

## Planning applications committee

**Date:** Thursday, 10 December 2020

**Time:** 09:30

**Venue:** Remote access

### Committee members:

#### Councillors:

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

1 vacancy

#### For further information please contact:

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## Agenda

Page nos

**1 Apologies**

To receive apologies for absence

**2 Declarations of interest**

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

**3 Minutes**

**1 - 10**

To approve the accuracy of the minutes of the meeting held on 12 November 2020.

**4 Planning applications**

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting. Arrangements for speaking at the committee meeting are set out in Appendix 11 of the council's constitution.

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

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

Please note:

- The formal business of the committee will commence at 9.30;
- The committee may have a comfort break after two hours of the meeting commencing.
- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

**Summary of planning applications for consideration**

**11 - 12**



	<b>Standing duties</b>	<b>13 - 14</b>
<b>4(a)</b>	<b>Application nos 20/01291/F &amp; 20/01295/L – Strangers Club, 22-24 Elm Hill, Norwich, NR3 1HG</b>	<b>15 - 26</b>
<b>4(b)</b>	<b>Application no 20/00422/F - Thorpe Motor Company, 32 - 36 Harvey Lane, Thorpe St Andrew, Norwich, NR7 0DH</b>	<b>27 - 64</b>
<b>4(c)</b>	<b>Application no 20/01232/F - Vikings Venture Scout Hut, Adjacent to 420 Dereham Road, Norwich, NR5 8QQ</b>	<b>65 - 84</b>

Date of publication: **Wednesday, 02 December 2020**







**Planning applications committee****9:30 to 13:10****12 November 2020**

**Present:** Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Neale, Oliver (substitute for Councillor Huntley) (to end of item 5 below), Peek, Sands (M) (to end of item 4 below), Sarmezey and Stutely

**Apologies:** Councillors Huntley and Ryan

**1. Declarations of interest**

Councillor Lubbock declared a predetermined view in item 4 (below) Application no 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ because as Eaton Ward councillor she had objected to the proposal and represented the views of and other residents. She would speak on their behalf and then leave the room, taking no part in the determination of the application.

Councillor Lubbock declared a predetermined view in item 5 (below) Application no 20/00407/F – 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG as Eaton Ward councillor she had made objections to the proposal and had called-in the application for determination by the committee.

Councillor Lubbock declared an other interest in item 6 (below) Update on kitchen extraction situation at the Strangers Club, 22-24 Elm Hill, as a director of the Norwich Preservation Trust. It was noted that this report was for information only and not determination.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 8 October 2020.

**3. Application nos 20/00808/F – Norwich School Refectory, The Close, Norwich, NR1 4DD, and 20/00809/L – Precinct Wall, Palace Street, Norwich**

The senior planner presented the report with the aid of plans and slides. A petition had been received that now had 1,010 signatures, objecting to the proposal. The contents of the petition was summarised in the supplementary report of updates to reports that was circulated at the meeting and available on the council's website. The supplementary report also contained a summary of two further letters from an



objector and a letter from a supporter of the scheme. Questions received from a member of the committee, in advance of the meeting, and the officer response were also summarised in this report.

Councillor Price, Thorpe Hamlet ward councillor, addressed the committee on behalf of local residents and his fellow councillors, and outlined their objections to the proposed scheme. The application should be rejected because there was a lack of material difference between it and the previously rejected application. The loss of these mature trees would have a significant impact on biodiversity and the micro-habitats could not be recreated by replanting and would be lost. It was estimated that only 1 per cent of trees in the city centre exceeded a height of over 25 m making the TPO protected London Plane tree, at over 30m in height, an important tree. The 2040 Vision was committed to improving air quality in the city. The London Plane was particularly adaptable at reducing particulates. The application was contrary to DM7 and did not meet the criteria. The trees were in good condition and valued at £330,000 but in terms of biodiversity, priceless. The loss of these trees was not unavoidable and the applicant could consider other options. The revised plans did not reduce the harm to the heritage assets and was contrary to DM9. The future of this London Plane tree could set a precedent for other developments in the city.

A local resident addressed the committee and said that whilst the applicant justified the need to replace the dining facilities, there was no justification for the additional six classrooms. The Norwich School had been expanding since the 1990s and had increased the number of students on its roll, when it went coeducational and more recently, taking children from the age of four. It had outgrown its medieval site. The threat to biodiversity during the current climate emergency should not be underestimated. Over 1,000 people had signed the petition to take a stand. He urged members to reject this application.

The applicant, the head teacher of the Norwich School, addressed the committee in support of the application. He referred to the report and said that the height of the London Plane was 23 m not 35 m and explained that the increases in the school numbers was in the lower school, which was on a different site with its own dining arrangements. He referred to the refusal of the previous application and said that the scheme before the committee was a more deliverable scheme that was better for the school, city and the environment, had received positive feedback during the consultation and was recommended for approval by officers. The proposal would replace a prefabricated building and provide facilities for 1,200 students and teachers, and be available for community use, was well placed for a conference centre for partnership education and opened up the Bishop's Palace. It was a complicated site and there was no viable alternative layout that met the required footprint of a 21<sup>st</sup> century kitchen and dining room. It was regrettable that the arboricultural landscape would be affected and 12 trees lost, including the protected London Plane tree. The tree protection order had only been placed on the tree in 2018 during the first stages of the proposed development. He referred to the changes to the application to address the reasons for refusal of the previous application. This included the additional tree planting of 700 native species trees, comprising 21 trees on the site, including a significant Oak tree and a replacement London Plane tree, and over 60 trees in the Cathedral precinct and wider city centre, 20 of which had already been planted, and sustainable energy enhancements that included a green roof. The percentage of net biodiversity gain was ahead of the



requirements of the nascent Environment Bill. The biomass assessment was at the time of planting and this would improve over the years. It was a unique opportunity to demonstrate that development could improve the environment. In terms of visual amenity the overall consideration was that it would be improved, including the view of the oak tree viewed from Palace Street and the overall green canopy of the existing clusters of trees.

The area development manager (inner) commented on issues raised by the speakers. The additional tree planting proposed in this application was a material difference to the previous application to address the reason for refusal. He reminded members that each application was determined on its individual merits and that this application would not set a precedent for trees to be lost to development. The applicant proposed the erection of a teaching block and paragraph 130 of the report addresses the second speaker's concern about the school's development and provision of classrooms. The replacement planting was compensatory, rather than mitigatory and recognised the harm caused by the removal of 12 trees. The height of the London Plane tree had been reassessed by an arboriculturist, using robust methodology, and officers were comfortable with the assessment that its height was 23m not 35m, as in previous assessments.

During discussion, the senior planner and the area development manager (inner), referred to the report and the presentation, and answered members' questions. In response to a member's suggestion that the Norwich Society might have an interest in this application, the area development manager (inner) advised members that all representations on a planning application were presented to the committee and it was for members to consider what weight should be given to them. A member sought clarification on the biodiversity percentage gain as there were inconsistencies between officers in the report. The senior planner said that there were some inconsistencies in the Environment Bill policy and that an agreed metric was not yet in place. She confirmed that despite the methodology this application would appear to satisfy the net gain of 10 per cent required by the policy which was measured at the point of planting. Members were advised that the applicant's arboriculturist considered that building around the London Plane was not an option and that the tree was "unlikely" to survive. Following a suggestion from a member it was agreed that if approved an informative could be added to the planning consent to request that the timber of the felled trees was used. The committee also noted that the removal of Lime trees in Tombland as part of a highways scheme was completely unrelated to this application. Members were advised to focus on the impact of the development on this site and that it was a matter of judgement whether the development proposal was appropriate to the site. Officers were satisfied that within The Close, there were no other sites available to the applicant.

A member asked how this application addressed the issue of visual amenity and whether the planting of the oak tree would mitigate the loss of 12 trees and the impact to the conservation area. The senior planner said that the only material difference was the oak tree and this made a marginal difference to the improvement of that view. With regard to the conservation area officers had been keen to direct planting within the conservation area to improve the visual amenity surrounding the site as well as on the site itself. Members were also advised that the planting was "compensatory" and did not mitigate the harm to the conservation area. It added other trees within the conservation area but did not mitigate the harm to that part of it.



In reply to a member's question, officers explained that in 2018, a tree preservation order (TPO) had been served on the London Plane tree because it was threatened by development and was the most significant tree in that group. The other trees were protected by virtue of being in a conservation area. This protection did not mean that it could never be removed or have maintenance works but brought it within a broader regulatory framework. The replacement planting would be protected by the S106 agreement applied to the planting and some of the trees would also be protected by virtue of being within a conservation area. Applications for works to those trees within the conservation area would need be made to the council and at that point an assessment of the tree's value would be made and an individual tree preservation order could be considered. The trees planted outside of the urban area would have less impact on the air quality within the city centre but would contribute to overall the air quality around the urban area. The trees planted in the city centre would have a direct effect on air quality. At the time of planting, the replacement trees within the city centre alone would not have the same biomass as the trees that were to be felled.

In response to a member's question regarding the detail of the school's community engagement and benefit to the city as a whole, the committee was referred to the supplementary report of updates and the councillor's second question and response regarding the school's community engagement and proposed use of the conference facility. Details of the school's current charitable outreach programme was set out in Appendix 1 and Schedule 2 of the applicant's planning statement. The facilities would allow the school to expand its outreach programme to charitable groups, including the letting of facilities for free or at reduced rates. As a condition of this planning consent the school would be committed to working with the officers to agree the details of the use of the facilities by community and charitable groups. There would be control through the planning system to ensure that the community benefit was continued going forward. Members were also referred to the report and the member question contained in the supplementary report regarding the rationale for the new refectory and the continued use of the site as a school. In land use terms the use of the site as a school was considered beneficial.

The landscape architect, together with the senior planner, then answered questions on the trees and biodiversity. This included an explanation of the use of a planter to protect the tree roots of the London Plane to ensure that the tree would thrive and confirmation that the planter would essentially be a raised bed rather than a standalone planter. It was explained that the categorisation of the trees related to the condition of the tree rather than the species. The categorisation ranged from A to U and had been assessed by experts based on how healthy the tree was and whether it was likely to thrive. The replacement trees could therefore not be categorised at this stage. In reply to a question where a member referred to the Woodland Trust website, the landscape architect said that the best estimate for the life expectancy of this London Plane tree was 40 plus years, based on the condition of the tree and what was known about the species, subject to there not being a disease specific to this species.

A member asked whether the tree should be offered the same protection that Islington council did for a London Plane in Arlington Square. The area development manager (inner) said that the importance of the trees was not being trivialised and the report set out a balanced assessment for members to take into consideration when determining these applications.



In response to a further question on the school relocating to an alternative site, the area development manager (inner) referred to the response to another member earlier in the meeting and said that members needed to take into consideration the proposal that was before them.

The chair agreed to take the recommendations set out in the report separately and therefore moved and the vice chair seconded the recommendation (set out in the report under (2)) to approve application no 20/00808/F.

During a lively debate, the committee discussed the planning application.

Members minded to refuse the application explained their reasons. This included scepticism that the applicant had overstated the community use of the facilities and that members were not convinced that a larger space would increase usage by community or charitable groups and that there were alternative community spaces close by. The tree officer, ward councillors and residents, including the people who had signed the petition, had all objected to the removal of the trees, particularly the 200 year old London Plane tree, and that it was contrary to planning policies DM1, DM3, DM7 and DM9 and the National Planning Policy Framework (NPPF). The level of biodiversity net gain had not been fully assessed and 10 per cent would be required under the provisions of the Environment Bill without the removal of 12 trees. A member of the committee suggested that the focus of the debate should be on how this application addressed the issues of biodiversity, its visual impact and the harm to the conservation area which had led to the refusal of the previous application. The replacement of the trees was not considered to fully compensate for the trees that were being removed. The visual harm to the conservation area was not addressed adequately. Members noted that the replanting was “compensatory” rather than in mitigation for the harm it caused. A member also took into account the impact on air quality and the reduced biomass that would be caused by the loss of these mature trees. A member suggested that if the school needed to expand it should relocate to one of its other sites.

The chair and members who supported the application welcomed the additional planting of trees around the Cathedral Close, Great Hospital, the lower school playing field and the lower and upper parts of The Close. Of the 12 trees that were to be felled the London Plane was the best specimen with the others not being in particularly good condition. The London Plane was not a native specimen and had a limited lifespan. The proposed building was of high quality and replaced a prefabricated building. The new refectory and additional classrooms would be an improved facility for the children at this school. All schools evolved and recently the committee had approved new facilities for the City of Norwich School. The school was an asset to the city and provided educational facilities for a range of children, including those with learning difficulties. The applicant had demonstrated commitment with the enhanced tree planting scheme that was before the committee. It was also considered that the London Plane tree was in the wrong location and that its replacement would be an improvement. The removal of the trees would open up views of the Cathedral spire and the Bishop’s Palace. Air quality in the city centre was part of a wider issue and could not be blamed on the loss of these trees. The relocation of the school outside the city centre was not considered sustainable, particularly if it was to one of its greenfield sites out of the city centre.



On being moved to the vote, with 5 members voting in favour (Councillors Driver, Maxwell, Button, Lubbock and Sands) and 6 members voting against (Councillors Bogelein, Oliver, Neale, Peek, Sarmezey and Stutely) the motion to approve application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD was lost and the application not determined.

The committee then discussed the reasons for refusal. During the discussion members confirmed that the revised application did not address the concerns as stated in the previous application and did not compensate for the harm caused to the conservation area.

Councillor Bogelein moved and Councillor Neale seconded that the application should be refused for the reasons given below and on being put to the vote it was:

**RESOLVED:**

- (1) with 6 members voting in favour (Councillors Bogelein, Oliver, Neale, Peek, Sarmezey and Stutely) and 5 members voting against (Councillors Driver, Maxwell, Button, Lubbock and Sands) to refuse application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD for the following reason:

*The application involves the loss of twelve valuable trees from the city centre. The loss of these trees would lead to a significant impact on biodiversity and visual amenity which cannot be suitably compensated for via an off-site planting scheme such as that which is proposed. The proposals would also cause less than substantial harm to the conservation area. The council does not consider that that this less than substantial harm is sufficiently outweighed by the public benefits of the scheme proposed. The application is therefore contrary to policies DM1, DM3, DM6, DM7 and DM9 of the Norwich Development Management Policies 2014 and paragraphs 170, 175, 196 of the National Planning Policy Framework 2019.*

(The area development manager (inner) advised members that following this decision the following application should be refused as causing less than substantial harm to the conservation area without the justification of an approved redevelopment scheme.)

Councillor Neale moved and Councillor Stutely seconded that application no 20/00809/L - Norwich School Refectory, The Close, Norwich, NR1 4DD be refused for the reasons used on the previous application and as proposed above.

- (2) with 6 members voting in favour (Councillors Bogelein, Oliver, Neale, Peek, Sarmezey and Stutely) and 5 members voting against (Councillors Driver, Maxwell, Button, Lubbock and Sands) to refuse application no. 20/00808/F - Norwich School Refectory, The Close, Norwich, NR1 4DD for the following reason

*The application would cause less than substantial harm to the heritage asset. In the absence of an acceptable redevelopment scheme that necessitates the proposed works there is no clear and convincing justification for this less than*



*substantial harm. The application is therefore contrary to local policy DM9 of the Norwich Development Management Policies 2014 and paragraph 194 of the National Planning Policy Framework 2019.*

(The meeting adjourned for a short break and reconvened at 12 noon, with all members listed above as present.)

(Councillor Lubbock, by way of a personal explanation, apologised for using the word “ridiculous” during the debate on the above item and for any offence this might have caused to other members.)

**4. Application no 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ**

(Councillor Lubbock had declared an interest in this item. She left the meeting after addressing the committee and did not take part in the determination of this application.)

The area development manager (outer) presented the report with the aid of plans and slides.

Councillor Lubbock, Eaton Ward councillor, addressed the committee with her objections, and on behalf of the neighbouring residents, the wider Eaton community and all the Eaton councillors. These objections included: concerns about the scale and massing of the proposed development; the impact on the daylight and amenity to the residents of Tamarind Mews; that the density of the scheme was contrary to DM21; that Church Lane was a busy road and that the additional traffic movements and cars reversing onto it would cause chaos; suggesting that the determination of the application be deferred for a detailed highways road safety survey to be carried out and that it would affect phasing of traffic lights in Eaton. She called for members to refuse the application. There should be a more sympathetic design for the scheme and the houses should be two storey, and she pointed out the concerns about road safety.

The agent spoke on behalf of the applicant and said that this scheme provided four dwellings on a vacant site, there had been good technical advice from the council officers, and there were no objections from statutory consultees. The design of the dwellings provided an attractive frontage and was in keeping with the area and consideration had been made to ensure there was no impact on the amenity of the residents of Tamarind Mews and the adjacent businesses. The applicant had provided a daylight/sunlight analysis and there was no significant impact on neighbouring houses and businesses from the proposed 2.5 storey dwellings. The county council had requested that the parking was at the front of the houses and there would be fewer traffic movements from the residents than from the site when it was a bank.

(Councillor Lubbock left the meeting at this point.)

During discussion the area development manager (outer) and the senior planner referred to the report and answered members' questions. This included confirmation that there had been a daylight/sunlight assessment and its conclusion was that there would not be an unacceptable impact on the amenity of neighbouring properties.



Officers did not negotiate the use of air source heat pumps because there was no policy requirement for a development of this size but the applicants had proposed it. Whilst members needed to consider the plans before them, it was likely that an alternative proposal with the houses facing away from Church Lane had been discounted as they would then be closer to Tamarind Mews. Members were shown on a satellite map that the development site was a distance from the junction and that there was a 20 mph speed limit on the road. An alternative access was also ruled out as the grass boundary was not in the applicant's ownership. Members were also advised that the development should be built out in accordance with the plans and would be subject to planning enforcement. Members also sought clarification that occupants would need to reverse into the parking spaces at the front of the properties and that under the National Planning Policy Framework (NPPF) a refusal on highways grounds would be unlikely to be upheld.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion members commented on the proposal. Members considered that the development was good use of a vacant site and that it would improve its appearance. A member had reservations about the density of the development and that the houses would have tiny gardens. Another member said that he hoped that air source heat pumps were installed and that solar panels also provided. Members also noted that Church Lane had changed over the years and that this proposal could enhance it.

