

**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

**Subject** Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich NR4 7QW

**5(a)**

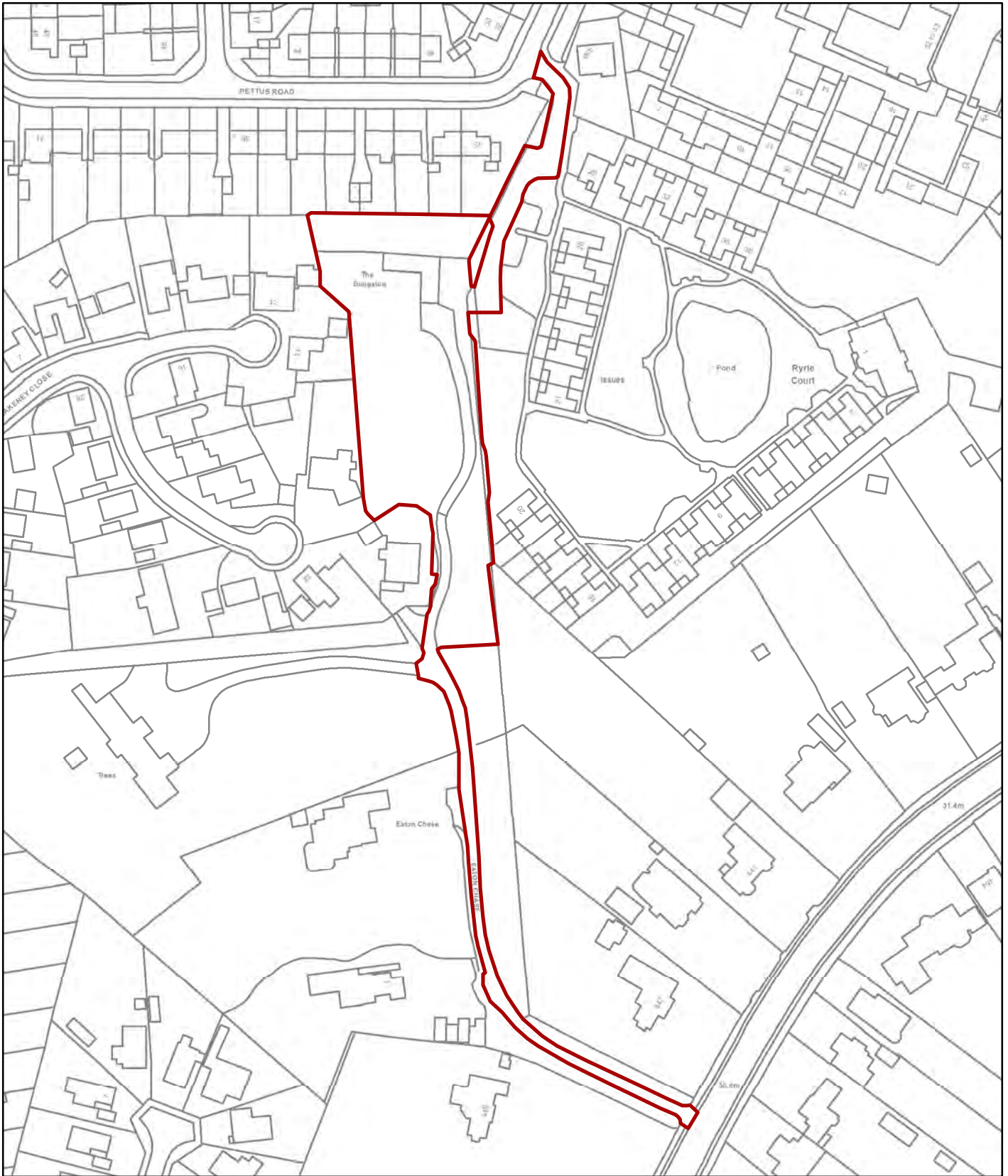
**Reason for referral** Objections

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

<b>Development proposal</b>		
Outline application including matters of access, layout and scale for the erection of 5 no. two storey dwellings and associated works (Revised).		
<b>Representations</b>		
Initial proposal		
Object	Comment	Support
29	0	0
First revised proposal		
Object	Comment	Support
13	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Principle	Provision of housing. Garden land. Layout
2 Amenity	Impact on amenities of neighbouring properties (outlook, overlooking, building impact, shading). Construction stage.
3 Transport	Provision of parking and servicing. Suitable access. Local impacts. Private access.
4 Trees	Protection of viable trees. TPO. Woodland designation
5 Ecology	Protection of habitat and wildlife species
<b>Expiry date</b>	14 May 2019
<b>Recommendation</b>	Approve



