14 and 16 Wordsworth Road to the west and the rear of no. 8 Buttermere Road to the south. The site boundaries to the rear are marked by a brick wall and a mixture of low brick walls and mature hedgerow to the front. The prevailing character of the surrounding area is predominantly residential with the majority of properties having been constructed as part of the same council housing development. It is noted that a large number of properties have recently been converted into use as either small or large scale HMO's operating within the student housing market, serving the nearby UEA. It is understood that the property is currently in use as a four bedroom C4 HMO.

## Relevant planning history

3.

Ref	Proposal	Decision	Date
18/01204/F	Two storey side and rear extensions and change of use to 8 bedroom HMO (Sui Generis).	REF	30/10/2018

## The proposal

4. The proposal is for the construction of a two storey rear extension at 7 Crummock Road. It should be noted that the proposed development has been revised during the course of the determination of the application. Consent was originally sought for the construction of single-storey side and two-storey rear extensions to facilitate the change of use of the site to a 7 bedroom large scale House of Multiple Occupancy (HMO).
5. The scheme has now been revised to a 6 bedroom HMO with the side extension removed from the proposals. The development involves the removal of a small lean-to rear extension to facilitate the construction of a 5.2m x 4.5m two storey extension. The extension has been designed with a hipped roof measuring 5.4m to the eaves and 7.4m to the ridge. The extension has been stepped in from the boundary shared with no. 5 by 2.4m.

## Representations

6. Adjacent and neighbouring properties have been notified in writing across two consultation periods covering the initial submission and the revised scheme. 2 letters of representation were received during the initial consultation and 1 additional letter of representation was received 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
Loss of light to rear living space (no. 5 Crummock Road)	See main issue 2.
Loss of privacy (no. 8 Buttermere Road)	See main issue 2.
Overdevelopment of site / noise disturbance	See main issue 2.
Lack of parking	See main issue 3.

## 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.

### Highways (local)

8. No objection on highway grounds. Please note that as a HMO in a controlled parking zone it may only have the maximum permit entitlement of 2 residents permits and visitor scheme permits. To enable vehicles to drive over the footway/verge to the parking spaces the dropped kerb will need to be widened; as shown by red outline below. Once planning consent has been granted the applicant will need to submit an application form to start the process.

## Assessment of planning considerations

### Relevant development plan policies

9. **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
10. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design



- DM30 Access and highway safety
- DM31 Car parking and servicing

## **Other material considerations**

### **11. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF7 Requiring good design

## **Case Assessment**

12. 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**

13. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
14. The originally submitted scheme, which included a single-storey side extension, was deemed unacceptable as the side extension would have appeared overly large and would have caused harm to the character of the street-scene which is defined by matching groups of terrace properties still within their original form. The removal of the side extension ensures that the original character and appearance of the subject property and wider street scene is preserved.
15. The revised scheme now only includes the two-storey rear extension. The two-storey rear extension will largely not be visible from the highway and as such will have a limited impact on the character of the wider area. The hipped roof design, matching eaves and ridge heights and matching materials help to ensure that the extension is of an appearance which is consistent with the original design.

### **Main issue 2: Amenity**

16. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
17. The siting of the proposed two-storey rear extension, stepped in 2.4m from the boundary, will ensure that significant harm is not caused to the neighbouring residential amenities of no. 5 to the east by way of being overbearing. Particular concern has been raised that the extension will result in a loss of light to the rear living spaces of no. 5. It is acknowledged that some overshadowing will occur during some hours of the afternoon. The hipped roof design, siting allied with the south-facing aspect of the properties will also help to ensure that significant harm is not caused by way of overshadowing or loss of light with sufficient light still reaching the rear living spaces of the property for a significant period of the day.

18. There is sufficient distance between the proposed extension and neighbouring properties located on Buttermere Road to the south to ensure that significant harm is not caused by way of overshadowing, by being overbearing or by loss of privacy. Particular concern has been raised that the proposed extension would result in a loss of privacy to no. 8 Buttermere Road. The neighbouring property is located a minimum of 25m from the proposed extension which includes only one rear facing window serving a new bedroom. The views possible from the proposed bedroom are considered to be typical of the area and as such, the proposal does not result in a significant change to the current situation where numerous bedroom windows have views across neighbouring gardens.
19. It is acknowledged that the proposed two storey rear extension would result in some overshadowing and loss of light to no. 16 Wordsworth Road to the west, the rear of which is east facing, unlike the south facing properties on Crummock Road. The proposed extension is to be constructed approximately 9m from the rear of no. 16 which will result in loss of direct sunlight between the hours of 0800 and 1100, approximately. The loss of light is acknowledged as causing harm to the amenity of the residential occupiers of no. 16, however on balance it is not considered to be of sufficient significance to refuse the application.
20. Concern has also been raised that the proposed development represents an overdevelopment of the site. Similar concern has been raised that the intensification in the use of the site will result in anti-social behaviour problems such as noise disturbances. It is noted that one of the objections received was in relation the original 7 bedroom scheme which involved a material change in the use of the site, away from a residential use. As such, the creation of a 6 bedroom small scale HMO is considered to be acceptable within this location as the site remains within the residential use class, within which a family could also reside. Issues relating to anti-social behaviour or refuse storage which may occur in the future can be dealt with by the council's Environmental Protection team.
21. In order to protect the residential amenity of both future occupiers and residents, it is considered reasonable to add a condition restricting the use of the site to being only a C3 dwellinghouse or C4 small scale HMO. The condition will ensure that the layout as proposed is maintained, preventing the creation of any additional bedrooms.

### **Main issue 3: Transport**

22. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF Sections 17 and 39.
23. Particular concern has been raised that the proposed development will result in an increase in car parking problems within the cul-de-sac. It is noted that two of the objections received were in relation the original 8 bedroom scheme which involved a material change in the use of the site, away from a residential use. The proposed development now is to remain within the residential use class and as such is considered to meet the required parking standard for a property of this type and location, by way of two car parking spaces to the front. It is also noted that the scheme includes a bin store area to the front and cycle store to the rear.



## **Equalities and diversity issues**

24. There are no significant equality or diversity issues.

## **Local finance considerations**

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

## **Conclusion**

28. The 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.
29. The proposed development will have some impact upon the residential amenities of neighbouring properties with an amount harm being caused by way of overshadowing. However, significant harm is not likely to be caused by overlooking, loss of outlook or noise disturbance.
30. 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. 19/00119/F - 7 Crummock Road Norwich NR5 8LL and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans
3. Section 73 compliance / use as C3 or C4 dwelling only.



**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 19/00262/U - 3 Brereton Close, Norwich,  
NR5 8LX

**Reason  
for referral** Objection

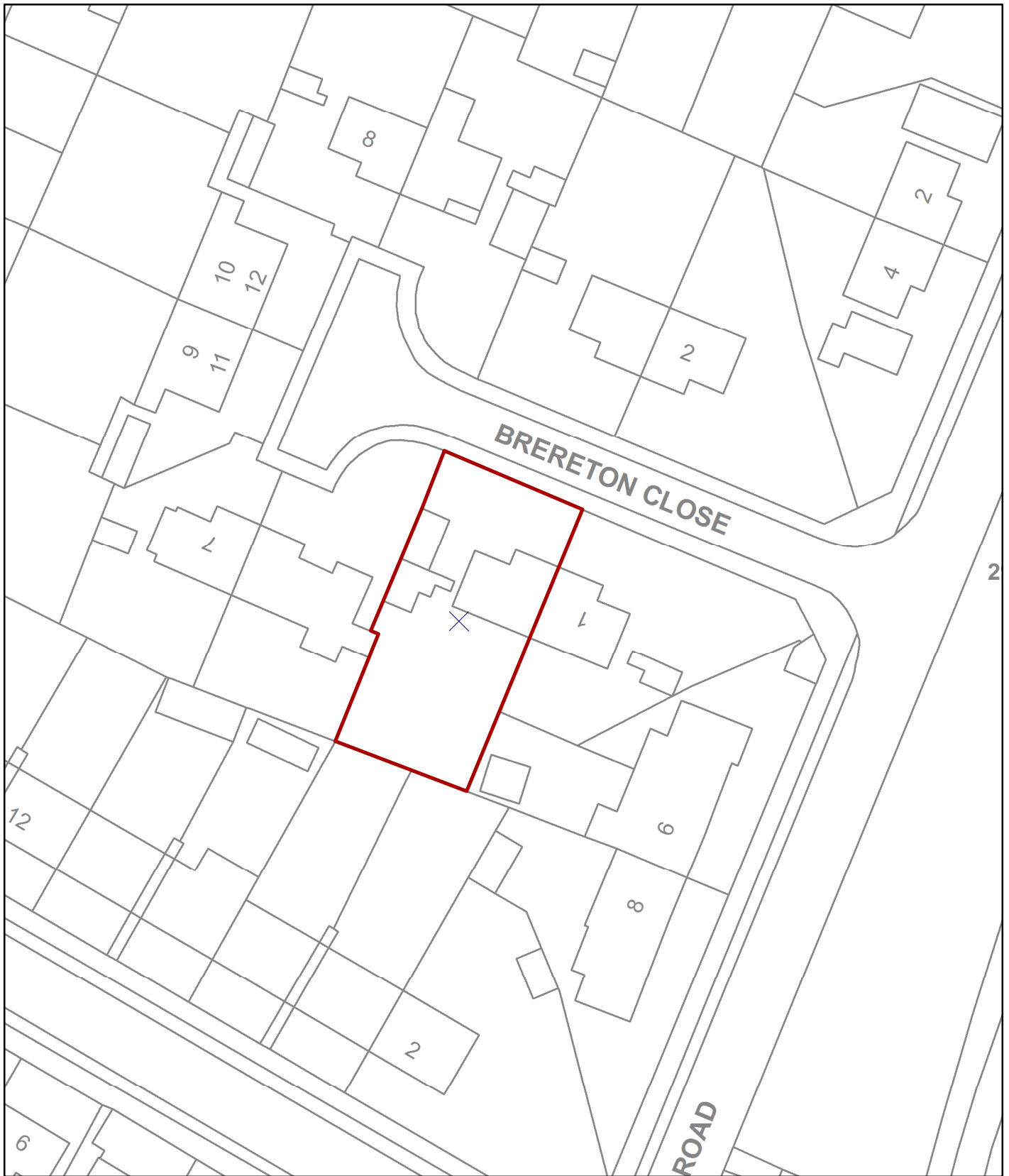
**5(f)**

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<b>Ward:</b>	Bowthorpe
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

Development proposal		
Construction of single storey side and rear extension.		
Representations		
Object	Comment	Support
3	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.
3 Transport	Increase in intensification of the use of the site / parking within the cul-de-sac
<b>Expiry date</b>	18 April 2019
<b>Recommendation</b>	Approve



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Planning Application No 19/00262/U  
 Site Address 3 Brereton Close  
 Scale 1:500

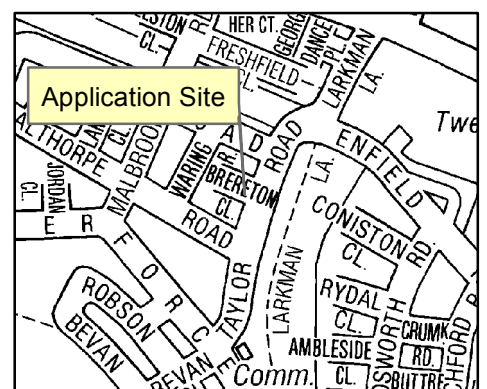


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PLANNING SERVICES



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## **The site and surroundings**

1. The site is located to the south side of Brereton Close, a residential cul-de sac accessed via Taylor Road within the West Earlham area, to the west of the city. The prevailing character of the area is residential predominantly comprising a mixture of two-storey semi-detached and terraced dwellings constructed as part of a wider local authority post war housing development. Properties have typically been arranged on plots with front garden / parking areas, outbuildings to the side and larger mature rear gardens.
2. The cul-de-sac consists of five pairs of semi-detached dwellings, constructed around a hammer-head shaped turning head. It is noted that the pair of properties at the end of the turning head are arranged as individual flats over each floor, resulting in a total of twelve units of accommodation within the cul-de-sac.
3. The subject property is a two-storey semi-detached dwelling constructed circa 1950 using red bricks and concrete roof tiles. The property is of a hipped roof design featuring a forward projecting central gable, resulting in a stepped front elevation. The site features a small front garden, driveway to the site, single storey outbuildings to the side, and a larger rear garden. The land slopes downward from north to south.
4. The site is bordered by the adjoining semi-detached dwelling to the east, no. 1 Brereton Close and a similar semi-detached dwelling to the west, no. 5 Brereton Close. No. 5 has been constructed on a building line set noticeably further back than the subject property, by virtue of being sited at the end of the hammer-head. A matching pair of semi-detached properties are located opposite, including no. 2 Brereton Close which was granting planning permission in 2017 to be enlarged into a large scale 7 bed House of Multiple Occupancy (HMO). The site boundaries are marked by low brick walls and close boarded fencing.

## **Constraints**

5. The Twenty Acre Wood County Wildlife Site (CWS) is located 30m to the east of the site.

## **Relevant planning history**

6. There is no relevant planning history.

## **The proposal**

7. The proposal first involves the demolition of the existing outbuildings located to the side of the property. The proposed development consists of three constituent parts. The smallest section is a 3.1m x 1.5m single storey porch extension to the front of the property. This section shares a roof with the 4.7m x 10.6m single storey side and rear extension, which has been designed with a hipped roof measuring 2.5m to the eaves and 4.5m to the highest part. The extension continues across the rear, effectively wrapping around the south-west corner. The further single-storey 5.5m x 3.6m section is to be constructed sharing the same hipped roof as the side section.

8. The extensions facilitate the use of the property as a small scale six bedroom HMO. It should be noted that the application originally sought consent for the construction of a two-storey side extension to facilitate a change of use of the site to an 8 bedroom large scale HMO.

## Representations

9. Adjacent and neighbouring properties have been notified in writing across two consultation periods covering the initial submission and the revised scheme. 2 letters of representation were received during the initial consultation and 1 additional letter of representation was received 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
Increase in number of HMOs / students within the area / rubbish / anti-social behaviour etc.	See main issue 2.
An 8 bedroom HMO will result in parking problems / proposed development will result in parking problems within the cul-de-sac.	See main issue 3 – the scheme has now been revised to a 6 bedroom HMO.

## Consultation responses

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

### Highways (local)

11. No objection on highway grounds. Please consider where bin and bike storage will be provided for.

## Assessment of planning considerations

### Relevant development plan policies

12. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
13. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design

- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **14. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**

- NPPF7 Requiring good design

### **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 Section 12.
17. The originally submitted scheme, which included a two-storey side extension was deemed to be unacceptable as it would have appeared over-dominant within the street scene and resulted in the loss of symmetry of the pair of semi-detached properties. The proposed development was then further revised by reducing the rear extension to only a single storey in order to reduce the number of bedrooms to 6 and lessen the impacts on the residential amenity of neighbouring occupiers.
18. The revised scheme has reduced the side and rear extensions to only a single storey with a small porch extension at the front. The revised scale of this scheme reduces the impact of the proposed development within the cul-de-sac and ensures that the original design of the pair of properties remains clearly legible, with the aid of a small step within the front elevation. It is also noted that a number of neighbouring properties have already constructed side extensions of a similar design.
19. The extension at the rear will largely not be visible from the highway and as such will have a limited impact on the character of the wider area. The hipped roof design, continuous eaves and ridge heights and matching materials help to ensure that the extension is of an appearance which is consistent with the original design.

#### **Main issue 2: Amenity**

20. Key policies and NPPF paragraphs – DM2, DM11, NPPF Section 127.
21. The proposed single-storey extension is of a scale and design which ensures that there will be little change from the current situation in terms of impacts on the amenity of the residential occupiers of no. 5, as it replaces the existing single-storey outbuildings, which are of a broadly similar scale and position.

22. The revised design which is of only a single storey assists in ensuring that the residential amenities of the occupiers of the adjoining property, no.1 are not significantly impacted upon. The 2.2m gap between the boundary shared with the adjoining property, step in the building line and distance between the extension and no. 1 all contribute to ensuring that significant harm is not caused to neighbouring residential amenity by way of overshadowing or outlook.
23. The proposed development will result in an enlarged dwelling consisting of 6 en-suite bedrooms, sitting room and kitchen. The provision of internal amenity space for future occupiers is considered to be acceptable.
24. Particular concern has been raised that the proposed development will result in detrimental impacts on the residential amenity of neighbouring properties by virtue of the increase in the intensification of the use of the site, and the subsequent problems associated with communal living such as noise and odour. It is noted that two of the objections received were in relation the original 8 bedroom scheme which involved a material change in the use of the site, away from a residential use. As such, the creation of a 6 bedroom small scale HMO is considered to be acceptable within this location as the site remains within the residential use class, within which a family could also reside. Issues relating to anti-social behaviour or refuse storage which may occur in the future can be dealt with by the council's Environmental Protection team.
25. In order to protect the residential amenity of both future occupiers and residents, it is considered reasonable to add a condition restricting the use of the site to being only a C3 dwellinghouse or C4 small scale HMO. The condition will ensure that the layout as proposed is maintained, preventing the creation of any additional bedrooms.

### **Main issue 3: Transport**

26. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF Sections 17 and 39.
27. Particular concern has been raised that the proposed development will result in an increase in car parking problems within the cul-de-sac. It is noted that two of the objections received were in relation the original 8 bedroom scheme which involved a material change in the use of the site, away from a residential use. The proposed development now is to remain within the residential use class and as such is considered to meet the required parking standard for a property of this type and location, by way of two car parking spaces to the front. It is also noted that the scheme includes a bin store area to the front and cycle store to the rear.

### **Equalities and diversity issues**

28. There are no significant equality or diversity issues.

### **Local finance considerations**

29. 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.



30. 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.
31. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

32. 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.
33. 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.
34. 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. 19/00262/U - 3 Brereton Close, Norwich, NR5 8LX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use as a C3 dwellinghouse or C4 small scale HMO only.



**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 18/01823/VC - 128 Dereham Road,  
Norwich, NR2 3AF

**5(g)**

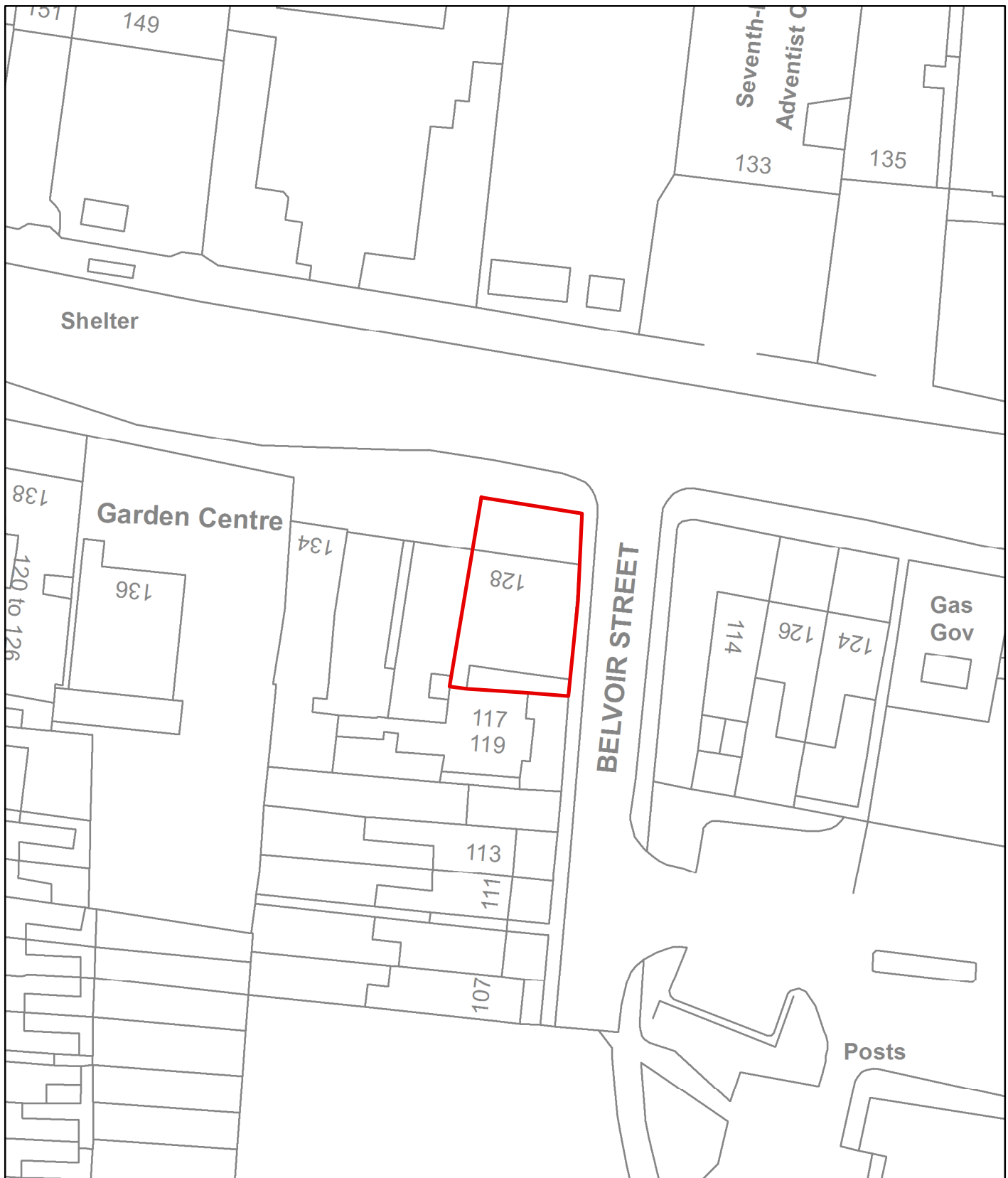
**Reason  
for referral** Objection

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<b>Ward:</b>	Nelson
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@norwich.gov.uk</a>

<b>Development proposal</b>		
Variation of Condition 4 of previous permission 17/01176/F to extend the opening hours by one hour on any day.		
<b>Representations</b>		
Object	Comment	Support
3	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Residential Amenity	The impact of the proposed variation on the amenity of neighbouring residential occupiers.
<b>Expiry date</b>	1 February 2019
<b>Recommendation</b>	Approve



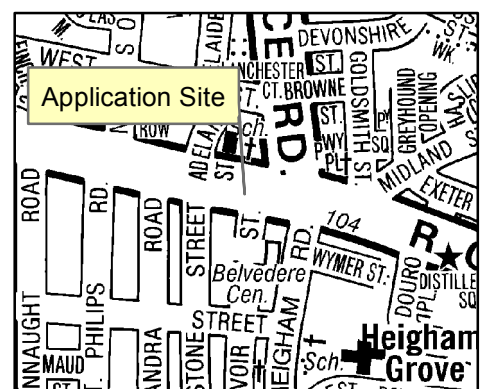
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Planning Application No 18/01823/VC  
 Site Address 128 Dereham Road  
 Scale 1:500



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## The site and surroundings

1. The site is formed of a corner plot at the junction of Dereham Road and Belvoir Street to the west of the city. The subject property is a two storey end of terrace building constructed circa 1900 using red bricks and is of a hipped roof design. The site forms part of a small row of shopping units, although it is located 150m from the Dereham Road district retail centre to the east.
2. The property currently used as the Aroma Lounge café and the layout reflects this with there being seating areas to the front and side. The business serves food and drinks throughout the day as well as shisha. The first floor of the building is arranged as a flat which includes an independent access via a stairway to Belvoir Street.
3. The site is bordered by the adjoining terrace property no. 130 Dereham Road to the west which is currently in use as hot food takeaway, 117/119 Belvoir Street to the rear and a residential property no. 114 Belvoir Street to the east. The prevailing character of the surrounding area is a mixture of retail, commercial and residential.