**RESOLVED**, unanimously, to approve application no. 20/00896/F - Barclays Bank PLC, 6 Church Lane, Norwich, NR4 6NZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. No removal of hedgerows and trees within bird nesting season, unless first checked by ecologist;
4. Construction method statement to be agreed;
5. Tree protection;
6. Materials to be agreed;
7. Landscape scheme to be agreed – including tree replacement, cycle and refuse storage, external lighting, biodiversity enhancements and small mammal access gaps ;
8. Detailed scheme for vehicular crossing, including relocation of streetlight and sign;
9. Parking to be provided prior to first occupation;
10. Water efficiency;
11. Commercial unit to be used for Class E uses, excluding (g)(ii) research and development and (iii) industrial processes;
12. Commercial unit not to be open to the public 22:00 to 07:00;
13. No amplified sound;
14. No plant, ventilation or extraction to be installed, unless first agreed.

(Councillor Lubbock was readmitted to the meeting at this point.)

(Councillor Sands left the meeting at this point.)



**5. Application no 20/00407/F – 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG**

(Councillor Lubbock had declared an interest in this item. She left the meeting after the presentation of the report and did not take part in the determination of this application.)

The area development manager (outer) presented the report with the aid of plans and slides.

(Councillor Lubbock left the meeting at this point.)

The area development manager (outer) referred to the report and answered members' questions. He referred to the owner's circumstances and said that the purpose of the planning application was to extend the house for use as a family home. The cost of the remodelling, location and internal layout, did not suggest that the applicant intended the property to be used as a house in multiple occupation (HMO). There was no legislation or policy basis to prevent this C3 dwelling becoming a small HMO, however it would require planning permission if it were to become a large HMO.

The chair moved and the vice chair seconded the recommendations set out in the report.

During discussion members noted that there was room for the extension on this large site. A member commented that they were impressed by the neighbourliness the applicant had demonstrated in submitting the revised plans and given the close proximity of the houses.

**RESOLVED**, unanimously, to approve application no. 20/00407/F - 1 Christchurch Court, Christchurch Road, Norwich, NR2 2AG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. In accordance with AIA, AMS and Structural assessment.

(Councillor Oliver left the meeting at this point.)

(Councillor Lubbock was readmitted to the meeting at this point.)

**6. Update on kitchen extraction situation at the Strangers Club, 22-24 Elm Hill**

(Councillor Lubbock had declared an interest in this item.)

The area development manager (inner) presented the report. He advised members that the applicants had submitted a planning application and listed building consent application which would most likely be presented to the committee for consideration in January 2021.



**RESOLVED** to note the contents of the report.

CHAIR



10 December 2020

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	20/01291/F	Strangers Club, 22-24 Elm Hill	Lara Emerson	Kitchen extract (revised proposal).	At the discretion of the Area Development Manager	Approve
	20/01295/L	Strangers Club, 22-24 Elm Hill	Lara Emerson	Kitchen extract (revised proposal).	At the discretion of the Area Development Manager	Approve
4(b)	20/00422/F	Thorpe Motor Company 32 - 36 Harvey Lane Thorpe St Andrew	Maria Hammond	Redevelopment of site to provide 4 No. dwellinghouses and 4 No. apartments.	Objections	Approve
4(c)	20/01232/F	Former Vikings Venture Scout Hut Adj 420 Dereham Road	Lee Cook	Construction of 8 No. two bedroom flats.	Objections	Approve







## **STANDING DUTIES**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



**Report to** Planning applications committee  
10 December 2020

**Report of** Area development manager

**Subject** Application nos 20/01291/F & 20/01295/L – Strangers Club, 22-24 Elm Hill, Norwich, NR3 1HG

**Reason for referral** At the discretion of the area development manager

Item

4(a)

<b>Applicant</b>	The Strangers Club
<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Lara Emerson - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

Development proposal		
Kitchen extract (revised proposal).		
Representations		
Object	Comment	Support
0	0	2

Main issues	Key considerations
1. Heritage	Impact of proposals on the significance of the host building, setting of nearby heritage assets and character of the surrounding conservation area.
2. Amenity	Impact of odour and noise to nearby properties.
<b>Expiry date</b>	18 December 2020
<b>Recommendation</b>	Approve





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Planning Application No 20/01291/F & 20/01925/L  
 Site Address Strangers Club 22-24 Elm Hill

Scale 1:500



**NORWICH**  
 City Council

PLANNING SERVICES



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## The site, surroundings and constraints

1. 22-24 Elm Hill, known as the Strangers Club, is a Grade II\* listed building sitting on the north side of Elm Hill within the Elm Hill and Maddermarket character area of the City Centre Conservation Area. The building is used as a private members club which includes a restaurant and kitchen. To the rear of the building is a public car park.
2. The list description is as follows:

*TG 2308 NW ELM HILL (north-west side) 16/309 26.2.54 Nos. 22 and 24 (Strangers Club) GV II\* Former use not known, now club. C16 and later. Timber frame. Ground floor rendered; exposed close studding with herringbone red-brick infill at first floor. Pantiled roof. Brick chimney (rebuilt). 2 storeys with cellar to right. First-floor jetty. 6 first-floor windows. Left carriage entrance to Crown Alley has finely carved bressummer also bearing merchant's mark and arms of the Mercers Company. 2 identical Tudor-style doors with ribs and iron studs in moulded surrounds, flank two large windows which have moulded mullions and transoms (heavily restored) of 6 and 10 leaded lights respectively. The larger window is reputed to have been re-set from the first floor. 2 smaller diamond - lattice C20 casements to right and left and others on first floor. Projecting C16 timber-framed wing to rear has gable-end brick chimney, 2-centred arch and a mullioned and transomed casement. The interior has moulded beams and a fireplace introduced from elsewhere.*

3. There are numerous other heritage assets within the setting, most notably the Grade II\* listed 26-30 Elm Hill which is immediately adjacent to the site. 26-30 Elm Hill is vacant and on the Buildings at Risk register. Both the application site and 26-30 Elm Hill are in the ownership of the City Council. The two buildings (22-24 and 26-30 Elm Hill) are attached, but their rear ranges are separated by a narrow gap (ranging from 650-700mm), within which an existing extraction system is located.

## Relevant planning history

Reference	Description	Decision	Date
19/00546/L	Internal alterations to mid and first floors.	Approved	10/07/2019
19/01487/F & 19/01488/L	Kitchen extract (revised proposal).	Refused	19/08/2020

## The proposal

4. The club's kitchen, located within the building's rear range, has an existing extraction system exiting on its eastern wall, facing into the narrow gap between the subject property and the adjacent property (26-30 Elm Hill). According to the applicant, an extraction system was first installed in this location in 1965, and the system has been upgraded a number of times since. It appears as though the extracted air has been leaving deposits of grease on the wall of the adjacent property due to the proximity of the two buildings. The existing system does not benefit from listed building consent or planning permission and applications for upgrading the existing system were refused earlier this year (19/01487/F & 19/01488/L).



5. The applications now under consideration are for an alternative scheme. It is proposed that the existing extraction system is removed, and the hole repaired, and that ducting is installed internally within the kitchen to allow the extraction to take place on the opposite side of the rear range.
6. The alternative system involves the insertion of a hole in the wall between the kitchen and the single storey 'boiler house' and another hole in the external wall of the boiler house, above an existing door. Externally, a slim louvre would be visible a few brick courses above the door. This part of the building is fairly open and visible from the car park to the rear of the site.

## Representations

7. The application has been advertised on site and in the press, and adjacent and neighbouring properties have been notified in writing. TWO letters of representation have been received, both of which pledge support for the proposals and note additional points as summarised below. One of these representations is from the Council for British Archaeology who have provided comments as an interested party rather than as a consultee.

Issues raised	Officer Response
Fire protection should be incorporated when repairing the hole for the existing flue and installing the new system	Officers have confirmed with the council's building control contractors that this is a matter that will be covered through building control.
A schedule of repairs should be prepared for works to this building and the adjacent building, and this work should be required to take place within a set timeframe	See Main Issue 1: Heritage

## 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.

## Design and conservation

9. If one views the above application on its own merits; I would suggest that the harm caused by the insertion of a new hole through the rear range gable, adjacent to the historic chimney stack is less than substantial. This harm is likely outweighed by the public benefit of securing continued viable use, which is beneficial to the long term preservation of the building. Routing the ducting through the kitchen and the additional internal equipment that is required for filtration and sound deadening will have minimal impact upon the special character of the building and is mitigated by its reversibility and installation in an area which is finished almost entirely in modern fabric.
10. Although there is potentially some harm to the wider setting, which is a conservation area, this could be controlled by application of a condition requiring further detail of the vent cover (dimensions i.e. projection, material and finish i.e. colour (I suggest black metal with minimal projection)) be supplied prior to relevant works.



11. I would also recommend we apply a condition requiring a repair methodology for the window through which the existing vent is fixed. This should be paired with a condition requiring the existing system be decommissioned, removed and the repairs undertaken as agreed, prior to commissioning of the new system.
12. To be clear; I would be satisfied if the existing system were decommissioned and removed at earliest convenience to allow for a detailed repair methodology to be produced. Consent for those works would be implied by an approval of this scheme.
13. Further conditions should be applied as follows:
  - Any damage caused to the building by the works hereby approved shall be made good in accordance with a scheme first submitted to and agreed in writing by the local planning authority and the making good in accordance with the scheme as agreed shall take place within three months of the approval of the scheme.

Reason for condition

To enable the local planning authority to ensure the protection of the historic and/or architectural importance of the building, in accordance with section 16 of the NPPF and policy DM9 of the Development Management Policies, DPD 2014.

- All works of localised repair and making good to retained fabric shall be finished to match the adjacent work with regard to the methods used and to colour, material, texture, and profile. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.

Reason for condition

To enable the local planning authority to ensure the protection of the historic and/or architectural importance of the building, in accordance with section 16 of the NPPF and policy DM9 of the Development Management Policies, Local Plan 2014.

- Any archaeological, architectural and/or historic features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within two working days. Works shall be halted in the area of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing with the local planning authority.

Reason for condition

To ensure the special architectural and/or historic interest of the building and appearance of the area is preserved, in accordance with section 16 of the NPPF and policy DM9 of the Development Management Policies, Local Plan 2014.

- Any works for the demolition, dismantling or removal of existing features shall be carried out by hand, by hand-held tools only and the works shall provide for the retention and storage for re-use of; masonry/brickwork, timber and glazing where appropriate. This condition shall apply notwithstanding any indication as to these matters that have been given in the current application.



#### Reason for condition

To enable the local planning authority to ensure the protection of the historic and/ or architectural importance of the building, in accordance with section 16 of the NPPF and policy DM9 of the Development Management Policies, Local Plan 2014.

### Historic England

14. Number 22-24 Elm Hill is a substantial timber framed building dating from the 16th century and is listed at grade II\*. The kitchen is a long-standing part of its function as The Strangers' Club and the ventilation duct from the side wall has been in place for some time. Due to the value of street frontage space on such an important medieval street, buildings along Elm Hill are commonly built against each other, or with very narrow gaps. This is the case with the adjacent building, [incorporating] numbers 26-30. This is also a grade II\* listed building which despite its early 19th century façade dates from the 16th and 17th centuries and has an extensive medieval undercroft beneath.
15. This application proposes an alternative approach to a previously submitted application for changes to the kitchen extractor system. The vent would be relocated on the western gable wall of the modern boilerhouse at the end of the rear wing. ceiling-mounted ducting would connect it to the cooker hoods. The flue is able to pass through the section of formerly external wall to one side of the historic chimney breast and avoid damage to it. Providing the louvred vent is coloured to be as unobtrusive as possible it would minimise the visibility on the rear elevation of the building.
16. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The significance of listed buildings can be harmed or lost by alteration to them or development in their setting. The NPPF states that clear and convincing justification should be made for any such harm and that 'great weight' should be given to the conservation of listed buildings irrespective of the level of harm caused (paragraphs 193 and 194).
17. We consider the proposed new ventilation system to have minimal impact on the historic significance of the listed numbers 22-24 Elm Hill and would not object to the application.

### Environmental Protection

18. Following a review of the information provided, I have the following comments. The proposed extraction system appears to be acceptable, however given the proximity of windows I would recommend that a carbon filter is also fitted to prevent odour nuisance.



## **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)**
  - JCS2 Promoting good design
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
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards

### **Other material considerations**

21. **Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**
  - Section 12 Achieving well-designed places
  - Section 16 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 Policy Framework (NPPF), the council's standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

### **Main issue 1: Heritage**

23. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF sections 12 and 16.
24. Given that the council has refused applications relating to the less intrusive option of re-using the existing hole and upgrading the existing system, alternative options must be explored. These current applications propose installing ducting in a diagonal fashion across the kitchen from the existing cooker to the wall between the kitchen and the single storey, more modern boiler house. Once through the wall, the ducting would then travel upwards and exit through a grill above the existing external door. As confirmed by the council's conservation officer and Historic England, the works would cause 'less than substantial' harm to the listed building in terms of damage to historic brickwork and harm to the external appearance, but this harm is fairly minimal and is considered to be outweighed by the public benefit of keeping the building operational.
25. The application notes that the existing hole is to be repaired, and a repairs schedule is proposed to be requested via condition. Given that the application is for an alternative scheme, the works to remove the existing system and repair the hole are



somewhat relevant and the conditions recommended require these works to be carried out in accordance with a repairs schedule. A further condition is recommended which requires the old system to be removed within 3 months of the installation of the new one. The applicant has agreed to this condition.

26. The two letters of support which have been received suggest that a wider repairs schedule should be sought, and that this should extend to repairing the brickwork on the adjacent building. The letters also suggest that all of these repairs should be required to take place within a certain timeframe. However, it is neither reasonable, necessary nor relevant to require works to an adjacent building over which the applicant has no control. Any such condition would fail almost all of the 6 tests which all conditions must satisfy.

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

27. Key policies and NPPF paragraphs – DM2, DM11.
28. The proposed extraction system would exit the building via a grill on the west side of the boiler house which is the rearmost part of the building. The grill would be approximately 9m from the nearest first floor window within the Club building, and approximately 20m from any residential window on this side of the site.
29. Subject to the insertion of a carbon filter within the system (which the applicant has now added to the drawings), the council's environmental protection officer is satisfied that the proposal will be acceptable in terms of noise and odour.

### **Equalities and diversity issues**

30. There are no significant equality or diversity issues and it is not considered that the proposals themselves will impact on any particular protected group.

### **Local finance considerations**

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

### **Conclusion**

32. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

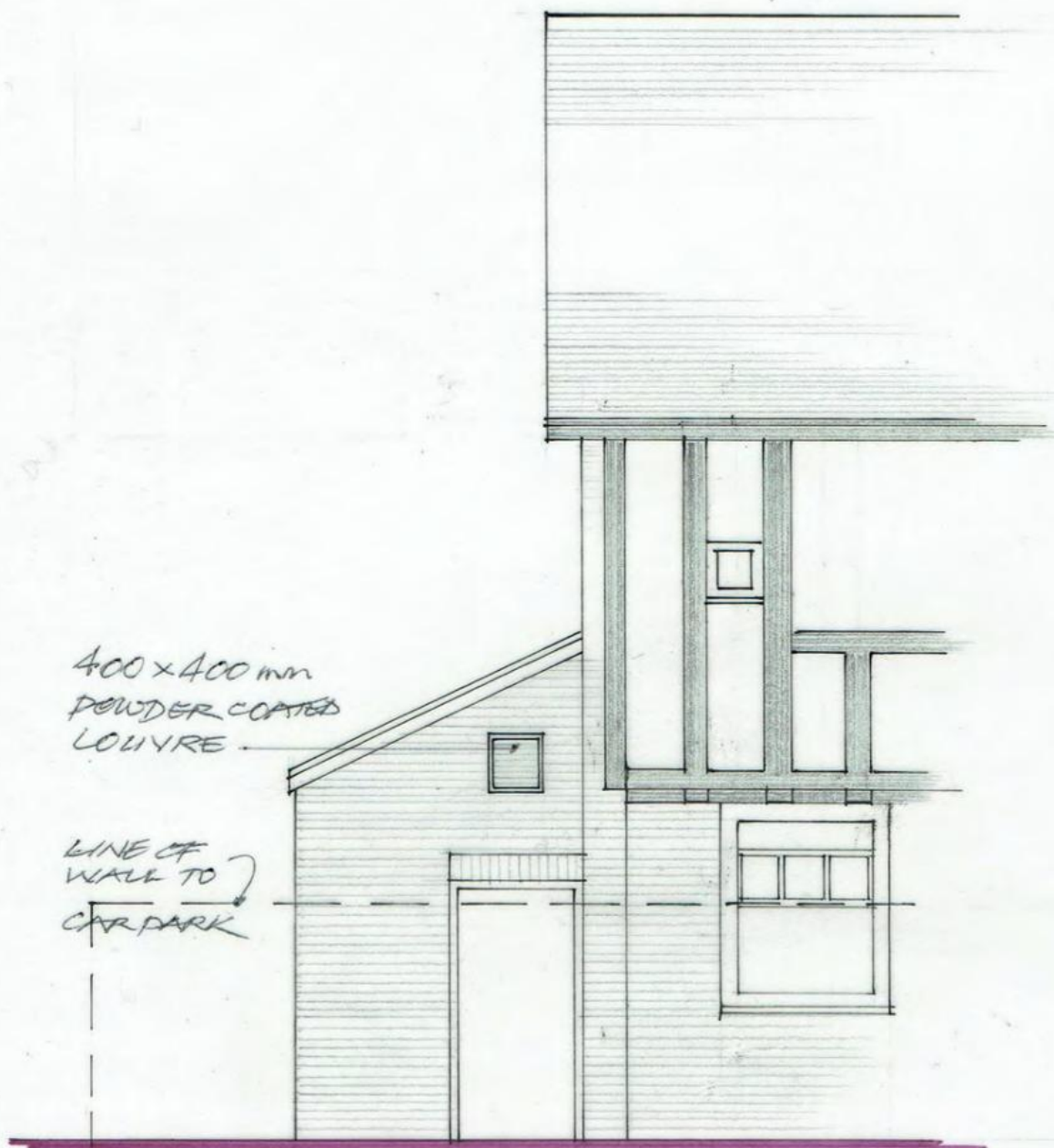


## **Recommendation**

To

- (1) approve application no. 20/01291/F – Strangers Club 22-24 Elm Hill Norwich NR3 1HG and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans.
  
