

**Report to** Planning applications committee  
**Date** 25 July 2013  
**Report of** Head of planning services  
**Subject** 13/00540/F 214 Newmarket Road Norwich NR4 7LA

---

**Item**  
**5(1)**

## SUMMARY

|   |  |                      |
|---|--|----------------------|
| <b>Description:</b>                           | Subdivision of curtilage of 214 Newmarket Road and erection of 1 No. bungalow. |                      |
| <b>Reason for consideration at Committee:</b> | Objections   |                      |
| <b>Recommendation:</b>                        | Approve  |                      |
| <b>Ward:</b>                                  | Eaton  |                      |
| <b>Contact Officer:</b>                       | Jo Hobbs   | Planner 01603 212526 |
| <b>Valid Date:</b>                            | 15th June 2013   |                      |
| <b>Applicant:</b>                             | G and C Homes  |                      |
| <b>Agent:</b>                                 | Mr Graham Craske   |                      |

## INTRODUCTION

### The Site

#### Location and Context

1. The site is located on the south side of Newmarket Road, adjacent to the slipway from the A11 into Eaton and Cringleford. The site is in a predominantly residential area, adjacent to the residential development of Chestnut Hill, which is accessed off Church Lane in Eaton.
2. The existing site forms part of the rear garden of 214 Newmarket Road. The main dwelling within the plot is a two storey detached dwelling set near the Newmarket Road end of the site.
3. The site has several mature trees and shrubs on the boundary of the site. The land slopes down to the south east towards Eaton and the Yare river valley.
4. The site is not within the Newmarket Road Conservation Area, which ends at 210 Newmarket Road to the north east of the site.

#### Planning History

5. There is no relevant planning history. The recent planning history to 216 Newmarket Road is shown below, for the redevelopment with four dwellings (and has now been implemented):
  - 12/01210/NMA - Amendments to previous planning permission 10/01422/F 'Demolition of existing house, erection of 2 No. houses and 2 No. bungalows with new access road, site works, drainage etc (revised proposals)' - alterations to boundary treatment to Newmarket Road frontage and to windows of plots 3 and 4.

Approved 7 August 2012.

- 10/01422/F - Demolition of existing house, erection of 2 No. houses and 2 No. bungalows with new access road, site works, drainage etc (revised proposals). Approved 06 December 2010.
- 08/01063/F - Demolition of existing flats, erection of 18 No. flats in two blocks of 9 with associated access, parking and site works. Withdrawn.

## Equality and Diversity Issues

6. There are no significant equality or diversity issues. The site is in a fairly accessible location without needing to use private cars, ensuring younger people would be able to access public transport from the site.

## The Proposal

7. The application entails the subdivision of the existing plot of 214 Newmarket Road and the erection of a bungalow and detached garage. The proposed access to the site is through the existing development at 216 Newmarket Road, which has recently been redeveloped with four dwellings.

## Representations Received

8. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Four neighbours have made representations through nine separate letters, citing the issues as summarised in the table below.

9.

| Issues Raised  | Response  |
|--|---|
| Overdevelopment, out of character to existing area through density and scale     | See paragraphs 23-25.   |
| Removal of and impact on trees and hedges  | See paragraphs 38-41.   |
| Chain link fences should be used along boundaries with hedges                    | See paragraph 41.   |
| Soakaways and surface water drainage lead to flooding of neighbouring properties | See paragraphs 35-37.   |
| Materials out of keeping, particularly roof tiles                                | See paragraphs 23-25.   |
| Highway safety of entrance/exit  | See paragraphs 26-28.   |
| Impact on protected species  | See paragraphs 38-41.   |
| Loss of green space and garden development                                       | See paragraphs 12-14.   |
| Site boundaries to south-east of site incorrect                                  | The site boundaries have been confirmed as correct and what the applicant wants to apply for. Council must proceed on this basis. |
| Loss of privacy  | See paragraphs 17-21.   |
| Boundary disputes over multiple property   | This is a civil matter outside of planning.   |

|  |  |
|--|--|
| ownership of boundaries  |  |
| Footprint should be moved to north west to address amenity and tree issues | Can only assess the merits of the current proposal and its suitability.                          |
| Sunlight reflecting in large expanse of glazing                            | See paragraph 21.  |
| Increased noise  | See paragraphs 17-22.  |
| Further back garden development  | Can only assess the merits of the current proposal and its suitability.                          |
| Site within Conservation Area and trees subject to Tree Protection Orders  | The site is not within a conservation area nor are there any tree protection orders on the site. |