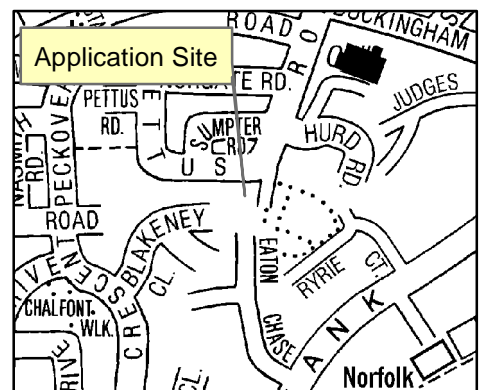
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Planning Application No 18/01190/O  
Site Address The Bungalow, Eaton Chase  
Scale 1:1,500



**NORWICH**  
City Council

PLANNING SERVICES



## The site and surroundings

1. The site is currently occupied by a single storey building set at the northern end of the site and visible from Ryrie Court to the east. Access to the site is via Eaton Chase which leads down to Unthank Road. There is currently no vehicular access onto Ryrie Court.
2. Properties on Pettus Road to the north of the site and Blakeney Close to the west are two-storey in height. Those on Eaton Chase and Unthank Road to the south are varied in style and include 2 storey scale properties. Ryrie Court is occupied as a sheltered housing scheme and is predominantly single storey with 2 storey buildings in the centre and edge of the scheme. Access to Ryrie Court parking and service spaces is via Pettus Road to the north. A second access to Ryrie Court is via Unthank Road which again provides parking and service space.

## Constraints

3. The site has a woodland tree preservation order (TPO) number 467. The site is one of a number of areas of green planting within this part of the City and there are further TPO's at Hurd Road and Blakeney Close. There is also designated open space (Policy DM8) to the south east around Ryrie Court and, in part, adjacent to the east boundary of site.
4. Unthank and Christchurch conservation area (policy DM9) adjoins part of the south east boundary and part of the application red line is within the conservation area at the lower end of Eaton Chase access route.

## Relevant planning history

5. There is no directly relevant planning application history related to this site. There are some tree works applications affecting the TPO as covered below.

Ref	Proposal	Decision	Date
14/01502/TPO	Works to trees as per Arboricultural Report (produced by Ace of Spades Gardens Ltd, dated 29 September 2014).	Approved	02/12/2014
17/00764/TPO	Removal of 25 No. Sycamores on site. Re-planting of trees to replenish site; mainly oaks, birches and maples.	Approved	22/05/2017

## The proposal

6. The outline application includes matters of access, layout and scale. This application does not include matters of landscaping and external appearance which are reserved for future agreement of these details.
7. The initial outline application submission was for the erection of 8 two storey dwellings (7 with access from Ryrie Court). Following first consultation and discussion with the applicant this has been revised to 5 no. two storey dwellings and associated works (4 with access from Ryrie Court)

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	Five dwellings – three 3 bed houses; one 4 bed house; one 4/5 bed house.
No. of affordable dwellings	Zero – below threshold
Total floorspace	719m <sup>2</sup>
No. of storeys	Design for two storey dwellings is indicated within the submissions
Max. dimensions	5.4m eaves height and 8.7m ridge height for plots 1 to 4 and 8.6m for plot 5. Car port for plot 5 2.5m eaves and 5m ridge heights.
Density	Excluding access approximately 13.5 dwellings per hectare
<b>Appearance</b>	
Materials	Not part of outline application - reserved for future agreement
Energy and resource efficiency measures	Indicates fabric first approach potentially in combination with PV installation but is below policy threshold to secure these by condition.
<b>Transport matters</b>	
Vehicular access	4 dwellings with access from Ryrie Court and 1 with access from Eaton Chase
No of car parking spaces	Two per dwelling (plots 1 to 4) plus two visitor spaces; three parking spaces for plot 5
No of cycle parking spaces	None shown as part of these outline details
Servicing arrangements	New size 8 turning area and bin collection point within site off Ryrie Court; Eaton Chase access retained with possible option for bin collection from Unthank Road as per existing arrangements.

## Representations

8. Adjacent and neighbouring properties have been notified in writing. A petition signed by 75 residents and 28 letters of representation from local residents and 1 representation from Cllr Lubbock have been received in response to the initial scheme. 13 letters of representation have been received in response to the revised proposals citing the issues as summarised in the table and paragraphs below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised – first consultation for original scheme	Response
Impact on sheltered housing scheme and vulnerable residents e.g. noise, traffic, disturbance, safety. Overbearing impact on some neighbouring homes – loss of light, overlooking, noise	Main issue 1, 2 and 3