- (2) approve application no. 20/01295/L – Strangers Club 22-24 Elm Hill Norwich NR3 1HG and grant listed building consent subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans;
  3. Repairs schedule to be submitted;
  4. Timing of works to require removal of existing extract system and making good the hole within 3 months of completion of the new system.
  5. Any damage made good;
  6. Repairs to match adjacent work;
  7. Works to stop if any historical features uncovered;
  8. Demolition/dismantling to be carried out by hand.





BRWG NO: 1327/09 PART ELEVATION

SCALE : 1:50

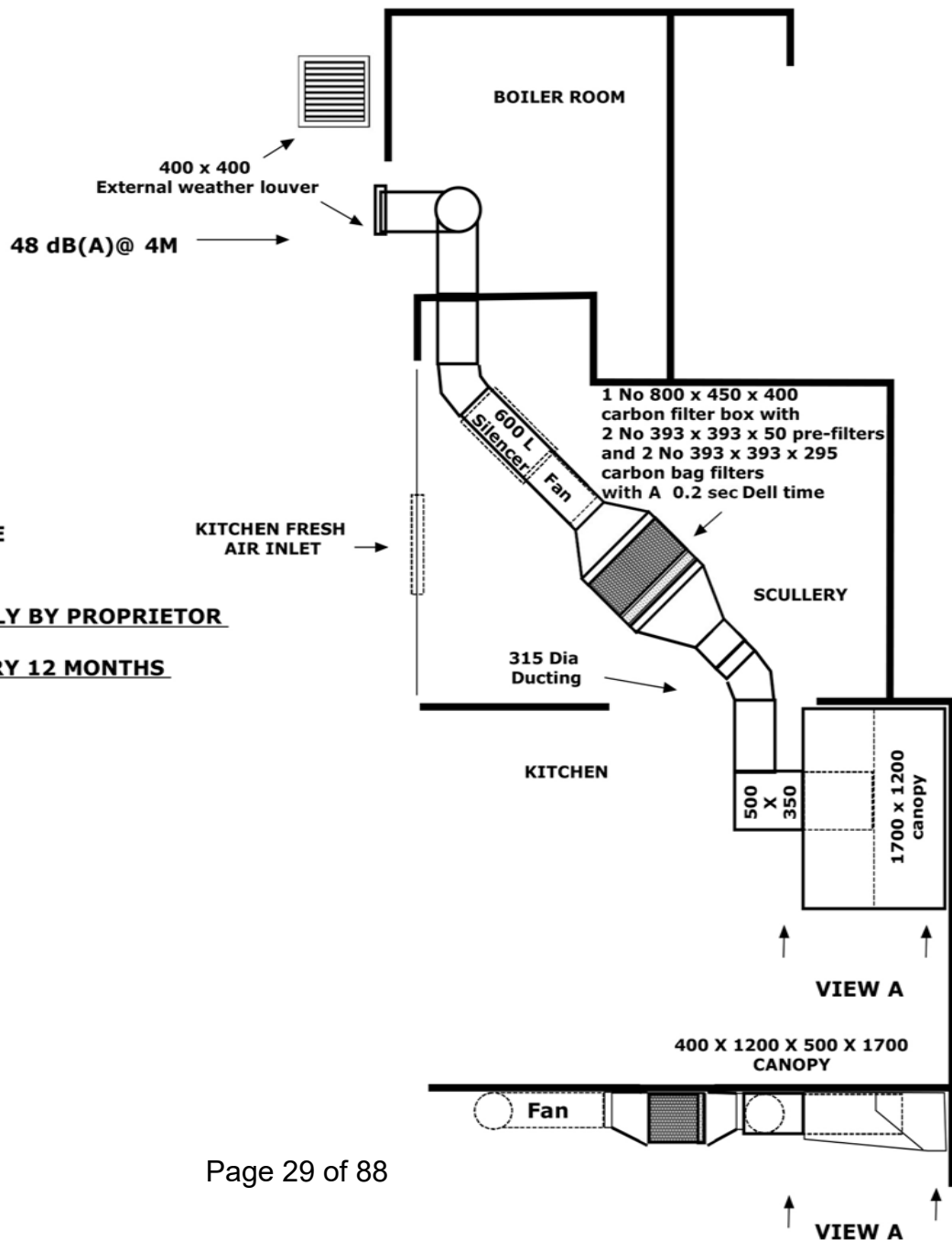


**PROPOSED EXTRACTION  
SYSTEM  
FOR  
THE STRANGERS CLUB  
NORWICH**  
**SCALE : 1 : 25**  
**DATE : 27.11.2020**  
**DRAWN BY : SIMON BEAN**  
**CONTACT No 07984750849**  
**OR 01603 783783**  
**Email:**  
**simonbean35@hotmail.com**

**CLEANING SCHEDULE  
FOR  
STRANGERS CLUB**

**.BAFFLE FILTERS TO BE CLEANED WEEKLY BY PROPRIETOR**

**.EXTRACTION TO BE CLEANED EVERY 12 MONTHS**









**Report to** Planning applications committee

**Item**

10 December 2020

**Report of** Area development manager

**Subject** Application no 20/00422/F - Thorpe Motor Company, 32 -  
36 Harvey Lane, Thorpe St Andrew, Norwich, NR7 0DH

**Reason  
for referral** Objections

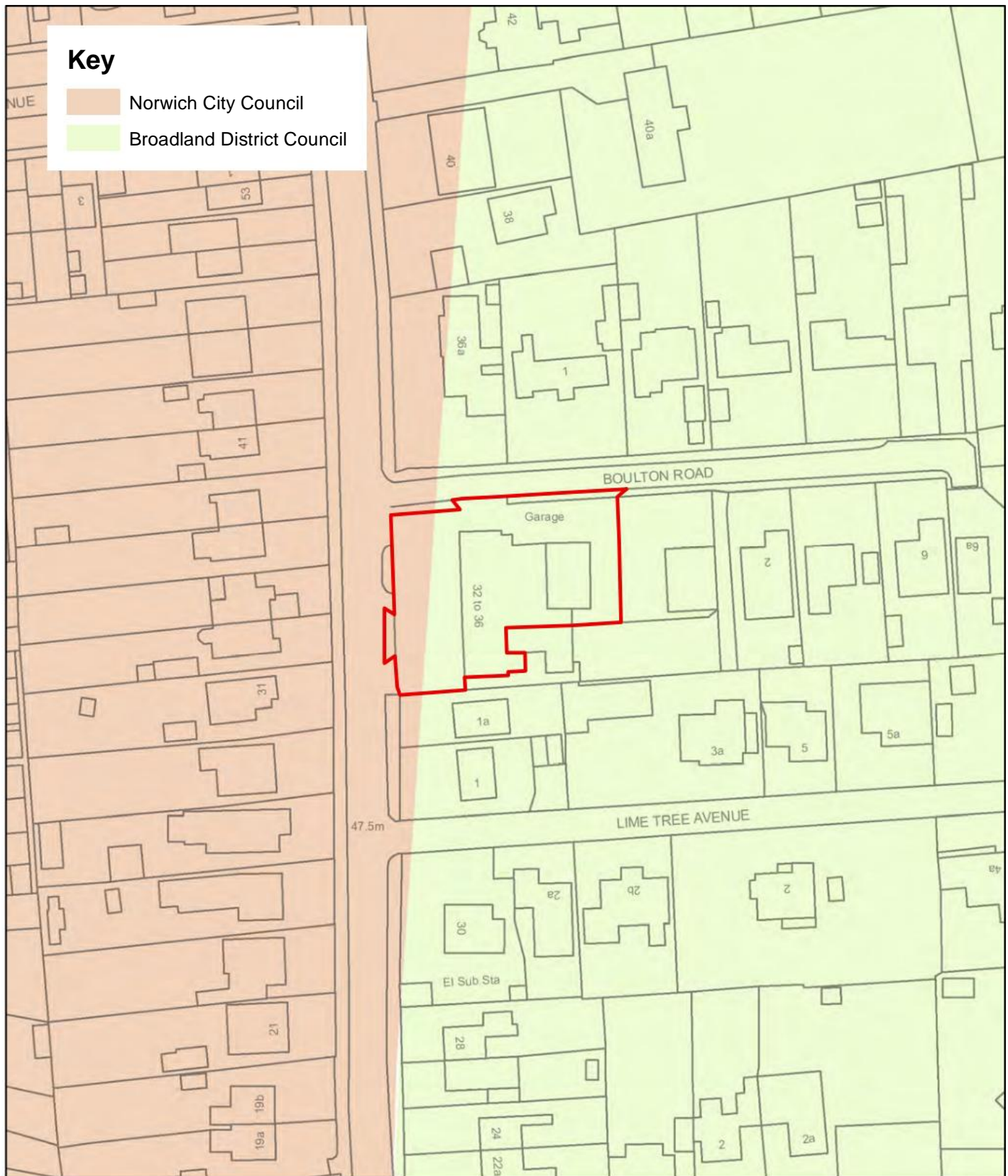
4(b)

<b>Ward:</b>	Crome
<b>Case officer</b>	Maria Hammond - 07717 451417 - <a href="mailto:mariahammond@norwich.gov.uk">mariahammond@norwich.gov.uk</a>

Development proposal		
Redevelopment of site to provide 4 No. dwellinghouses and 4 No. apartments.		
Representations		
Object	Comment	Support
3	0	0

Main issues	Key considerations
1	Principle of loss of existing use and new residential development
2	Design
3	Amenity
4	Transport
<b>Expiry date</b>	29 May 2020, extended to 15 December 2020
<b>Recommendation</b>	Approve





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Planning Application No 20/00422/F  
 Site Address 32 -36 Harvey Lane  
 Thorpe St Andrew

Scale 1:1,000

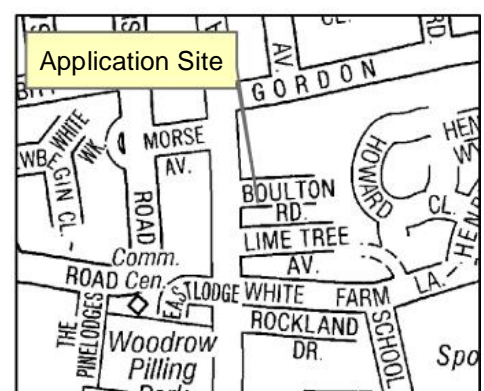


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The site is a former vehicle sales garage at the corner of Harvey Lane and Boulton Road. It is occupied by a showroom building that is largely two storey under a flat roof and has attached workshops to the rear. The building is surrounded by large areas of hardstanding and the frontage to Harvey Lane is defined by low level rails.
2. The administrative boundary between Norwich City Council and Broadland District Council runs through the site and identical applications have been submitted to each LPA which Broadland have led on (Broadland application reference 20200699). The portion of the site within the jurisdiction of Norwich City Council is a tapering part of the frontage to Harvey Lane that is 7.5 metres at its widest. Around 13% of the site is in Norwich, with the remainder in Broadland.
3. Mid-twentieth century residential development surrounds the site and is characterised by two storey semis on the opposite side of the road and detached houses and bungalows to either side and along Boulton Road. One dwelling set back from the road is attached to the application site buildings and has pedestrian access along the southern boundary. Low walls and hedges form the front boundaries along Harvey Lane and dwellings in the area generally have generous, mature front gardens.

## Constraints

4. A small part of the site is at risk of surface water flooding.
5. The site is within 250 metres of the designated ancient woodland at Lion Wood.

## Relevant planning history

6. There is no recent relevant planning history.

## The proposal

7. The site is proposed to be cleared and redeveloped with a two-storey building fronting Harvey Lane providing four apartments, each with one bedroom, and two pairs of three-bedroom semi-detached dwellings fronting Boulton Road.
8. The apartments would have a car park and store building to the south and external amenity space to the front. Each house would have parking directly off Boulton Road and private gardens to the rear.

## Summary information

Proposal	Key facts
Scale	
Total no. of dwellings	8 dwellings



<b>Proposal</b>	<b>Key facts</b>
No. of affordable dwellings	None required by policy
Total floorspace	642 square metres
No. of storeys	Two
Max. dimensions	Apartment building: 8.3m by 15m by 8.8 metres high Semi-detached houses: 8.3m by 11.4m by 8.8. metres high
Density	66 dwellings per hectare
<b>Appearance</b>	
Materials	Bricks, tiles and fenestration to match local materials
<b>Transport matters</b>	
Vehicular access	One point off Harvey Lane to apartments and direct access to each house off Boulton Road
No of car parking spaces	14
No of cycle parking spaces	Cycle store for apartments
Servicing arrangements	Bin store for apartments, designated areas in gardens for houses

9. Broadland District Council has recommended the identical application for approval subject to conditions and a section 106 agreement securing offsite contributions for formal recreation and green infrastructure. This is being considered by its planning committee on 2 December 2020 (subsequent to the writing of this report) and a copy of the committee report is attached to this report at Appendix A. Members will be updated of the Broadland District Council's planning committee's decision at your meeting on 10 December 2020.

## Representations

10. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received by Norwich City Council 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. For information, Broadland District Council received five letters of representation raising the same and similar issues.



Issues raised	Response
Worried parking on the road will increase due to lack of parking provided. Two spaces for visitors is not enough.	See main issue 4
Design is not in line with current feel of place and character of area	See main issue 2
Will adversely affect views and property value	The impacts of a development on private views and property values are not material planning considerations.
Increased noise	See main issue 3
Issues with speeding traffic	See main issue 4

## Consultation responses

11. 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

12. No information has been supplied regarding the potential for contamination to exist on the site. As it was a former Petrol Filling Station as well as a garage I would recommend conditions: scheme to deal with risks of contamination, unknown contamination and imported material.

### Highways

13. No objection on highway grounds. The proposed use and layout of the site overall is acceptable.
14. Recommendations:
- (a) That the footways on all sides of the site are reconstructed to full kerb height except where vehicle crossovers are required. This is likely to require a Small Highway Works Agreement.
  - (b) Waiting restrictions (double yellow line markings) will need to be reinstated.
  - (c) The parking spaces adjacent to Boulton Road and parking court accessed from Harvey Lane would benefit from being laid out in paving with bricks of contrasting colour demarcating parking spaces. For better visual appearance.
  - (d) The parking court accessed from Harvey Lane must have drainage that prevents run off to Harvey Lane.
15. Further comments on revised plans:



Please can these points be considered:

- (a) The walking route from the flats to the car park could be more convenient:
- (b) It is good practice to reinstate the footway to full kerb height where a crossover is redundant, please can the plan be updated accordingly.
- (c) It would also be beneficial if the entire footway adjacent to the site on both sides was resurfaced once construction has completed, footways can easily be damaged during construction.
- (d) The double yellow lines would need reinstatement following these works.
- (e) Visibility; please can the brick wall be set back if necessary to achieve adequate visibility: can a plan be annotated to demonstrate what is achievable in a southern direction with a 2.4m set back.
- (f) Pram drop needs to be shown on the plans on Boulton Road.

## **Landscape**

- 16. Given that the proposal now includes a more appropriate boundary treatment to Harvey Lane, and has made provision for some decent sized trees I am happy to support this in principle, and would request that further details are secured by condition of any approval that may be given.

## **Norfolk historic environment service**

- 17. The proposed development site is located adjacent to the north-western part of the Roman settlement at Thorpe St Andrew. The full nature and extent of this settlement is not known. Further artefacts and features of Roman date were found approximately 350m south of the application in the summer of 2019. New discoveries have been made since Broadland application 20171522 was approved. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains of Roman date) to be present within the current application site and that their significance would be affected by the proposed development.
- 18. If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 199 and 189.
- 19. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).