## Consultation Responses

10. Local Highway Authority - No objections.

11. Natural Areas Officer – No objections, subject to conditions.

## ASSESSMENT OF PLANNING CONSIDERATIONS

### Relevant Planning Policies

#### National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

#### Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water

Policy 4 – Housing delivery

Policy 6 – Access and transportation

Policy 9 – Strategy for growth in the Norwich Policy Area

Policy 12 – Remainder of Norwich area

Policy 20 - Implementation

#### Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE8 – Management of features of wildlife interest

NE9 – Comprehensive landscaping scheme and tree planting

HBE4 – Other locations of archaeological interest

HBE12 – High quality of design

EP16 – Water conservation and sustainable drainage systems

EP18 – High standard of energy efficiency

EP22 – High standard of amenity for residential occupiers

HOU13 – Proposals for new housing

TRA3 – Modal shift measures in support of NATS

TRA5 – Approach to design for vehicle movement

TRA6 – Parking standards

TRA7 – Cycle parking standard  
TRA8 – Servicing provision

### **Supplementary Planning Documents and Guidance**

Energy Efficiency and Renewable Energy (Adopted December 2006)

Trees and Development (Adopted September 2007)

Flood Risk and Development (Adopted June 2006)

### **Other Material Considerations**

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Considerations

### **Procedural Matters Relating to the Development Plan and the NPPF**

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

### **Emerging DM Policies**

(Please note that these policies will be submitted to the Planning Inspectorate on 17<sup>th</sup> April 2013. After this time some weight can be applied to these policies. Some policies subject to objections have not been included in this list as these issues are unlikely to be resolved within the time frame of the application, and therefore should not be given much weight.)

- DM1** Achieving and delivering sustainable development
- DM2** Ensuring satisfactory living and working conditions
- DM3** Delivering high quality design
- DM4** Providing for renewable and low carbon energy
- DM5** Planning effectively for flood resilience
- DM6** Protecting and enhancing the natural environment
- DM7** Trees and development
- DM12** Ensuring well-planned housing development
- DM28** Encouraging sustainable travel
- DM30** Access and highway safety
- DM31** Car parking and servicing

## **Principle of Development**

### **Policy Considerations**

12. The site is located within garden land to the existing property of 214 Newmarket Road. New housing development should be located within accessible locations on previously developed land where possible. The site is in an existing residential area with good connections to a district centre within Eaton, and public transport links into the city centre. The proposed development would be on non-previously developed land.

13. In such instances the National Planning Policy Framework recommends that local

planning authorities set policies within development plans to protect gardens from development where it is considered necessary. Under the emerging Development Management Policies this issue has been considered but no policy is proposed. Instead it is recommended that development is considered in terms of visual impact, impact on biodiversity, surface water drainage and residential amenity, along with any other relevant planning considerations.

14. As there are no specific policies within the development plan relating to garden development the following key considerations would therefore need to be taken into account - residential amenity, highway safety, design, trees and biodiversity, archaeology, surface water, energy and water efficiency, car and cycle parking, refuse storage, local finance considerations and Community Infrastructure Levy.
15. The proposal is too small to trigger the need for affordable housing. Even in conjunction with the neighbouring redeveloped property at 216 Newmarket Road, the net additional dwelling would only be two. This is because there was only a net gain of one dwelling on the neighbouring site. Therefore it would not be reasonable to require affordable housing to be provided with this additional dwelling being proposed.

## **Impact on Living Conditions**

### **Noise and Disturbance**

16. The amenity of existing neighbouring residents and future occupants of the proposed dwelling must be considered.

### **Existing neighbouring residents**

17. The existing neighbours could be affected through overlooking, loss of outlook, overshadowing and loss of direct sunlight. The addition of a dwelling would also introduce noise to the rear of dwellings that were previously just rear garden.
18. The height and mass of the bungalow and garage would lead to only a small loss of outlook and direct sunlight to the existing dwelling at 212 Newmarket Road. This would not be sufficient to merit refusal of the application. The single storey nature of the dwelling would also not lead to potential for overlooking as all ground floor windows would be adequately screened through the recommended landscaping condition. The space between the proposed dwelling and existing dwellings would lead to no loss of daylight to main habitable rooms.
19. The addition of a dwelling the rear garden has been considered in relation to the additional noise that this would introduce to the rear garden of 212 Newmarket Road, 77 and 79 Chestnut Hill. Whilst the addition of a dwelling would lead to a more intense use of the land, this is not considered to lead to a sufficient amount of noise and disturbance, given the proposed use is one residential dwelling, to be sufficient enough to merit refusal of the application.
20. The proposed dwelling 4 would be quite close to the proposed dwelling under this application, however as the unit is a bungalow this would prevent overlooking. As the boundary for plot 4 is so close to the north east boundary the bungalow would have limited outlook from this side of the property in any case. Given that the proposed development under this application would be to the west of bungalow 4 the amount of direct sunlight, daylight and outlook would not be significantly

compromised. There is sufficient outlook to the south to not compromise the amenity of bungalow 4.