## Constraints

4. Critical drainage catchment: Nelson and Town Close

## Relevant planning history

5.

Ref	Proposal	Decision	Date
4/1995/0613	Change of use to hot food takeaway	Refused	27/07/1995
4/1996/0913	Change of use from shop (A1) to solicitors' office (A2).	Approved	27/01/1997
11/00707/F	Alterations and extensions to convert to A3 (coffee shop) use, also conversion to form dwelling (2 bed) flat at first floor with separate external steel stair access.	Approved	15/07/2011
17/01176/F	Part demolition of existing shopfront and construction of replacement, construction of covered seating and associated alterations.	Approved	15/11/2017
18/01897/F	Erection of brick and opaque glass wall enclosure (retrospective) and two large folding large parasols.	Approved	08/03/2019

## The proposal

6. The proposal seeks consent to vary condition 4 of previous permission 17/01176/F to extend the opening hours by one hour on any day. Condition 4 of permission 17/01176/F requires that;

*The use of the ground floor premises which form the subject of this permission and outlined in red on the approved location plan received 20.07.2017 hereby approved shall not take place other than between the hours of 08:00 and 22:00 on any day.*

The proposed opening hours are between the hours of 08:00 and 23:00 on any day.

## Representations

7. 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
Noise from business impacting on neighbouring residential properties (nos. 114, 117a and 107 Belvoir Street).	See main issue 1.
Increase in parking problems.	Other matters.
Rubbish being left outside site by patrons.	Other matters.

## Consultation responses

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

### Environmental protection

9. No objection. As discussed, the Environmental Protection team would like to add a condition with a wording as follows: No amplified music to be played in the outside area of the premises after 22:00. The applicant should be aware that justified complaints regarding noise nuisance or anti-social behaviour may result in the premises license being reviewed and additional Conditions/ restrictions applied.

### Highways (local)

10. No objection on highway grounds

# Assessment of planning considerations

## Relevant development plan policies

11. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM2 Ensuring satisfactory living and working conditions

## Case Assessment

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

## Main issue 1: Amenity

13. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
14. The main issue is that of noise disturbance as a result of the increased hours of use of the property. A detailed Noise Impact Assessment (NIA) has been carried out which involved the recording of noise levels over a two night period. The NIA concluded that “the operation of this venue may have slightly altered the acoustic character of the area but not such that there is likely to be a changes in the quality of life of people living nearby”. Concern has been raised that the extension of the opening hours will result in noise disturbance to residents living within Belvoir Street. It is acknowledged that the extension of the opening hours is likely to result in the number of visitors to the café being on site for longer than they are currently. However based on the findings of the noise assessment it is not considered that this will significantly alter the current situation.
15. It is noted that the site is located on a busy stretch of Dereham Road with a number of businesses located close by, including a hot food take away which is open at similar times during the evening. As such, the extension of the opening hours to 2300 is not considered to be inappropriate for this location.
16. In order to mitigate the potential for harm being caused, it is considered reasonable to add a condition restricting the use of amplified music in the outside space after 2200.

## Other matters

17. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
18. Particular concern has been raised that the proposal will increase existing parking problems. The extension of the opening hours is unlikely to significantly alter the current situation. Issues which may arise within Belvoir Street or on Dereham Road,

which include sections of double-yellow lines restricting parking, can be dealt with by the Council's parking officers.

19. Concern has also been raised that the proposal will increase other forms of anti-social behaviour such as littering. The dropping of litter outside of the application site cannot be considered as part of this application. Should instances arise in the future, they can be dealt with by the Council's Environmental Protection team.

### **Equalities and diversity issues**

20. There are no significant equality or diversity issues.

### **Local finance considerations**

21. 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.
22. 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.
23. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

24. The proposed extension of the opening hours of the business is not considered to have a significant detrimental impact on the amenity of nearby residential occupiers.
25. 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. 18/01823/VC - 128 Dereham Road Norwich NR2 3AF and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restrict hours of use to 08:00 and 23:00 on any day
4. Restrict the use of amplified music within the outside space after 2200.



**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 18/01706/F - 53 Dereham Road, Norwich  
NR2 4HZ

**Reason  
for referral** Objections

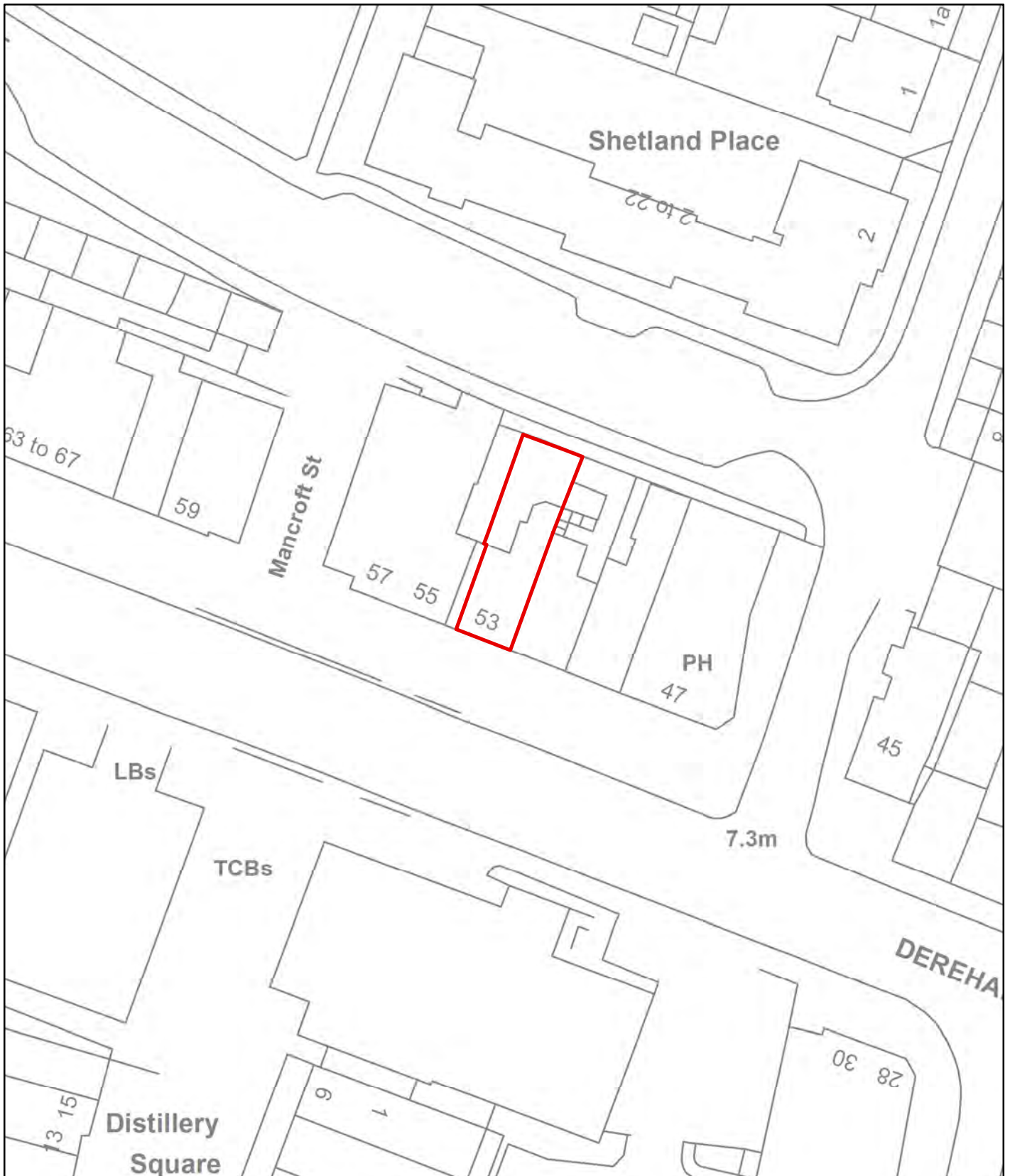
5(h)

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<b>Ward:</b>	Mancroft
<b>Case officer</b>	Stephen Little - <a href="mailto:stephenlittle@norwich.gov.uk">stephenlittle@norwich.gov.uk</a>

Development proposal		
Two storey rear extension to create 1No. flat.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1 Principle of development	Meeting housing need, suitability of location
2 Design & scale	Scale of extension in context of dwelling and adjacent properties.
3 Residential amenity	Loss of light and outlook affecting neighbouring properties. Amenity of future occupants: lack of amenity space and outlook; noise from neighbouring usage.
4 Access and Servicing	Maintaining serviceability of the shop. Bin and cycle storage.
<b>Expiry date</b>	14 June 2019
<b>Recommendation</b>	Approve



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Planning Application No 18/01706/F  
 Site Address 53 Dereham Road  
 Scale 1:500

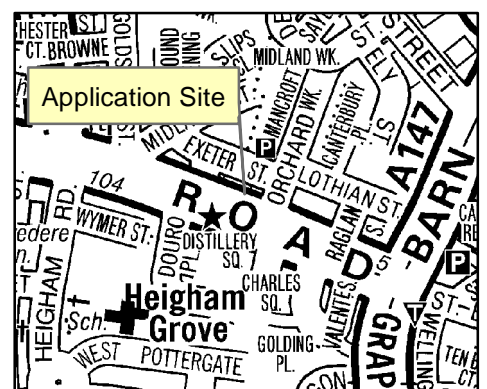


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PLANNING SERVICES



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## The site and surroundings

1. The subject property is situated on the north side of Dereham Road, a major arterial route for the city, approx 0.25km west of its junction with the inner ring road. This area of Dereham Road is largely characterised by a mix of residential and retail uses. The subject property is part of a row of 5 retail/restaurant units.
2. The subject property is a currently disused shop (formerly providing computer services) with rear storage and outdoor space providing rear access, and unused accommodation on the first floor, with both floors forming a single unit. While the application refers to the existing first floor use as a flat, the first floor was previously subject to an approved 1992 application for change of use to office space, though the extent to which this was implemented is unclear.
3. To the rear, along its east boundary, is a 3.3m long two-storey section and, extending further to the rear, a 2.7m single storey extension. Both have lean-to roofs.
4. To the rear of the property is a small outdoor area, extending 5m further than the rear extension. The property backs onto Exeter Street, on the opposite side of which is Shetland Place comprising of flats facing toward the property.
5. Adjoining to the west is 55-57 Dereham Road, a restaurant with associated accommodation/storage space on its first floor; both floors forming a single unit. There is one rear-facing first floor window, approx 1m from the boundary with the subject property. Along the west boundary of no.55-57, and 2m from the subject property, is a 12.6m long single-storey rear extension which extends the full length of the property to Wessex St. Along the roof of the extension are two flue pipes, adding notably to its height. Approx 0.8m above ground level and facing the subject property, are air conditioning units which emit low level noise.
6. Adjoining to the east is 51/51a Dereham Road which comprises a pet shop and a separate flat. The flat is accessed to the rear with steps up to the rear of the first floor, the rear wall of which aligns with that of the subject property. The rear/north-facing door to the flat is obscure glazed and opens onto a hallway. There are two additional windows, one rear and one east facing, further away from the subject property. The ground floor extension at 51/51a is longer than that of the subject property.
7. Further to the east, no.49 (next door but one) has a two storey extension slightly longer than that proposed for no.53 and, along with the property next to this at no.47, has a single storey extension reaching to the end of the plot.

## Constraints

8. Critical drainage area (Policy DM3, DM5 - Critical Drainage Catchment).
9. District retail centre, DC08 (Policy DM18, DM21 - District Retail Centre).

## Relevant planning history

Ref	Proposal	Decision	Date
4/1991/0915	Change of use of ground floor to retail, first floor to office.	Approved	02/01/1992
14/01107/U	Change of use from retail (Class A1) and offices (Class B1(a) to hot food takeaway (Class A5) and offices (Class B1(a).	Refused	23/12/2014

## The proposal

10. The proposal is to construct a two-storey rear extension which will project 6m to the rear of the house along its east boundary replacing, and matching the ground floor length of, the current section/extension to the rear. At 5m wide, the extension will be 2m wider than the current two-storey section. Its eaves height will be 6m (compared to 2m eaves height at the rear of the current single storey extension) and the hipped roof will take the total height to 7.4m (compared to 6m maximum height of current extension).
11. The extension will create a flat, now separate from the shop, which will be accessed from the ground floor rear. The small ground floor section of the flat will include a utility room and storage, while all living areas will be on the first floor with lounge/kitchen to the rear and three bedrooms, two toward the front and one facing rear. The remainder of the ground floor of the extension will be for use by the shop, and will include the rear access to the premises.
12. Four standard windows and a door with canopy will face to the rear. One first floor window, for the hall area of the flat, will face to the side toward no.55-57. One first floor rear-facing window in the main part of the house will be moved 2m closer to the boundary with no.55-57.
13. NOTE: the proposals have been amended since the original plans which proposed an 8m long extension incorporating two flats, covering the full width of the property and removing the rear access for the shop.

Proposal	Key facts
<b>Scale</b>	
Total floorspace	Total area of flat (incl ground floor): 83.35sq.m Total increase in floor space (incl shop & flat): 31.9sq.m
No. of storeys	2
Max. dimensions	6.1m long x 5.045m wide x 7.4m high.
<b>Appearance</b>	

Materials	Rendered masonry & roof tiles to match; uPVC windows & doors (existing: painted wood).
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## Representations Received

14. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received objecting to the original plans (to create 2No. flats). The issues raised are summarised in the table below.

15.

Issues Raised	Response
The plans will “impose greatly” on outlook of neighbouring accommodation.	See main issue 3
Plans should be scaled down to one flat with no expansion of footprint/floor space.	See main issues 2 & 3
Unacceptable noise impact on flats opposite on Exeter St.	See other issues
Additional accommodation will put pressure on parking.	See main issue 4.

## Consultation responses

### Transportation

16. No objection on highway grounds.
17. The proposed arrangements for bin and bike storage in rear yards appears satisfactory in principle. Suggested informative: any new or converted residential dwellings will not be eligible for on-street parking permits.

## Assessment of planning considerations

### Relevant development plan policies

18. **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
19. **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 Flood resilience
- DM12 Ensuring well-planned housing development
- DM21 Protecting and supporting district & local centres
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

#### **20. Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF7 Ensuring the vitality of town centres
- NPPF8 Promoting healthy and safe communities
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places

### **Case Assessment**

21. 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**

22. Key policies and NPPF paragraphs – JCS4, DM12, NPPF paragraphs 11, 12, 14 91, 117-118, 122-123.
23. As this proposal effectively results in the creation of one new dwelling, elements of national and local policy, which are strongly supportive of encouraging residential development in sustainable locations, have significant weight when balanced against potential negative impacts.
24. This location, within walking distance of the city centre and a good array of services, certainly qualifies as a sustainable location. It also maximises use of an already developed site.
25. Whether the first floor has an established office or residential use is not material to consideration of the application, given permitted development rights for office to residential change of use and the lack of any policy giving specific protection for office provision for this area.
26. While this implies support for the principle of a new dwelling in this location, local policy qualifies this by requiring that development should not detrimentally impact on either the character and amenity of the surrounding area, or the functioning of

the shopping unit. Assessment of such impacts forms the subject of discussion below.

### **Main issue 2: Design, scale and form**

27. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 8, 127-131.
28. In terms of design, the proposed materials and fenestration of the extension are very much in keeping with the existing property. The hipped roof matches the pitch of the existing roof and the upper ridge, being lower than the main property, ensures that the extension appears sufficiently subservient despite its relatively large scale.
29. The extensions of neighbouring properties are larger in many respects helping to ensure that this proposal isn't incongruous with its surroundings. While too much building out to the back of these properties may produce a cumulatively overbearing effect for Exeter Street, the fact that the proposed extension stops well short (by 5m) of the rear of the plot and retains a visual line to the main part of the building, prevents this from becoming an issue in this instance.

### **Main issue 3: Amenity**

30. Key policies and NPPF paragraphs – DM2, NPPF paragraphs 96 and 127.

#### ***Outlook & loss of light***

31. The most affected property will be the upstairs flat to the east at 51a Dereham Road. With relatively long two storey extensions at both sides, there is potential for an unacceptable impact on the outlook to the rear of that property, leading to a closed-in feel and loss of light. However, for the flat itself, the rear door will be the only glazing notably affected. The door is close to the boundary and, while outlook through the door will undoubtedly be impacted, the fact that the glazing is obscured, and that it opens onto a hallway, means that this can only be given limited weight. Additionally, while there will be some loss of diffuse light, there will be little or no loss of direct sunlight as, being north north-east facing, the amount of direct sunlight to the door from the west will currently be very limited; at most only during high summer and then at an oblique angle.
32. For the two other windows for the flat, the new extension will not be visible and they will not be notably affected.
33. As regards future occupants of the property, maintaining an acceptable outlook was a key reason for rejecting the previously proposed plans for a ground floor flat. With the amended plans, all living areas are on the first floor and most windows look directly onto the streets to the front and the rear. The outlook for the small bedroom, viewing to the rear between the extension and the rear of the neighbouring restaurant is, however, far from ideal. On balance, as this first floor window will have a longer, albeit narrow, view and doesn't directly face toward the neighbouring air conditioning/extraction units, this isn't considered in itself sufficient reason to refuse the application.

### ***Over-looking***

34. There are no over-looking concerns as the only side-facing window looks west toward the rear of the restaurant, a space which has no effective amenity function.

### ***Noise***

35. Of potential concern is the low-level noise of the neighbouring extraction and air conditioning units unacceptably impacting on the amenity of future occupants. There are two windows which would be most affected by noise. One faces toward the units but services the hall area so, in terms of impact on living areas, isn't of significant concern. The other window is for the small bedroom in the main part of the building. Compared to its current position, this has been moved 2m closer toward the extraction units which will increase noise impact to some extent and, it also now services a smaller room which could magnify the effect for the occupant.
36. As part of the approval of the application, we will condition submission of a noise impact report, which would recommend any necessary measures to reduce noise levels for the flat. Verbal advice from environmental health has indicated that sufficiently effective measures will be possible, with the proviso that in some cases significant expense can be incurred. However, we feel there is sufficient assurance to approve the application.

### ***Internal Space***

37. While the nationally described space standards assume one double room, the minimum gross internal floor area for three bedrooms and four people is 84sq.m. At 83.35sq.m, this is only very slightly below that but, given the size of the rooms and the fact that none of the rooms would qualify as a double room, it is fair to assume that only three people will be resident, so a marginal shortfall shouldn't represent an issue. It should also be noted that the size compares favourably with the 70sq.m. minimum size for dwellings with two bedrooms and three people.
38. In respect of the smallest rear-facing bedroom, at an area 7.15sq.m, this is slightly below the minimum space standards of 7.5sq.m. At 2.1m, the width is also very slightly below the minimum of 2.15m. While it is considered that, overall, the positive aspects of the application outweigh these concerns, particularly as the space shortfall is fairly marginal, the combination of its small size and less than ideal outlook does make this room a legitimate area of concern for the application. (Note: the minimum room size for licensing regulation purposes is 6.51sq.m).

### ***Outdoor space***

39. While the amenity space is small, at 5m in length it can be considered sufficient for a flat of this size and relatively central location.

## **Main issue 4: Access and Servicing**

40. Key policies and NPPF paragraphs – DM28, DM31, NPPF section 9.
41. An important aspect of the application has been to preserve separate access to the rear of the shop unit and to ensure that there remains sufficient space for



servicing the shop and, for instance, accommodating commercial bins. This would ensure there is a wide variety of potential future uses for the shop, maintaining its viability and, in the wider context, helping to maintain the vitality of this row of shops.

42. Transportation have indicated that the outdoor area for the flat itself is large enough to accommodate bin and cycle storage. While it would perhaps be preferable to increase the outdoor area for the flat, maintaining the service area for the shop remains a priority which has determined the positioning of the fence separating the two areas.
43. As confirmed by the response from Transportation, the occupants of the flat will not be eligible for parking permits and so won't impact on levels of parking. No off street parking is proposed. Given the location of the property close to the city centre and on a bus route, car free development would be acceptable in this location under policy DM32.

### **Compliance with other relevant development plan policies**

44. 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.

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	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

### **Equalities and diversity issues**

45. There are no significant equality or diversity issues.

### **Other matters**

46. The site is in a critical drainage catchment, albeit the site is currently entirely impermeable, no surface water drainage proposals are included. Given the nature of the site and the scope to improve on the current situation, it is considered that the drainage solution should be subject to condition.

### **Local finance considerations**

47. 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.