## **Assessment of planning considerations**

### **Relevant development plan policies**

- 20. **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
- JCS5 The economy
- JCS6 Access and transportation

**21. 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
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM17 Supporting small business
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

**Other material considerations**

**22. Relevant sections of the National Planning Policy Framework February 2019 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF5 Delivering a sufficient supply of homes
- NPPF6 Building a strong, competitive economy
- 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
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

**23. Supplementary Planning Documents (SPD)**

- Trees, development and landscape SPD adopted June 2016

**Case Assessment**

- 24.** 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**

25. Key policies and NPPF paragraphs – DM12, DM13, DM17, NPPF sections 5 and 6
26. Although the majority of the site and the footprint of the proposed dwellings are within Broadland District Council's jurisdiction, this assessment considers the development as a whole. However, particular attention should be paid to the development proposed within the city council's portion of the site and how this facilitates the larger development.
27. The site is occupied by a vacant employment use. Policy DM17 seeks to safeguard existing small and medium sized sites for business and other economic development purposes, other than in defined exceptional circumstances. To consider the loss of such sites favourably, the policy requires that: all possibilities for reusing or redeveloping the site for similar purposes have been fully explored and there is no demand for such units in the area; and, it is no longer viable, feasible or practicable to retain for business use; or, retaining it would be detrimental to amenity or prevent/delay beneficial development; or, there would be overriding community benefit from the new use which could not otherwise be achieved.
28. The site was marketed for rent over a period of six months from October 2018 to April 2019. The agent marketing the property has advised that although there was some interest in the site for commercial reuse, that the buildings require significant upgrading and investment to be attractive to any prospective commercial reuse. The applicants subsequently purchased the site on the basis of advice from Broadland District Council that redevelopment for housing was likely to be supported in principle. As the local planning authority leading the consideration and negotiation on this application, Broadland District Council have had regard to the foregoing and also to the difficult economic climate the coronavirus pandemic has caused for existing commercial premises to continue to operate and for new businesses to form. Whilst the submitted justification does not fully comply with their equivalent policy to DM17, they have concluded it is not necessary to carry out a further marketing exercise.
29. Weight is also given to the brownfield nature of the land and its location within a primarily residential area in accordance with paragraphs 117 and 118 of the NPPF which advise that decisions should promote an effective use of land in meeting the need for homes and other uses and that substantial weight should be given to using suitable brownfield land within settlements for homes that support the opportunity to remediate despoiled or contaminated land. Residential redevelopment of this vacant, brownfield site which is an isolated commercial concern in an otherwise suburban residential area with some contamination resulting from former uses therefore has some wider benefits.
30. Broadland District Council are persuaded that, on balance, the loss of the commercial use is not unacceptable. Whilst it is recognised that the requirements of Policy DM17 have not been fully complied with in the submission, it is considered likely that in the current climate any further marketing exercise would conclude that there is limited viability or feasibility to retain the site in commercial use and that retaining it in either its current vacant state or last use for vehicle sales and repairs



causes harm to local amenity that would be outweighed by the benefits of new housing.

31. In terms of the principle of residential development, the site is not subject to any of the exceptions listed in Policy DM12, and therefore new dwellings here are acceptable in principle. The mix of semi-detached dwellings and apartments does not reflect the established character of the area, however it does add some diversity to the housing stock and the slightly higher density is not considered to be harmful to the character or amenity of the area in principle, subject to the detailed considerations below.
32. On balance, the loss of the existing employment use is not unacceptable and redeveloping the site for housing is considered appropriate in principle.

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

33. Key policies and NPPF paragraphs – JCS2, DM3, NPPF section 12
34. The proposed layout has the larger apartment building fronting the main road, with the pairs of semis along the side road which responds well to the corner position of the site and its setting. In terms of scale, the area is characterised by a mix of two storey dwellings and bungalows. Whilst the apartment building would be larger in footprint than the detached dwellings in the area, it would not be significantly so and this and the two storey semi-detached houses with accommodation in the roof have a form which is consistent with the character of the area. They are not therefore considered to be out of scale or harmful to the prevailing character and design amendments negotiated since the original submission have improved the appearance and relationship with the surrounding area.
35. The detailed design is relatively traditional and includes high quality details to the eaves, cills and lintels and these and materials should be secured by condition (on the Broadland permission) to ensure the development enhances the appearance of the site and its setting.
36. The layout provides for dedicated parking and servicing space in appropriate locations and external amenity space for all dwellings; private gardens to the houses and a communal space for the apartments. The siting of the communal garden along the Harvey Lane frontage allows for this to be landscaped and enhance the appearance of the site within the streetscene. This frontage is the part of the site within the City Council area and negotiations have secured a new wall and native species hedge to the road boundary, with soft landscaping, including new trees, in the communal garden behind. Full details should be secured by condition to ensure high quality amenity space is provided, the landscaping complements the development and its setting and also enhances biodiversity.
37. Subject to conditions, the design is considered acceptable.

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

38. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 127 and 180-182.



39. Each of the proposed apartments has 45 sqm of floorspace which is appropriate for single occupancy and the semis exceed minimum standards for their size. Every unit would have acceptable outlook and natural light and the amount of external amenity space is considered appropriate to enhance amenity and reflect the character of the area. The proposal is therefore considered to provide a suitable standard of amenity for future occupiers.
40. There is an existing dwelling to the rear of the site which is partly attached to the existing building. This dwelling will benefit from the proposed demolition which will create greater space around it and better outlook and light. Any matters concerning the existing attachment and new boundaries can be resolved privately through the Party Wall Act.
41. The layout of the site, distances to other neighbouring dwellings and arrangement of windows are such that it is not considered there would be any direct overlooking or unacceptable harm to the amenity of neighbouring dwellings. It is noted that objections raise concern about the impact on the outlook of existing dwellings, however the distance between dwellings across roads mitigates any overbearing or direct impact and overall it is considered the proposal would improve the appearance from the existing car sales garage.
42. Concern has also been raised about noise from the development, however in relation to the established use of the site, it is not considered the eight dwellings would result in any additional or unacceptable noise that would harm the amenity of this residential area. An informative note to advise how noise and disruption during construction should be managed can be included in any decision.

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

43. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9
44. Objections have raised concern that the proposal would exacerbate existing traffic and parking issues in the area. There is no highway objection to the proposal and amended plans have been submitted to address the requirements of the Highway Authority.
45. Car parking consists of one space per one bedroom apartment, two per three bedroom house and two additional visitor spaces. This is in excess of Norwich City Council standards but in compliance with Broadland District Council's. Given the suburban location on the edge of the city council's area, it is considered appropriate to give more weight to Broadland's standards. With this level of parking on site it is not considered there would be any exacerbation of existing on-street parking issues. Concern has also been raised about speeding traffic, however this is not a matter which can be resolved through this planning application.
46. A dedicated bin and cycle store is proposed to serve the apartments and each house would have its own provision. An appropriate bin collection area is also proposed for the apartments.



## Compliance with other relevant development plan policies

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

Requirement	Relevant policy	Compliance
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition
Biodiversity	DM6	A survey has found a small area of the building may be suitable for roosting bats. Broadland District Council's Ecology Officer has reviewed the information and confirmed that the mitigation and enhancement measures, including a bat activity survey, suggested within the report are supported and should be secured by condition (on the Broadland permission).
Contamination	DM11	The risk of contamination from past uses of the site should be subject to an investigation to be secured by condition.
Heritage	DM9	The site is an area of known archaeological interest so an investigation should be secured by condition.

## S106 Obligations

48. Broadland District Council's development plan policies include requirements for developments of this scale to contribute to off-site recreation and green infrastructure. There are no corresponding policy requirements in the city council's development plan and therefore, in accordance with paragraph 56 of the NPPF, it is not considered necessary, fair or reasonable to require the applicant to enter into a planning obligation on any permission the council issue. However, the development will deliver these contributions through any permission Broadland District Council grant for the proposal and the benefits will not be confined to their administrative area.

## Equalities and diversity issues

49. There are no significant equality or diversity issues.

## Local finance considerations

50. 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.

51. 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.
52. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

53. The application proposes redevelopment of a currently vacant commercial premises with eight dwellings. The loss of the site and premises for alternative commercial use has not been justified to the full extent required by Policy DM17, however regard is had to the brownfield status of the site, its location in an otherwise suburban residential area, the current economic climate and the benefits of residential use to local amenity and housing supply. Broadland District Council's support for the principle of housing here is also noted and it is accepted the benefits of the proposal outweigh the limited conflict with Policy DM17.
54. The scheme is considered to respond to its setting and not result in any unacceptable harm to the amenity of neighbouring occupiers. Whilst parking is above the standards adopted for the city, the additional provision is not unacceptable and assists in addressing local concern about on-street parking. There is no highways objection and contamination, ecology and archaeology investigations and mitigation can be secured by condition across the two permissions.
55. 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. 20/00422/F - Thorpe Motor Company 32 - 36 Harvey Lane Thorpe St Andrew Norwich NR7 0DH and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Landscaping scheme
4. Implementation of landscaping scheme
5. Archaeological work to be agreed
6. Highway access
7. Visibility splays
8. Provision of parking
9. Highway improvements offsite
10. Highway improvements offsite – implementation
11. Contaminated land investigation
12. Implementation of remediation



### 13. Contaminated land during construction

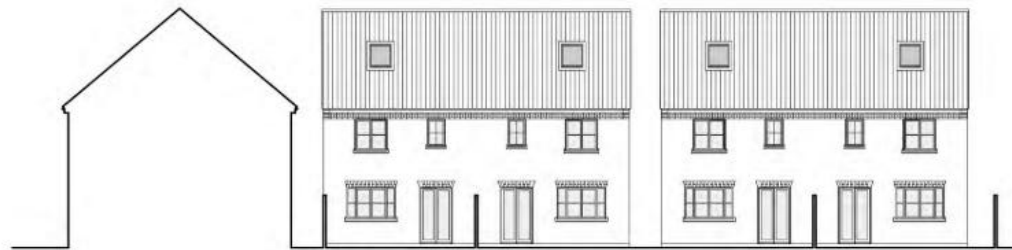
#### **Article 31(1)(cc) statement**

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

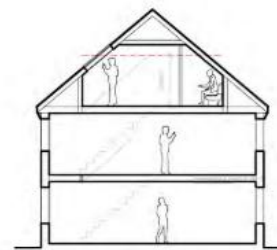




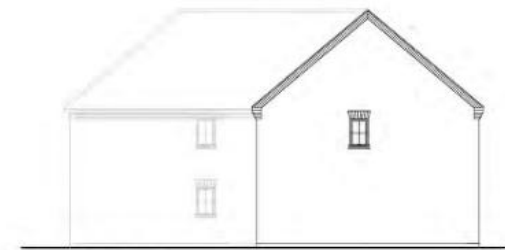




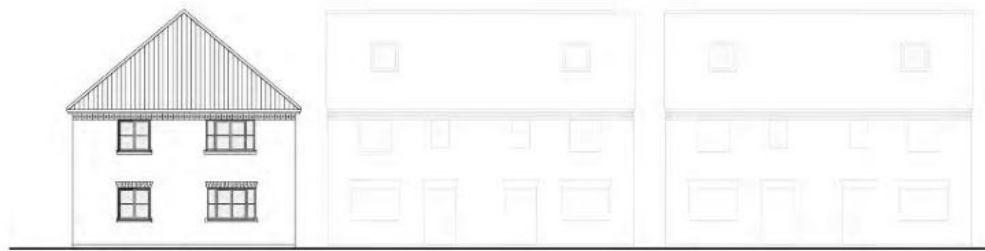
SOUTH ELEVATION 1:100 @ A1



SKETCH SECTION



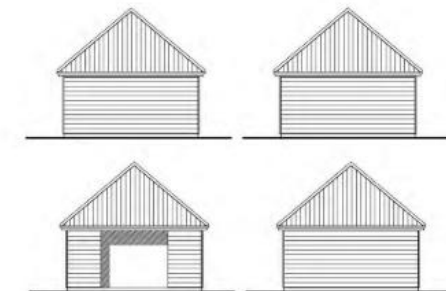
EAST ELEVATION 1:100 @ A1



SOUTH ELEVATION 1:100 @ A1



WEST ELEVATION (HARVEY LANE) 1:100 @ A1



BIN/CYCLE STORE ELEVATIONS 1:100 @ A1

B 25-09-20 PLANNING ISSUE II  
A 26-03-20 PLANNING ISSUE

Former Harvey Lane Garage, Harvey Lane  
Norwich, Norfolk, NR7 0DD

Date: January 2020

Drawing No: RS/4227/20/50

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**ELEVATIONS**



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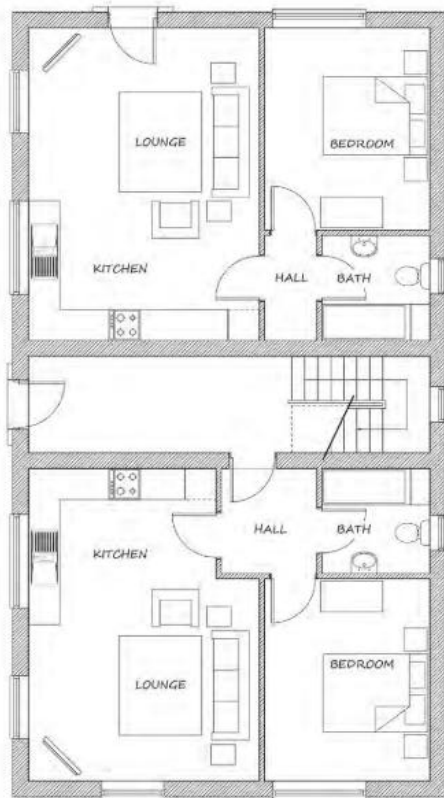
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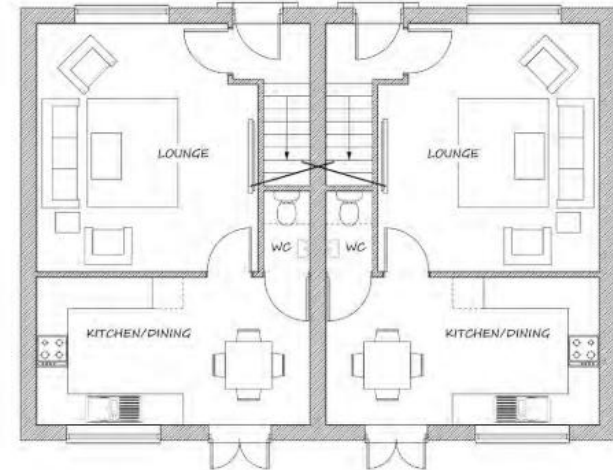
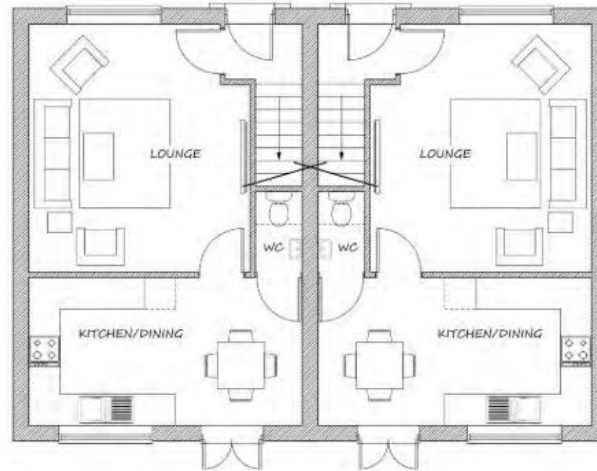
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GROUND FLOOR PLAN 1:50 @ A1



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A 25-02-20 PLANNING ISSUE

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Norwich, Norfolk, NR7 0DD

Date: January 2020  
Drawing No: RS/4227/20/20

## GROUND FLOOR PLANS

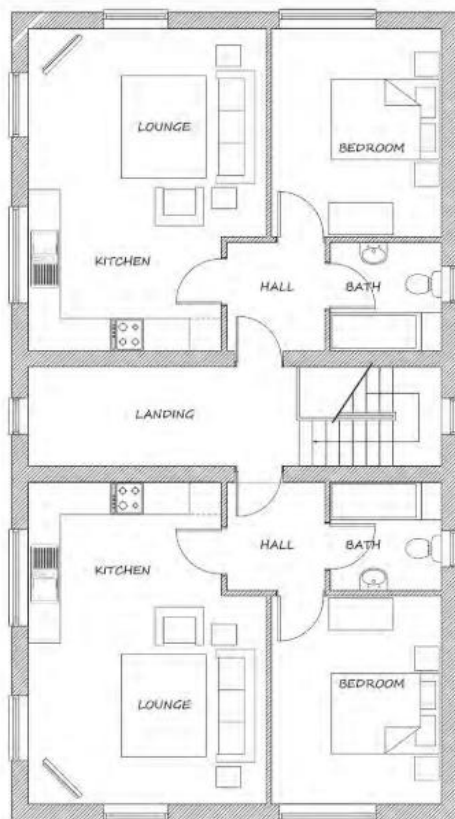
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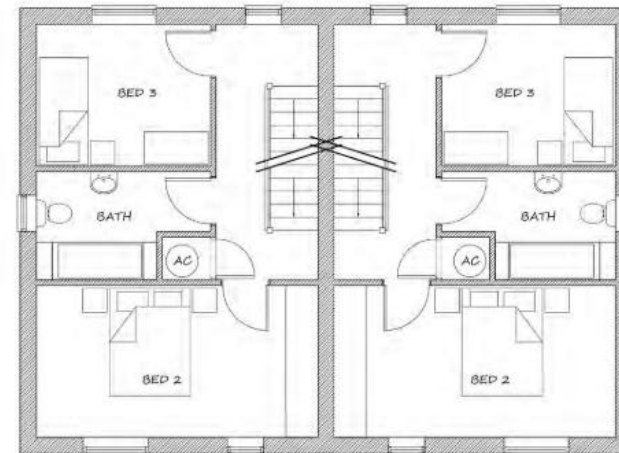
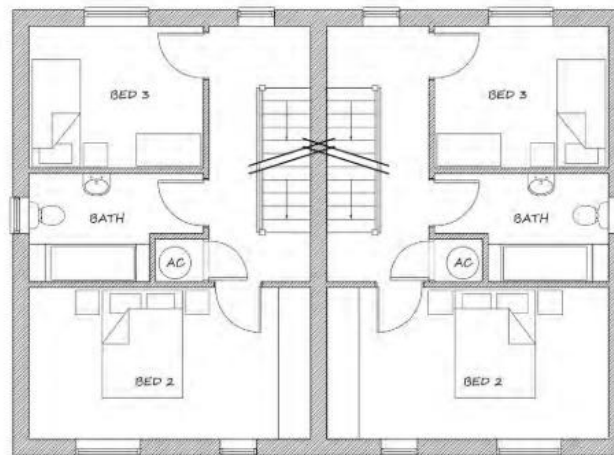
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FIRST FLOOR PLAN 1:50 @ A1



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Date: January 2020  
Drawing No: RS/4227/20/30