Issues raised – first consultation for original scheme	Response
New builds are all two-storey which will overlook adjacent properties, be visually intrusive and overbearing	Main issue 1 and 2
Established tree screening required to protect amenity	Main issue 1, 2 and 4
Loss of woodland views and peaceful setting	Main issue 1, 2 and 4
Lighting from Ryrie Court is a nuisance which will increase with any further tree removal	Main issue 2
Construction phase over several years will create noise, vibration and dust disturbance	Main issue 2 and 3
Details included to address contamination issues is weak	Para 67
Human Rights impacts – protocol 1 article 1 on Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions ...	Para 37
Future use (and during construction) of shared access will have negative impact on residents. Space is used for emergency services, doctors, carers, taxis, care deliveries.	Main issue 3
Development will lead to greater parking demands. Car parking arrangements are insufficient and impractical in design	Main issue 3
Impact of heavy works vehicles on Pettus Road and wider network, local residents, Eaton Hall school and bus access in the area – which might also lead to impacts on the running of the bus service.	Main issue 3
Ryrie Court access is inadequate for further homes. Access is too tight for lorries.	Para 46
No provision of safe pedestrian footways within development. Ryrie Court requires surfacing works – in part to improve the area.	Main issue 3
Expected traffic movements should be submitted to assess local impacts – extent of building will likely cause safety issues	Para 48
Refuse collection and fire tender access / areas are inadequate	Para 46
Extent of refuse bins required and safety and amenity impacts on the area – environmental clutter on the highway	Main issue 1 and Para 47, 69
Disruptive excavation works would be required for drainage / water supply / hydrants – water supply system would need upgrading	Main issue 3
Access for 1 dwelling off Eaton Chase is acceptable but not for multiple dwellings. Not permissible for construction traffic to use Eaton Chase	Para 45, 46 and 50
More than one replacement dwelling would not be acceptable	Main issue 1
Density exceeds that within the locality and is out of keeping. Site design and density is overdevelopment	Para 32
The site is not brownfield (previously fields / grassland / woodland) also confirmed by not being on brownfield register.	Para 29, 30
Local Plan does not designate site for development	Main issue 1
Is development consistent with local policies?	Main issue 1

Issues raised – first consultation for original scheme	Response
Local Councils have approved thousands of houses to satisfy policy which means this site could be protected as urban habitat and ecosystem	Para 31
Applicant defines development as “sustainable” but fails to identify how this is true	Noted
Based on proposed density development appears a money making exercise – personal gain rather than creating a diversity of housing stock	Noted
Impacts on protected wildlife species – a valuable local site for bats, birds, toads, newts, deer, foxes, woodpeckers, owls, hedgehogs. Loss of a “City island” is unacceptable to local biodiversity	Main issue 5
Ecological report is biased and unrepresentative – habitat altered by removal of trees and revised survey should be undertaken following replanting.	Para 63
Unacceptable density of new development impacting on woodland TPO and loss of most trees affecting character of area	Main issue 1 and 4
Service routes need to be defined to protect retained trees and planting	Main issue 4 and para 57
Proposed wildlife hedge is ineffective	Main issue 4 and 5
Existing tree info is lacking – should have regard to existing TPO	Main issue 4
Council is responsible for enforcing tree replacement. These replacement tree works are required by 17/00764/TPO should be carried out before considering other applications.	Main issue 4 and para 54
Replacement trees required by TPO would effectively fill the site leaving no space to develop	Main issue 1 and 4
Retained trees will have unacceptable impact from new dwellings. Site is a registered Forestry Commission asset.	Main issue 4, 5 and para 58
Purpose of creating original TPO was to safeguard woodland against development, promote biodiversity and ensure maintenance took place	Main issue 1, 4 and 5
S106 should be required to legally bind subsequent owners to tree protection / replacement	Control would be covered by any TPO
Design of buildings is not in keeping with the area.	Para 69
FRA and drainage strategy not submitted – development could be a flood risk or add to drainage impacts in the locality	Para 73, 74
Will only go ahead if Council gives access over Ryrie Court	Para 49
Suggests a full EIA be done before considering application	Falls below threshold
Removal of trees would cause foundation problems. Some potential for ground movement if significant changes are made to ground or use of it	Largely a Party Wall issue
Believes a covenant exists limiting any redevelopment to one single storey dwelling on the site	Land tribunal matter
Lack of debate on implications for those directly affected	Issues assessed under application processes

<b>Issues raised – first consultation for original scheme</b>	<b>Response</b>
Questions whether residents should have been consulted before application submitted	Falls below threshold
Questions extent of information submitted	Deemed to comply with validation requirements