48. 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.
49. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

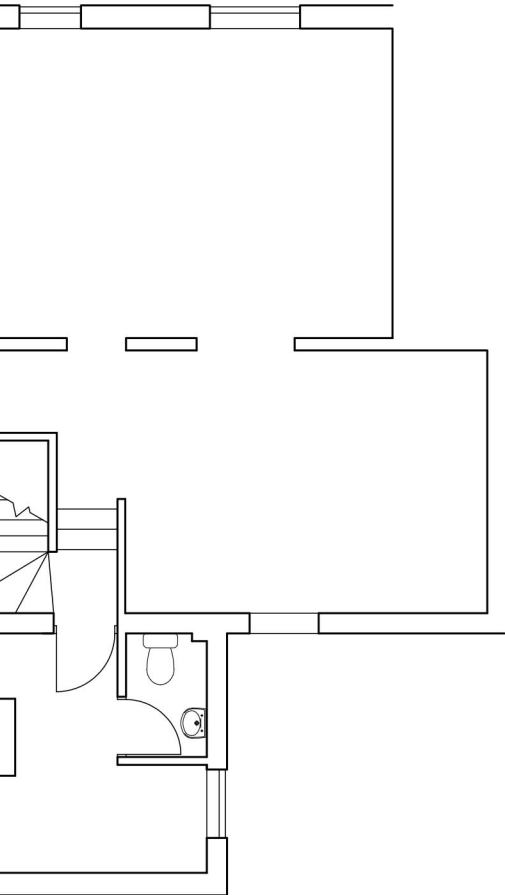
50. The proposals represent a significant improvement on the originally submitted scheme, with most issues addressed. Overall, the extension will provide accommodation of, arguably, sufficient quality in a sustainable location and will maximise use of the site without impacting on the viability of the shop. There do remain some amenity concerns relating to outlook for neighbours and future occupants, and potential noise impact from adjacent air conditioning/extraction units. While it can be seen as a finely balanced decision these concerns are, overall, not considered significant enough to outweigh the positive aspects of the proposals.
51. 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. 18/01706/F – 53 Dereham Road, Norwich NR2 4HZ and grant planning permission subject to the following conditions:

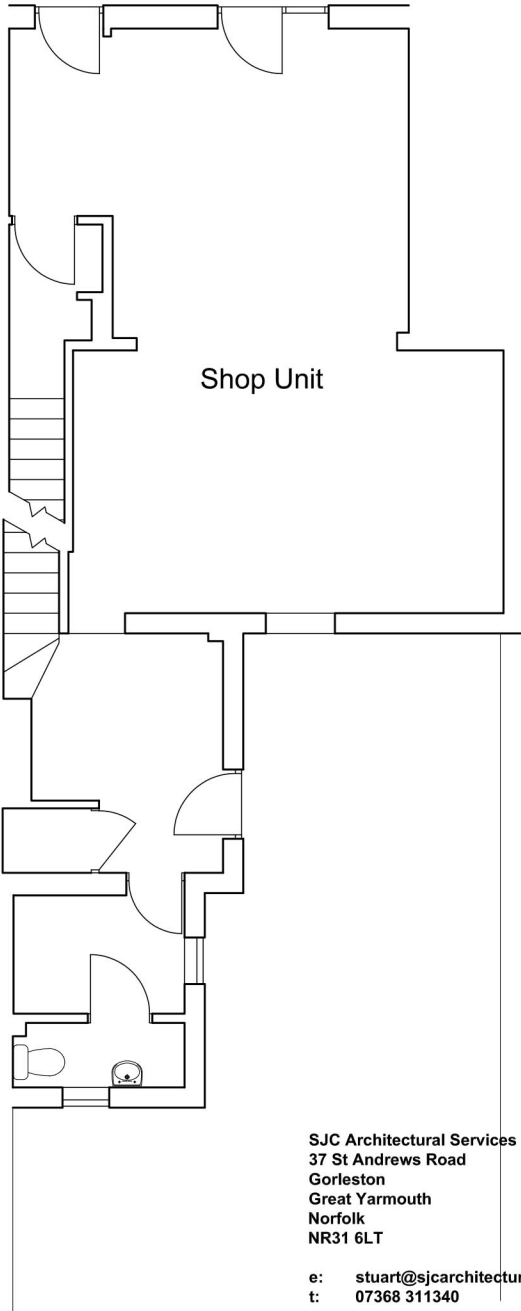
1. Standard time limit;
2. In accordance with plans;
3. Noise impact assessment and implementation of noise mitigation measures;
4. Landscaping and boundary treatments to rear;
5. Refuse and cycle storage;
6. Water efficiency;
7. Surface water drainage details.

First Floor

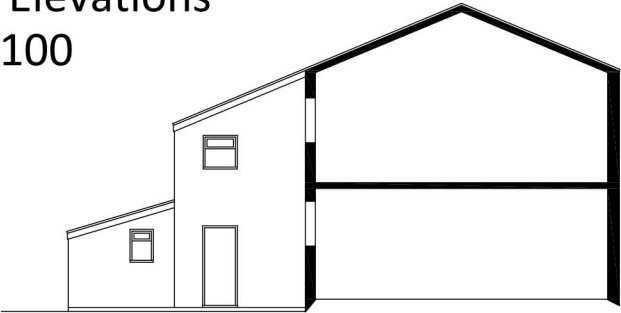


Existing Floor Plans  
Scale 1:50

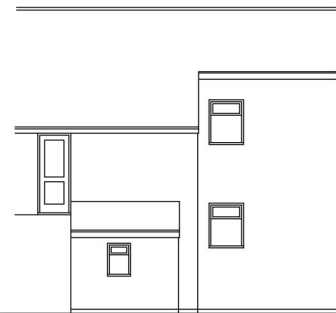
Ground Floor



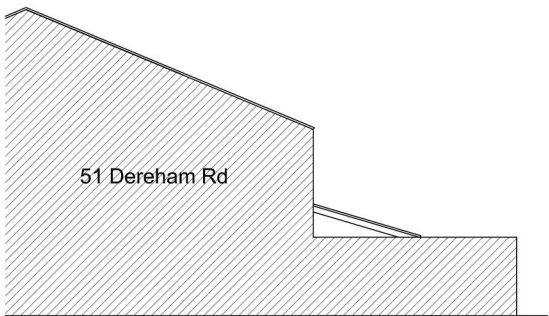
Existing Elevations  
Scale 1:100



West Elevation



North Elevation

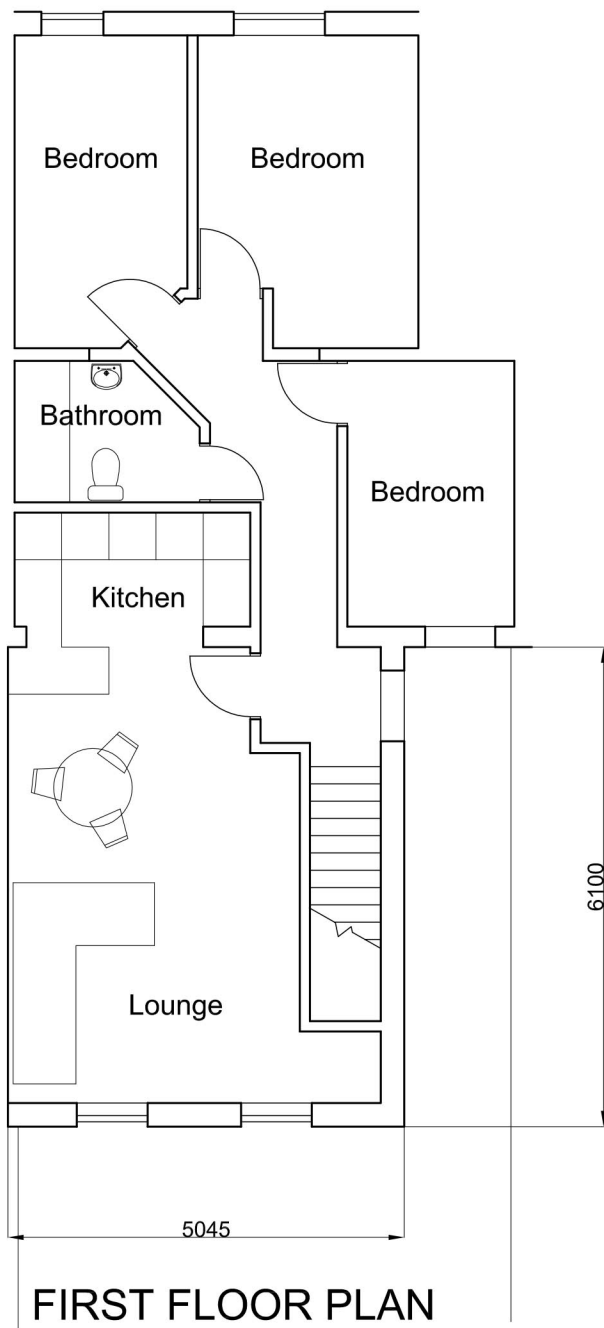


East Elevation

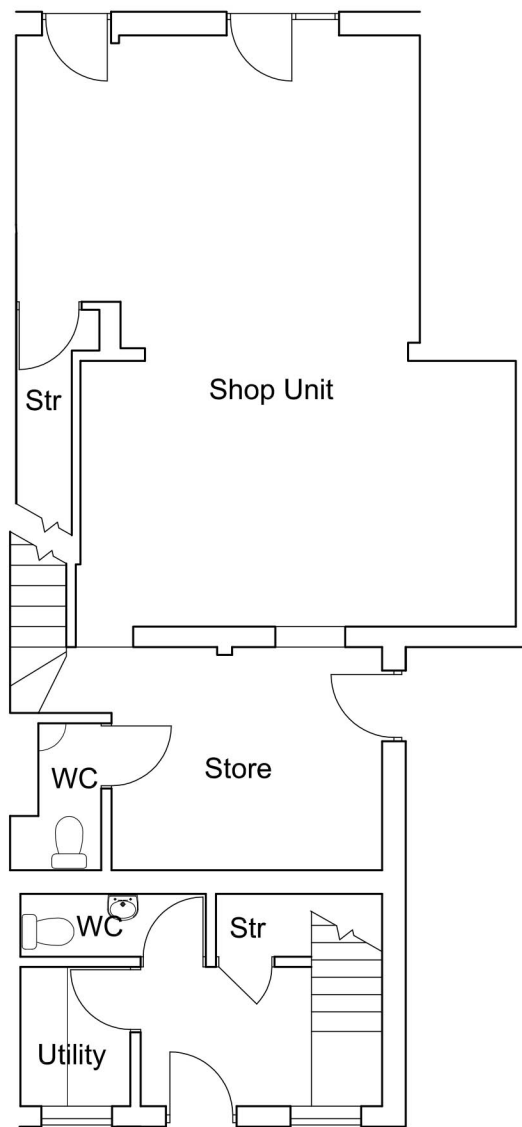
SJC Architectural Services  
37 St Andrews Road  
Gorleston  
Great Yarmouth  
Norfolk  
NR31 6LT

e: [stuart@sjcarchitectural.com](mailto:stuart@sjcarchitectural.com)  
t: 07368 311340

<b>Client:</b>	Shalaw Rasool		
<b>Address:</b>	53a Dereham Road, Norwich		
<b>Project No:</b>	SJC1113	<b>Scale:</b>	Shown
<b>Dwg No:</b>	P01	<b>Rev:</b>	A

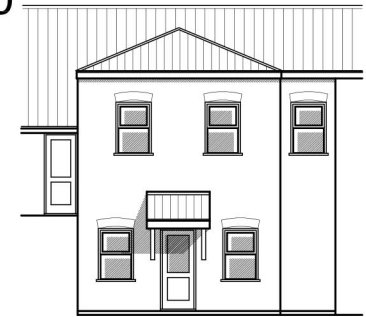


FIRST FLOOR PLAN

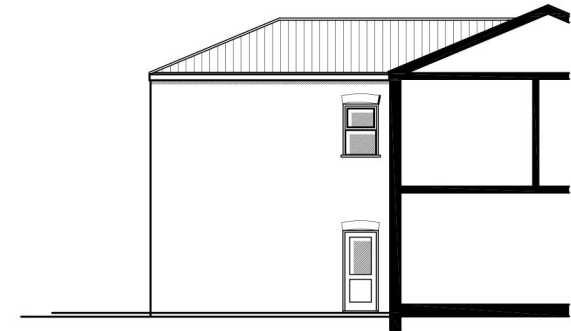


GROUND FLOOR PLAN

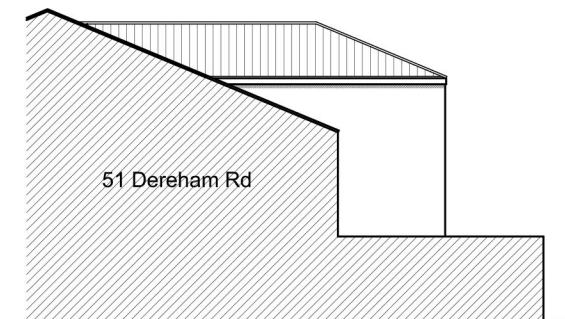
## Proposed Elevations Scale 1:100



North Elevation



West Elevation



East Elevation

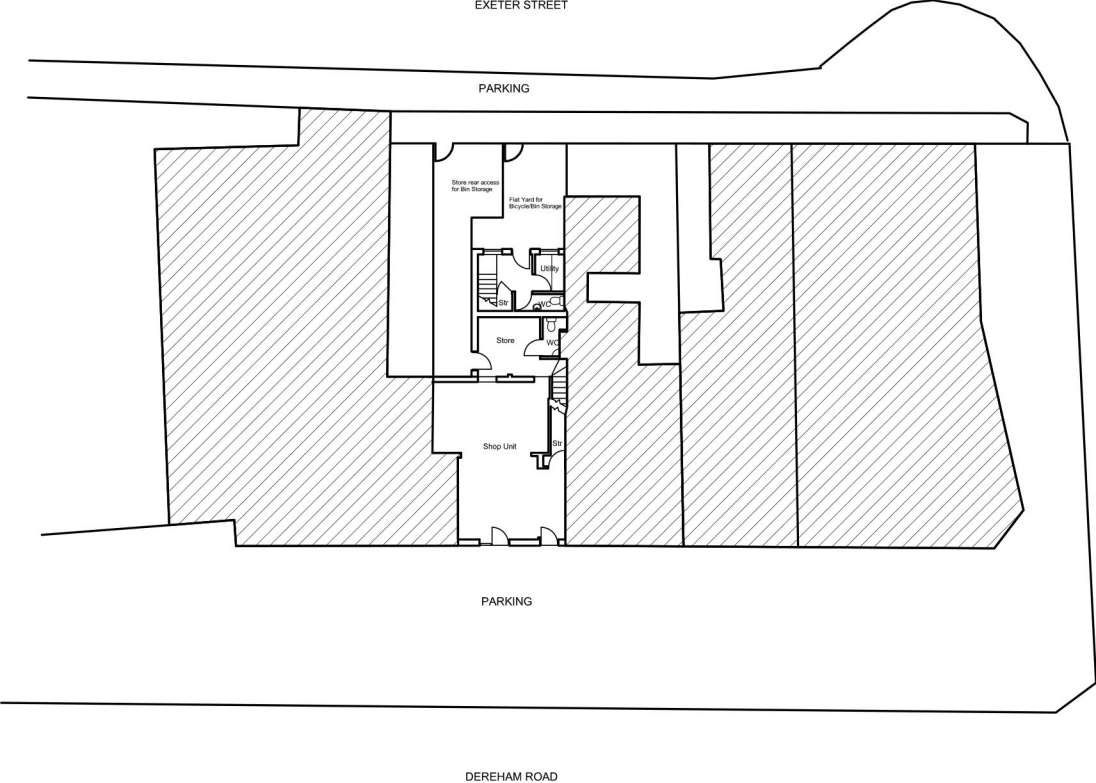
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37 St Andrews Road  
Gorleston  
Great Yarmouth  
Norfolk  
NR31 6LT

e: stuart@sjcarchitectural.com  
t: 07368 311340

**Client:** Shalaw Rasool  
**Address:** 53a Dereham Road, Norwich

**Project No:** SJC1113 **Scale:** Shown

**Dwg No:** P02 **Rev:** C



# Proposed Site Plan Scale 1:200

SJC Architectural Services  
37 St Andrews Road  
Gorleston  
Great Yarmouth  
Norfolk  
NR31 6LT

e: [stuart@sjcarchitectural.com](mailto:stuart@sjcarchitectural.com)  
t: 07368 311340

**Client:** Shalaw Rasool  
**Address:** 53a Dereham Road, Norwich

**Project No:** SJC1113 **Scale:** Shown

**Dwg No:** P03 **Rev:** A

**Dwg Title:** Site Plan



**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 19/00624/F- 5 Primula Drive, Norwich,  
NR4 7LZ

**Reason  
for referral** Objections

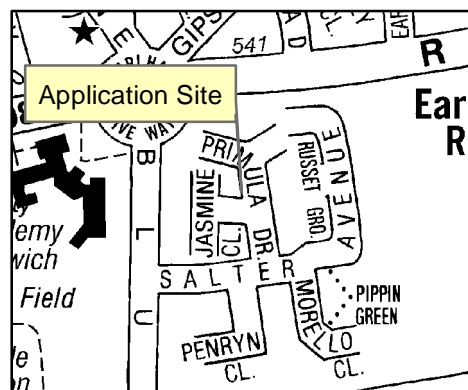
5(h)

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<b>Ward:</b>	University
<b>Case officer</b>	Stephen Little - <a href="mailto:stephenlittle@norwich.gov.uk">stephenlittle@norwich.gov.uk</a>

Development proposal		
Single storey side extension		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1 Design, scale and form	The visual impact on character of the area
<b>Expiry date</b>	27 June 2019
<b>Recommendation</b>	Approve subject to conditions





## **The site and surroundings**

1. The subject property is situated on the northwest corner of the junction of Primula Drive with Jasmine Close.
2. Primula Drive is a residential cul-de-sac southeast of the Earlham Fiveways roundabout. It is characterised by two-storey detached dwellings typical of 60s era construction. The brick-built dwellings are relatively similar in form with tiled gable roofs, though there is some stylistic variation with, for instance, different shades of brick and some front elevations also incorporating render and hanging tiles.
3. The subject property is first in a row of five of similar design, with two-tone light beige/red brick on the front elevation, small single storey front sections and (mostly) with canopies over the front door. The front gardens are largely open, though the subject property has a hedge along most of its front boundary, curving round to enclose the garden where it fronts the junction. To the side/south of the subject property a 1.6m high boundary wall along Jasmine Close borders the garden, with another section at right angles joining the property at the side. The brickwork of the wall matches that of the main property.
4. The garden is 10m long to the front, 4.2m at its widest to the south side, and 15.5m to the rear.
5. To the north is 6 Primula Drive, with 2.5m between the dwellings. 4 Primula Drive is on the opposite side of Jasmine Close to the south.
6. Jasmine Close, to the west and southwest of the property, is a T-shaped cul-de-sac, this section of which only has dwellings on its south on the opposite side to the subject property. To the rear/west of the subject property's garden is a small garage and, behind that, an open/communal area comprising of trees, paving and mown grass. To the west of this are properties on the main section of Jasmine Close.

## **Relevant planning history**

7. No recent planning history

## **The proposal**

8. The proposal is to construct a single storey side extension, infilling the area to the side of the dwelling between it and its south boundary on Jasmine Close. The front and rear walls would be set very slightly in from those of the main property. Due to the angle of the side boundary which the side wall would follow, the extension is wider at the front (4.7m) than at the rear (3.1m).
9. The extension would have a gable roof 2.7m at the eaves rising to 4.1m at the ridge. The gable roof has a ridge at right angles to that of the main dwelling, with front and rear facing pitches reflecting the pitch angle of the main roof. Windows would face front and back with no windows to the side.
10. It is planned to retain the front hedge and to potentially replant, with similar species, any shrubs which would need removal as a result of the works. The brick boundary wall on the south boundary will be shortened to accommodate the

extension.

11. The extension would accommodate a sixth bedroom and a communal lounge area.

Proposal	Key facts
<b>Scale</b>	
Total floorspace	27.5sq.m
No. of storeys	1
Max. dimensions	4.7m wide; 8.3m long; 4.1m high
<b>Appearance</b>	
Materials	Matching brick, interlocking concrete tile, white uPVC windows – all to match existing.

## Representations Received

12. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received citing the following issues:

13.

Issues Raised	Response
Extension is visually intrusive for those in the vicinity.	See main issue 1
This will add to traffic, noise and other issues associated with several HMOs in the area, the cumulative effect of which is impacting on the character of the community.	See other issues
Insufficient parking – there are already cars associated with the property parked in the street, and general problems of parking in the area due to HMOs. On-street parking can make it difficult for others to access their properties and, being a corner plot, cars parked on the street present a potential hazard.	See other issues
With increasing HMOs in the area, there is more noise and movement of people at night. (Note: some specific noise issues/instances were raised which were non-material to planning)	See other issues
While other HMOs in the area are in	See main issue 1

keeping with neighbouring properties, this proposal, which includes increasing the number of bedrooms to six, would represent a significant deviation from the existing pattern and form of dwellings.	
Changing window, to the right of the front of the existing property, to obscure glass would look inappropriate as houses in the immediate vicinity are of the same design	See main issue 1

## Consultation responses

14. No consultation responses.

## Assessment of planning considerations

### Relevant development plan policies

15. **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
16. **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
  - DM6 Protecting and enhancing the natural environment

### Other material considerations

17. **Relevant sections of the National Planning Policy Framework March 2012 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF12 Achieving well-designed places
  - NPPF15 Conserving and enhancing the natural environment

### Case Assessment

18. 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, scale and form

19. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 8, 127-131.
20. Policy asks that developments should respect the local distinctiveness and character of the area. On a corner property, there can be potential for a side extension to be over-dominant on the street scene, disruptive of views along the street and detrimental to the “open” feel of the junction.
21. In this case, there are no further dwellings along this side of Jasmine Close and, with the subject property’s boundary wall extending much of the length of the street, this view of the street isn’t of notable importance. Views of the main part of Jasmine Close to the rear and of its east-facing houses will be largely unaffected, given the extensive vegetation to the rear of no.5 already providing screening.
22. The relative proximity to the road of the two-storey dwelling opposite at 4 Primula Drive, taking it well forward in the street scene of properties to its rear on Jasmine Close, would suggest that there is not a sufficiently open feel to this junction for such a quality to be considered worthy of protection. Given this, though there is some impact on the street scene, it is considered, on balance, to be acceptable.
23. With, for instance, closely matching window design and roof pitch, the form of the proposed extension reflects and works well with that of the main house and is sufficiently subservient in terms of scale. The choice of matching materials also helps to limit any visual impact on the street scene.
24. While there is some uniformity to the design of houses in the area, and particular similarities between this dwelling and its immediate neighbours, the extension doesn’t prevent the original dwelling from being read and, particularly being a corner property, can accommodate some well-considered variation of form without looking out of place.
25. As our consideration of this proposal, along with identified characteristics of the area, are primarily concerned with external appearance the increase in number of bedrooms, in itself, would not be considered a material consideration in the context of design.
26. The alteration of a front window, on the main dwelling, to obscure glass will have little material effect on the appearance of the property.