FIRST FLOOR PLANS

Page 47 of 88

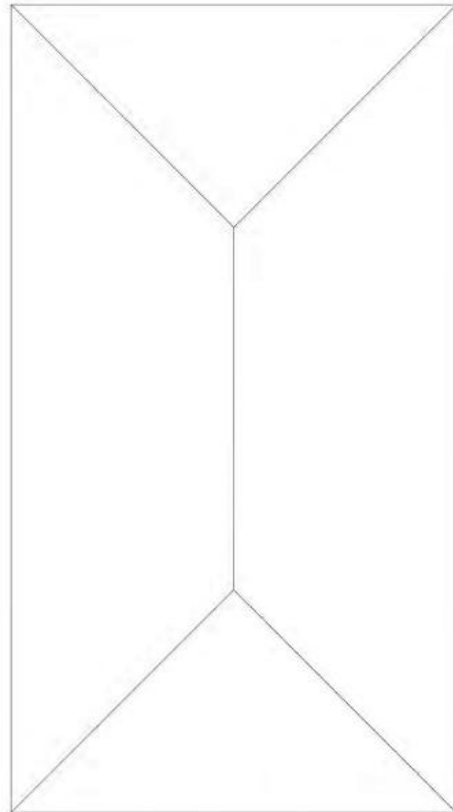


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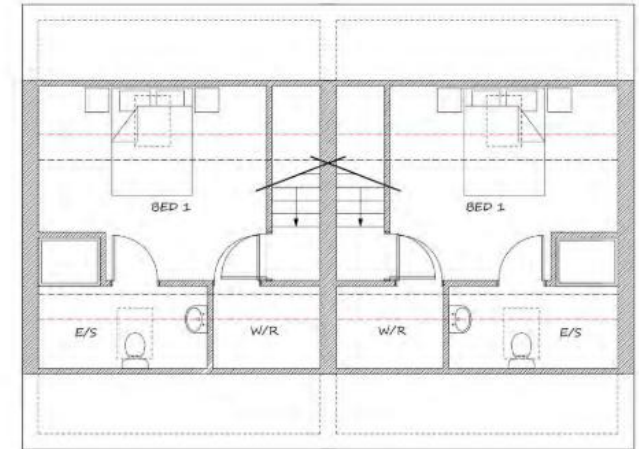
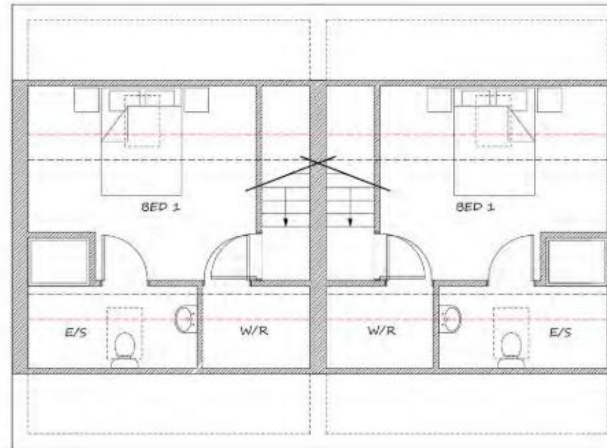
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SECOND FLOOR PLAN 1:50 @ A1



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Norwich, Norfolk, NR7 0DD

Date: January 2020  
Drawing No: RS/4227/20/40

## SECOND FLOOR PLANS

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**Extract from report to Broadland District Council's planning committee  
2 December 2020**

**Application No:** [20200699](#)  
**Parish:** **Thorpe St Andrew**

**Applicant's Name:** Mr G Holmes  
**Site Address:** 32-36 Harvey Lane Garage, Harvey Lane,  
Thorpe St Andrew, Norwich, NR7 0DH  
**Proposal:** Demolition of garage site and erection of 4 no:  
dwellings and 4 no: apartments

Reason for reporting to committee

The proposal would result in the loss of an employment site.

Recommendation summary:

Delegate authority to the Director of Place to **APPROVE** subject to completion of Section 106 Agreement and conditions.

**1** Proposal and site context

- 1.1 The application is seeking full planning permission for the redevelopment of the former car sales and garage site for a development of 8 new dwellings comprising 4 houses and 4 flats, with associated amenity space, access, car parking and landscaping.
- 1.2 There will be two pairs of three-bedroomed semi-detached houses, the third bedroom will be contained within the roof space. These properties will front Boulton Road. The four one-bedroom flats will be within a single two-storey block with frontage onto Harvey Road and Boulton Road.
- 1.3 The applicant has indicated that the buildings will be constructed using traditional brick with pantile roofs, white upvc windows and coloured composite doors. Boundary treatments will comprise of timber boundary fencing for rear gardens of the four houses and low brick walls and native species hedging to enclose the amenity space at the front of the apartment block along the road frontages of Harvey Lane and Boulton Road. The access and parking areas will be laid with permeable setts.
- 1.4 The site is located in an established residential area within Thorpe St Andrew, approximately two miles east of Norwich City Centre on Harvey Lane. Harvey Lane forms the boundary between Broadland District Council and Norwich City Council and a small part of the frontage of the site lies within the Norwich City Council's administrative area. Therefore duplicate applications have been submitted to both councils for determination. As most of the site lies within Broadland's administrative area, Broadland District Council is acting as lead planning authority in the determination of the application.



- 1.5 The application site lies within the defined settlement limits of Thorpe St Andrew where the principle of new residential development is generally accepted.
- 1.6 The former garage occupies a corner plot that fronts Harvey Lane to the west and Boulton Road to the north. The area is predominantly residential in character and comprises of a mix of houses and bungalows of differing types, scale and age. In the immediate vicinity of the site development comprises of mainly older style semi-detached pairs of houses of traditional construction. Opposite the site to the northern side of Boulton Road are bungalows. To the west and immediately opposite the site on Harvey Lane are pairs of semi-detached houses. The southern and eastern boundaries are also bordered by residential properties. Immediately adjacent to the eastern boundary on Boulton Road are a pair of semi-detached houses, which are currently under construction. To the rear of the garage building on the eastern boundary is a hipped roof house, which is currently connected to the existing garage building by a flat roof extension. This has a garden running west to east behind the new development with vehicular access from Boulton Road and pedestrian access adjacent to the eastern boundary through the site onto Harvey Lane.
- 1.7 The site extends to an area of approximately 1,215m<sup>2</sup> with buildings of approximately 428 m<sup>2</sup> in floor area currently occupying the site. The existing garage buildings comprises of a two-storey flat roof block with office and showroom on the ground floor with a residential flat above. There is a single storey showroom extension and portal frame workshops to the rear.
- 1.8 The site currently has an open frontage with informal access and dropped kerbing off both Harvey Lane and Boulton Road. Double yellow lines extend around the corner and part way along frontage of both roads. A new single vehicular access would be provide to access 6 parking spaces for the flats comprising of one space per flat and 2 visitor spaces. Parking for the proposed houses would be provided directly from Boulton Road with each property having 2 dedicated on-site parking spaces. The new dwellings will have footpaths from parking spaces leading to a fully Part M compliant level access.
- 1.9 A bin store will be provided for the flats to be located with direct access from Harvey Lane. Space is provided to the front of each house for bin standing and collection from Boulton Road.
- 1.10 Each house will have a private rear garden similar in size to other properties in the area. The flats will have use of a communal green space that wraps around the front of the building.

## 2 Relevant planning history

- 2.1 No relevant planning history.



### 3 Planning Policies

#### 3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development  
NPPF 04 : Decision-making  
NPPF 05 : Delivering a sufficient supply of homes  
NPPF 09 : Promoting sustainable transport  
NPPF 11 : Making effective use of land  
NPPF 12 : Achieving well-designed places  
NPPF 15 : Conserving and enhancing the natural environment

#### 3.2 Joint Core Strategy (JCS) 2014

Policy 1 : Addressing climate change and protecting environmental assets  
Policy 2 : Promoting good design  
Policy 5 : The Economy  
Policy 6 : Access and Transportation  
Policy 9 : Strategy for growth in the Norwich Policy Area  
Policy 12 : The remainder of the Norwich Urban area, including the fringe parishes

#### 3.3 Development Management Development Plan Development Plan Document (DM DPD) 2015

Policy GC1: Presumption in favour of sustainable development  
Policy GC2: Location of new development  
Policy GC4: Design  
Policy EN1: Biodiversity and habitats  
Policy EN2: Landscape  
Policy EN3: Green Infrastructure  
Policy EN4: Pollution  
Policy E2: Retention of employment sites  
Policy RL1: Provision of formal recreation space  
Policy TS3: Highway safety  
Policy TS4: Parking guidelines  
Policy CSU5: Surface water drainage  
Parking Standards SPD

### 4 Consultations

#### 4.1 Thorpe St Andrew Town Council:

The Committee welcomes the proposal for the garage site and has no objection to its loss. However, the current plan is considered an overdevelopment of the site and objects on this basis.

Further comments on revised plans:



Maintain previous objections as overdeveloped, and lack of parking for that number of dwellings.

#### 4.2 Broadland District Council Contracts Officer:

For the residents of the flats, we wouldn't expect the crew to enter this bin/cycle store so would ask that a bin collection point is provided for residents of these properties to place bins out nearest the footpath. There should be clear access for the collection crew. I have marked this on the plan attached.

For the houses, it would also be appropriate to mark the bin collection points. They shouldn't be immediately next to parked cars or blocking paths. I'd suggest a hard stand could be added nearest to the highway for the houses.

The developer should be aware that Broadland now charge for bins, and should contact us at least 6 weeks in advance of completion to let us know if they or the residents should be charged for bins.

#### Further comments on revised plan:

The developer has added collection points as requested here and this all looks very workable and serviceable now. The only issue I can see is the collection point for the flats is hidden behind a wall and hedge and is likely to be missed as it isn't visible and directly adjacent to the footpath. If the developer is able to make a small amendment so that the collection point is accessible from the footpath (by taking the hedge and fence back slightly) this would resolve any likely ongoing issue here. This is especially important as these properties are along the boundary with Broadland and Norwich City and we need the Broadland crews to see them. I don't feel a whole new plan is necessary, if the developer can deal with this at build stage to prevent this becoming a problem.

#### 4.3 Broadland District Council Environmental Management Officer:

I have read through the report that has been submitted with the application and note the content. However, the report was written in 2017 to support the proposal to redevelop the eastern edge of the site for 2 dwellings and not the whole of the site. Therefore I have a concern that the risk assessment does not reflect the nature of this application. In addition the investigation has not included the ground conditions beneath the buildings on site and has not stated where the surface water run-off from the concrete pad in the workshop area of site goes to.

I feel that more work is required to assess the ground conditions before development can progress. I would suggest that a condition is added to require a detailed assessment of the ground conditions across the site before development can get underway. I am happy for this to be done once demolition is completed to allow assessment of the ground beneath the



buildings to be considered. Investigation in the area of the underground tanks would also be required, once the tanks have been removed to enable a better assessment of the potential for contamination in these areas to be carried out.

If you haven't already can I suggest that you consult the EA on this application?

#### 4.4 Norwich City Council – Environmental Protection:

No information has been supplied regarding the potential for contamination to exist on the site. As it was a former Petrol Filling Station as well as a garage I would recommend conditions.

##### Further comments on revised plans:

The additional information provided does not include anything relating to the potential for contaminated land to exist on site. Therefore, my previous comments remain valid.

#### 4.5 Environment Agency:

We have inspected the application as submitted and consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

##### Contaminated Land

This site is located above Secondary A and Principal Aquifers (Happisburgh Glacigenic Formation / Lowestoft Formation and Crag Formation respectively), Source Protection Zone 2 and the application overlies WFD groundwater body, and is also in a WFD drinking water protected area. The site is considered to be of moderate environmental sensitivity. The historic and future use could present potential pollutant linkages to controlled waters. Consideration for the risk posed by surface water drainage and foundations will need to be undertaken.

##### Condition 1

Prior to each phase of development approved by this planning permission no development / No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:



- (1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

#### Advice to LPA

This condition has been recommended as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing. The Local Planning Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the Local Planning Authority decide to obtain the necessary information under condition we would request that this condition is applied.

#### Condition 2

No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.



### Condition 3

No occupation of any part of the permitted development / of each phase of development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

### Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

### Reasons for conditions 1,2,3 and 4

To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, SPZ2 and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 – A6, J1 – J7 and N7.

### Condition 5

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

### Reasons for condition 5



To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, SPZ2 and EU Water Framework Directive Drinking Water Protected Area) in line with National Planning Policy Framework (NPPF 2019; paragraphs 170, 178 and 179), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

#### Condition 6

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

#### Reasons for condition 6

Piling or other penetrative ground improvement methods can increase the risk to the water environment by introducing preferential pathways for the movement of contamination into the underlying aquifer and/or impacting surface water quality. For development involving piling or other penetrative ground improvement methods on a site potentially affected by contamination or where groundwater is present at a shallow depth, a suitable Foundation Works Risk Assessment based on the results of the site investigation and any remediation should be undertaken. This assessment should underpin the choice of founding technique and any mitigation measures employed, to ensure the process does not cause, or create preferential pathways for, the movement of contamination into the underlying aquifer, or impacting surface water quality.

We have provided further guidance to the applicant in the form of an appendix at the end of this letter.

#### 4.6 Norfolk County Council as Highway Authority

No objection on highway grounds. The proposed use and layout of the site overall is acceptable.

#### Recommendations:

- (1) That the footways on all sides of the site are reconstructed to full kerb height except where vehicle crossovers are required. This is likely to require a Small Highway Works Agreement.
- (2) Waiting restrictions (double yellow line markings) will need to be reinstated.



- (3) The parking spaces adjacent to Boulton Road and parking court accessed from Harvey Lane would benefit from being laid out in paving with bricks of contrasting colour demarcating parking spaces. For better visual appearance.
- (4) The parking court accessed from Harvey Lane must have drainage that prevents run off to Harvey Lane.

Further comments on revised plans:

Please can these points be considered:

- (1) The walking route from the flats to the car park could be more convenient:
- (2) It is good practice to reinstate the footway to full kerb height where a crossover is redundant, please can the plan be updated accordingly.
- (3) It would also be beneficial if the entire footway adjacent to the site on both sides was resurfaced once construction has completed, footways can easily be damaged during construction.
- (4) The double yellow lines would need reinstatement following these works.
- (5) Visibility; please can the brick wall be set back if necessary to achieve adequate visibility: can a plan be annotated to demonstrate what is achievable in a southern direction with a 2.4m set back.
- (6) Pram drop needs to be shown on the plans on Boulton Road.

4.7 Broadland District Council Community Safety and Interventions:

I have no issues with this application.

4.8 Landscape and Ecology Norwich City Council:

Little information has been submitted with this application in relation to landscape, so I cannot give full comments on the acceptability of the proposal. However I have no major concerns given that this site currently contains little vegetation and the proposal has potential to offer landscape enhancement value. My main comments are around the appearance of the development from Harvey Lane, to ensure the development is well assimilated into the wider character of the street. The following recommendations should be considered to ensure the landscape proposal is to an acceptable standard:

- The boundary treatment to Harvey Lane is important, the character of Harvey Lane is of a combination of low brick walls, fences and hedges, a combination of a low wall and hedge would make a good contribution to the streetscape and help bring this site into the residential character
- The inclusion of area of communal spaces for the apartments and reasonable sized gardens for the dwellings is welcomed. Where possible, gardens should include trees, of an appropriate size



- The ecology section of the D&A states that large trees could not be accommodated due to the location and suburban character, however I disagree with this and consider that one of the key characteristics of Harvey Lane is the presence of large mature trees to the frontages of properties. It appears that there is adequate space for a medium sized tree within the communal area serving the apartments, this would add a maturity and character to the development over time and would be very beneficial to the frontage
- I'm not convinced about the location of the bin and cycle store, this needs to be better integrated into the site and frontage, setting it back further and including a hedge to the full length of the boundary would help
- I also have some concerns over the appearance and impact of the relatively large parking courtyard area, the inclusion of a full hedge to the frontage and the inclusion of a tree within the communal space directly to the north as suggested above, would, subject to visibility splay requirements, help better screen and integrate this part of the site

The detailed design of a landscape proposal could be secured through the standard landscape conditions applied to any approval that may be given, however some feedback from the applicant on the points above relating to the Harvey Lane boundary in particular is necessary at this time, to ensure an adequate landscape scheme is deliverable.

I have also reviewed the information provided in the preliminary bat roost and barn owl appraisal, and confirm that the mitigation and enhancement measures suggested within the report are supported and should be conditioned as part of any approval that may be given.

#### Further comments on revised plans:

I have reviewed the revised details submitted. The changes made respond well to the concerns I had regarding the original landscape proposals. Given that the proposal now includes a more appropriate boundary treatment to Harvey Lane, and has made provision for some decent sized trees I am happy to support this in principle, and would request that further details are secured by condition of any approval that may be given.

#### 4.9 Norfolk County Historic Environment Services:

The proposed development site is located adjacent to the north-western part of the Roman settlement at Thorpe St Andrew. The full nature and extent of this settlement is not known. Further artefacts and features of Roman date were found approximately 350m south of the application in the summer of 2019. New discoveries have been made since Broadland application 20171522 was approved. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains of



Roman date) to be present within the current application site and that their significance would be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework 2019 paragraphs 199 and 189. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). We suggest that the following conditions are imposed:-

- A) No development/demolition shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).and
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured. A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team. We now charge applicants for the elements of our involvement on planning cases not covered by our service level agreements with local planning authorities.

Further comments on revised plans:

No additional comments to make, apply standard conditions as above.

4.10 Other Representations:

Objections and comments have been received from five residential neighbours of the site and are summarised as follows:

- 32A Harvey Lane is a separate but linked property and there are will be party wall and access issues to resolve before development can take place;



- Insufficient on-site parking for proposed residents and visitors;
- Existing inappropriate parking making it dangerous to exit White Farm Lane and obstructing the bus stop;
- Road becoming single lane with cars parked both sides;
- Parking should be controlled by yellow lanes;
- Pavement parking obstructing use for disabled people and people with prams;
- Concern that traffic and parking on this part of the road will increase and become a problem;
- Increased risk of road accidents;
- Number of units should be decreased and parking increased;
- No residents parking should be allowed on Harvey Lane;
- Design not in keeping with the areas;
- Loss of views;
- Loss of property value;
- Increased noise;
- Welcome development but do not consider flats are in keeping with the character of the road;
- View will be of bins with no screening;
- Speeding traffic;
- Development of the old Woodman Pub site on Thunder Lane is a good example in keeping with the area;
- Hoping that some green landscaping will be considered.