<b>Issues raised – second consultation for revised scheme</b>	<b>Response</b>
In addition to comments listed above relating especially to amenity, sheltered housing residents, parking, parking overspill, access, waste collections, bus service and routes, wildlife, woodland, tree protection, landscaping, overcrowding, overlooking, pollution, dust, noise, light pollution, policy, brownfield site, reports accuracy, ground impacts, S106 and EIA required – the following comments have been added	
Concerns remain unchanged following revision to scheme. Reduction in plot numbers does not reduce objections	Noted
Scheme shows improvement but fundamental concerns have not and cannot be resolved	Noted
Houses (west side) are higher causing more overlooking. Plot 5 is likely to overlook adjacent properties.	Main issue 2
Site remains overdeveloped	Main issue 1 and 2
New houses will not be screened by new planting – largely small and deciduous – remains overbearing	Main issue 1, 2 and 4
Shading by new high hedges and trees is not acceptable	Main issue 2, 4 and para 22
Parking permit scheme proposed but not implemented – might need to be revisited for Pettus Road	Main issue 3
Developers should be challenging access from Eaton Chase and not destroying peace and tranquility of Ryrie Court.	Main issue 1 and 3
Has Transport Planner taken into consideration local first-hand knowledge	Main issue 3 and para 48
Concern on construction management and parking	Main issue 3 and para 50
Impact on existing parking spaces and manoeuvring. Will increase use of Ryrie Court 2 <sup>nd</sup> access which is for emergency use only	Main issue 3 and para 46
Emergency access location will impact on neighbouring bungalows	Main issue 3
Planting scheme seems vague. Questions who will be responsible for upkeep. Will it be retained as planting screen for always? Will it be part of someone's garden/	Main issue 4 and para 56
A suitable, sustainable and appropriate planting scheme is required that complements the woodland habitat. Proposed replanting is wholly inadequate.	Main issue 4 and para 22, 57
Proposals to plant on boundary is unacceptable – rob adjacent gardens of nutrients and sunlight	Main issue 4 and para 22

Issues raised – second consultation for revised scheme	Response
In addition to comments listed above relating especially to amenity, sheltered housing residents, parking, parking overspill, access, waste collections, bus service and routes, wildlife, woodland, tree protection, landscaping, overcrowding, overlooking, pollution, dust, noise, light pollution, policy, brownfield site, reports accuracy, ground impacts, S106 and EIA required – the following comments have been added	
Questions the finding of the arb report and accuracy – should be revisited along with assessment of earlier tree work	Para 55
Proposals to lift TPO to permit development is a dereliction of duty. Removal of TPO subverts Council’s own decision making process. How on changes to the TPO can you plant trees before a planning application is approved	Main issue 4 and para 54
Continued monitoring of a new planting scheme will be a waste of resources	Para 56
Bungalow was built within a woodland – not that a woodland grew up around it	Main issue 5
Local habitat will be eradicated (89%) and many birds eradicated from the site	Main issue 5
Density is more in line with locality – 3 dwellings at rear would be better	Noted
Proposal for a lesser number of bungalows would be more suitable	Considering application as submitted
The social apartheid the proposal represents is unpleasant and socially unacceptable	Main issue 1
Concern that no comments made by Head of Housing – there is a duty of care to be upheld	Noted
Will lead to more anti-social behaviour by people viewing / breaking into the development site	Main issue 2
If site is secured what are safeguards for ensuring domestic pets are not locked in causing concern for pet owners	Para 50
New development and overlooking might impact on re-sale value of existing properties	This is not a material planning consideration.
Will committee date be made available	See website

9. **Councillor Lubbock:** expressed concerns about scale and layout – tree removal and lack of replanting; concern on further tree loss; impact on habitat and wildlife; overlooking, overshadowing and possible disturbance; overdevelopment. Access – Ryrie Court impacts for residents, care staff and emergency services; safety issues; construction stage impacts; adequacy of area to accommodate this new access. Scheme is not a well-planned housing development. Adverse impact on character of area.



## Consultation responses

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

### Asset and City Management

11. No comment

### City wide services

12. No objection in principle. So long as there is no change to the entrance road used now or parking allowed should not be a problem; for the new part the normal rules apply and if the road is going to be narrow we would need parking restrictions so trucks could safely enter to access the bins.

### Environmental protection

13. No comment

### Fire service

14. No objection in principle subject to compliance with relevant building regulations.

### Highways (local)

15. No objection in principle on highway grounds. The site layout and parking provision meets local plan requirements. The site access roads would not be adopted by the highway authority.

### Highways (strategic)

16. No comment

### Housing strategy

17. No comment

### Natural areas officer

18. Initial concerns. No objection in principle to revised scheme.
19. The revised plan is seen as an improvement from an ecological perspective. Of note; T4 is to be retained and as long as dwelling 2 can be built without undue harm to T4 the revised arrangement in this corner is supported. The re-working of the south eastern corner is also supported. My comments regarding bats and birds remain from my email dated 30 October 2018 – adequate mitigation and appropriate protection. The creation of an amphibian hibernacula and pond is supported. Details should be provided which are informed by an Ecologist either prior to determination or via a condition. The revised layout would seem capable of supporting the updated recommended mitigation/enhancement measures within the revised Ecological Report (ER). Given the existing biodiversity value of the site all of these measures should be implemented.