### **Other issues**

27. With no other properties adjacent to the proposed extension, there will be little or no impact on neighbouring amenity. The addition of a lounge will represent an improvement in amenity for the tenants, bringing the property in line with HMO licensing regulations.
28. Many issues have been raised relating to impacts from this, and other, HMO’s in the area. This application is purely for the extension and, as the number of tenants will not exceed six (which has been confirmed by the agent), it involves no change of use. Matters concerning either wider issues of HMOs in the area, street parking or more specific issues of behaviour, are not material to consideration of the case. However to avoid any uncertainty over the use permitted, a condition is recommended to make clear that the dwelling shall only be used for C3/C4 use.

## **Equalities and diversity issues**

29. There are no significant equality or diversity issues.

## **Local finance considerations**

30. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
31. 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.
32. In this case local finance considerations are not considered to be material to the case.

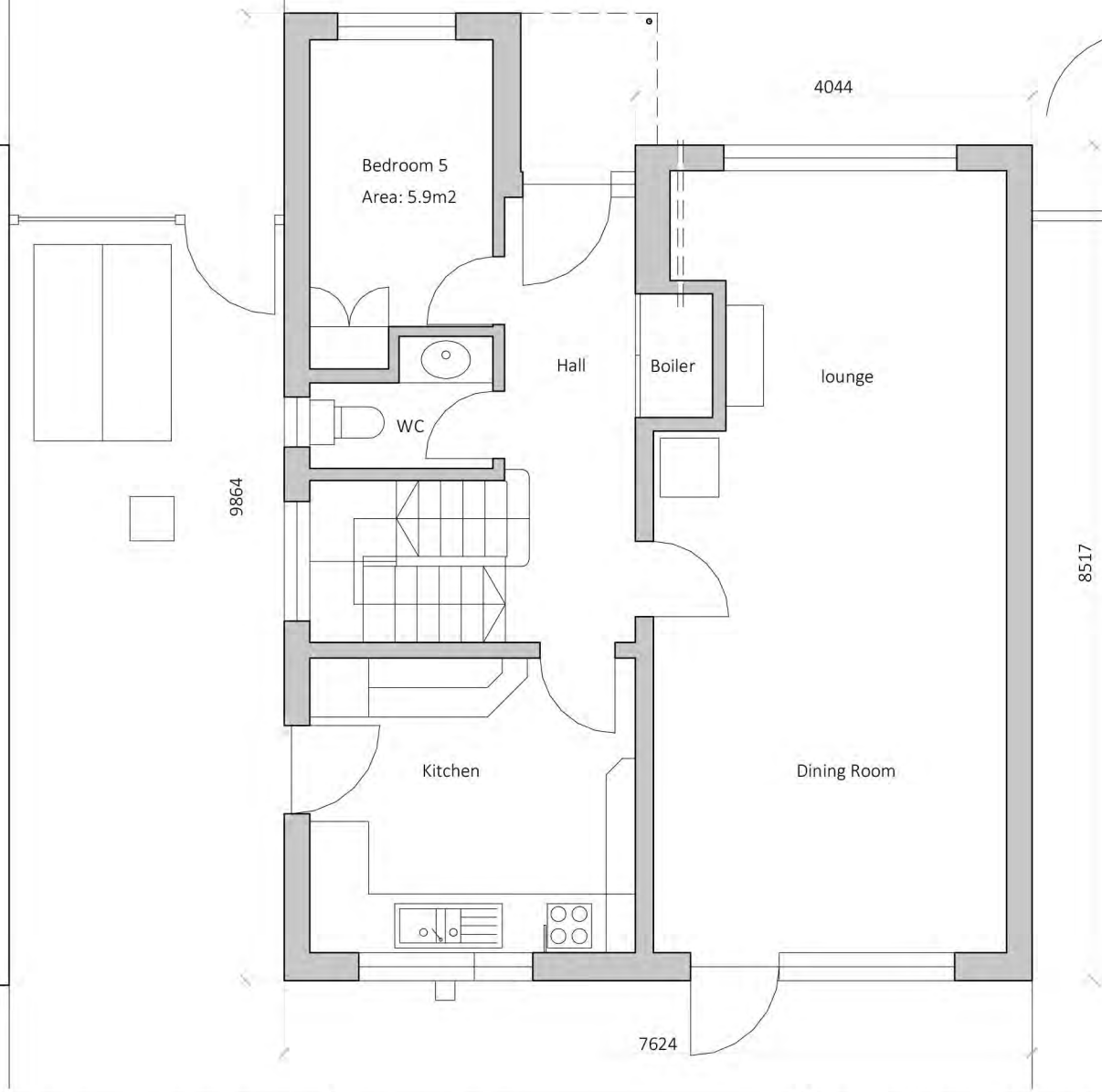
## **Conclusion**

33. With an acceptable level of impact on the street scene, and with no other notable negative impacts, the proposals are considered to be acceptable.
34. 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. 19/00624/F – 5 Primula Drive, Norwich NR4 7LZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Use to be C3 dwelling or C4 small HMO only.



Notes:  
 All Dimensions and  
 Areas are approximate  
 and subject to  
 Detail Design

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 CDM 2015: Construction processes which may present a risk and which are subject to risk  
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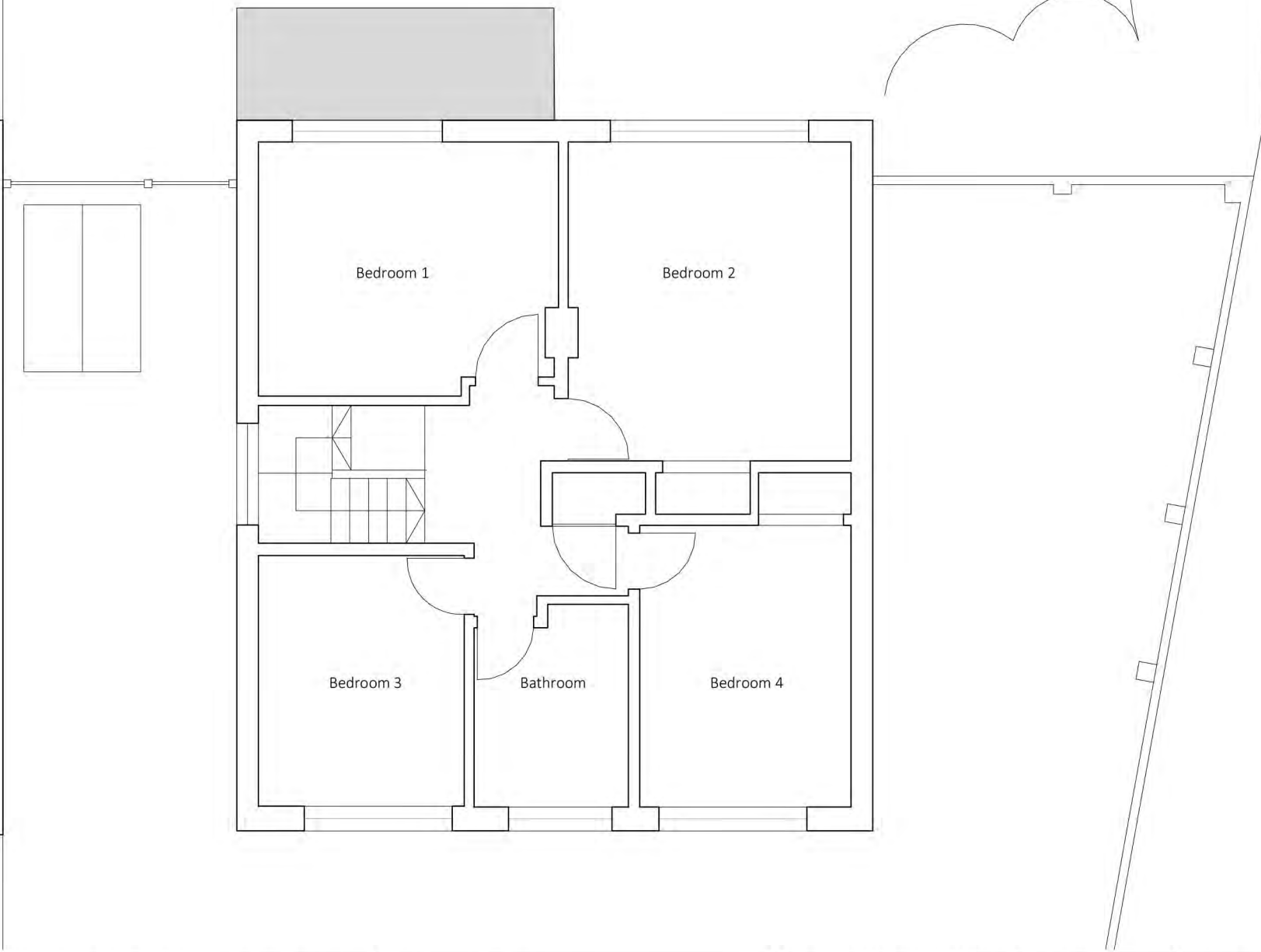
Status Planning  
 Checked KW  
 Revision Planning Issue 29-04-2019


Project Extension to 5 Primula Drive, Norwich  
 Client Mr Sorapure  
 Drawing E18030001-01-146  
 Number PL002  
 Scale 1:50 at A3



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Status	Planning
Checked	KW
Revision	Planning Issue 29-04-2019

Project	Extension to 5 Primula Drive, Norwich
Client	Mr Sorapure
Drawing	Existing and Proposed Plan
Number	PL003
Scale	1:50 at A3



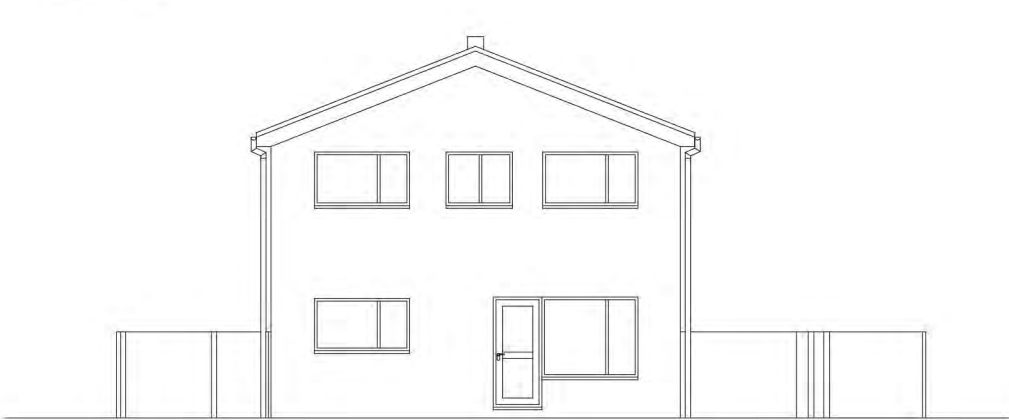
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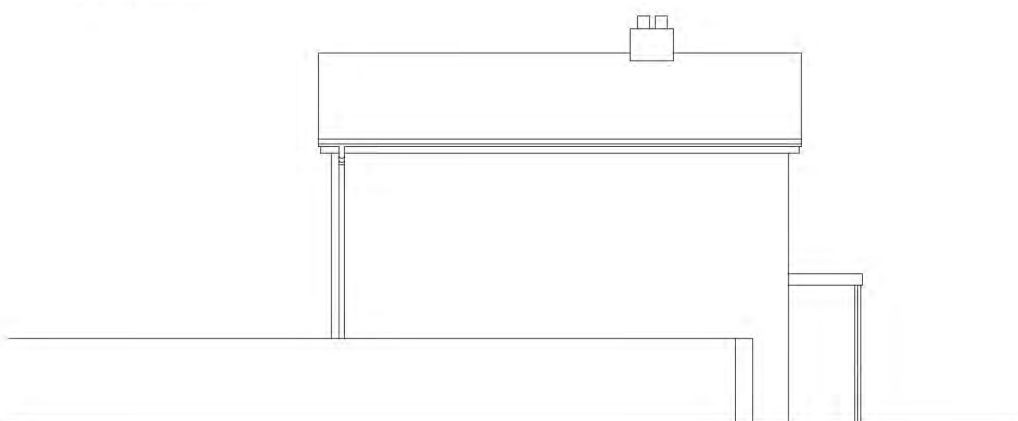
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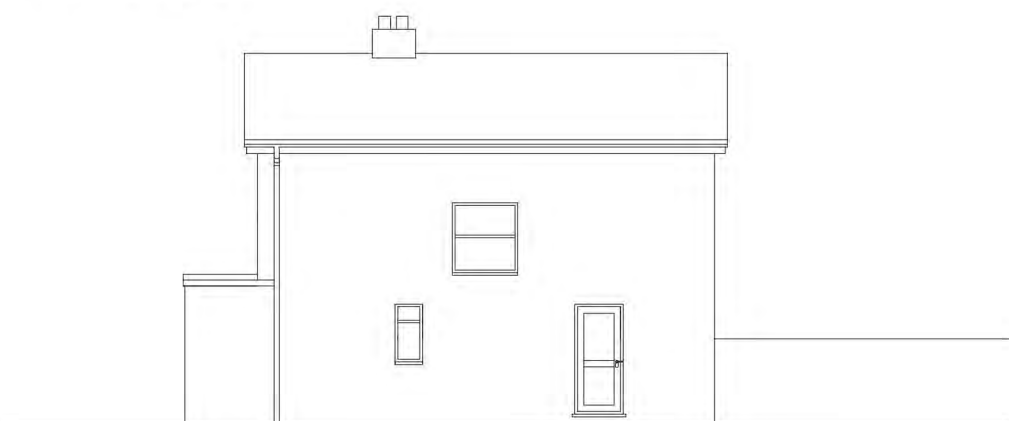
Rear Elevation




Side Elevation South



Side Elevation North



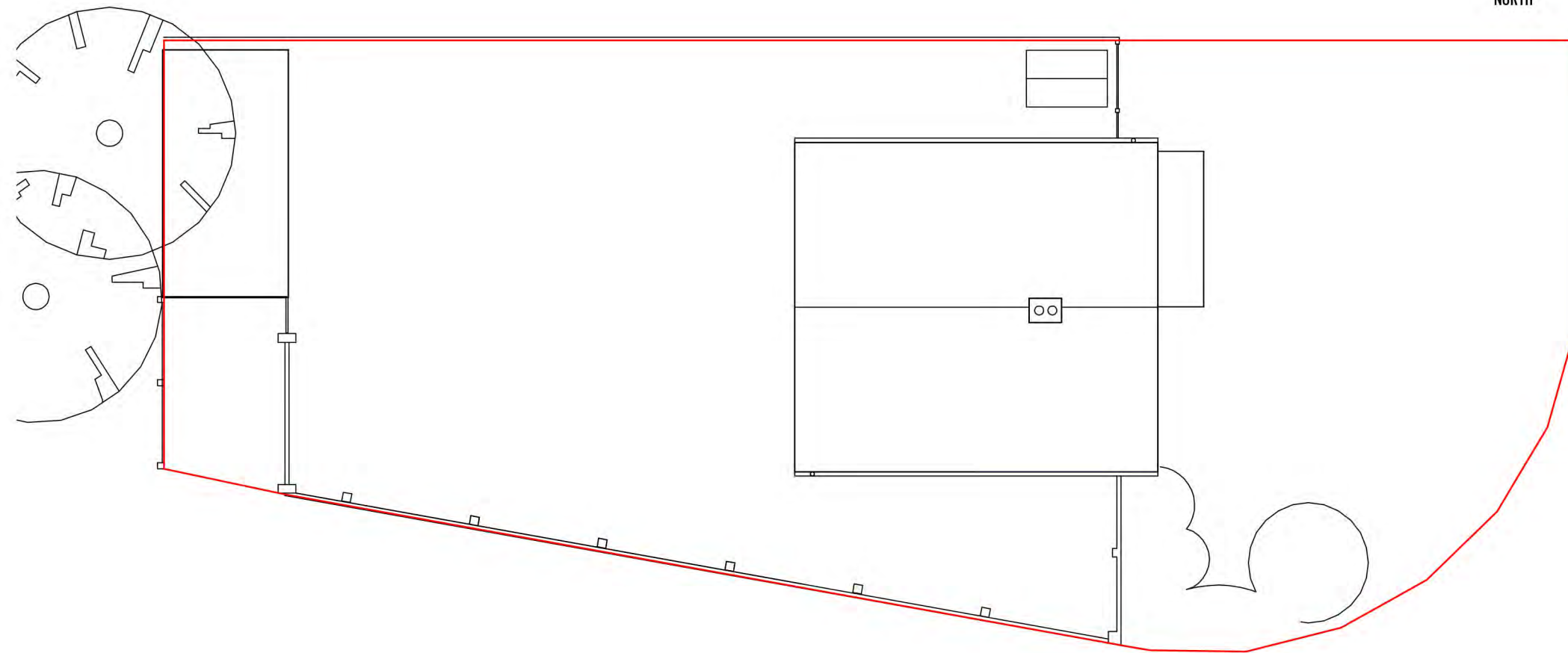
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Status Planning  
Checked KW  
Revision Planning Issue 29-04-2019

Project Extension to 5 Primula Drive, Norwich  
Client Mr Sorapure  
Drawing Existing conditions  
Number PL004  
Scale 1:100 at A3

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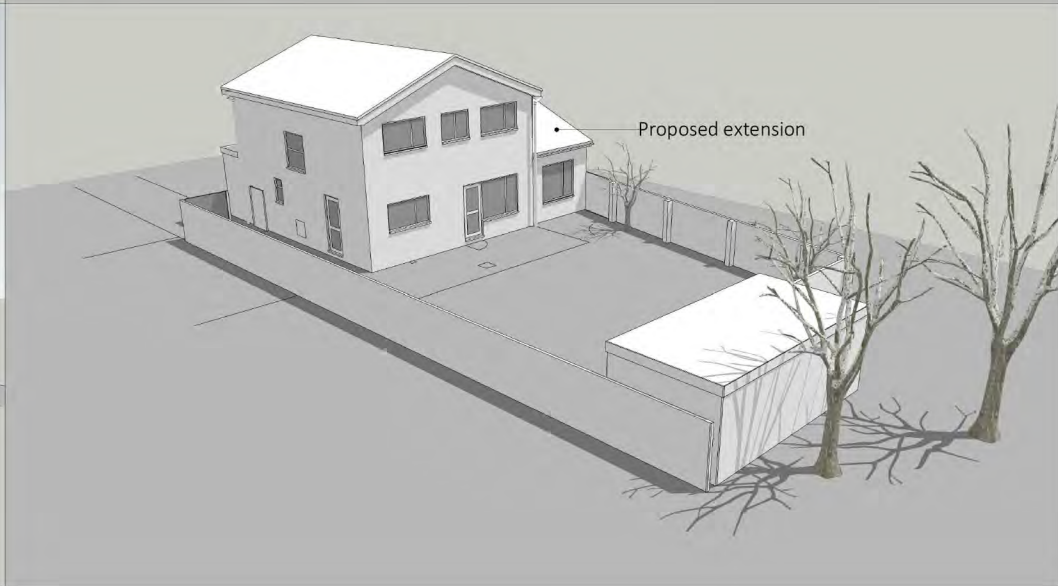
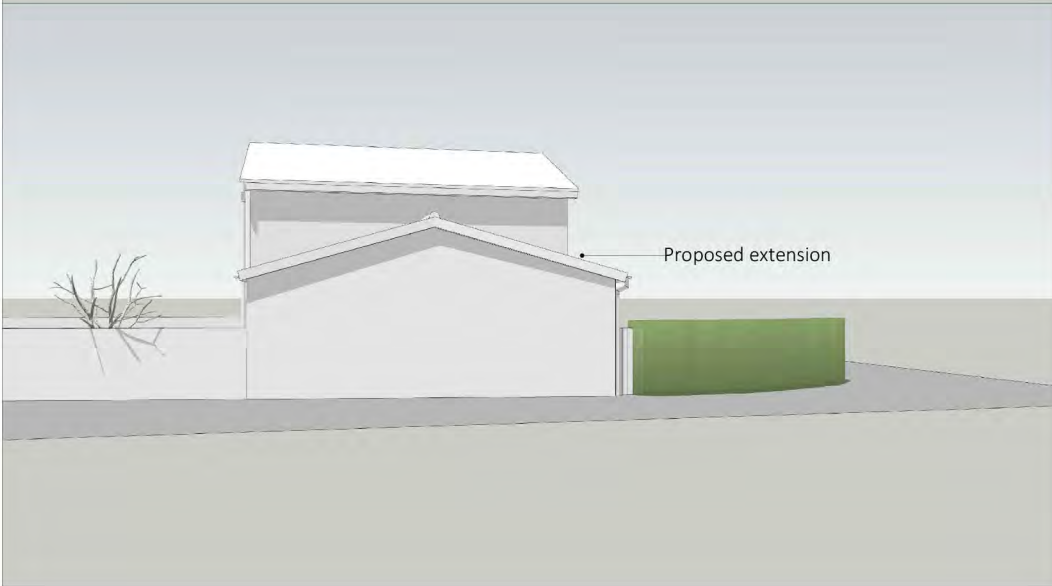
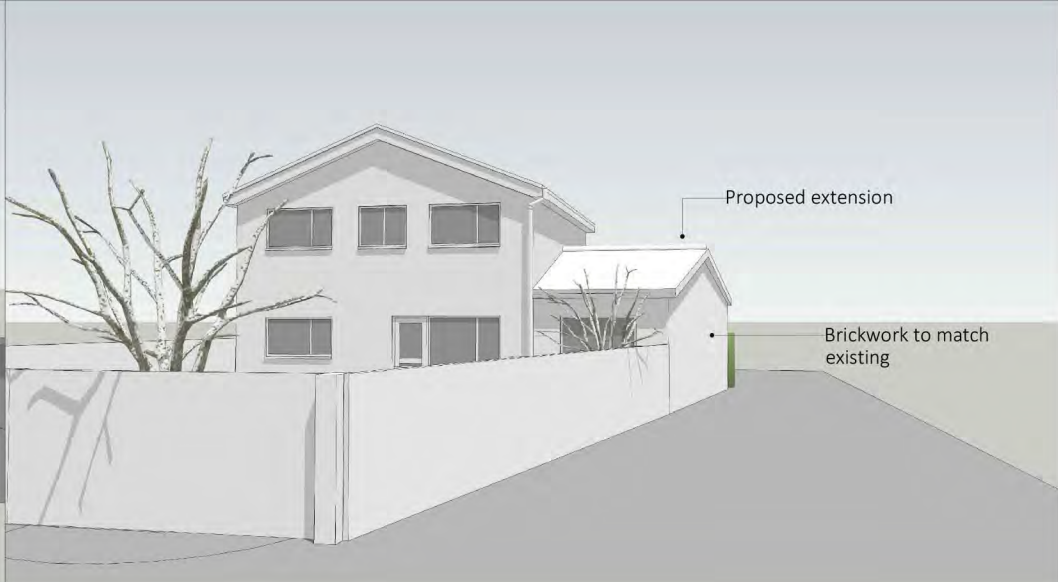
Status	Planning
Checked	KW
Revision	Planning Issue 29-04-2019