Further comments on revised plans:

Comments have been received from 4 nearby residents and are summarised as follows:

- Changes have no impact on my former objections regarding access, party wall and utilities;
- Concern about pile driving, damage to property and disturbance during construction;
- Boulton Road will be used as an overflow carpark for these properties;
- Value that the appearance of the area will be improved;
- There should be parking restrictions;
- Welcome the addition of screening and want the development to start as soon as possible as the site is looking neglected;
- The site looks over-developed;
- Insufficient parking;
- Concerned about inappropriate parking on Harvey Lane causing obstructions;
- Traffic calming measures should be considered and parking restrictions to reduce risk to residents;
- Level of proposed parking is inadequate for the site.



## 5 Assessment

### **Key Considerations**

- 5.1
- The principle of development
  - The design and impact upon the character and appearance of the area
  - The impact upon highway safety and parking
  - The impact upon neighbour amenity

### **Principle**

- 5.2 As set out in paragraph 1.1 of this report the application seeks full planning permission for the demolition of the existing buildings and erection of four houses and a block of four apartments, with associated access, car parking, landscaping and amenity space.
- 5.3 The main issues to be taken into consideration in the determination of this application are an assessment of the proposal against the policies of the development plan and the National Planning Policy Framework (NPPF) and whether there are any other material considerations. These include whether the application contributes towards achieving sustainable development. The details of its impact on highway safety, layout and scale of the development and the impact on neighbours, character and appearance of the area must also be considered.
- 5.4 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration as is the Planning Practice Guidance.
- 5.5 The application site lies within the defined settlement limits where Policy GC2 of the Development Management Development Plan Document (DM DPD) seeks to accommodate new development. In this respect the application is in accordance with the development plan. Furthermore, the application site is within the Norwich Policy Area, which is a focus for major growth and development under Policy 9 of the Joint Core Strategy (JCS). The site is well connected to local services and for the purposes of Policy 1 of the JCS and Policy GC2 of the DM DPD is considered a sustainable location for new residential development.
- 5.6 The primary use of the site when last in use was as a car sales showroom and forecourt. Buildings to the rear were until recently used as an MOT bay and body repair and storage unit, also on site was a motor cycle repair workshop. Consideration must therefore be had for the loss of employment land and loss of jobs. Policy E2 of the DM DPD states that within settlement limits, sites which are in employment use or were last used for employment will be retained in employment use unless it has been demonstrated that continued employment use is not viable or there is a significant environmental or community gain from redevelopment that outweighs the employment



benefits. Policy 5 of the JCS highlights the need to provide and retain a range of small employment sites to support jobs and economic growth.

- 5.7 The site was marketed for rent over a period of 6 months covering October 2018 to April 2019. The agent marketing the property has advised that although there was some interest in the site for commercial reuse, that the buildings require significant upgrading and investment to be attractive to any prospective commercial reuse. The site was subsequently sold to the applicant who was advised by the local planning authority as part of a pre-application enquiry that redevelopment of the site for housing would likely be acceptable. At this time the applicant was not advised that a marketing exercise was required to comply with Policy E2 of the DM DPD and the site was acquired on the basis that redevelopment for housing would be supported in principle. In addition, the situation with Covid has created severe complications for existing commercial premises to continue operating and new businesses forming. For the reasons set out above a balanced judgement has been made that it would not be necessary to carry out any further marketing exercise to establish the viability of the continued use of the site for commercial use.
- 5.8 Paragraph 117 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. Paragraph 118(c) of the NPPF requires substantial weight to be given to using suitable brownfield land within settlements for homes that support the opportunity to remediate despoiled or contaminated land.
- 5.9 The former use of the site did provide a local service and some employment and the location of the site is reasonably appropriate for the type of service it provided. However, it is not necessarily sensitive to its surroundings due to noise and disturbance associated with the workshops. Use of the site for housing rather than commercial is considered more compatible in this primarily residential area. Former uses of the site including use as a petrol filling station and more recently for car and motorbike repairs and servicing has potentially caused some contamination and ground pollution. Development of the site would also have a wider benefit to the environment due to a requirement for contamination remediation works to be carried out.

### **Design, Character and Appearance**

- 5.10 The proposed buildings are of a scale, design and materials in keeping with the prevailing character of the site and surrounding development. The hipped roof of the apartment building and treatment of the external elevations is in keeping with properties opposite and also with 32a Harvey Lane, which is located immediately to the south and east. The pairs of dwellings fronting Boulton Road are two storey with dual pitched roofs. Development on the opposite side and further to the east along Boulton Road is all single storey and with hipped roofs. However new development currently under construction immediately to the east of the application site is of one and a half



storey and designed with dual pitched roof which will achieve visual transition between new two storey development and existing single storey dwellings.

- 5.11 The size and shape of the site and adjacent development has determined the size of the buildings. The front building line respects both the Boulton Road and Harvey Lane frontages. As a corner plot, the design of the apartment block has acknowledged its dual frontage location and takes account of its appearance in the wider street scene.
- 5.12 Policy 2 of the JCS requires development be designed to the highest possible standards and to respect local distinctiveness. Policy GC4 of the DM DPD states that proposals should pay regard to the character and appearance of the area through careful consideration of space, appearance and scale. It is considered that the proposed development meets the aims of both Policy 2 of the JCS and Policy GC4 of the DM DPD.
- 5.13 Thorpe St Andrew Town Council and a nearby resident has objected to the proposed development on the grounds that the proposal represents overdevelopment of the site. The four houses each have a private garden and parking provision, providing plot sizes very much in keeping with surrounding development. The apartments also have dedicated parking and amenity space. There is space between buildings and design of the properties will ensure that the development does not look cramped on the site or in the context of the wider street scene. Paragraph 122 of the NPPF states that decisions should support development that makes efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting. It is considered that the development has achieved this requirement without compromising the appearance of the site or street scene and does not give rise to an overdevelopment of the site.

#### **Highway Safety and Parking**

- 5.14 A number of comments have been received from nearby residents and the Town Council that there is inadequate parking for the development as proposed and that the development will compromise the safety of other road users.
- 5.15 The Highway Authority has raised no objections to the proposed development on either ground subject to provision of adequate visibility from the junction with Boulton Road and the proposed access onto Harvey Lane and ensuring that the on-site parking is provided in accordance with the submitted plans.
- 5.16 Some recommendations have been made including reinstatement of kerbing and double yellow lines near the site. All matters raised by the Highway Authority as highlighted above in paragraph 4.6 have been addressed by the applicant in a revised plan. To ensure the development is carried out in accordance with the agreed plans the planning permission will be subject to conditions.



- 5.17 The proposal provides parking that meets the requirements set out in the Parking Standards SPD. This sets out that one bedroom flats should be provided with 1.5 car parking spaces per unit and three-bedroomed houses should each be provided with 2 car parking spaces. The flats are also provided with 4 cycle parking spaces. In areas where there is good access to reliable and frequent bus services less than 2 car parking per unit is considered acceptable over the development site. Therefore there is no under-provision of parking for the proposed development.
- 5.18 Policy TS3 DMDPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network and Policy TS4 of the DMDPD requires new development to provide appropriate parking and manoeuvring space to reflect the use and location as well as its accessibility by non-car modes. It is considered that the development is in accordance with these policies.

### **Neighbour Amenity**

- 5.19 Other than concerns about parking, design and over development of the site there have been no other material planning objections made by neighbours of the site such as overlooking, loss of privacy, outlook or light.
- 5.20 There are first floor windows proposed on the southern elevation of the apartment building that face towards the side elevation of 1a Lime Tree Avenue. This property has no main windows on this elevation, only a small window towards the front of the building at ground floor level, which is screened by a 2 metre high close boarded fence and planting and a small velux window on the roof slope towards the back of the property. The apartment building is located to the north, approximately 13 metres from the boundary of 1a Lime Tree Avenue with the proposed car parking in between. The position of the new apartment building is further towards the road than the existing garage and this together with the space between the new and existing buildings and orientation, it is considered that no significant overlooking, loss of privacy or light will be created to the house or garden for the occupants of 1a Lime Tree Avenue.
- 5.21 There is an attached residential neighbour, number 32a Harvey Lane, who has raised some matters relating to the party wall, shared utilities and maintaining access. The applicant has been made aware of their comments and has advised that there has been contact with the owner of this property and that while no formal party wall agreement has been made at this stage, these matters will be dealt with directly with the neighbours party wall surveyor should the application be successful.
- 5.22 Notwithstanding the party wall issues that have been raised, 32a Harvey Lane will benefit significantly from the demolition of the garage buildings, which will result in the property having more space around the building, additional light and views. 'Detaching' the house will open up the site. To the west the



property will be adjacent to the apartment car parking area and to the north it will be next to the rear boundary of the gardens of the proposed new properties on Boulton Road. 32a Harvey Lane, has no windows on the northern elevation facing the proposed new houses and as a result there will be no mutual overlooking or loss of privacy.

- 5.23 The first floor windows on the rear elevations of the eastern pair of the proposed houses will overlook the rear garden of 32a Harvey Lane, however these will be at an oblique angle and approximately 14 metres away from any of this properties rear windows ensuring there is no loss of privacy.
- 5.24 Consideration has also been given to the living conditions of future occupants of the proposed development with regard to light, outlook and privacy. In particular the relationship between the western most dwelling and the apartment building and whether this is an appropriate form of development.
- 5.25 In terms of privacy, there will be no windows apart from two small bathroom windows on the eastern elevation of the apartment that could look directly into rear gardens or windows of the proposed new houses. With obscure glazing any potential loss of privacy for future occupants can be prevented.
- 5.26 As the site is a corner plot, the way the development appears in the street scene is highly important for the character of the area. This has implications for how the buildings relate to one another within the development itself. The relationship between the apartment building and the dwelling immediately to the east has had to be given careful consideration. Outlook is affected by the extent of the two storey building that projects approximately 6.5 metres beyond the rear building line of the houses, but the bulk of the apartment building has been kept to a minimum by the use of a shallow pitched hipped roof. Also the plots are orientated due south and overshadowing from the apartment building will generally occur only later in the day for most of the year to allow the properties to benefit from good levels of daylight into their gardens and rear windows. The balance between achieving a development that sits well within the street scene and provides future occupants with an acceptable level of amenity is considered appropriate in this case.
- 5.27 The proposed development is therefore considered to be in accordance with Policy GC4 which states that proposal should pay adequate regard to considering the impact upon the amenity of existing properties and the amenity of future occupants of the proposed development. In this regard there will be no significant loss of light, outlook or privacy as a result of this development.

### **Other Issues**

- 5.28 Affordable housing is not being sought for this development. Paragraph 63 of the NPPF states that affordable housing should not be sought for residential developments that are not major development. Major residential development is defined as 'development where 10 or more homes will be provided, or the



site has an area of 0.5 hectares or more. This proposal is for 8 new homes and the size of the site is just 0.12 hectares.

- 5.29 The former use of the site as a garage has the potential to have generated some land contamination. A contamination report has been submitted with the application but relates to only the eastern part of the site and not the whole site. Broadland District Council, Norwich City Council and the Environment Agency have each commented that there are no objections to development of the site for housing but that further site investigation work is required to establish the levels of contamination of the site and to set out what mitigation measures may then be required. All are happy that the requirement for a contamination report can be dealt with by the use of planning conditions following demolition of existing buildings but prior to any commencement of development on the site. Conditions required are set out in section 4.4 above. The proposal is therefore considered to be in accordance with Policy EN4 of the DMDPD and paragraphs 178 and 179 of the NPPF which require the developer to ensure that a site is suitable and safe for development affected by contamination.
- 5.30 A preliminary bat and barn owl assessment has been carried out that concludes that a small area of the building may be suitable for roosting bats. The Ecology Officer has reviewed the information and confirms that the mitigation and enhancement measures suggested within the report are supported. The mitigation and enhancement measures comprise of a requirement to carry out a bat activity survey, use of Bat Conservation Trust compliant lighting, works to be conducted outside of bird nesting season, installation of integrated swift and bird boxes on dwellings and trees, hedgehog friendly fencing and care during construction. These measures will be conditioned as part of any approval that may be given. The application is therefore considered to meet the aims of Policy EN1 of the DMDPD which aims to protect and enhance the biodiversity of the district by ensuring adequate mitigation is incorporated within the development.
- 5.31 There is very little landscaping currently on the site. In accordance with Policy EN2 of the DMDPD the development will seek to enhance the appearance of the site and increase ecological value with the addition of new native species hedgerow to the Harvey Lane and Boulton Road street frontages and some medium sized trees to be planted around the site. A condition requiring the submission of a detailed landscaping scheme for both hard and soft landscaping will be required to be submitted for approval.
- 5.32 As set out above in paragraph 4.8 above, the Historic Environment Officer has advised that the site has potential archaeological interest. A pre-commencement condition allowing archaeological investigations and if relevant mitigation to take place is therefore considered appropriate to be added to if the application is approved. This will meet the aims of paragraph 189 of the NPPF which requires an assessment of sites that have potential to include heritage assets with archaeological interest.



- 5.33 Policy RL1 of the DMDPD requires residential development consisting of five dwellings or more to make adequate provision and subsequent management arrangements for formal recreation space. Policy 1 of the JCS and Policy EN3 of the DMDPD also require development to contribute to the Green Infrastructure of the District. In this case an off-site financial contribution will be sought and secured through a Section 106 Agreement.
- 5.34 An Appropriate Assessment in accordance with the Conservation and Habitat and Species Regulations has been carried out by the Council and concluded that the development will not adversely affect the integrity of any habitat sites as mitigation measures will be provided in accordance with Policy EN3 of the DMDPD and regarding water quality and hydrology issues these can be mitigated by condition so again there is no likely impacts.
- 5.35 This application is liable for Community Infrastructure Levy (CIL) although a reduced rate will be applicable in this case as the existing floor space will be subtracted from proposed new floorspace.
- 5.36 The need to support the economy as part of the recovery from the COVID-19 pandemic is a material consideration. This application will provide employment during the construction phase of the project and future occupiers will also contribute to the local economy e.g. when maintaining and servicing their properties and spending in the local area. This weighs in favour of the proposal.
- 5.37 Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining settlement boundaries to facilitate suitable windfall development. Point (c) of NPPF para 68 states that local planning authorities should 'support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'. Although this is a material consideration in the determination of the application, it can only be afforded limited weight, given the previous supply of housing on small sites within the district.

## 6 Conclusion

- 6.1 The site is located in a sustainable location within the settlement limits of Thorpe St Andrew, close to Norwich City centre, all services, facilities and public transport.
- 6.2 Loss of an employment site is balanced against the benefits that the development will have for the appearance of the site, the impact upon the amenity of residential neighbours and removal of any contamination associated with previous uses of the land and buildings. The development will also contribute albeit in a limited way to local wildlife and the local landscape.



- 6.3 The site is provided with adequate car parking and there are no highway safety issues associated with the proposal.
- 6.4 The development will contribute to the provision/enhancement of formal recreation and Green Infrastructure.
- 6.5 The proposal is therefore considered to comply with the aims of Policies 1, 2 and 9 of the JCS, Policies GC2, GC4, EN1, EN2, EN3, EN4, E2, RL1, TS3 and TS4 of the DMDPD and paragraphs 68, 117, 118, 122, 178 and 179 of the NPPF and is recommended for approval.