## **Private sector housing**

20. No comment

## **Street works Network officer**

21. No objection in principle. Would wish to see the kerbs/footway at the Unthank Road access to be protected or reinstated if damaged. A photo survey of the area would be of benefit to the contractor and should be submitted to the highways team prior to commencement

## **Tree protection officer**

22. Initial concerns. No objection in principle to revised scheme. Has had correspondence from several neighbouring properties. The tree planted areas illustrated on the submitted planting plan are broadly acceptable as a proportion of the site to be retained as wooded area but the finer points on species selection, tree protection and tree retention require further information. Where possible, good quality trees should be retained on site and not removed to facilitate the replacement planting; however, there are several trees in poor condition or dead that will need removing especially given the change in site use. The species selected will need careful consideration, to not create too much shade in gardens at the North of the site at Pettus Road. Native species would be preferable where appropriate and tree species that do not require ongoing coppice management.

## **Assessment of planning considerations**

### **Relevant development plan policies**

23. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS7 Supporting communities
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes

24. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development

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

### **Other material considerations**

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

- NPPF 2 Achieving sustainable development
- NPPF 4 Decision-making
- NPPF 5 Delivering a sufficient supply of homes
- NPPF 8 Promoting healthy and safe communities
- 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

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

- Landscape and trees SPD adopted June 2016

### **Case Assessment**

27. 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**

28. Key policies and NPPF sections – JCS1, JCS4, JCS9, DM1, DM3, DM6, DM7, DM12, NPPF sections 2, 5, 11 and 15.

29. Commentary by various residents has been provided countering the assertion within the application that the site is brownfield land. This site is also not currently on the brownfield register. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 53 of the 2012 NPPF stated that local authorities should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area. This is restated at paragraph 70 of the current 2019 NPPF. Private residential gardens in built-up areas are also excluded from the NPPF glossary definition of 'previously developed land'.

30. The council considered this matter as part of the development of policies in the 2014 local plan and concluded that the criteria based policies in DM3 and DM12 were satisfactory to determine applications for dwellings in gardens. Therefore

there are no specific policies restricting new dwellings in the gardens of existing properties. Given that the site meets the relevant exception criteria and is not designated for other purposes or within a hazardous installation notification zone it is considered that the principle of residential development is acceptable on this site under policy DM12 subject to the criteria in the second part of DM12 and subject to the other policy and material considerations detailed below.

31. As part of the strategy for local growth in meeting housing demand JCS policies 4 and 9 set out a minimum number of dwellings to be delivered in each location across the policy area to address housing need and support the growth potential of the local economy. At least 40 dwellings (net density) per hectare should normally be achieved within new development unless this would have a harmful impact on character and local distinctiveness of the area or there are other exceptional circumstances which justify a lower density.
32. Given the nature of the site and necessity for tree protection this requires a balancing of issues to seek to ensure that the development has suitable regard to the local environment, safety and amenities in the area. In revising the scheme the applicant has sought to agree areas of the site which might be capable of being developed whilst re-introducing tree planting as required by condition of the earlier TPO application 17/00764/TPO. Excluding access land the scheme now provides a maximum density of approximately 13.5 dwellings per hectare. This reduced density is in keeping with the existing character and function of the area. The layout is also such that areas of land are still available for the required tree replacement planting whilst still establishing a suitable character to the area.
33. In terms of policy DM3 it is noted that this is an outline application but that matters of scale and layout are being considered. In its revised form the scheme makes efficient use of land and in orientation aligns north – south to optimise energy efficiency and maximise solar gain. Indication is also given that the scheme will seek to achieve improved standards of energy efficiency.
34. The central public access space is potentially attractive, overlooked, safe and secure. Through future consideration of landscape matters well-designed and well-defined private and public spaces are capable of being incorporated into the scheme along with the protection of existing and the provision of new green infrastructure as an integral part of the overall design.
35. The proposal provides for a mix of dwellings with the buildings being positioned away from boundaries. The indicative height, scale, massing and form of the development avoid dominant or incongruous buildings. Given the outline nature of the application various conditions could be considered to help further reduce any possible amenity impacts. Further detailed assessment is given below and subject to suitable conditions the residential redevelopment of the site appears to be acceptable in principle.

## **Main issue 2: Amenity**

36. Key policies and NPPF sections – DM2, DM11, NPPF sections 2 and 12.
37. Concerns have been raised related to overlooking, overshadowing, visual impact or noise for existing residents. Specific mention has been made to the Human Rights Act in this regard and Members will be aware that the Human Rights Act and

European Convention form part of standing duties in assessing the merits, reaching a recommendation and in determining any application.