Project	Extension to 5 Primula Drive, Norwich
Client	Mr Sorapure
Drawing	Site Plan
Number	PL010
Scale	1:100 at A3

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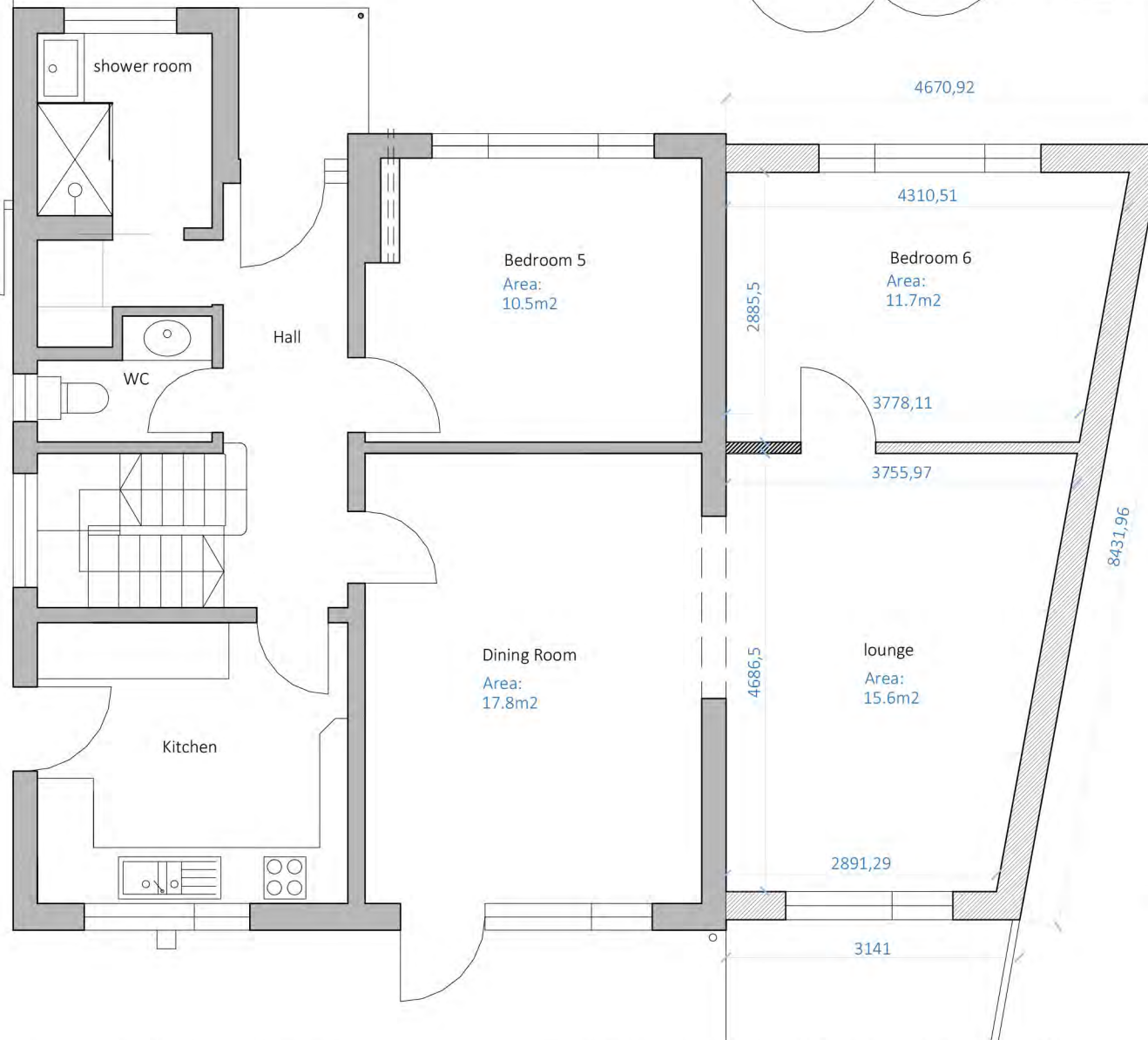
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Status	Planning
Checked	KW
Revision	Planning Issue 29-04-2019

Project	Extension to 5 Primula Drive, Norwich
Client	Mr Sorapure
Drawing	Sketch of Proposed Extension
Number	PL006
Scale	Not to scale

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Areas are approximate  
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Detail Design

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Status  
Checked  
Revision  
Planning  
KW  
Planning Issue 29-04-2019

Project  
Client  
Drawing  
Number  
Scale  
Extension to 5 Primula Drive, Norwich  
Mr Sorapure  
Mr Sorapure  
PL005  
1:50 at A3

Page 103 of 146

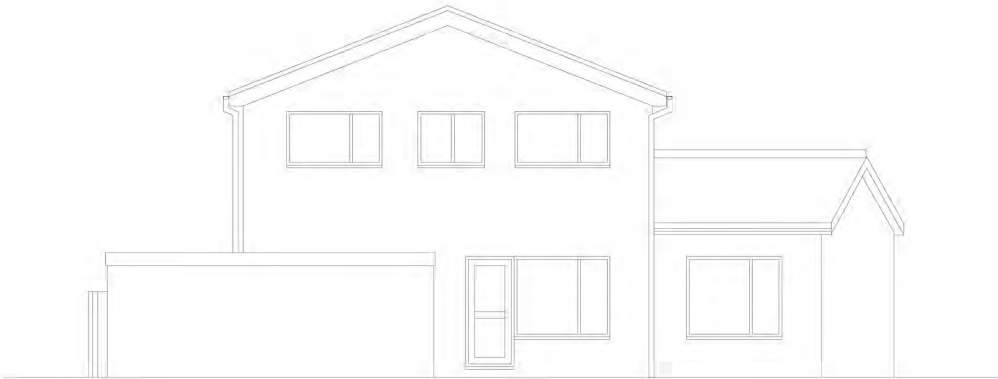
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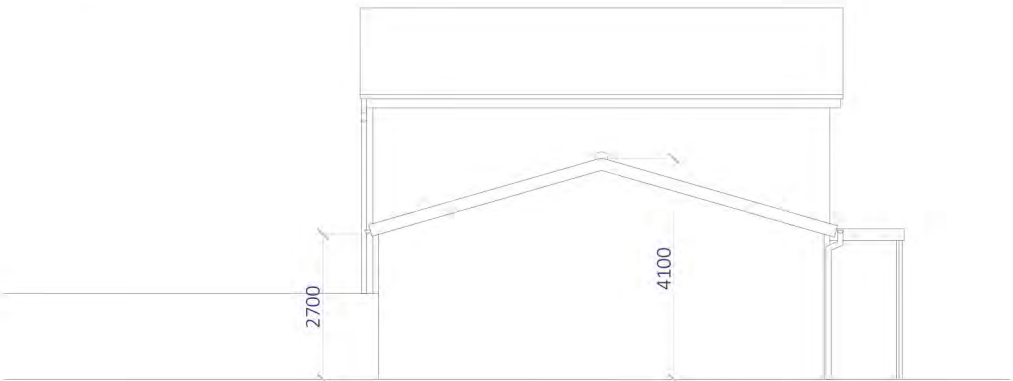
Front Elevation



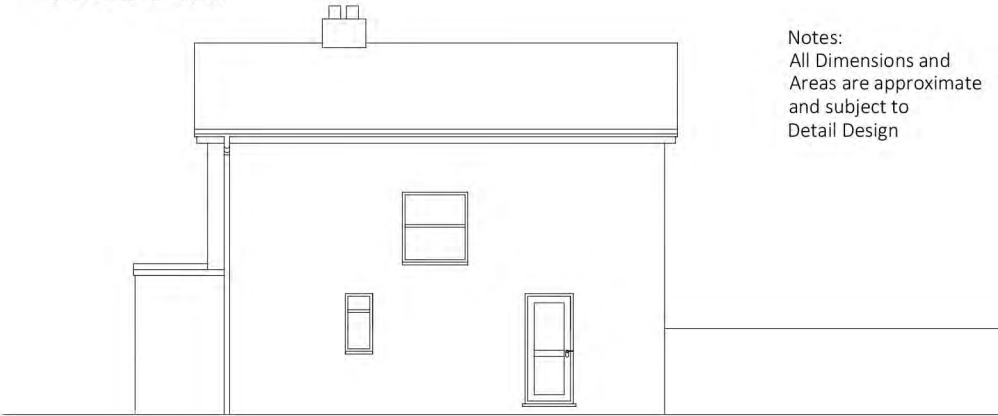
Rear Elevation




Side Elevation South



Side Elevation North



Notes:  
All Dimensions and  
Areas are approximate  
and subject to  
Detail Design

General: Do not measure from this drawing- refer to dimensions and notes provided.  
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Status Planning  
Checked KW  
Revision Planning Issue 29-04-2019

Project Extension to 5 Primula Drive, Norwich  
Client Mr Sorapure  
Drawing Proposed  
Number PL007  
Scale 1:100 at A3

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**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 18/01831/F – 25 Pennyroyal, Norwich,  
NR6 6JQ.

**Reason  
for referral** Objections

5(j)

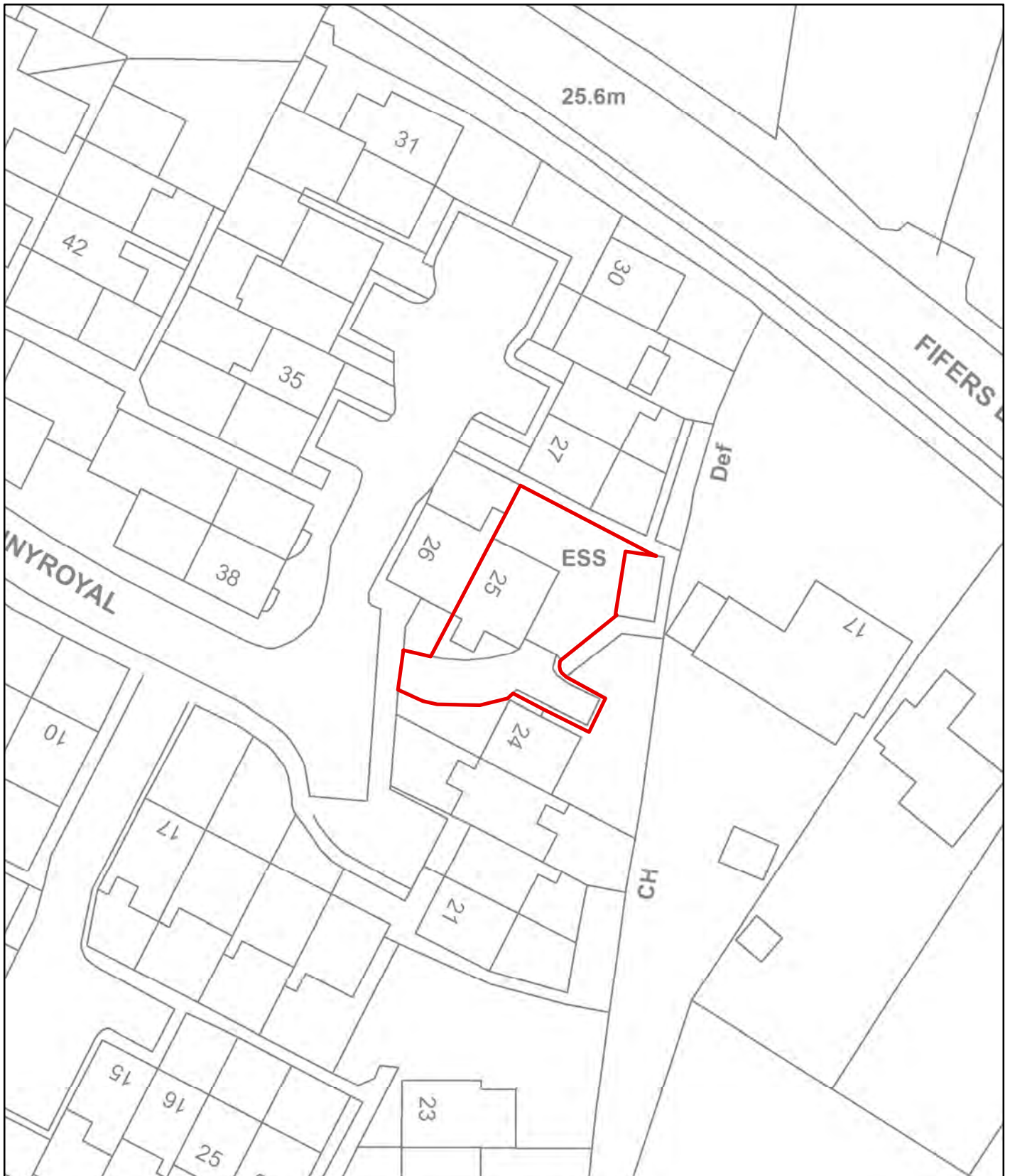
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<b>Ward:</b>	Town Close
<b>Case officer</b>	Jacob Revell – <a href="mailto:jacobrevell@norwich.gov.uk">jacobrevell@norwich.gov.uk</a>

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

Main issues	Key considerations
1 Design	The impact of the proposed development within the context of the original design / surrounding area
2 Amenity	The impact of the proposed development on the neighbouring properties.
<b>Expiry date</b>	27 March 2019
<b>Recommendation</b>	Approval





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Planning Application No 18/01831/F  
 Site Address 25 Pennyroyal  
 Scale 1:500

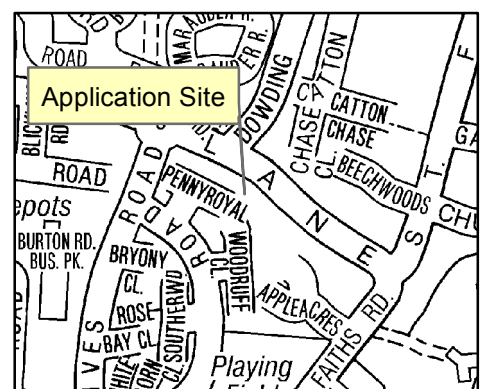


**NORWICH**  
 City Council

PLANNING SERVICES



Page 106 of 146



## The site and surroundings

1. The site is located at 25 Pennyroyal, a quiet residential street located to the north of the city centre. The property is located within the Fiddlewood housing estate that sits between St Faiths Road and Fifers Lane. The site is located approx. 4km north of the city centre. The area is wholly residential, with Catton Park located to the east and a large industrial estate located to the west. The street itself is quiet and residential. There is a mixture of terraced and semi-detached properties. The property itself is semi-detached, adjoining to 26 Pennyroyal. The property features a large garden that curves around the side of the property away from number 26.
2. The subject property is a two-storey semi-detached dwelling. The property was constructed as part of a large housing development in the 1970s. The ground floor of the property is constructed of red brick, whilst the first floor is clad with timber panels. There is pantile tiling on the roof of the property. There is considerable space at the front of the property for parking, as the drive shares access to an electrical substation. There is an alleyway that runs parallel to the rear of the property that allows access to the rear garden of 27 Pennyroyal.

## Constraints

3. Critical Drainage Area.

## Relevant planning history

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

Ref	Proposal	Decision	Date
18/01651/PDE	Erection of single storey rear extension. The extension extends 5.8m beyond the rear wall of the original dwelling. The height at the highest point of the extension is 2.7m. The height at the eaves is 2.6m	WITHDN	11/12/2018

## The proposal

5. The application is retrospectively applying for permission for an extension to the rear of the property. The extension is a flat roof design, constructed of timber, blockwork and white cladding on the exterior.
6. The development extends 5.8m beyond the rear wall of the dwelling, with a width of 4m. The total height of the extension is 2.7m. The extension runs along

the boundary wall of 26 Pennyroyal. There are French doors extending onto the rest of the rear garden of the property.

## Representations

7. 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.
8. Previously highlighted issues of land ownership have been dealt with privately as a civil matter. The objectors have not indicated that they wish to withdraw their objections listed below on account of this issue being resolved.

Issues raised	Response
Appearance and design of development.	See main issue 1.
Amenity.	See main issue 2.
Disruption during development.	See other matters.

## Consultation responses

9. No consultations have been undertaken.

## Assessment of planning considerations

### Relevant development plan policies

10. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
11. **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

12. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**
  - NPPF12 Achieving well-designed places

### Case Assessment

13. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material



considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Main issue 1: Design**

14. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
15. The extension is of a relatively low profile. The flat roof of the extension is raised slightly higher than the red brick of the ground floor level. Although large, the scale of the development is considered in proportion to the wider property, running to the end of the rear garden but still leaving plenty of space due to the size of the garden. From a design perspective, the development is considered proportionate to the host building. The most contentious element of the design is the decision to use cream cladding on the exterior of the extension. However, the neutral tone of the material, in combination with the use of white detailing on the majority of properties in the area, ensures that the choice of materials is considered suitable for the development.

### **Main issue 2: Amenity**

16. The development has no significant amenity impact on neighbouring properties. Although it runs along the length of the neighbouring boundary wall, the relatively low profile of the flat roof structure coupled with the pre-existing single storey outbuilding on the neighbouring side of the boundary ensures that any amount of overshadowing to the neighbouring garden in the early morning would be negligible. There are no windows facing towards the neighbouring property so there is no risk of overlooking.

### **Other matters**

17. Letters of representation have highlighted disturbances during the construction of the extension, many relating to the previously mentioned land ownership issues. Issues such as noise during construction and the signing of party wall agreements are civil issues at this scale, and so have not been considered in determining the outcome of this application.

### **Equalities and diversity issues**

18. There are no significant equality or diversity issues.

### **Local finance considerations**

19. 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.

20. 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.
21. In this case local finance considerations are not considered to be material to the case.

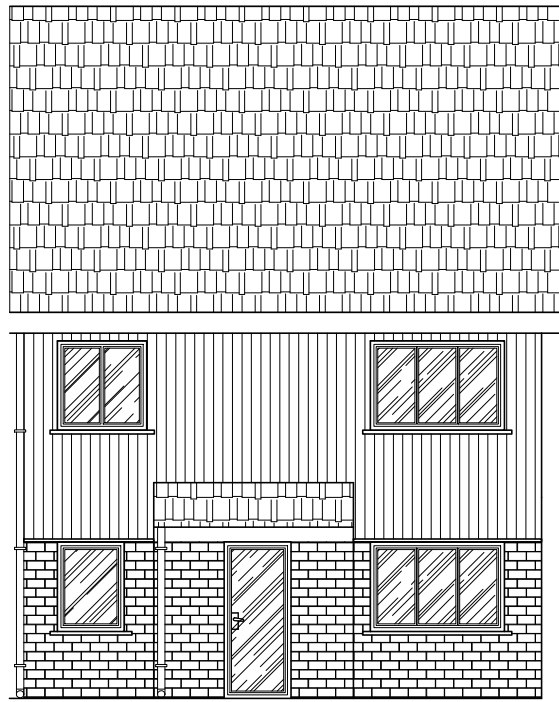
## **Conclusion**

22. 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. There is minimal impact on the surrounding properties.
23. 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.