21. The issue of glazing reflecting to the neighbouring properties has been raised. The majority of glazing would be behind the boundary fences and hedges as the unit is only single storey. The glazing on the south east elevation does extend the full height of the building in once part of the elevation, leading for the potential for some reflection. The duration of the day when this would be possible would be quite small due to the small extent of glazing on the building as a whole. Therefore this is not considered a sufficient enough reason to merit refusal of the application.

#### **Future residents**

22. The future occupants of the site would benefit from outdoor amenity space with adequate room for cycle and refuse storage. The space around the dwelling would be relatively private with minimal overlooking to the rear garden by neighbouring dwellings. The majority of windows of main habitable rooms would face to either the front or rear garden. However bedroom three would only have one window facing a boundary fence at close proximity. Whilst this would not provide a great amount of outlook this would only be a smaller bedroom and other main habitable rooms have a good level of outlook. The amenity for future residents is therefore considered to be acceptable.

## **Design**

### **Layout**

23. The design of the proposed bungalow is of a similar scale and form to the development recently permitted at 216 Newmarket Road. The scale and footprint of the built form is similar to the development at this adjacent plot, and whilst it is denser than the existing development along Newmarket Road it is not considered to be out of keeping to development in the surrounding area. Chestnut Hill is also more densely developed and so it would be difficult, and unreasonable, to recommend refusal of the development based on the grounds of being out of scale and character.
24. The scale of the proposed dwelling would be much smaller than existing development in the surrounding area, with most surrounding development being two storey. However, the smaller scale is considered to be more sympathetic to the character of the surrounding area, being subservient in scale to the existing built form.
25. The proposed development would be well screened from the public highway of Newmarket Road by existing development and mature trees. The final appearance of the development would be dependent on the quality of materials used. A condition is therefore recommended for external materials to be agreed.

## **Transport and Access**

### **Vehicular Access and Highway Safety**

26. The dwelling would use the access onto Newmarket Road that has been formed for the new dwellings at 216 Newmarket Road. The previous application for the four replacement dwellings at 216 Newmarket Road carefully considered the highways impact. The previous building on the site was in use as three flats. The proposed development therefore led to a small increase in number of dwellings on the site. The access point to the existing site was also rearranged, with the central reservation being extended to ensure all traffic leaving the site would use the slip

road down to Eaton rather than directly onto the A11. Considering these circumstances the application was recommended for approval.

27. The addition of one extra dwelling using this access has been considered. The access point would now be used by five dwellings instead of three. The access point is located in the least objectionable location on the site, and given the previous highway improvements to prevent direct egress onto the A11 impact would not be sufficient enough to merit refusal of the application.

28. A concern has also been raised that the entrance point has not been constructed in accordance with the previously approved scheme. The as-built access will be checked and be considered in the additional report available at the meeting. However, the access details shown on the submitted plans are satisfactory for the additional dwelling.

### **Car Parking**

29. The dwelling has adequate space for car parking, and storage space for cycles in the garage. The parking area to the dwelling would provide space for more than the maximum two parking spaces as set out in the local plan for this size and location of dwelling in the city. This has been considered but it is difficult to resist space being used in a front garden such as this for parking and is commonplace. If there was limited amenity space more landscaping details could be conditioned to ensure that amenity space is being provided, but in this instance there is a good size rear garden. The harm of additional cars being parked on the site is not sufficient to merit refusal of this application, when the use of parts of gardens for car parking is commonplace in the area.

### **Refuse storage and collection**

30. The land around the dwelling would also have adequate space for refuse bins which would be taken to the joint refuse collection point with 216 Newmarket Road. A condition is recommended to agree details and to ensure that the joint refuse area is implemented.

## **Environmental Issues**

### **Protected species**

31. The site has been considered for protected species. The accompanying survey with the application did not find evidence of protected species relying on the site for habitat or feeding. The species listed by neighbouring residents as being present on the site have been considered, but the appropriate mitigation measures identified would reduce the impact of the development to an acceptable level on these non-protected species.

32. To mitigate against the loss of natural environment, conditions are recommended to ensure appropriate landscaping and that no vegetation clearance should take place in summer months to protect nesting bird species.

### **Archaeology**

33. The ground has not been previously been disturbed being garden land to the existing dwelling. Therefore archaeology is a consideration. Neolithic flint mines and post medieval lime kilns have been found in the surrounding area, However an investigation at the adjacent site of 216 Newmarket Road did not find any artefacts and therefore only an archaeological watching brief condition is required..