38. The scheme provides for 5 dwellings within an arrangement of 4 dwellings around a mews court on the north area of the site and an individual dwelling within the south area of the site. Buildings are pitched roof and two storey. The shape of the site has led to the positioning of buildings within potential development spaces on the north and south sections which would then be framed by planting and sited away from sensitive boundaries. The scale of the buildings and relationships to boundaries does not suggest that these would have an overbearing impact on neighbouring properties.
39. The distances between existing and new buildings are considered to be acceptable and typical of an urban layout for all elements of the revised scheme. This arrangement is unlikely to have significant effects of overlooking, overshadowing or noise for existing residents. The building on plot 3 is a larger 4 bed house with a side extension which neighbours have expressed concern about. The final external design is a reserved matter at this stage and final window opening positions are not fully known. The design and location of windows could be considered at this later stage and suitable conditions could be imposed to control opening and/or require obscure glazing as appropriate subject to suitable amenity assessment at that time.
40. The dwellings have areas of private space incorporated into their layout and on the north site share communal access spaces within the development and leading from adjoining land. Generally the properties appear to have been designed to meet appropriate space standards. The provision of planting and design features within the site will also enhance the amenity and outlook for existing and future residents. However; given that the revised layout indicates that in some circumstances the arrangement of houses could in some instances be close to each other or have gardens limited in size, in order to protect amenity and to ensure that extensions and outbuildings would not have an adverse impact on neighbouring trees which are to be protected or retained, a condition is suggested at this stage removing permitted development rights for extensions and outbuildings to any new houses on the site.
41. The existing property is in residential use. New development would be screened from the wider area with gardens to boundaries and will involve no significant change in potential activity. Any statutory nuisance would ordinarily be controlled by environmental protection regulations. Impact from noise is more likely to occur during construction phases with contractor's noise, parking, operations and dust. An informative is suggested in terms of working to considerate constructor practices to help address this. Given that the Ryrie Court access is in multiple use conditions relating to construction methods to control items such as delivery timings and contractor parking and also for contact details for local residents to report issues are also suggested.
42. Although no exact details have been provided, lighting should be positioned to the front entrances of all dwellings together with lighting provided to illuminate the road, parking spaces and bin stores. Illumination of the communal spaces will help to further overcome security issues and are considered to be essential features to promote a safe and secure development. Conditions are suggested requiring submission of details of site lighting to ensure that there is no design or adverse

amenity impacts or that light spill affects the ecology value of the edge areas of the site.

43. The proposals work well with reference to their relationship with adjacent properties and subject to conditions it is not considered that the proposals would result in any unacceptable impact to adjacent properties in terms of outlook, overlooking or overshadowing or in terms of quality of the living environment for existing or future residents.

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

44. Key policies and NPPF sections – JCS6, DM30, DM31, NPPF sections 2 and 9.
45. The existing site entrance is from Eaton Chase which local residents have advised can only give access for one dwelling on the application site. The applicant has therefore sought to split access and development between Eaton Chase and the remaining 4 dwellings from Ryrie Court. Both access ways are un-adopted with that from Ryrie Court being under the control of the Council.
46. The transport officer has advised that the means of access to both of the sites makes use of extant access points, and their continued use for residential purposes of this small number of dwellings is acceptable. The layout appears to be sensible and functional from a vehicle and pedestrian movement point of view. Refuse access has been assessed as acceptable and the Fire Service has been consulted who again raise no concern subject to the development being built to relevant standards.
47. The surface material of the site access roads should be designed to be fit for vehicular use and permeable but ideally built to adoptable standards; this would form part of consideration at reserved matters stage for details of hard landscaping. In assessing parking for the site agreement has been sought and made within the revised layout to show a maximum or above maximum level car parking for the site to assist in containing all parking requirements within the new mews area. Parking volume within the site should be sufficient for new residents. There also appears to be sufficient space for future cycle parking requirements. It is considered that the proposal can provide for sufficient bin and cycle storage which can be secured via condition. Some garage parking is shown and a condition is also suggested to prevent their conversion to help avoid a loss of any necessary on-site parking.
48. A number of residents have expressed concern at the use of Ryrie Court and potential impacts on emergency services; care workers; doctors etc. who also need to access this space. There is also some concern about wider access impacts and to local services. The quantum increase in housing is not considered to be so great as to suggest that this development would lead to significant impacts in the area. This in part is based on transport information and knowledge for development in the Norwich area and data for the nature of use proposed.
49. Housing officers have not commented on the rights of access, which is not unusual, and would await the outcome of any application based on its planning merit. Should parking cause an obstruction within the Court private parking management could be appointed by the freeholder of the land or arrangements made through land covenant to seek to control this. There would also need to be consideration of future maintenance arrangements. The developer would likely be required to cover

full costs of such an arrangement. In terms of land ownership an informative is also suggested to bring attention to the applicant of the necessity of any separate negotiation required to secure such access rights.