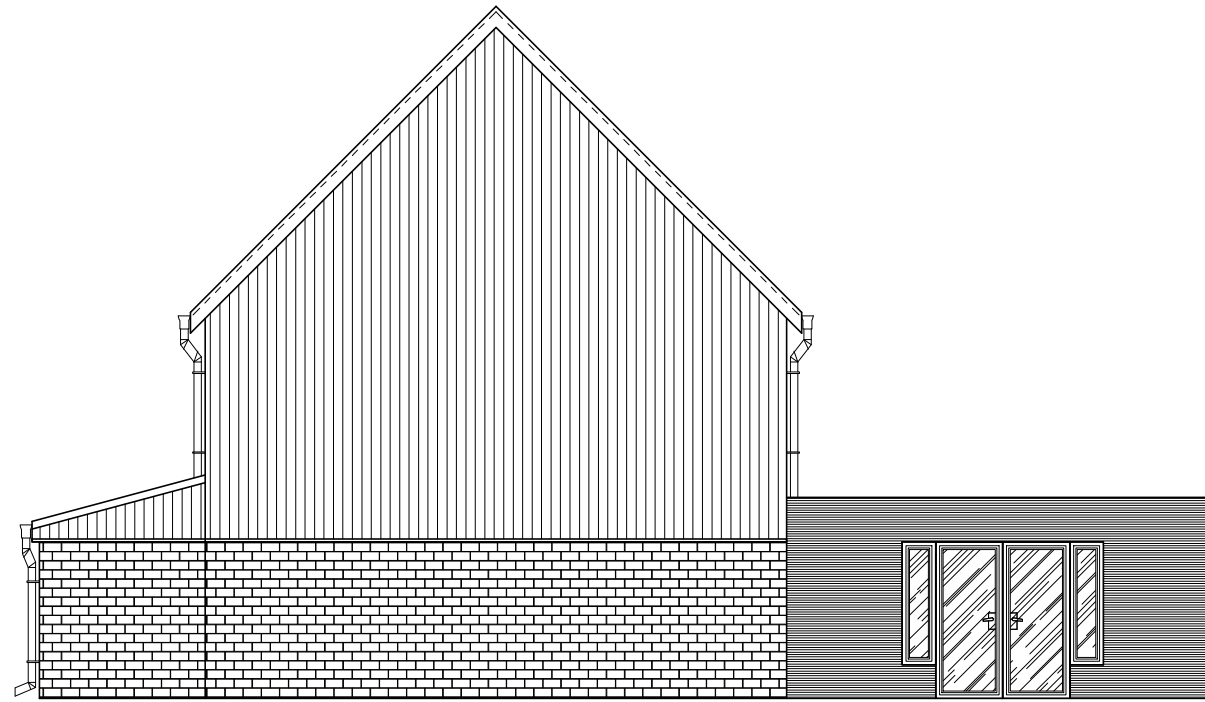
## **Recommendation**

To approve application (18/01831/F – 25 Pennyroyal, Norwich, NR6 6JQ) and grant planning permission subject to the following conditions:

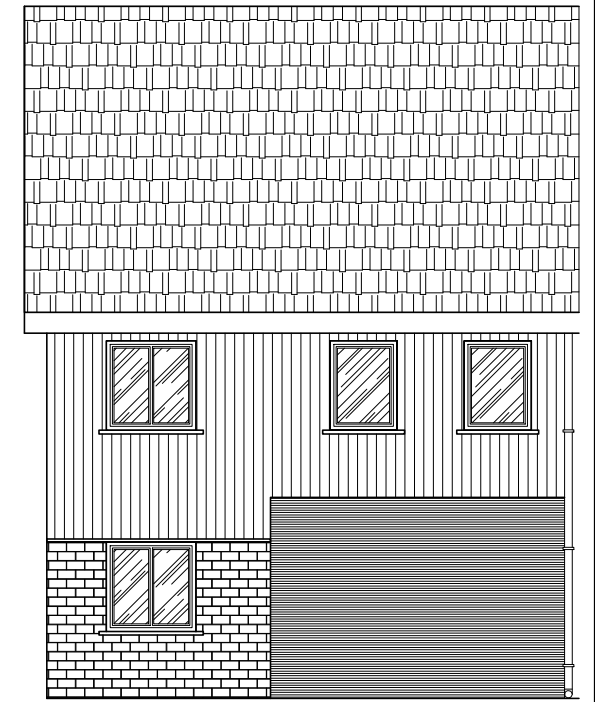
1. Standard time limit;
2. In accordance with plans;



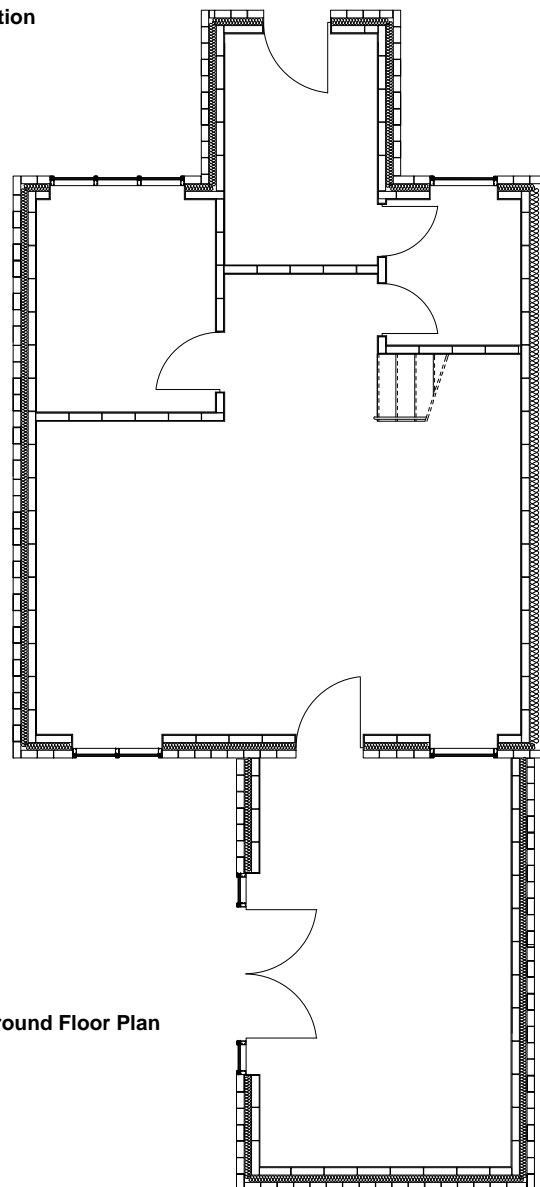
**Proposed Front Elevation**  
1:100@A3



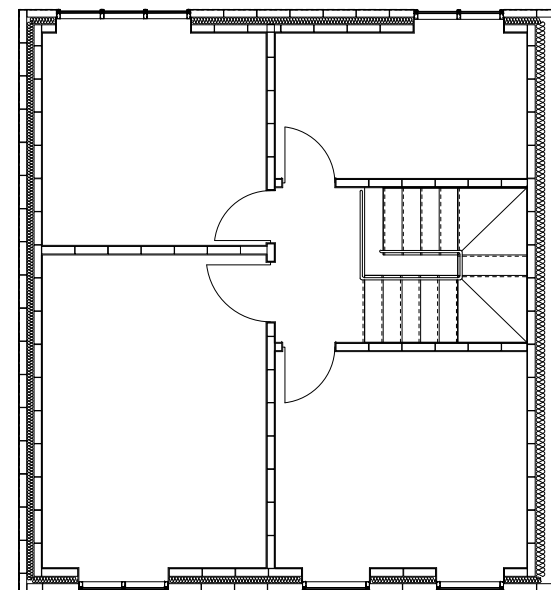
**Proposed North Elevation**  
1:100@A3



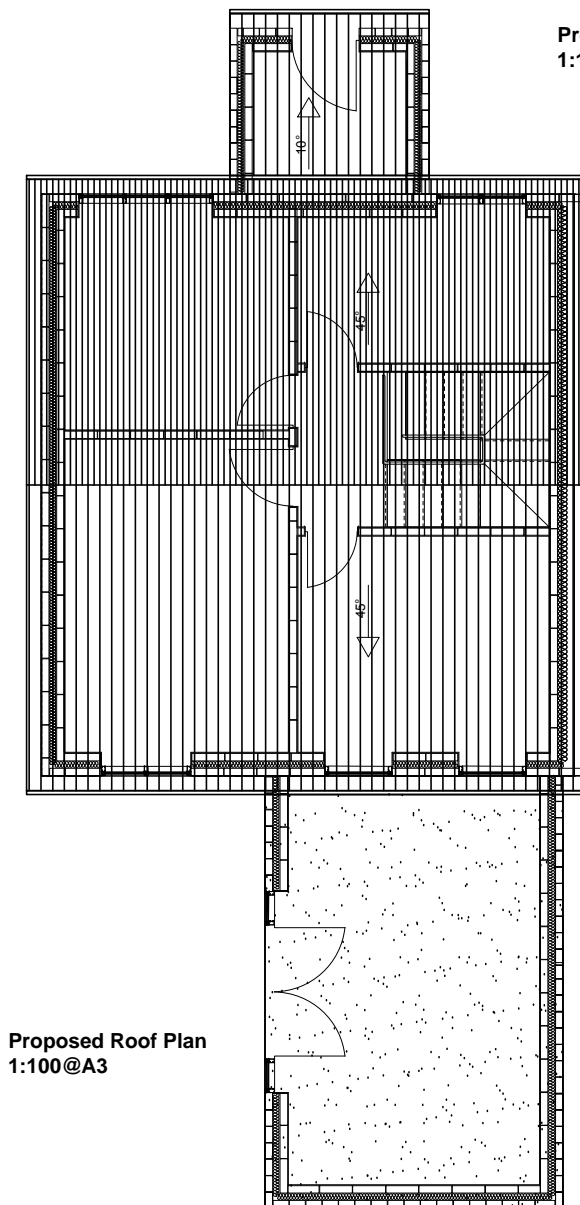
**Proposed Rear Elevation**  
1:100@A3



**Proposed Ground Floor Plan**  
1:100@A3



**Proposed First Floor Plan**  
1:100@A3



**Proposed Roof Plan**  
1:100@A3



**Report to** Planning applications committee  
13 June 2019

**Item**

**Report of** Head of planning services

**5(k)**

**Subject** Enforcement Case 18/00003/ENF – Land at Holt Road,  
Norwich

---

Summary	
<b>Description of breach</b>	Without planning permission the change of use of the land for the stationing of caravans for residential purposes, the siting of domestic sheds, the laying of a hard surface, the stationing of a portaloo, the erection of a 2m boundary fence and gate.
<b>Recommendation</b>	Authorise enforcement action to cease the use of the land for the stationing of residential caravans and remove any caravans, sheds, portaloo, and hardstanding.
<b>Ward</b>	Catton Grove
<b>Contact Officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>



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Planning Application No 18/00003/ENF  
 Site Address Land at Holt Road  
 Scale 1:2,000

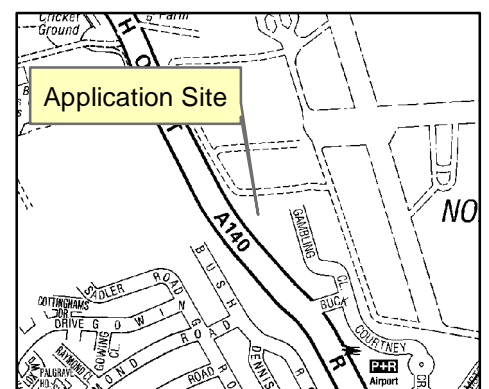


**NORWICH**  
 City Council

PLANNING SERVICES



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## **Background**

1. This matter was previously reported to this committee on 9 August 2018 and 11 October 2018. It was deferred at the August meeting for further consideration, and at the October meeting members of the planning applications committee resolved not to take full enforcement action as recommended by officers but to 'underenforce', which would involve serving an enforcement notice placing a number of requirements on the occupants but effectively allow them to remain on the land providing the requirements are complied with. The requirements are set out in paragraph 4 of the report dated 11 October, which is appended to this report. It should be noted that members resolved not to apply requirement (d).
2. Since that time, officers have refrained from serving the notice due to ongoing investigations resulting from further complaints about the site, in particular the discovery that a substantial amount of waste had been imported onto the land. Following intervention from officers, the majority of this waste has now been removed from the site.
3. Following an update on the enforcement investigation at the last planning applications committee meeting on 9 May 2019, members requested the matter be reported back to committee for further consideration.

## **Site**

4. The site is a paddock next to the A140 Holt Road, adjacent to land controlled by Norwich Airport and immediately to the south of the main airport runway. To the east is Gambling Close, including the headquarters of the East Anglian Air Ambulance Service. To the south are further paddocks, with the A140 to the west and allotments on the opposite side of the road. The site is accessed via an informal vehicle access from Holt Road. The caravans and portaloo are located close to the access on the western side of the site next to Holt Road. The majority of the site which includes the remainder of the paddock remains undeveloped.

## **The breach**

5. The breach of planning control is the change of use of the land for the stationing of caravans for residential purposes. At the time of writing this includes a 'portakabin' type building and a static caravan, however there has previously been a touring caravan on the land too. Additional development which does not benefit from planning permission includes a 2m high (approx.) fence alongside the frontage with Holt Road, a portaloo, an area of gravel surfacing and a tarmacked driveway from the road to the entrance which has recently been laid.
6. Further information about the history of the breach and the circumstances of the occupiers is contained within the appended reports. The occupiers are a husband and wife who are Romany gypsies, and have occupied the land since October 2017. In terms of ownership the land is unregistered and to date no evidence of land ownership has been provided by any party.

## **Update since October 2018**

7. In January this year it was discovered that a substantial amount of waste had been imported onto the site and was being stored in the paddock behind the caravans. This included bricks, rubble, plastics, metals, piles of soil and tyres. Officers have been working to ensure the removal of this and whilst it has taken a few months to achieve the majority of the waste has now been cleared.
8. A further static caravan has been brought onto the land, in addition to the portakabin and touring caravan that were already there, although the touring caravan has recently been removed. It is understood the portakabin will be also be removed but this has not yet happened. A hedge has been planted along the frontage to Holt Road and a hard surface has been laid over the vehicular access to the site.
9. The council has continued to receive complaints about the site, including from Norfolk Police, Norwich Airport, the East Anglian Air Ambulance Service which is located to the east of the site and also from members of the public.
10. Norfolk Police have raised a particular concern about the number of calls they receive in relation to animals escaping onto the A140 Holt Road, and the associated danger this poses to highway safety for road users. Norwich Airport has complained about the potential for waste items to blow towards the airport runway, causing an airport safeguarding risk, and also animals entering Airport land from the site. The East Anglian Air Ambulance has complained about disruption being caused by animals escaping onto their land. Further complaints have been received regarding additional people moving onto the site to live. It is understood that they were family members who were staying temporarily and have since moved on.

## **Planning considerations**

11. The detailed planning considerations are largely unchanged from the ones set out within the appended reports from last year. It is the view of officers that the site remains unsuitable for any kind of permanent residential use, due to the proximity to the airport and the associated noise impacts from aeroplanes, the unsafe access onto the A140, the lack of a safe route for pedestrians to access the site, and the conflict with the employment allocation within the Norwich Local Plan.
12. Although it has now been largely cleared, the use of the site for the storage of waste was unacceptable in terms of its impact on the local environment and did pose concerns about items blowing towards the airport runway at times of high winds, which would represent a safeguarding risk for aeroplanes. The ongoing problems caused by domestic animals escaping has caused safety concerns, particularly on the A140 which is part of the strategic highway network and has a 60mph speed limit in the vicinity of the site.
13. Notwithstanding the aforementioned conflicts with local planning policy, it is concluded that the amenity impacts which have arisen from the occupation of the



site for residential caravans have had an unacceptable impact on local amenity and has been a cause for concern in terms of the potential risk to operations at Norwich Airport.

14. In terms of the approach agreed at the previous planning committee, it has become apparent through legal advice received in relation to other cases that the approach of 'underenforcement' (whereby a notice is served to remedy part of a breach but can have the effect of allowing the remainder of the breach to become lawful) is problematic and not all the measures outlined at paragraph 4 of the October 2018 report are likely to be effective in this instance. In practice, it has become apparent that requirements which require ongoing 'compliance' as opposed to the carrying out of physical works cannot generally be imposed as part of an enforcement notice. Therefore it is now considered that restrictions to limit use to the current occupier and restrictions on the number of caravans are unlikely to be enforceable through an enforcement notice. Such restrictions could however be placed on a planning consent were the occupier to apply.
15. As a result of this, should members decide that they do not wish to take full enforcement action, the alternative option would be to decide it is not expedient to take enforcement action at all. This would mean that the use may become lawful after 10 years. A further option would be to encourage the occupier to submit a planning application.
16. The availability of alternative sites is a material consideration and it should be noted that at the time of writing there are no available pitches on local authority traveller sites in Norfolk. However there is a proposal to expand the site at Swanton Road for which planning permission has been granted and it is anticipated that additional provision will become available there in the not too distant future. Notwithstanding this, it is understood that the occupiers would prefer not to live at a local authority site alongside other traveller families and may seek an alternative solution.
17. Although the lack of alternative provision is a consideration in this case, it does not automatically follow that the use of the land at Holt Road is acceptable because no other pitches are immediately available. In officers' opinion the aforementioned planning harm resulting from the use is significant and outweighs the benefits which in this case are limited to one family.

## **Conclusion**

18. As previously identified, the use of the land conflicts with local and national planning policies due to the unsafe access onto the A140, the unsuitable location of the site next to Norwich Airport, the lack of a safe access for pedestrians and the conflict with the local plan allocation of the land for employment development. In addition to this, the site has been used for the storage of substantial amounts of waste which is unacceptable in planning terms and there is a risk of ongoing issues with this in the future.

19. Further amenity and road safety impacts have arisen as a result of the occupancy of the site as described above which adds weight to the judgement that this is not a suitable site for the siting of residential caravans.
20. Regard is had to the lack of available traveller pitches in the Norwich area at the time of writing but the harm arising from the use of land in this location is significant and outweighs the more limited benefits of allowing the use to continue.

## **Recommendation**

21. It is recommended that members authorise full enforcement action to cease the use of the land for the siting of residential caravans, including the removal of all structures and materials related to the residential occupation, with the exception of the front boundary fence and gates.
22. It is recommended that a compliance period of 12 months is imposed, to allow the occupants to have a reasonable period of time to arrange an alternative place to live and time to clear the site, but also to ensure the use of land is brought to an end within the near future. This is a shorter period than was originally recommended, however regard is to the fact that 8 months have passed since that recommendation, and the occupancy of the site is already approaching 2 years.
23. Officers will liaise with the traveller sites and tenancy manager at Norfolk County Council to assist the occupants in applying for an alternative caravan pitch, should they wish to pursue this option.

## **Equality and Diversity considerations**

45. The Human Rights Act 1998 came into effect on 2nd October 2000. :
  - (a) Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient, proportionate and in the public interest.
  - (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the potential enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.
46. Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. This states the following:
  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 this right except such as is 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 protection of the rights and freedoms of others.*

47. Enforcement action to require the occupation of the land for residential purposes to cease would represent an interference of the rights contained within Article 8(1). However it is noted that the ECHR provisions do not go as far as to allow an individual's preference for their place of residence to override the general public interest. The planning merits of the development have been assessed in accordance with planning law and it has been found by officers that the harm caused to the general interest outweighs the needs of the individuals in this case. It is therefore concluded that the Article 8 rights are not violated.

## **Equality Act 2010**

48. As part of the Public Sector Equality Duty (PSED), which is set out in section 149 of the Equalities Act 2010, A public authority must, in the exercise of its functions, have due regard to the need to—

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*

*(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*

*(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

49. In addition, the following further requirement at section 149(3) of the above mentioned act applies:

*Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—*

*(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*

*(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*

*(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

50. A 'relevant protected characteristic' includes race, which is relevant in this case because it concerns ethnic Romany people.

51. In interpreting this legislation, a case could be made that in light of the current lack of provision for traveller sites in the Norwich area, it would not be expedient to take enforcement action to require the use of land to cease because this would run counter to the aims of the PSED legislation. Accordingly weight is

attached to this matter in the overall balancing exercise. However weight is also attached to the unsuitable nature of the site for long term residential occupation, which it should be noted is considered to be just as unsuitable for a C3 'bricks and mortar' residential dwelling as it is for the stationing of caravans for residential use by travellers. It is therefore considered that allowing travellers to reside at land which is considered unsuitable for any form of residential occupation could represent a form of discrimination, which the Act aims to prevent.

52. On the basis of this balancing exercise, it is concluded that taking action to ensure the use of the land ceases would not conflict with the PSED requirements. In addition, allowing a reasonable period for compliance is considered to be a proportionate measure which would assist in meeting the requirements of the PSED legislation.

**Report to** Planning applications committee  
11 October 2018

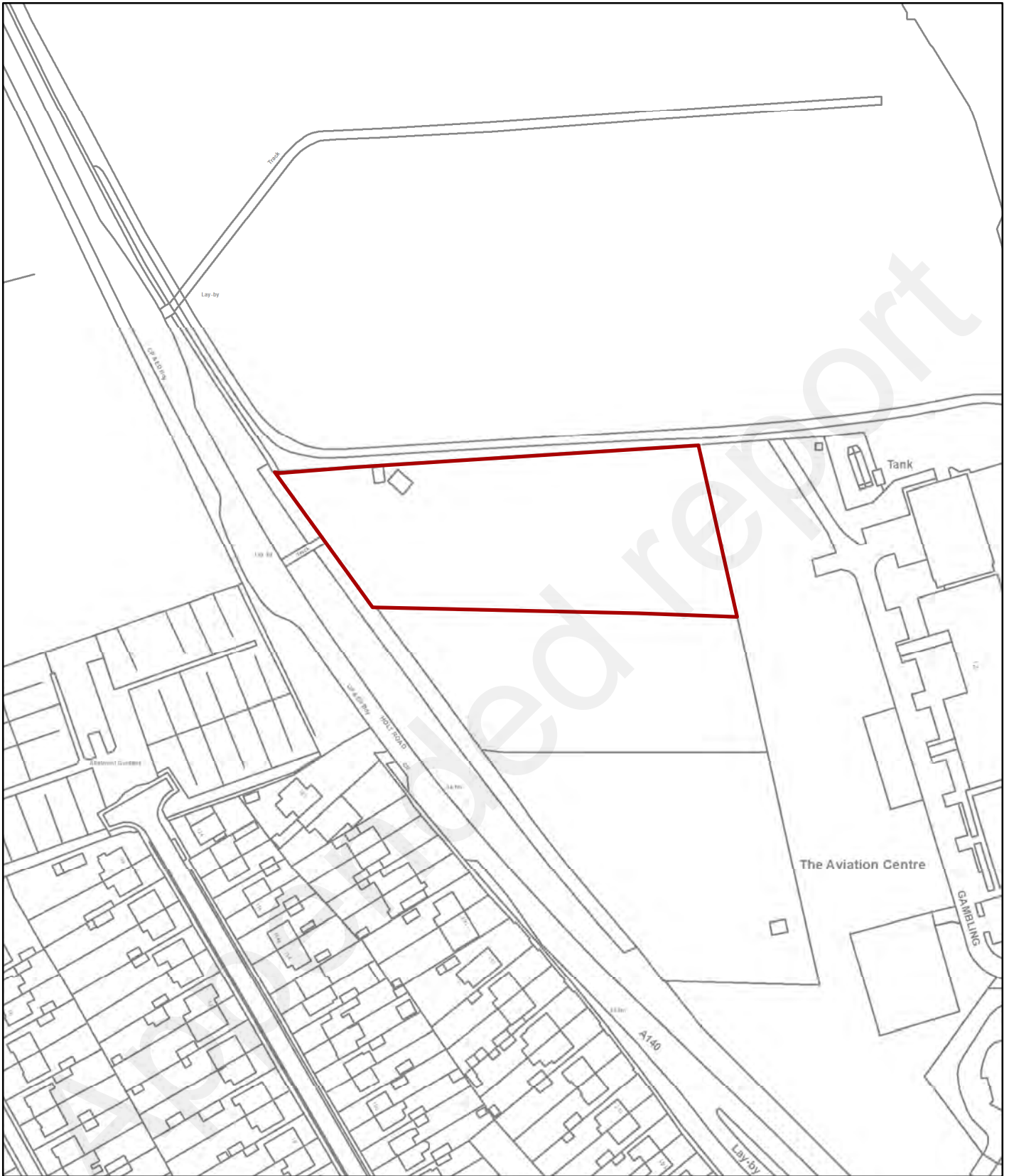
**Item**

**Report of** Head of planning services

**4(f)**

**Subject** Enforcement Case 18/00003/ENF – Land at Holt Road,  
Norwich

Summary	
<b>Description of breach</b>	Without planning permission the use of the land for the stationing of caravans for residential purposes, the laying of a hard surface, the stationing of a portaloo, the storage of waste and the erection of a 2m boundary fence and gate.
<b>Recommendation</b>	Authorise enforcement action to cease the use of the land for the stationing of residential caravans and remove any caravans, portaloo, frontage fence and hardstanding.
<b>Ward</b>	Catton Grove
<b>Contact Officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>



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Planning Application No 18/00003/ENF  
 Site Address Land at Holt Road  
 Scale 1:2,000

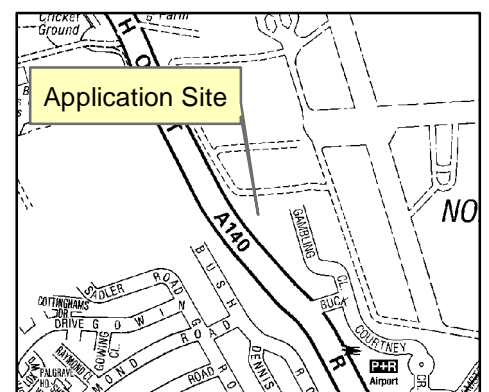


**NORWICH**  
 City Council

PLANNING SERVICES



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## **Report**

### **The breach**

1. The breach of planning control is that without planning permission the land is being used for the stationing of residential caravans. Additional development which does not benefit from planning permission includes a 2m high (approx.) fence alongside the frontage with Holt Road, the siting of a portaloo, an area of gravel surfacing, and an area where waste has been deposited and is being stored. Further details on the land and development are provided within the previous report includes in Appendix A.