Recommendation: Delegate authority to the Director of Place to **APPROVE** subject to the following conditions and successful completion of a Section 106 Agreement with the following Heads of Terms:

- (1) Offsite contributions for formal recreation
- (2) Green Infrastructure

and subject to the following conditions:

- (1) Time limit (TL01)
- (2) In accordance with plans and documents (AD01)
- (3) External materials (D02)
- (4) Landscaping scheme (L04)
- (5) Implementation of landscaping scheme (L07)
- (6) Archaeological work to be agreed (H01)
- (7) Ecology mitigation (EC01)
- (8) Highway access (HC05)
- (9) Visibility splays (HC17)
- (10) Provision of parking (HC21)
- (11) Highway improvements offsite (HC33A)
- (12) Highway improvements offsite (HC33B)
- (13) Contaminated land investigation (AM12)
- (14) Implementation of remediation (AM13)
- (15) Contaminated land during construction (AM14)

**Contact Officer,  
Telephone Number  
and E-mail**

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[julie.fox@broadland.gov.uk](mailto:julie.fox@broadland.gov.uk)



**Report to** Planning applications committee

**Item**

10 December 2020

**Report of** Area Development Manager

**Subject** Application no 20/01232/F - Vikings Venture Scout Hut,  
Adjacent to 420 Dereham Road, Norwich, NR5 8QQ

**Reason  
for referral** Objections

4(c)

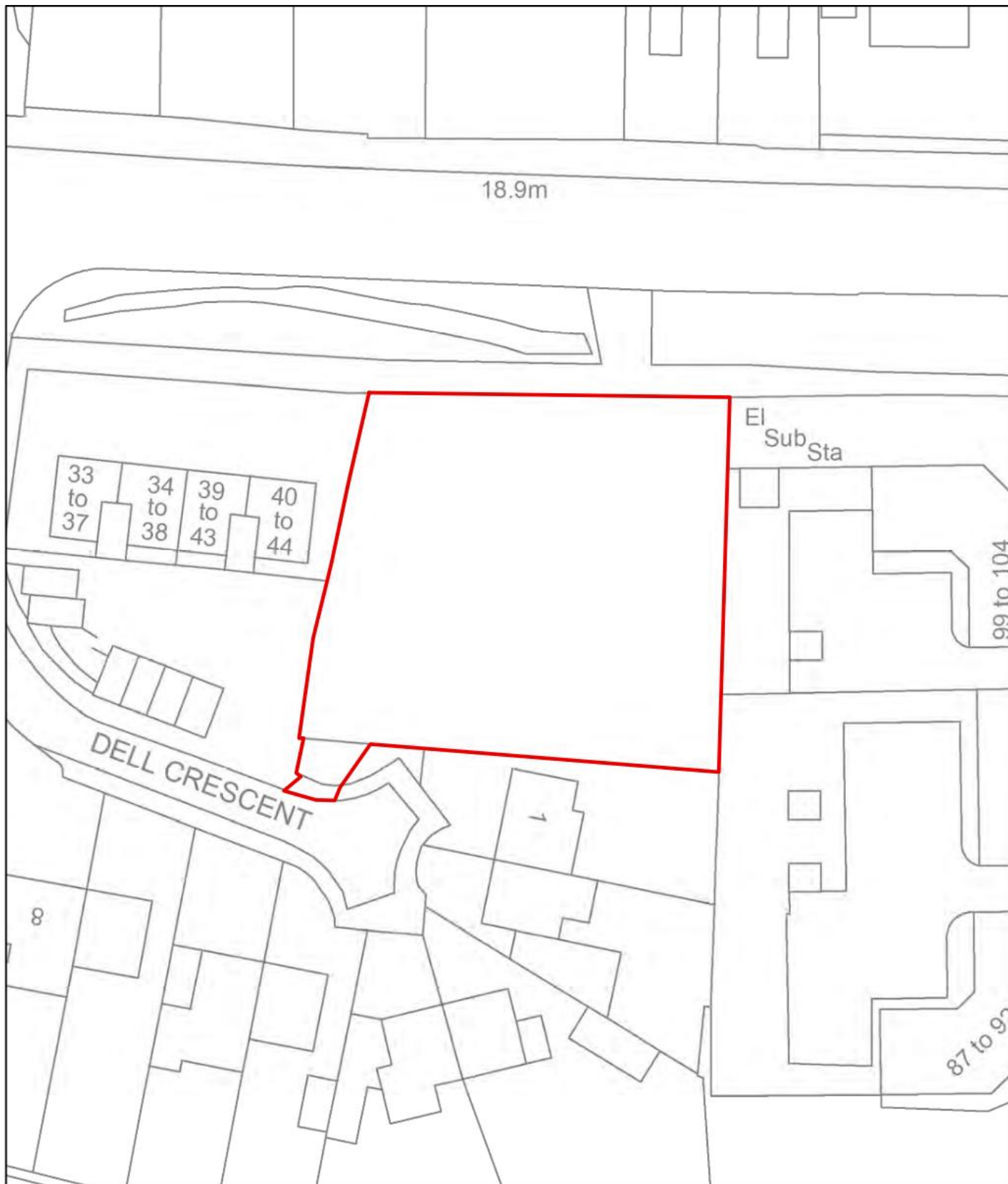
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<b>Ward:</b>	Wensum
<b>Case officer</b>	Lee Cook - 07917 175648 - <a href="mailto:leecook@norwich.gov.uk">leecook@norwich.gov.uk</a>

Development proposal		
Construction of 8 No. two bedroom flats.		
Representations		
Object	Comment	Support
3 plus petition	0	0

Main issues	Key considerations
1 Principle	Policy; housing need; brownfield site; community use
2 Land stability	Guidance; site geo-technical survey; impact on area
3 Transport	Access; congestion; parking and servicing
4 Landscaping and Trees	Replacement planting; tree protection
5 Amenity	Overlooking
<b>Expiry date</b>	11 December 2020
<b>Recommendation</b>	Approve





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Planning Application No 20/01232/F  
 Site Address Former Vikings Venture Scout Hut  
 Adjacent to 420 Dereham Road  
 Scale 1:500

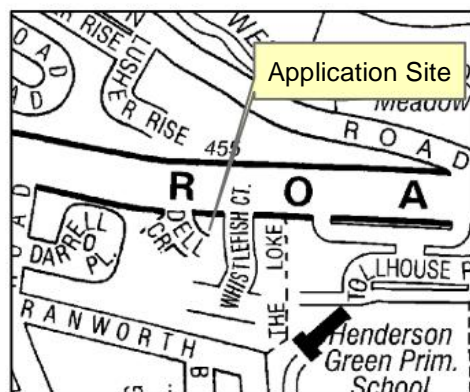


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The application site is vacant and approximately square, with a 34 m. frontage to Dereham Road to the north, the curtilages of flat blocks in the Whistlefish development to the east, the flank end of a three storey flat block along with its car parking area to the west and the side boundary with the house at 1, Dell Crescent to the south. Opposite to the north side of Dereham Road are a mixture of one and two storey dwellings as well as a car sales site to the west.
2. The site was formerly occupied by a scout hut, which has now been demolished leaving the base surface of this and other buildings but is otherwise soft-surfaced and has a small number of trees remaining along its boundaries. The site has an existing access from Dereham Road. There is a drop of 1 to 2m between the ground level of Dell Crescent and the application site and is uneven, sloping slightly south to north towards Dereham Road and probably more defined in sloping west to east.

## Constraints

3. HSE Consultation Sites - Bayer Buffer Zones. Tree Preservation Orders – Sites TPO.433. Evidence of ground stability issues.

## Relevant planning history

4.

Ref	Proposal	Decision	Date
08/00633/F	Redevelopment of site to provide a block 9 No. apartments and associated parking and access.	Withdrawn	10/09/2008
08/01322/F	Erection of three storey building comprising eight apartments, with new vehicular access from Dell Crescent.	Approved	24/02/2009
12/00342/ET	Extension of time period for the commencement of development for previous planning permission 08/01322/F 'Erection of three storey building comprising eight apartments, with new vehicular access from Dell Crescent'.	Cancelled	30/07/2013
12/01358/ET	Extension of time of previous permission 08/01322/F 'Erection of three storey building comprising eight apartments, with new vehicular access from Dell Crescent.'	Cancelled	26/07/2012
14/00618/F	Erection of 8 No. two bedroom flats.	Refused	17/11/2014
14/00618/F	Appeal APP/G2625/W/15/3006563 against committee resolution to refuse	Allowed	28/01/2016

5. At its meeting of 6 November 2014, the planning applications committee resolved to refuse application 14/00618/F on the following three grounds:



- (a) That the site and area due to its poor quality of land stability was not suitable for redevelopment for the scheme proposed or that the mitigation required was capable of being provided to address risks;
  - (b) That a new vehicle access onto Dell Crescent would not be safe or suitable and an increase in motor vehicles would lead to pedestrian and vehicle conflicts and lack of access for emergency vehicles; and,
  - (c) That no affordable housing had been provided for or that evidence of viability had been submitted to defend such a position. This decision was subsequently appealed. The appeal was allowed and permission granted largely in line with the set of conditions suggested for this current application (these being updated to include current versions of condition or policies).
6. Within the appeal decision the Inspector noted that the applicant had submitted a land stability assessment report (Site Investigation Report No 9276 dated March 2007) and indicated that no changes in circumstances had occurred since that time. The Inspector accepted that the report was still relevant and noted that the land stability report was comprehensive; accorded with the guidance in the NPPG; and that there was no compelling evidence to dispute its findings or to indicate that site circumstances had changed. Therefore on this basis the Inspector confirmed that the scheme would be in accordance with Policy DM11 and with guidance in the Land Stability section of the Planning Practice Guidance (PPG).
7. On highway and pedestrian safety grounds the Inspector noted that whilst Dell Crescent is narrow in parts, due to parking on one side, it is short and speeds are therefore relatively limited. Even accounting for parked cars the Inspector noted there was sufficient width for one car or an emergency vehicle to pass. Also noted that the transportation officer had stated that there is sufficient room to allow for vehicle manoeuvring and access from Dell Crescent into the site. The Inspector concluded that the proposal would not cause material harm to highway and pedestrian safety in Dell Crescent. In terms of alternative access from Dereham Road the Inspector confirmed that, in accordance with Policy DM30 in the DM Plan, access should be taken from practical alternative points and that it is possible to secure suitable alternative access to the appeal site via Dell Crescent.
8. The appellant did not claim issues of viability, and had submitted a signed Unilateral Undertaking to provide an element of affordable housing on the site with the appeal. The Inspector agreed that the proposed affordable housing contribution of 2 dwellings (above the 20% in JCS4) would therefore be fairly related in scale and kind to the development.

## **The proposal**

9. The scheme is for the erection of 8 No. two bedroom flats within a single 3 storey T shaped block. It largely follows the form and layout of development approved in 2008 and allowed at appeal in 2016.



## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	8 two bed flats – 6 approx. 62.73m <sup>2</sup> and 2 approx. 62.94m <sup>2</sup>
No. of affordable dwellings	The proposal is below the threshold of 10+ units within the updated SPD and no affordable housing provision is now required
Total floorspace	Approx. 697m <sup>2</sup> external footprint
No. of storeys	3
Max. dimensions	Approx. 11.9m deep; 24.1m wide; and max approx. 11.55m high
Density	Approx. 64 dwellings per hectare
<b>Appearance</b>	
Materials	Brick and tile. Timber cladding to stair entrance. Upvc windows. Aluminium doors
Construction	Not shown
Energy and resource efficiency measures	Not shown
<b>Transport matters</b>	
Vehicular access	Access is shown via Dell Crescent for car parking and includes a vehicle turning area to allow vehicles to enter and leave in a forward gear.
No of car parking spaces	Parking is partly undercroft and partly surface providing 4 garages and 4 spaces.
No of cycle parking spaces	Bicycle parking is also shown at the rear of the site for a covered and secure store for 16+ cycles.
Servicing arrangements	Refuse storage and collection is onto the Dereham Road frontage.

## Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 3 representations and a petition signed by occupants of 19 addresses in Dell Crescent have been received citing the issues as summarised in the table below. This includes the letter sent direct to Cllr Peek and members of the planning applications committee. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.
11. In support of some representations historic plans and photos of areas of collapse / excavation / repair etc. and lime kilns / sand and chalk pits / press articles / objection to development to the east have been sent in which are not visible via our website.



Issues raised	Response
Follows an earlier application which was rejected in 2014 by the planning application committee, together with a previous one in 2003.	Noted – para 4 to 9
The developers have refused to listen to the original concerns and decisions of the planning committee. Hope that you refuse application again for same reasons as in 2014.	No comment. Note appeal decision
Realise that something needs to be done with the site, but would like various points / concerns noted.	Noted
Understand the need for more housing However, inappropriate and dangerous applications should be refused.	
Are concerned developer seems to have refused to conduct proper research upon the history the very unstable and dangerous tunnels and chalk pits which exist beneath the site. The evidence and photographs proving this as provided by residents is invaluable and important to consider. Felt the indicative plans and other documents explain known extent of chalk workings and history of uses and subsidence in the area and potential dangers. Subsidence has affected most properties within the crescent, but the area most affected includes the former scout hut itself. Disruption to build around these mines and pits will likely cause damage to the properties in the area.	Para 11 Main issue 2
The Dell Crescent turning point is already parked along with parking now sometimes on both sides of the road when you enter Dell Crescent. Cannot understand why the new residents could not access via Dereham Road and not Dell Crescent. New access results in less parking for the residents already in Dell Crescent, displaced parking and added pressure and blocking existing driveways etc. Emergency vehicles find it difficult to access the area.	Main issue 3
Lack of resident and visitor parking in the proposal leading to obstruction of Dereham Road and Dell Crescent and parking on the highway damaging the verge.	Main issue 3
Dell Crescent is often heavily congested and difficult, additional parking will add to the pressure, noise and general disruption	Main issue 3
Overlooking from new 3 storey building	Main issue 5

## Consultation responses

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



## **Anglian Water**

13. Wish to offer no comments.

## **Health and safety executive**

14. Do not advise, on safety grounds, against the granting of planning permission in this case

## **Highways (strategic)**

15. No written comments. Have discussed likely impacts on Dereham Road from collection vehicles stopping to service the site. Noted the acceptance of schemes in 2008 and 2014 in highway terms.

## **Tree protection officer**

16. There seems to be an opportunity, but no provision has been made for, new tree planting - either on or off-site. Although the AIA recommends that T4 is protected during development, concerned that any subsequent landscaping on site may have an impact on this protected tree (TPO 433). Unable to support application in its current form.
17. Following discussion the agent has confirmed the intention to plant 2 new trees to the site frontage and introduce new mixed species hedges. The Tree Officer has confirmed that if we are not asking for a detailed landscaping scheme at this stage that this a step in the right direction, and, at this stage, would be acceptable.

## **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
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
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 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage



- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM13 Communal development and multiple occupation
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

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

- NPPF 2 Achieving sustainable development
- NPPF 4 Decision-making
- NPPF 5 Delivering a sufficient supply of homes
- NPPF 9 Promoting sustainable transport
- NPPF 11 Making effective use of land
- NPPF 12 Achieving well-designed places
- NPPF 14 Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 Conserving and enhancing the natural environment
- NPPF 16 Conserving and enhancing the historic environment

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

- Landscape and trees SPD adopted June 2016

### **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 – JCS1, JCS4, JCS9, DM1, DM11, DM12, DM13, DM22, NPPF sections 2, 5 and 11.
24. The previous permission 14/00618/F lapsed in 2019 and the site has been dormant for a number of years. The site provides the opportunity for new housing on a brownfield site with good access to local services and neighbouring facilities. The application site is now entirely surrounded by residential development, the site to the east on the Dereham Road frontage, formerly occupied by a petrol filling station, having been redeveloped for housing earlier this century. Residential use would be compatible with the character of the area and existing housing development densities. Consultation with the Health and safety executive has confirmed that, as proposed, they do not advise, on safety grounds within Bayer Buffer Zones, against the granting of planning permission. The re-use of land is encouraged by the NPPF and local policies DM12 and DM13. As such the scheme accords with local and



national policies for development and re-use of land and is considered to be an appropriate and preferred alternative use for the site.

25. The applicants previously advised that the 'scout hut', that formerly occupied a small part of the site, was removed some years ago. Whilst local plan policy DM22 offers some protection to buildings in community use, that protection does not extend to seeking to retain now abandoned uses, such as with the circumstances of this site. In addition given that the 2009 permission and 2016 appeal were granted for redevelopment of the site there is no objection, in principle, to the site being put to an alternative use

## **Main issue 2: Land stability**

26. Key policies and NPPF paragraphs – DM11, NPPF sections 11 and 15.
27. Issues of land stability have been recorded and recognised throughout the consideration of various proposals for this site. Assessment of earlier applications referenced PPG14 which gave advice in relation to the determination of planning applications where ground conditions are an issue. This policy note has been replaced and updated by the NPPG which provides current guidance on ground stability to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence. In this the role of the planning system is in minimising the risk and effects of land stability on property, infrastructure and the public; helping ensure that various types of development should not be placed in unstable locations without various precautions; and to bring unstable land, wherever possible, back into productive use.
28. This area of Dereham Road/Dell Crescent is one known to have experienced subsidence due to poor ground conditions and historically in policy terms noted as a location where appropriate tests must be carried out to establish ground conditions. Current guidance on land stability suggests that a range of planning mechanisms can be used to mitigate and minimise risks of development proceeding including establishing the principle and layout of development; design to avoid mine entries and other hazards; ensuring proper design of buildings to cope with any movement expected, and other site hazards; and requiring ground improvement techniques, as appropriate. If land stability is an issue, developers should seek appropriate technical and environmental expert advice and preliminary assessment of ground instability should be carried out. Investigations are then undertaken to ascertain that their sites are and will remain stable or can be made so. This generally will include assessment in the context of impacts on surrounding areas.
29. With this site a comprehensive geotechnical report, including analysis of boreholes sunk on site, was submitted with the original application in 2008 and the agent has sought confirmation from a consulting civil and structural engineer to confirm that this report is still relevant and that no changes in circumstances have occurred since that time. The engineer has subsequently advised that they believe the geotechnical report's findings still to be sound and with careful consideration a foundation solution can be developed for the site that will not cause undue harm to the wider area.
30. The earlier report notes that chalk quarrying was carried out on the site between the late 19<sup>th</sup> c. and 1921 and that there is also evidence of a lime kiln having been



present. A subsidence event in 1990 on the highway adjoining 5 & 6, Dell Crescent is noted: this was due to a tunnel collapse which the City Engineer addressed by infilling with concrete. The report notes that the application site has been deep filled, so that there is a deep layer of made-up ground over chalk. Previously Members were advised that the report recommends that the building would need very deep piled foundations as it does not favour the possible alternative of ground treatment due to risks of damage to adjoining sites. The report notes that the chosen construction method will need to take account of any effects on the stability of adjoining structures, including the retaining wall on the south of the site. As previously reported all technical construction matters remain subject to control under the Building Regulations.

31. Where the investigations identifies risks are acceptable or that they can be mitigated to an acceptable level then the Authority can proceed to decision subject to appropriate conditions or obligations to mitigate land stability. Given the noted comments above and the previous conclusion to approve permission in 2009 and at appeal by the Inspector in 2016 for substantially the same scheme as that now applied for, the current application is considered to be acceptable subject to the conditions as previously imposed, for the development to be carried out in accordance with recommendations in the geotechnical report and subsequent submission of a completion report to confirm ground stability issues have been addressed.