50. The increase in parking within the development site mentioned above should assist with such impacts but a condition is suggested to secure details of access parking control which could be agreed as part of Housing discussions about the use of this Court. A construction management plan would be required to manage construction traffic e.g. wheel washing, hours of working, dust mitigation etc. and as mentioned above would assist with local amenity impacts during construction phase. A photo survey of the area submitted to the highways team prior to commencement and details of protection or reinstatement if damaged of the kerbs/footway at the Unthank Road access is suggested as an informative to meet with Network comments made on the application.

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

51. Key policies and NPPF sections – JCS1, DM3, DM6, DM7, NPPF sections 2 and 15.
52. The site is covered by TPO 467 which was served in 2014 following a report to committee. The removal of 27 poor specimen sycamore trees under application 17/00764/TPO and now the submission of the outline application have prompted tree officers to review the TPO. Replacement planting is still required following the removal of the sycamore trees in 2017 and in assessing revisions to the planning application discussions were held in order to identify areas suitable for planting which would then inform any remaining spaces available for any potential redevelopment on the site. There are also specific trees on the site that should be afforded protection and the scheme layout has been changed to allow space for trees to develop and mature on site.
53. A woodland TPO such as that on this site is to safeguard a woodland as a whole. Guidance states that it is unlikely to be appropriate to use the woodland classification in gardens. Individual trees are not listed in a woodland TPO and the authority dealing with an application relating to woodland must grant consent so far as it accords with good forestry practice. This means the authority is less able to refuse work if applied for on forestry grounds. Tree officers have advised that a Woodland categorisation is not considered to be appropriate for this site and is not the most appropriate power to protect trees on site.
54. A local planning authority has powers to vary (change) or revoke (cancel) their orders and this is reported separately within the committee items for consideration by members. The proposed alterations to the TPO will list individual trees and where appropriate groups of trees. This will give a clearer record of what is on site. If the changes to the TPO go ahead, retained trees will be specifically plotted and listed. Any future applications for tree work on the site will be assessed and evaluated in line with government guidance.
55. The current outline planning application does not include matters of landscaping and this will be assessed at reserved matters stage. There is a separate consideration in part to the suitability of tree replacement in the manner now largely proposed under the changes suggested to the TPO. In reviewing the outline application proposals it is clear that this site has capacity for development in the

form proposed. There is also potential to further enhance site planting under any future consideration of landscape matters.

56. A neighbour request has been made to require a S106 agreement to ensure the protection of trees on site. In the revised site layout these areas of protection would sit within private gardens. As the land will be privately owned, it will be the owners' responsibility to maintain and ensure appropriate levels of tree cover are established under the TPO. If the owners fail to do this we can enforce with tree replacement notices and formal enforcement action. Having the individual replacement plantings listed, rather than as a block of woodland, also gives more scope to detail exactly what should be planted and established on site.
57. A more detailed tree plan, including location, species and size will be needed when replanting and reserving of the TPO takes place. Conditions are suggested to ensure any new TPO is protected during construction works. Conditions related to pre-commencement site meeting to establish parameters for tree protection and works are also suggested. An updated tree protection plan and method statements would follow from this and further condition is suggested in relation to ensuring that these works are carried out in accordance with agreed details and that tree protection is retained for the duration of development.
58. Comment has been made by residents in relation to the sites designation as woodland with the Forestry Commission. The council has a statutory duty to consult the Forestry Commission for planning applications that are within 500m of ancient woodland sites only. (Ancient woodland is characterised as woodland that has been continuously wooded since 1600 or before.) The application site is not considered to be ancient woodland. There is one oak tree on the site that has ancient or veteran characteristics and it is understood that the tree officer will seek to list this tree, as well as other good specimens to be retained, individually and provide protection measures where necessary.

### **Main issue 5: Biodiversity**

59. Key policies and NPPF sections – JCS1, DM3, DM6, DM7, NPPF sections 2 and 15.
60. The submitted Ecology Report (ER) is considered to be sufficient for the proposal with the authors being suitably qualified. This suggests that there are no further significant survey works proposed. The report identifies several features at the site that have an ecological value. With the original development proposed, in addition to impact on the value as stand-alone habitat, there was concern that the proposal could result in fragmentation of habitat and drainage issues with surrounding habitats. However, it has subsequently been concluded that with suitable mitigation and enhancement redevelopment of the site which results in a satisfactory impact upon biodiversity is possible.
61. With the initial scheme it seemed unlikely that the proposal could deliver the level of mitigation and enhancement measures recommended due to the scale of development being proposed. Following discussion the scheme has been revised and significantly more space provided around buildings and within linked spaces that provide more valuable site space for enhancement. Both the AIA and ER propose mitigation/enhancement in the form of native hedgerows. Additionally, a



few half-buried piles of deadwood could be laid within the hedging strip for added wildlife benefit.