### **Background**

2. The case was reported to committee on 9 August 2018 with a recommendation to authorise enforcement action to cease the use of the land for the stationing of residential caravans (see Appendix A), albeit with an 18 month compliance period. At that meeting members did not support the recommendation and resolved to defer the item to allow consideration of the option of under enforcement, whereby the use of the land could be allowed to continue subject to certain measures being implemented. Officers were asked to investigate the option of under-enforcement, and report the matter back to a future meeting.
3. This report provides a summary of measures which in the view of officers, having had reference to government guidance and case law could and could not be sought via an enforcement notice.

### **Measures which could be required via the serving of an enforcement notice**

4. The following measures could be required via an enforcement notice. A reason is provided as to why it would be expedient to require the measure.
  - a) A requirement that the site be occupied for residential purposes by the particular individual concerned and his immediate family only and should the family cease to occupy the land for residential purposes the use of the land for residential purposes shall cease and all caravans and porta-loos shall be removed from the land.

Reason: The development conflicts with development plan policies however regard has been had to the particular circumstances of the individual and his family and the current lack of available traveller pitches in the Norwich area.

- b) A requirement that no more than two caravans be stationed on the land for the purposes of residential occupation.

Reason: To minimise the impacts on the amenity of the area and to avoid an over-intensive use of the vehicular access.

- c) A requirement to limit the extent of the residential curtilage to a defined area close to Holt Road. No caravans shall be sited outside of this area.

Reason: To minimise the impact of the development on the amenities of the area.

- d) A requirement to set the boundary fence back by 2m and reduce its height to no higher than 1.8m.

Reason: to improve the visual appearance of the site and to allow suitable space for a hedge to be planted.

- e) A requirement to plant a hedge along the frontage of the boundary to screen the fence.

Reason: To improve the visual appearance of the site.

- f) A requirement to ensure that any access gates shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.

Reason: In the interests of highway safety.

### **Matters which could not be resolved via an enforcement notice**

5. Members are asked to note that the above measures would not resolve the primary planning concerns regarding the use of the land for the stationing of residential caravans, which relate to highway safety, an unsustainable location, noise impacts and drainage.
6. In relation to highways, it is the position of Norfolk County Council as Highway Authority that the A140 Holt Road is a Principal Route in the County Council Route Hierarchy with its primary intention being to carry traffic freely and safely between centres of population. Accordingly there are strong restrictions on new accesses or any intensification of use of existing access which will interfere with the free flow of traffic on the Principal Route. The Highway Authority has requested it to be reported that it continues to object in principle to the creation of a new residential vehicular access in this location due to highway safety concerns.
7. In addition to this, even if the principle of a new access was accepted in this position, it would require significant highway improvement works which would not be proportionate to require given the relatively small scale of development, and the fact it would involve works on land outside of the occupiers control.



8. In terms of the location, it would not be possible to require a new footpath to be constructed linking to the existing built up area further to the south, because it would not be proportionate and also because it would involve works to land which is outside of the occupiers control.
9. With regard to noise, given the proximity of the site to the airport runway, there is no mitigation which could be reasonably sought which would adequately address the significant noise impacts on the site, particularly given the low levels of sound insulation of a typical caravan.
10. Consideration has been given to whether a more permanent foul drainage solution could be provided, such as a septic tank or package treatment plant. However such systems are costly and it is unlikely to be considered reasonable to require the implementation of such a system through an enforcement notice. It is also unknown whether the ground conditions are suitable for such a system.
11. For these reasons officers remain concerned that the option of under-enforcement would adequately address the planning harm caused by the development including on the amenities of the occupiers of the land.

#### **Other matters**

12. Since the item was last reported to committee, Norwich Airport has raised a concern regarding waste which is being stored at the site. There is a concern that there is potential for rubbish and debris to blow onto Airport land causing a safety issue. There is further concern that a number of animals have escaped from the paddock onto Airport land. The Council could utilise powers under section 215 of the Town and Country Planning Act 1990 to require the removal of waste from the land and it is likely this option will be pursued if the situation does not improve. The control of animals is not a planning matter and this is the responsibility of the owner.
13. A concern has been raised by the owner of the neighbouring paddock to the south regarding animals escaping onto their paddock and the potential for waste to blow onto the site. Once again the control of animals is not a planning matter and the owner of the paddock has the ability to secure the site through the erection of fencing along the boundary should they wish to. The serving of a Section 215 notice would assist in dealing with any problems relating to waste.

#### **Conclusion and recommendation**

14. The officer view on the planning merits of the case remains the one which is set out in the previous committee report which is included in Appendix A, and the recommendation remains that enforcement action is taken to require the use of the land to cease, after 18 months.
15. Notwithstanding this, at the request of Members a number of requirements which could be enforced whilst allowing the use to continue have been set out in this report. The scope of these requirements is limited and they would not overcome the main planning concerns which officers have regarding the use of the site.

16. However should members be minded to allow the use to continue, it is recommended that authority is granted to allow officers to take enforcement action using the method of under-enforcement, up to and including prosecution, to require the occupier to carry out and comply with the measures and restrictions set out in paragraph 4 of this report in full.

**Report to** Planning applications committee  
09 August 2018

**Report of** Head of planning services

**Subject** Enforcement Case 18/00003/ENF – Land at Holt Road,  
Norwich

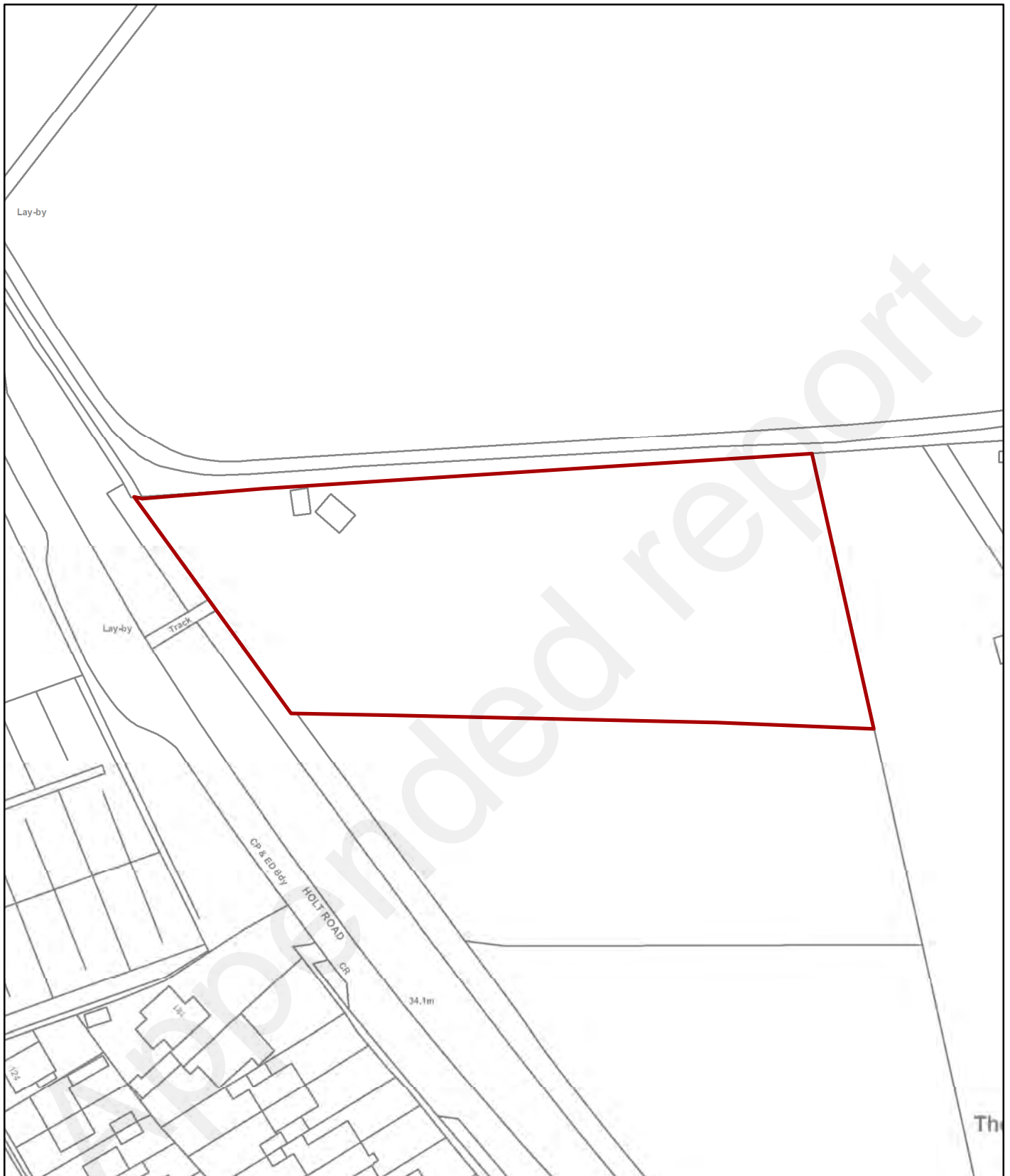
Item

4(g)

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### Summary

<b>Description of breach</b>	Without planning permission, the use of the land for the stationing of caravans for residential purposes, the laying of a hard surface, the stationing of a portaloo, the storage of waste and the erection of a 2m boundary fence and gate.
<b>Recommendation</b>	Authorise enforcement action to cease the use of the land for the stationing of residential caravans and remove any caravans, portaloo, frontage fence and hardstanding.
<b>Ward</b>	Catton Grove
<b>Contact Officer</b>	Robert Webb <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a>



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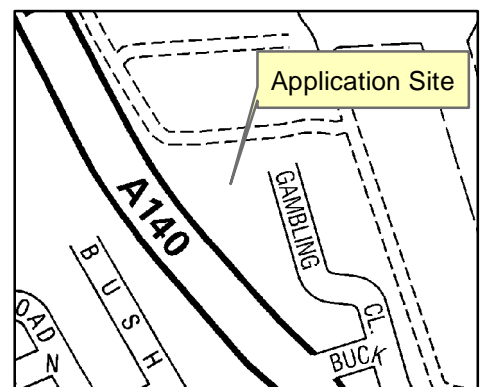
Planning Application No 18/00003/ENF  
 Site Address Land at Holt Road  
 Scale 1:1,250



**NORWICH**  
 City Council  
 PLANNING SERVICES



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## **The site**

1. The site is a paddock next to the A140 Holt Road, adjacent to land controlled by Norwich Airport and immediately to the south of the main airport runway. To the east is Gambling Close, including the headquarters of the East Anglian Air Ambulance Service. To the south are further paddocks, with the A140 to the west and allotments on the opposite side of the road. The site is accessed via an informal vehicle access from Holt Road. The caravans and portaloo are located close to the access on the western side of the site next to Holt Road. The majority of the site which includes the remainder of the paddock remains undeveloped.

## **Relevant planning history**

2. There is no relevant planning history for the site.

## **The breach**

3. The breach of planning control is that without planning permission the land is being used for the stationing of residential caravans. Additional development which does not benefit from planning permission includes a 2m high (approx.) fence alongside the frontage with Holt Road, the siting of a portaloo, an area of gravel surfacing, and an area where waste has been deposited and is being stored.
4. The breach was reported to planning officers in January 2018. In the first instance, officers visited the site to ascertain what works had been carried out. A Planning Contravention Notice was served in May 2018 in order to establish the facts of the case. Officers have subsequently met with the family and partner services to establish their circumstances. The family are ethnic Romany gypsies and have stated that they have occupied the land since October 2017.
5. In terms of the unauthorised development, at the time of writing (July 2018), there are two touring caravans on the land which are being occupied for residential purposes and a portaloo. There is a close boarded timber fence on the front (western) boundary which is approximately 2m high and requires permission by virtue of its height and the fact it is adjacent to a highway. In addition there is gravel hardstanding at the point of access and within the western part of the site, and there is an area where waste has been deposited close to the northern boundary.
6. There are a number of structures which have been stationed/erected which do not require planning permission. These include animal huts, gates and fencing within the site which is not higher than 2m and is not adjacent to a highway. Historic photos suggest there has been an informal access from Holt Road at this location for some time. It is likely this was used to access the paddock on an infrequent basis. It is therefore not suggested that a new vehicular access has been created, however the laying of gravel has formalised the access and the residential occupation has led to an intensification of its use.

7. In terms of landownership, the occupiers have stated they are the owners of the land, however no evidence has been forthcoming to prove this. No other person claiming to own the land has come forward. The land is currently unregistered. The planning merits of the development are assessed irrespective of land ownership.

## **Assessment**

8. The government's definition of gypsies and travellers, for the purposes of planning policy, is set out in the *National Planning Policy for Traveller Sites*, August 2015 document. This states "gypsies and travellers" are:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

9. The family has stated that they are ethnic Romany gypsies who in the past have led a nomadic habit of life. However they have sought to find a permanent base in order to provide their young children with a more settled environment, in particular to help them get an education. It is considered therefore that the occupiers meet the government's definition of gypsies and travellers for the purposes of planning policy, and relevant policies pertaining to gypsies and travellers apply.
10. In accordance with planning law, the merits of the case are determined in accordance with relevant development plan policies, which include policies within the Norwich Development Management Policies Document (adopted 2014), the Norwich Site Allocations and Site Specific Policies Document (adopted 2014) and the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted 2011, amendments adopted 2014). Material considerations include policies in the revised National Planning Framework (NPPF) July 2018, the National Planning Policy for Traveller Sites, August 2015, the Council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below.
11. In terms of the planning merits of the case, there are a number of factors weighing for and against the development. These must be weighed as part of a planning balancing exercise in order to determine whether it is expedient to take enforcement action or whether the use of land is considered acceptable and it is not expedient to take action.

## **Development plan policy**

12. The site is part of a larger site specific allocation within the Site Specific Allocations and Site Specific Policies Plan, under policy R30, for airport related development or business development for B1/B2/B8 purposes. Outline planning permission has recently been granted for a commercial vehicle hire company to operate from the southern part of the allocated site, to the south of the paddock

which is occupied by caravans. In addition the Norwich Northern Distributor Road (NNDR) has recently been completed, which improves road links within close proximity of the site. It is reasonable to assume these factors are likely to result in demand for the remainder of the site to be developed for commercial uses in the future. The use of the land for residential purposes is not consistent with this allocation and this weighs against the use of the land for residential occupation.

13. Policy DM14 of the Development Management Policies Plan sets out criteria for dealing with proposals for new gypsy and traveller sites. The policy states:

“Proposals for the development of additional sites within Norwich to meet the identified needs of the traveller community will be permitted where:

- (a) safe access to the site can be obtained through an appropriate layout with good visibility, without the loss of natural screening;
- (b) the site has good access to public transport, services and community facilities including shops, healthcare facilities and schools;
- (c) the development will not have a significant detrimental impact on the character and amenity of the area; and
- (d) the proposed site is of sufficient size and in a location to meet the on-site needs of occupiers, having regard to current national standards for site design and management, including for the provision of appropriate services and infrastructure.”

14. With regard to criterion (a), there is significant concern about the transport implications of the proposal. Norfolk County Council Highways has indicated that it objects in principle to the more intensive use of the access associated with residential use at this point on the A140, because increased vehicle turning movements in this location impacts upon the free-flow of traffic on what is part of the strategic highway network. It should be noted that Policy DM 30 of the Development Management Policies Plan document states that new access onto such routes will only be permitted where there is no practical alternative from a more minor route and they would not prevent or restrict the implementation of necessary highway or junction improvement works associated with the corridor.

15. A further problem is that there is no pedestrian footpath leading directly to or from the site. Anyone wishing to walk to or from the site needs to walk along a grass verge and cross the busy A140 to get to the nearest footpath. Access on foot is therefore not particularly safe and the arrangement is likely to lead to a reliance on the private car. This is not considered to represent a safe or sustainable location/access for the siting of a residential caravan(s), and conflicts with policies DM28 and DM30 of the Development Management Policies Plan Document and policy 6 of the Joint Core Strategy.

16. With regard to criterion (b), although the site is located close to the urban area of Norwich, with its associated facilities, as stated above there is no footpath access to the site. Trips to local services and facilities are therefore likely to rely on the use of the car, or by an unsafe walking route.

17. In terms of criterion (c), the site is enclosed by a severe looking and large timber fence, which is not sympathetic to the character of the area, which is generally one of hedgerow boundaries. The current situation therefore causes harm to the character of the area, contrary to the provisions of policies DM3, JCS2 and JCS12. However this could potentially be mitigated by an alternative form of boundary treatment, which may include some planting. In terms of other amenity impacts, it is not considered that material harm would occur because the use is residential for one family and there are currently no other properties immediately adjacent to the site.
18. With regard to criterion (d), the site is of a sufficient size to meet the on-site requirements of the occupiers. However another factor weighing against the proposal is the close proximity of the Norwich airport runway and airport land which is directly to the north of the site. Whilst exact noise levels are unknown, it is reasonable to assume that the presence and proximity of the runway is likely to cause significant noise disturbance for occupiers when planes are taxiing, taking off and landing. The caravans are also sited very close the A140, which in combination with the airport is likely to result in high levels of background noise which are unlikely to be suitable for residential occupation, particularly given the low levels of sound insulation provided by a typical caravan. This conflicts with policy DM2 of the Development Management Policies Plan Document.
19. A further consideration is that the development represents a very low density form of development, being for one family on a relatively large piece of land. Such a low density of development does not make for an efficient use of the land and also means the benefits of the proposal are somewhat limited.
20. In addition, policy DM14 states:
- “The council is committed to meeting the recognised need for at least 21 additional pitches for Gypsies and travellers in Norwich over the remainder of the plan period, of which a minimum of 8 pitches should be provided by the end of March 2016. The council is seeking to meet at least the immediate needs through grant applications to be submitted by the end of 2014. This may also address some or all of the remaining need to 2026.
- Should it not be possible to identify sites capable of meeting needs up to 2026 through the above process, the council will produce a short focussed Local Plan which will have the objective of identifying and allocating additional sites for Gypsies and travellers to meet identified needs up to 2026. The Local Plan may be produced for Norwich or a wider area through joint working with adjoining local authorities and, if needed, will be commenced within one year and completed within two years of adoption of this plan.”
21. The aim of providing 8 additional pitches by the end of March 2016 has not been met. Planning permission for a further 13 pitches at the existing site in Swanton Road was granted in January 2017 however this has not yet been delivered due to an ongoing legal dispute. To date the Council has not produced a ‘short focussed Local Plan’ as potentially envisaged by the second paragraph.



22. In terms of assessing the development against the requirements of policy DM14, whilst the proposal does not accord with the criteria for new sites, it is also concluded that to date the Council has not met the identified need set out within the final two paragraphs of the policy.

### **National guidance**

23. The revised NPPF contains a number of relevant policies which are pertinent to the development. Paragraph 59 emphasises the importance of addressing the needs of groups with specific housing requirements which taken in isolation, the use accords with this aim.
24. Paragraph 80 states that “significant weight should be placed on the need to support economic growth, and productivity, taking into account both local business needs and wider opportunities for development”. Paragraph 91 emphasises the importance of creating healthy communities, including enabling and supporting healthy lifestyles and layouts which encourage walking and cycling. Paragraph 102 requires consideration to be given to the impact of development on transport networks, and paragraph 108 aims to ensure “safe and suitable access to the site can be achieved for all users”. Paragraph 109 expects planning permission to be refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 123 states “where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...local planning authorities should refuse applications which they consider fail to make efficient use of land”. Paragraph 124 deals with good design, and emphasises the need to ensure that developments “will function well and add to the overall quality of the area...are visually attractive...are sympathetic to local character...which promote health and well-being, with a high standard of amenity for existing and future users.” The development is considered to conflict with all of these requirements.