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

32. Key policies and NPPF paragraphs – JCS6, DM30, DM31, NPPF sections 2, 9 and 12.
33. Dell Crescent is a short cul-de-sac servicing 44 residential properties - 8 houses and 36 flats (the latter in two separate blocks). With this and the earlier applications an issue for residents objecting to the scheme is the provision of vehicular access to the scheme via Dell Crescent and not Dereham Road.
34. There is an existing small set of gates and crossing on the northern frontage of the site, along with a dropped kerb, indicating that vehicular access to the 'scout hut' was from Dereham Road. In practical terms it might be possible to access the site from Dereham Road. However; this is a principal highway within the major road network where policy DM30 seeks to remove unnecessary access points or prevent new access direct to principle or main highway routes unless there is no practical alternative. The purpose of the policy is to ensure that the main road network works efficiently, in order to encourage or direct main flows of traffic to them rather than to smaller roads. Were an access to Dereham Road to be enhanced and used, the proposed development could at various times generate more traffic than the scout hut and as previously agreed it remains undesirable for this to go directly onto the principle highway network, especially given that a reasonable alternative is proposed and has been agreed in earlier permissions via Dell Crescent.
35. The proposed block of flats would increase the number of residential premises accessed for cars via Dell Crescent. The scheme provides for 8 off-road parking spaces which is not considered to be an unreasonable level of increase in traffic to this road. Because the hammerhead at the end of the Dell Crescent cul-de-sac directly abuts the application site no substantive works outside the site boundaries are required to link the road and site. However, because of the difference in levels



between Dell Crescent and the site (1-2M.), the access road would be ramped within the site. It has previously been confirmed that the potential design is considered acceptable to provide safe access to the site.

36. The central courtyard space is approximately 13.4 metres by 6 metres (plus 5 metres for parking bay depth) which should be sufficient for vehicles expected to use this space to turn within the site and leave in a forward gear back onto Dell Crescent. Emergency services should be capable of accessing the site from Dereham Road in the event of an emergency. The final design of levels, surfacing details and access areas could be secured by way of condition to ensure a suitable finish to the scheme and an adequately designed and protected access onto Dell Crescent.
37. Some residents are concerned that the level of car parking provision is inadequate and would give rise to additional parking in Dell Crescent. There are 4 covered and 4 other parking spaces proposed: 1 space per two bedroom flat. The provision is above minimum standards of 0.5 spaces and below maximum of 1.33 spaces per dwelling allowed under the council's adopted parking standards. The site is also within an area which could be describe under the policy as "accessible" on a public transport corridor and close to transport links in and out of the city. Within the scheme secure bicycle parking is also provided within the rear parking area.
38. The parking area is overlooked and relatively safe for users of the flats and good pedestrian and cycle access is provided. The proposed levels of parking are considered to be in line with the parking standards under policy DM31 and as such this level of provision accords with local policy and advice on encouraging use of alternative sustainable modes of transport and site access. The agent has also been requested to install an electric vehicle charging point (or more) within the parking court and has not objected to the principle of this provision. Suitable conditions are suggested to secure final provision of car and cycle parking and EV charging points.
39. As with the earlier scheme the proposal has been designed with a communal bin storage space to accommodate the bin requirements at the front of the site. This has been revised as previously requested to show capacity to show storage space for 1,100 litre bins as now used. The facilities are capable of access from the adopted highway but would require further design detail to show final appearance and access arrangements to ensure a suitably designed enclosure within the street scene, suitable gradient of access for bin collection and minimum disruption to the highway and damage to street trees. The transport officer has previously confirmed that access here is acceptable and, subject to conditions, the scheme should make adequate provision for servicing.

#### **Main issue 4: Landscaping and Trees**

40. Key policies and NPPF paragraphs – JCS1, JCS2, DM3, DM6, DM7, NPPF sections 2, 12 and 15
41. An Arboricultural Implications Assessment has been prepared for the site and a total of five individual trees and two groups of trees have been assessed. Trees of note are both street Lime trees located north of the site. On site vegetation is dominated by one single Sycamore specimen with only general scrub/ small self-set trees found around the site boundaries. The trees proposed for removal are self-



sown specimens, mainly sycamores, elder and hawthorns that are of low quality and currently offer little ecological value. As such there is no objection to the removal of these. Previous assessment showed one class B tree considered worthy of retention (as mentioned), on the Dereham Road frontage, and this has been kept.

42. The landscape setting of the proposed property will be a crucial element to the integration of the site into its surroundings. Following initial comments by the tree officer the agent has confirmed the intention to plant 2 new trees to the site frontage to complement the existing Sycamore tree and introduce new mixed species hedge to west, north and east (sides & front). This would include Hawthorn 40%, Hazel 30%, Field Maple 10%, Holly 10%, Dog Rose 5 %, Guelder Rose 5%; Whips to be 60-80cm high to be planted in 2 staggered rows 450mm apart with 5 No plants minimum per meter. The replacement tree and hedge species should be of a size to make a reasonable impact and be compatible with possible boundary treatments. This will help reduce the impact for the neighbouring properties and also enhance views into the site from Dereham Road.
43. Boundary fence treatments are not detailed in the application. The site is currently secured on three sides by chain-link fencing. The boundary to the south is a retaining wall. In the interests of the amenities of the area approval should be subject to a condition requiring details of a final landscaping scheme and other boundary treatments to be agreed.
44. There is one beech tree on the verge between the site and Dereham Road and two further highway trees on each side of the existing crossover to the site. These are included in the survey but not currently in the tree protection plan. No mention is made of where the site will be accessed from during the build phase. Given that some changes to trees have occurred since the previous application these need to be factored in to the protection measures including restricting construction parking on the verge to aid tree protection and maintain a healthy tree presence along the front of the site. Conditions requiring a detailed tree planting scheme and for tree protection measures to be undertaken during construction are therefore suggested.

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

45. Key policies and NPPF paragraphs – DM2, DM11, NPPF sections 2 and 12.
46. It is noted that the closest corner to corner distance of the new building to recently built flats on the adjacent development are approximately 22 to 32 metres. The flats on either side of the site have parking spaces at the bordering edges of their plots. Some garden spaces are present to the south for properties on Dell Crescent.
47. The new building is shown as part of the line of tall properties running along the south side of Dereham Road. These will be relatively equally spaced and of similar forms and sit at a lower level than those houses to the south. The proposed separating distances of buildings and gardens and position of new and existing windows in adjacent buildings should not lead to any significant loss of light or overlooking. Whilst trees have been removed in the recent past along the site boundaries additional planting is potentially capable of being provided around the site to help re-establish the landscape setting of the area and aid amenities in the area. The positioning of the building would not therefore result in any significant impact on the amenities of existing residents in the area.



48. All of the proposed flats have two bedrooms and separate kitchen and living spaces, and are designed as 2 bed 3 person accommodation. The proposed floor area for each should exceed the minimum space standards for a single level flat of this type. The scheme also provides for private balconies for the flats and a reasonable sized garden area around the flats similar to other properties in the area. The accommodation and facilities should therefore provide for an appropriate level of amenity for future residents.
49. The development site is situated on Dereham Road which is a main connecting route between the city centre and the A47 and then onto the western part of the county. As such there are high levels of traffic using the road, including a significant proportion of HGV and PSV. To ensure that the associated traffic noise does not become a source of nuisance to the future residents, it is suggested that any windows on the front and sides of the building and building structure are suitably specified to afford adequate protection in line with the World Health Organisation - Guidelines on Community Noise for internal noise levels. A related condition is suggested to confirm the target internal noise protection levels for the flats.
50. With the previous application it was noted that the nature of foundation construction could give rise to concerns about noise within the wider area. Indication is given in the earlier application that the developer would look closely at the construction methods to be used. However; the precise timings and methods of construction were not completely known and it was considered reasonable to impose a condition requiring details to be agreed of the means by which neighbours would be protected from excessive disturbance during the construction period e.g. timing of works on site. This issue remains for the current application and it is considered reasonable to re-impose such a condition.

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

51. A number of development plan policies include key targets for matters such as parking provision and water 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
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable – below policy threshold
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

### **Other matters**

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



## **Archaeology**

53. Given the Historic Environment Service's comment on the earlier application, no archaeology conditions are proposed. However; an informative is suggested in relation to possible flint workings within the area.

## **Biodiversity**

54. The site has been extensively cleared of surface planting and trees in the last few years. The submitted ecological assessments main observations are that mammal species are absent from the site and adjacent offsite areas, though it is considered that the site could potentially support the occasional hedgehog. The site is likely to support only small numbers of foraging/commuting bats based on the habitat types present and small size of the site. It was also considered likely that a small number of common bird species may nest within the site. It is noted; however, that opportunities may exist to create small habitat areas and to use native species in any landscape planting. Opportunities also exist to enhance the site for various species.
55. The outline of the landscape proposal indicates that 60% of the site will remain under vegetation and details have been suggested by the agent for additional tree and hedge planting to enhance the attractiveness of the site. Further details of biodiversity measures, landscaping and tree replacement are suggested by way of condition to ensure that amenity and ecological functions are addressed for the site.

## **Contamination**

56. The development site is situated within a relatively small area historically excavated for materials such as sand and chalk. As is common with such sites there may have been an unknown quantity of unrecorded material deposited to restore ground levels at the site. Therefore there is a possibility of contamination being present on the site as a result of either the previous commercial use or the material used for infilling. It is therefore recommended that relevant standard conditions now used to control the impacts of contaminated materials should be imposed relating to remediation, validation, to stop works if unknown contaminants are found on site during construction of the development and for the certification of imported soil materials.

## **Design**

57. The proposed block would have a shallow pitched roof, with a projecting gable facing Dell Crescent. The main facing material would likely be a red brick and an element of timber cladding on the north elevation and grey roof tiles. The building line on the Dereham Road frontage would be marginally forward of the flat block to the west and slightly behind the flat block to the east. There is a pedestrian / cycle only access on this frontage.
58. The area in general does not have one distinct style and is made up of a range of dwellings types as you move away from the centre of Norwich. The proposed building is of a scale and appearance which should fit reasonably well into the character of the area. Additional landscaping is suggested to help with the setting of the building.



59. Covered cycle storage is provided within the vehicular hard standing. Parking and communal access area are expected to be lit by site lighting. The proposed refuse bin enclosure needs to be carefully detailed as it abuts directly onto Dereham Road frontage and could if detailed well enhance the site frontage as it is currently a concrete post and chain link fence. Ancillary storage buildings will likely also have a bearing on the setting of the main building and should be designed to be integral to the design of the development. As such the scheme is considered to be acceptable subject to relevant conditions requiring details of materials; lighting; landscaping; stores etc.
60. It was previously reported that whilst the structural integrity of the southern boundary wall is not a planning matter *per se* (non-planning issues may be dealt with under a Party Wall agreement if relevant) it would be possible, via the boundary treatment condition, to seek to ensure that this wall was not part of changes to boundary treatments. This is still considered to be relevant with Dell Crescent having been subject to subsidence in the recent past, due to the mineral workings in the vicinity (see above).

### **Flood risk**

61. The amount of impermeable hard surfacing at the site will change to facilitate the proposed development. However; from this, subject to further detailed design, it is likely that the proposed development will not increase the susceptibility of the site to flooding from surface water run-off, and in design should be capable of being able to endeavour to have a positive impact on the risk of surface water flooding from existing or predicted water flows through the incorporation of additional soft landscaping features and in drainage design, in accordance with Policy DM5.

### **Affordable housing viability**

62. It is noted that one of the committee's reasons for refusal on the 2014 application related to a lack of affordable housing provision on site. Whilst the previous 2014 application and appeal decision were subject to an undertaking to provide for 2 affordable housing units, this no longer applies with the proposal being below the threshold of 10+ units within the updated Affordable Housing SPD. No affordable housing provision is therefore now required.

### **Equalities and diversity issues**

63. There are no significant equality or diversity issues.

### **Local finance considerations**

64. 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.
65. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.



## Conclusion

66. The principle of the residential redevelopment of this vacant site is still considered acceptable in the circumstances of the wholly residential surroundings. The land stability issue is recognised and given due consideration with this and the earlier applications. The approach to development outlined within the ground investigation report is considered to be acceptable and conditions are suggested to be repeated on any new permission. The vehicle, cycle and refuse storage provision meets adopted council standards. Whilst the concern of Dell Crescent residents at additional traffic on their road is noted, the level of additional traffic is not considered excessive, to the extent that the provision of a vehicular access to Dereham Road should be sought.
67. A three storey building is compatible with the three storey flat blocks on either side of the site on the Dereham Road frontage, in Dell Crescent and Whistlefish. Residential premises adjoining the site have flank elevations facing the proposed development and there would be no substantive loss of privacy by overlooking. The landscaping scheme would soften the visual impact of the proposed block.
68. 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. 20/01232/F - Vikings Venture Scout Hut Adjacent To 420 Dereham Road Norwich NR5 8QQ and grant planning permission, subject to the following conditions:

1. Standard time limit.
2. Development to be in accord with submitted drawings, documents etc.
3. Precise details of external facing materials.
4. Details of refuse storage enclosures and access, courtyard and pedestrian access, Electric Vehicle charging points, car parking and cycle storage.
5. Details of hard and soft landscaping scheme including site lighting, furniture and biodiversity enhancement, implementation programme, landscape maintenance and retention.
6. Details (plans/sections) of access road highway reinstatement.
7. Details additional Arboricultural Method Statement for tree protection.
8. Development in accord with Arboricultural Impact Assessment and protection of root protection areas.
9. Details of construction method statement.
10. Development to be carried out in accordance with recommendations in geotechnical report.
11. Submission of a completion report to confirm ground stability issues addressed.
12. Not less than 3 months before commencement of development, applicant to submit protocol on means to protect neighbours from excessive disturbance during construction period.
13. Protection of individual dwellings from noise daytime & night time.
14. Existing contamination – submission of remediation details prior to development; and submission of verification report prior to first occupation.
15. Stop works if unknown contamination found.



16. Certification of imported materials.
17. Drainage design.
18. Water efficiency measures

#### Informatives

1. Ground conditions
2. Considerate Constructors
3. Contents of protocol to cover noise audible at boundary at various times, mitigation of vibration effects etc.
4. Advice re previous archaeological site evaluation.
5. Protection of wildlife
6. Works on highway
7. Refuse and recycling bins
8. Vehicle crossovers/dropped kerbs

#### **Article 35 (2) statement**

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





### General Notes

1. This drawing must not be scaled and if in doubt ask.
2. All Contractors are to check all dimensions & levels or else prior to commencing any construction or excavation.
3. This drawing is to be checked and read in conjunction with all Engineers, Architectural, Services Engineers and any specialist drawings, together with any relevant additional Engineers' specifications.
4. Where site information or existing building details are contrary to those details then the Engineer is to be treated as correct.
5. All structural members are to be cut, notched, or joined unless shown on the Engineers details. Unless otherwise indicated all connections of structural members including beams & end-connections of reinforcement shall be capable of maintaining the full structural capacity of the member.
6. All steel connections to be in accordance with BS 5951.
7. The Foundations have been designed on the basis of ground conditions of 100 kN/m<sup>2</sup> & they must be confirmed on site before casting of Foundations. Unless informed to the contrary in writing from the Engineer, the Engineer does not warrant that the soil is not contaminated by toxic & objectionable materials and that the soil is not liable to any form of subsidence or movement.
8. Under the provisions of the Party Wall Act 1999, if the construction of any wall or of adjacent buildings requires agreement for the work from the owner & the tenant of adjoining buildings, the client must ensure that the necessary arrangements are made for the work to be carried out in accordance with the provisions of the Act.
9. The client must ensure that the proposed design complies with the provisions of the Building Regulations 2010.
10. The client must ensure that the proposed design complies with the provisions of the Building Regulations 2010.
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20. The client must ensure that the proposed design complies with the provisions of the Building Regulations 2010.

0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m

1:100

0° 15' 30' 45' 60' 75' 90' 105' 120' 135' 150' 165' 180' 195' 210' 225' 240' 255' 270' 285' 300' 315' 330' 345'

Provide New Mixed Species Hedge to West, North and East Boundaries

The hedge should include: Hawthorn 40%, Hazel 30%, Field Maple 10%, Holly 10%, Dog Rose 5%, Guelder Rose 5%, White to be 10-15m high. 1-1.5m bare root healthy and vigorous to be planted in 2 staggered rows 450mm apart with 5 No plants minimum per meter. Protected with 400mm spiral rubber guards and supported by 750mm stake. The hedge is to be maintained for a period of 3 years following planting, ensuring adequate watering and fertilising is carried out to ensure good establishment and that all dead, diseased or damaged plants are replaced annually where required.

Rev	Date	Amendment	By
A	26/11/2020	Landscape details provided on drawing	JN

**Building Plans Ltd**  
11 The Street, Honington, Norwich, NR9 5BL  
Telephone: 01603 866377

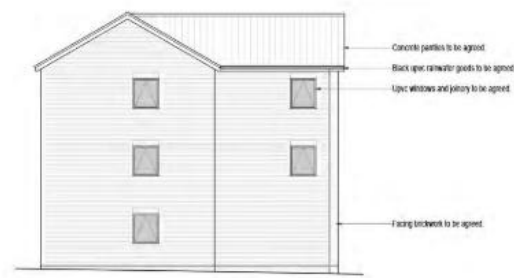
Client:	GCP Project 022 Ltd
Project:	Residential Development
Site address:	Land Adjacent to: 1 Dell Crescent Norwich NR9 5QB
Contents:	Proposed Site Plan

Scale @ A1:	1:100	Date:	November 2020
Drawn/checked:	P.B./J.H.	Revision:	A
Project No:	3314.0219N	Sheet No:	5



NORTH  
PROPOSED ELEVATIONS 1:100

SOUTH  
PROPOSED ELEVATIONS 1:100



WEST



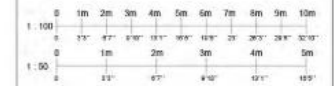
EAST



PROPOSED GROUND FLOOR 1:50

## General Notes

- [illegible]



A	24.11.2000	Garage doors removed	JH
Rev	Date	Amendment	Own



Client: GCP Project 022 Ltd

Project: Residential Development

Site address: Land Adjacent to:  
1 Dell Crescent  
Norwich  
NR5 8QB

Contents	Proposed Elevations
	Proposed Ground Floor Plan

Scale @ A1: 1:50, 1:100,	Date: November 2023
Signed/checked: PBJ/JN	Revision: A
Project No: 3314.0219N	Sheet No: 6