## **Water Conservation**

34. Given the scale of development the dwelling would not need to have on-site renewable energy provision. Water efficiency would need to meet Code for Sustainable Homes level 4 for water usage. A condition is recommended to ensure as such.

## **Surface Water**

35. The issue of surface water draining from this site to neighbouring sites and soakaways from neighbouring sites draining into the plot have been raised. Any hardstanding would be required to be permeable under policy EP18 of the local plan to ensure water can percolate into the ground where possible rather than being discharged into sewers.
36. The small scale of development of only one dwelling means that it would be unreasonable to request a full sustainable urban drainage system with attenuation tanks. Provided that the site is not covered in non-permeable paving the surface run-off of water is not sufficient to merit further conditions relating to surface water.
37. The location of soakaways from neighbouring land onto the application site would be a civil matter to resolve.

## **Trees and Landscaping**

### **Impact on Trees**

38. The site is surrounded by mature shrubs and some mature trees. The proposed development entails removing some of the smaller trees to enable access into the site.
39. The trees to be removed have been assessed and the majority considered lower value. Of the ten trees to be removed, all are either category U or C with the exception of two (a cherry and a Cypress) that are category B and considered to have more landscape value. These have been considered by the council's arboricultural officer, but provided replacement planting is provided where possible this loss is considered to be acceptable. Some trees have already been removed from site, but as they were not subject to Tree Preservation Orders or within a conservation area, consent to do so was not required. It would therefore also be unreasonable to prevent the loss of some of the lower grade trees given this fact.
40. The amenity value of the trees is localised and there are only small glimpses of these from the public highway. Provided that replacement trees are provided and the current planting improved to mitigate against the loss of biomass and habitat the proposals would be acceptable. The submitted arboricultural method statement should also be followed to ensure the trees to be retained are protected during the construction phase. Conditions are recommended as such.
41. The potential for the loss of the hedge along the north east boundary has been raised, as this hedge is within the ownership of the neighbouring property at 212 Newmarket Road. The Arboricultural Implications Assessment has considered the construction methodology for the house and garage. This includes careful excavation to prevent irreparable damage to roots and the use of a plastic membrane to prevent concrete leachate affecting the roots of trees. The neighbour at 212 Newmarket Road has also suggested a chain link fence be used along this boundary, which would better respect the existing trees and hedges along the north



east boundary. These details would need to be agreed through condition with the council's landscape architects, ensuring appropriate boundary treatments are selected for the existing landscaping to be retained.

## Local Finance Considerations

42. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application.

| Financial liability           | Liable | Amount                                   |
|-------------------------------|--------|--|
| New Homes Bonus               | Yes    | Based on council tax band, for six years |
| Council Tax                   | Yes    | Band not yet known                       |
| Community Infrastructure Levy | Yes    | £15,262.50 (indexed)                     |
| Business Rates                | No     | -  |

## Conclusions

43. The dwelling would be located on garden land in an accessible location, close to existing services and contributes to the overall need for new dwellings in Norwich. There would be no adverse impact on protected species, or the overall appearance of the area by virtue of the mature landscaping around the site and limited views from Newmarket Road. The addition of one dwelling using the access created onto the A11 slip-road is not considered to lead to a significant loss of highway safety. The development would not have an adverse impact on the amenity of surrounding residents through the single storey scale of development and appropriate landscaping to be agreed through condition. Subject to conditions to protect trees, biodiversity mitigation measures, landscaping, archaeological protection, refuse collection details and water conservation measures, the development is considered to be acceptable.
44. As such the proposal accords with the criteria set out within saved policies NE8, NE9, HBE4, HBE12, EP16, EP22, HOU13, TRA3, TRA6, TRA7 and TRA8 of the adopted City of Norwich Replacement Local Plan (2004), and policies 1, 2, 3, 4, 6, 9, 12 and 20 of the adopted Joint Core Strategy (2011) and statements 4, 6, 7, 10 and 11 of the National Planning Policy Framework (2012).

## RECOMMENDATIONS

To approve Application No (13/00540/F at land to rear of 214 Newmarket Road) and grant planning permission, subject to the following conditions:-

1. Standard time limit
2. In accordance with plan
3. Approval of external facing materials
4. Landscaping condition – including permeable paving, replacement tree planting and boundary treatments

5. Refuse collection arrangements to be agreed
6. Compliance with AIA
7. Mitigation and enhancement measures for biodiversity
8. No removal of vegetation during bird nesting season
9. Water conservation
10. Stop work if unidentified archaeological features revealed

Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.