25. Paragraph 58 states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

26. Guidance within the National Planning Policy for Traveller Sites is a material consideration in the assessment of the breach. Although there is no specific policy or guidance relating to enforcement, in relation to planning applications it states that:

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- (a) the existing level of local provision and need for sites;

- (b) the availability (or lack) of alternative accommodation for the applicants;
  - (c) other personal circumstances of the applicant;
  - (d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
  - (e) that they should determine applications for sites from any travellers and not just those with local connections.”
27. In terms of criterion (a), there are no sites currently available for travellers in the Norwich Area. There are plans to extend the traveller site at Swanton Lane in Mile Cross, but it is anticipated it may be another year before additional pitches are available. In terms of the need for sites, data from the *Norfolk Caravans and Houseboats Needs Assessment* (October 2017) states that demand for gypsy and traveller pitches in the ‘Greater Norwich’ area (which includes Broadland, Norwich and South Norfolk) currently exceeds supply. Between 2017 and 2022, for families that ‘have not permanently ceased to travel’, it is estimated that based on a supply of 22 pitches and a need of 37 pitches, an additional 15 pitches are required.
28. It is concluded that the lack of current available pitches, together with the evidenced need for more sites between 2017 and 2022, weighs in favour of the use of the land.
29. With regard to criterion b), it is understood that although the family who are occupying the site have family in the local area, they do not currently have alternative accommodation in terms of a permanent pitch available to them. They have stated that they have an aversion to living in bricks and mortar, which is a characteristic which is commonly held by gypsies and travellers. In relation to criterion (c), the occupiers have stated that they have sought to find a permanent base in order to provide their daughters with a more settled environment, in particular to help them get an education. It is considered that the need of the family is genuine, and weight should be attached to their circumstances.
30. In terms of (d), the *Norfolk Caravans and Houseboats Needs Assessment* (2017) sets out likely key considerations in identifying new sites to include:
- (a) The affordability of land suitable for the development of new sites and the cost of development
  - (b) The need to ensure that new provision are within reasonable travelling distance of social, welfare and cultural services
  - (c) The need to carefully consider the proximity of new provisions to existing provisions i.e. whether social tensions might arise if new provisions are located too close to existing provisions
  - (d) The sustainability of new provisions i.e. ensuring that they do not detrimentally impact on the local environment and do not place undue pressure on the local infrastructure.

31. The document also identifies the need to connect to public transport and provide highways access and utilities. The suitability of the site in terms of the suggested criteria is therefore mixed because it meets some but not all of the locational criteria, notwithstanding the planning policy considerations which have been set out in this report.
32. The family do have local connections, with members of their extended family residing in South Norfolk. It is therefore considered that criterion (e) is not relevant.

### **Housing land supply position**

33. The matter of housing land supply is relevant both in terms of consideration of the permanent use of the land for the stationing of caravans to be occupied by gypsies and travellers, and also for the temporary use of the land as such. The current five year housing land supply for the Norwich Policy Area (NPA) is set out within the Greater Norwich Growth Board's Joint Core Strategy annual monitoring report on 14 March 2018. The housing land supply assessment shows that against the Joint Core Strategy (JCS) requirements there is 4.61 years supply in the Norwich Policy Area, a shortfall of 1,187 dwellings. Consequently relevant policies for the supply of housing in the NPA cannot be considered up-to-date.
34. Paragraph 11 of the revised NPPF reaffirms the presumption in favour of sustainable development. For decision taking, the revised NPPF sets out that where the policies which are most important for determining the application are out-of-date, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. A situation where relevant policies may be out-of-date includes where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. It is therefore necessary to establish whether the proposal represents sustainable development, as defined within paragraph 8 of the NPPF, which refers to the economic, social' and environmental objectives.
35. **The economic objective** - The use of land would not result in much economic benefit, except for the very modest impact of an additional family spending money in the area. It does however have the potential to prevent the development of land for employment purposes or airport related development, which represents a significant adverse impact in terms of the economy. There is also the possibility that the presence of a traveller site in such close proximity to the airport could give rise to future complaints about airport expansion which could inhibit economic growth. The proposal therefore has a significant adverse effect in terms of the economic objective.
36. **The social objective** - In terms of this objective the use assists in meeting the needs of one family in terms of the requirement for land on which to settle. However this land is not considered to be a safe or accessible location for residential development. The impact in terms of the social objective is therefore considered to be neutral.

37. **The environmental objective** - Regard is had to the current visual appearance of the site, which is not in keeping with the character of the area. Consequently the development is considered to have a moderate adverse effect in terms of the environmental objective.
38. Overall, when measured against the above objectives, the development does not represent sustainable development. It is therefore considered that the presumption in favour of development as set out in paragraph 11 of the revised NPPF does not apply to the permanent use of the land for the stationing of residential caravans.
39. A further material consideration, applying to the grant of temporary planning permission is set out in paragraph 27 of the *National Planning Policy for Traveller Sites* document. This states:
- “If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).”
40. Whilst an application for temporary permission has not been made, it is necessary to consider the merits of a temporary use when deciding whether it is expedient to take enforcement action. Whilst significant weight is attached to the land supply situation, it is noted that significant conflict has been found with a number of development plan policies which do not relate to housing supply, and are therefore considered up-to-date. Further significant conflict with the revised NPPF has also been identified. The level of conflict is such that it would be inappropriate to grant any form of planning permission. However, in having regard to the land supply situation and the needs of the family, a lengthy period with which to comply with the notice (18 months) is recommended.

### **Planning balance**

41. In terms of the planning balance, it is clear that there are factors weighing strongly both in favour and against enforcement of the unauthorised development. The following matters weigh significantly in favour of the development and against enforcement:
- (a) The current lack of gypsy and traveller site provision in the Norwich area;
  - (b) The lack of a 5 year housing land supply;
  - (c) The personal circumstances of the family concerned that have ceased to travel due to the educational needs of their children.
42. The following matters weigh significantly against the development and in favour of enforcement:

- (a) The objection in principle from the highway authority to the formalisation and intensification of the vehicle access onto the A140. An alternative option would be to provide an access from Gambling Close, however this would not be easy to secure because the land is in private ownership. It would not therefore be reasonable to require the occupier to move the access, and therefore the harm caused cannot be easily mitigated.
- (b) The lack of a footpath leading to the site combined with the position of the site on a busy 'A' road where vehicles travel at high speed means the access is not safe for pedestrians and likely to lead to a reliance on transport by private car. This could be mitigated by the provision of a new pathway, but it would need to be a very long pathway which would not be proportionate to require, and the occupier does not have control of the land to help secure such a path. It is therefore considered this harm is not easy to mitigate against.
- (c) The proximity to the airport runway and associated significant noise impacts from airplanes taking off and landing on occupiers of the site. By its nature, a caravan is unlikely to contain particularly good sound insulation and noise from aeroplanes is likely to be very difficult to mitigate.
- (d) The visual harm to the character of the area caused by the appearance of the land, in particular the close boarded fencing on the site frontage. It is considered this could be mitigated with a replacement boundary treatment which is more in keeping with the character of the area.
- (e) The conflict with the site allocation for employment/airport development. It is not possible to mitigate against this conflict.

43. The following matters weigh moderately against the development:

- (a) Locating new residential development in such close proximity to the airport runway may inhibit future expansion by Norwich Airport, to the detriment of the local and regional economy. It would not be possible to mitigate against this conflict.
- (b) The development is very low density and does not make an efficient use of the land.

44. On balance, whilst the needs of the family are acknowledged and there are clear factors which weigh in favour of the development, it is noted that the benefits are limited to one family. The factors weighing against the proposal are considerable and most of them are very difficult or impossible to mitigate against. In this instance it is considered that the harm outweighs the benefits, because despite the identified need the site is simply not suitable or sustainable for residential occupation, when assessed against policies of the development plan and national guidance. The proposal conflicts with development plan policies DM2, DM9, DM28, DM30 of the Norwich Development Management Policies document, policy R30 of the Site Allocations and Site Specific Policies

document, policies JC2, JCS6 and JCS12 of the Joint Core Strategy and relevant policies of the revised NPPF.

### **Equality and Diversity considerations**

45. The Human Rights Act 1998 came into effect on 2 October 2000. :

- (a) Article 1 of the First Protocol (the peaceful enjoyment of one's possessions), is relevant in this case. Parliament has delegated to the council the responsibility to take enforcement action when it is seen to be expedient, proportionate and in the public interest.
- (b) Article 6: the right to a fair hearing is relevant to the extent that the recipient of the potential enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

46. Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. This states the following:

- "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 this right except such as is 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 protection of the rights and freedoms of others."

47. Enforcement action to require the occupation of the land for residential purposes to cease would represent an interference of the rights contained within Article 8(1). However it is noted that the ECHR provisions do not go as far as to allow an individual's preference for their place of residence to override the general interest. The planning merits of the development have been assessed in accordance with planning law and it has been found by officers that the harm caused to the general interest outweighs the needs of the individuals in this case. In addition a generous period of compliance is recommended, which allows the occupiers to continue living on the land in the short term and represents a reasonable time period to find an alternative site. It is therefore concluded that the Article 8 rights are not violated.

### **Equality Act 2010**

48. As part of the Public Sector Equality Duty (PSED), which is set out in section 149 of the Equalities Act 2010, A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

49. In addition, the following further requirement at section 149(3) of the above mentioned act applies:

“Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.”

50. A ‘relevant protected characteristic’ includes race, which is relevant in this case because it concerns ethnic Romany people.

51. In interpreting this legislation, a case could be made that in light of the current lack of provision for traveller sites in the Norwich area, it would not be expedient to take enforcement action to require the use of land to cease because this would run counter to the aims of the PSED legislation. Accordingly weight is attached to this matter in the overall balancing exercise. However weight is also attached to the unsuitable nature of the site for long term residential occupation, which it should be noted is considered to be just as unsuitable for a C3 general needs residential dwelling as it is for the stationing of caravans for residential use by travellers. It is therefore considered that allowing travellers to reside at land which is considered unsuitable for any form of residential occupation could represent a form of discrimination, which the Act aims to prevent.

52. On the basis of this balancing exercise, it is concluded that taking action to ensure the use of the land ceases would not conflict with the PSED requirements. In addition, allowing a reasonably lengthy period for compliance, as set out below, is considered to be a proportionate measure which would assist in meeting the requirements of the PSED legislation.

### **Recommendation**

53. On the basis of the above assessment it is recommended that the planning committee authorises enforcement action, up to and including to ensure the use of the land for the stationing of residential caravans ceases, together with ensuring the removal of the caravans, portaloo, frontage fencing, gravel surfacing and waste, up to and including .

54. Taking account of the needs of the family, relevant appeal history and case law in similar circumstances in other parts of the country, it is recommended that a relatively long period of compliance is imposed. This will allow the family to

continue living at the site in the short term, minimising disruption to them whilst allowing them ample time to relocate. It is therefore recommended that a compliance period of 18 months is imposed from the date of an enforcement notice being served.

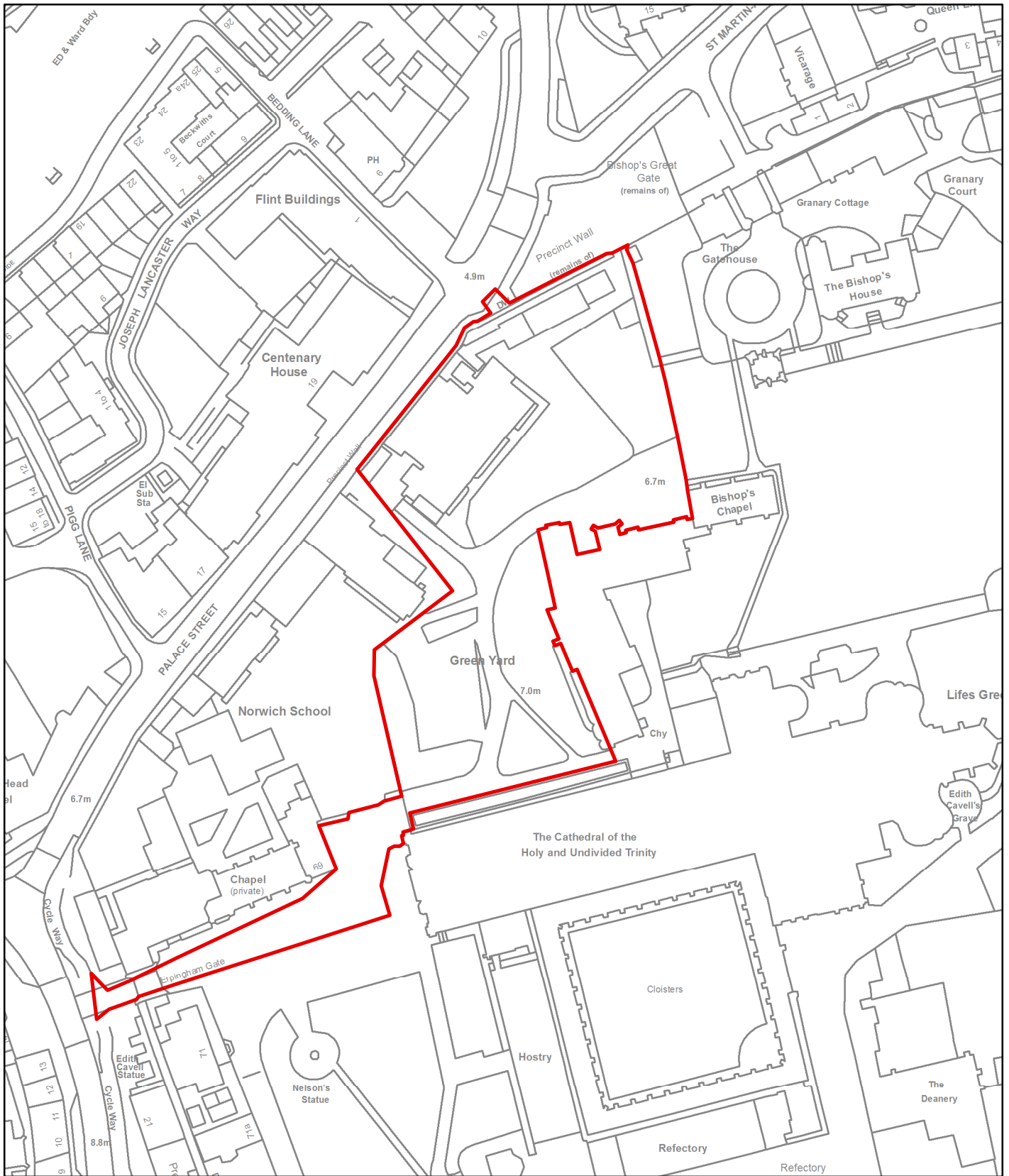
### **Alternative options**

55. Members may not wish to take enforcement action, but this option is not encouraged because it would lead to an unsustainable form of development as outlined above.
56. Members may wish to authorise enforcement action but impose a shorter compliance period, to ensure the use ceases more quickly. Having looked at similar instances where local authorities have attempted this for a single family unit, Inspectors have tended to impose longer compliance periods following appeals. This is because of the needs and rights of the individuals concerned, and the fact that it is not easy to find alternative accommodation or land, particularly where family members attend a local school or have health issues and attend a local GP practice. Therefore a shorter compliance period is not recommended.
57. Members may wish to authorise enforcement action but impose a longer compliance period. Having had regard to other cases involving unauthorised traveller pitches a timescale of 18 months is fairly consistent with the approach taken elsewhere. Members may have their own view taking into account the facts of the case, but in this instance 18 months seems a reasonable length of time that balances the need for the occupiers to find alternative land whilst ensuring that the harm that is caused by their occupation of the site does not persist longer than is necessary.



<b>Report to</b>	Planning Applications Committee 13 June 2019	<b>Item</b>
<b>Report of</b>	Head of Planning Services	
<b>Subject</b>	Applications 19/00381/L - Norwich School Refectory, The Close, Norwich, NR1 4DD and 19/00403/F - Norwich School Refectory, The Close, Norwich, NR1 4DD	<b>5(I)</b>
<b>Reason for referral</b>	To agree a site visit for this application which will be considered by the committee at a future date	

<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>
<b>Applicant</b>	Norwich School
<b>Development proposal - 19/00381/L</b>	
Partial demolition and rebuilding works to reopen an historic filled-in opening within the Cathedral Precinct Wall, together with the provision of new surrounds to the opening, an entrance door and any associated repair works.	
<b>Development proposal - 19/00403/F</b>	
Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	
<b>Expiry date</b>	19 June 2019
<b>Recommendation</b>	That members undertake a site visit



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Planning Application No 19/00381/L & 19/00403/F  
 Site Address Norwich School Refectory  
 Scale 1:1,250

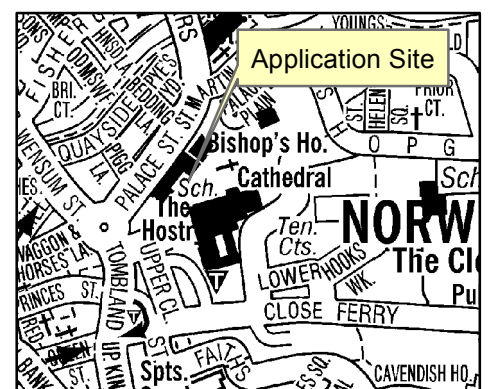


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## **Background**

1. The report summarises the applications 19/00381/L & 19/00403/F which relate to the Norwich School's site within The Close. At this stage it is intended for the applications to be put before Planning Applications Committee on 11<sup>th</sup> July 2019. The site is not publically accessible and officers feel that in order to fully understand the site and appreciate its constraints, members would benefit from visiting the site prior to consideration of the applications.
2. This report provides an outline of the site location, the main constraints on the site and an overview of the proposals. No assessment is made at this stage as this report is for information and to agree the need for a member site visit.

## **The site & surroundings**

3. The site is part of the Norwich School site located within the Norwich Cathedral Precinct in Norwich City Centre. The area proposed for development is currently occupied by the current school refectory, an area of lawn, a number of mature trees, several sheds and car parking.
4. The Cathedral Precinct wall runs along the north of the site, separating it from Palace Street, Whitefriars and St Martin-At-Palace Plain. To the east of the site is the private residence known as the Bishop's House, along with substantial gardens and the gardener's residence which are separated from the site by a mature hedgerow. To the south there is the Bishop's Palace which is used as teaching and library spaces by the Norwich School. To the west are more school buildings and a playground.

## **Constraints**

5. There are many mature trees located within the application site. Most are protected by virtue of being situated within a conservation area, and one is directly protected via a Tree Preservation Order (TPO 538).
6. The site sits within the Cathedral Close Character Area within the City Centre Conservation Area. Within the Character Area Appraisal, the precinct wall is identified as an 'Important wall' and the trees are identified as 'Important trees'.
7. The site is surrounded by highly graded heritage assets including:
  - Grade I listed Cathedral Precinct Wall (parts of which are also a Scheduled Ancient Monument)
  - Grade II\* listed Bishop Salmons Porch (also a Scheduled Ancient Monument)
  - Grade I listed Bishops Palace
  - Grade II\* listed Bishop's Chapel
  - Numerous other listed buildings on Palace Street and St Martin-At-Palace Plain
8. The site is also designated as follows:
  - Area of Main Archaeological Interest

- Open Space

## Relevant planning history

Ref	Proposal	Decision	Date
07/00649/F	Erection of electricity sub-station.	Refused	21/08/2007
08/00958/F	Erection of a new building (electrical substation and switchgear room).	Approved	31/10/2008
09/00844/F	Extension of school refectory.	Withdrawn	28/04/2010
10/01092/F	Erection of new substation and switch gear building.	Approved	01/10/2010
10/01111/F	Erection of extension to school refectory.	Approved	12/10/2010
10/01975/D	Details of condition 3 - archaeological mitigatory work and condition 4 - a) bricks, b) roof tiles, c) external joinery, d) louvre doors of previous planning permission (App. No.10/01092/F) 'Erection of new substation and switch gear building'.	Withdrawn	27/01/2011
13/01816/D	Details of condition 3 - archaeological mitigatory work of previous permission 10/01092/F 'Erection of new substation and switch gear building.'	Approved	21/01/2014
18/01511/TCA	London Plane (T1): Remove.	Tree Preservation Order Served	15/11/2018

## The proposal

- The proposal is for the construction of a new 800m<sup>2</sup> dining hall and kitchen, 6 classrooms and ancillary spaces (toilets, staff rooms, plant rooms). The spaces are primarily proposed for use by the school but it is proposed that the spaces are made available to external users outside of school time with community users given priority and charitable or discounted rates.
- The single storey kitchen would be located adjacent to the precinct wall and would stand at approximately 4m in height. This part of the structure would have a wildflower green roof and would benefit from direct access for deliveries and refuse collection from Palace Street via the new doorway. The dining hall, which would step up in height to approximately 7m to provide additional internal ceiling height, would have a very shallow pitched roof and tall windows facing towards the Bishops Palace.
- The two storey teaching block would stand at approximately 8.4m in height and would run along the precinct wall, with the wall being visible within the building's ground floor corridor. This block would again have a very low pitched roof.
- The proposal also includes the re-landscaping of the space leading from the school gates at the south-west of the site to the proposed development, including the creation of a new outside lunch and play space, a formal lawn between the proposed development and the Bishops Palace and the planting of 13 new trees

13. The development involves the demolition of the existing refectory building, the felling of 12 trees (including one which is protected via a TPO) and the insertion of a doorway through the Cathedral Precinct Wall. As mitigation for the loss of the trees, the Norwich School is proposing the planting of 682 trees at two sites within their ownership: one at Redmayne Playing Fields; and one at Horsford (adjacent to the Northern Distributor Road).

### **Site visit procedure**

14. Given the scale of the proposals and the inability to gain an appreciation for the site and its constraints from the public realm, it is recommended that the committee undertake a site visit prior to determination of the applications on 11 July 2019. Members of the public will not be able to access the site without the applicant's permission as it is in private ownership and due to the safeguarding requirements of the school.

### **Recommendation**

Members undertake a site visit on 11 July 2019 in anticipation of the application being determined at the planning applications committee being held on the same date.