62. It is welcomed that mature oaks are retained as these can provide valuable habitats. Trees on site have been assessed as having moderate potential for roosting bats (including hibernation) within holes and cracks and underneath ivy. The building was assessed as being used by roosting bats, but the species and type of roost is not clear. No details of mitigation are given on this, other than that some will be required as part of the European Protected Species License (EPSL). Potential for providing bat boxes is also mentioned within the enhancement section of the ER. It is recommended that bat boxes are sought as part of the enhancements to the site in addition to any required under the licensing. In terms of other site enhancements the provision of 2 built-in starling boxes and 4 built-in house sparrow terrace is recommended along with conditions to ensure that nesting birds are protected during development. Creation of an amphibian hibernacula within the site and a pond is also proposed, which is supported.
63. As mentioned above a revision to the TPO has been discussed which includes options for the replanting of native tree species and various groupings to encourage habitat creation. Such trees would be protected under any revised TPO which cannot be fully guaranteed at this time under the current TPO arrangements. Conditions related to site reassessment following tree planting and details of site enhancement are recommended at this stage. At reserved matters stage details of landscape planting of native species to further enhance the site is also likely to be sought. In conclusion development of the site without having an unacceptable impact upon biodiversity would appear feasible.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition/
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	Not applicable
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

## **Other matters**

65. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
66. **Contamination**
67. The scale of development is not one where a detailed phase 1 assessment of geo-technical or geo-environmental matters would be undertaken to support the planning application. The history of the site does not suggest that there have been contaminative uses or any extent of ground excavation; although some chalk excavation is mentioned in an area just north of the site. The status of this is not considered sufficient to prevent determination of the application. Further control would be exercised through Building Regulations but a precautionary condition is suggested to require works to stop and remediation undertaken in an agreed way should any unidentified contamination be found on site. An informative is also suggested in relation to the removal of asbestos materials following the demolition of the bungalow.
68. **Design**
69. Elements of site layout are discussed above. Two key elements which will feed into the final design in terms of landscape setting and external appearance are reserved from consideration under this application. However; from the indicative material and revised layout of the site the final design of external surfaces would not necessarily result in an incongruous or over-dominant form of development. Setting within a revised TPO and future landscape scheme suggest that a scheme could be agreed to help minimise any remaining local impacts and potential concerns. The final scheme should result in an attractive environment suitable for future occupants of the development.
70. **Energy and water**
71. Whilst the development is below the policy threshold for the installation of low or zero carbon technologies for energy production the applicant has indicated a willingness to improve the building fabric and potentially install energy devices such as PV's. Water efficiency measures in line with policy JCS3 could however be secured by condition.
72. **Flood risk**
73. There is very limited information submitted with the application to address measures to be taken to deal with surface water flooding. The site is however sited within flood zone 1 where this type of development would be considered to be appropriate in principle.
74. Any landscaping scheme submitted at reserved matters stage would be expected to explain the nature of design features which are required to be incorporated into the scheme to help promote and facilitate sustainable drainage and mitigate against flood risk from surface water runoff as required by policy DM5. Options available which are likely to be acceptable are catchment facilities and braking of discharge of water into the main system and use of permeable surfaces. Space appears to be available on-site to allow for collection or attenuation of surface water. Further

assessment is not considered necessary at this stage and a condition is suggested to ensure that details are agreed as part of any final scheme design.

#### **75. Heritage**

76. Unthank and Christchurch conservation area adjoins part of the south east boundary and part of the application red line is within the conservation area at the lower end of Eaton Chase access route. The principle character of the conservation area is one of larger detached properties within landscaped gardens. The area within and adjacent to the conservation area will be largely unchanged and with a scheme to revise tree planting on site the area should remain as a planted backdrop to views along Unthank Road and from within the conservation area.
77. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
78. With the current application it is considered that the setting of the asset will not be harmed due to a combination of the tree cover within the area obscuring views, proposals to replant areas of the site and maintain an area of protected trees, the distance of new buildings within the site from the asset and the height limits being applied.

#### **Equalities and diversity issues**

79. There are no significant equality or diversity issues. The scheme provides for potentially accessible housing for new residents and visitors. The proposal will result in the change of access facilities on the site, which is likely to have an impact on the sheltered housing scheme and a range of age groups some of whom require health and care assistance. It is likely that arrangement can be sought with the land owner and housing provider to seek to control associated impacts. Details are suggested as part of the permission to set out changes required to the access areas and its use. The proposal provides for new housing in a sustainable location with benefits of helping to meet existing and future demand which is likely to be of particular benefit across the population spectrum. In this instance, therefore, it is considered that the proposal would not have an unacceptable impact on people of a particular age group or ability within the community.

#### **Local finance considerations**

80. 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.
81. 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.

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

## Conclusion

83. The proposals for a low density form of urban development have been carefully developed and the scheme in terms of layout; delivery of housing in a highly sustainable location; and the effective re-use of land provides a suitable form of development in this edge of City location close to local facilities and transport connections. The scheme also provides for other benefits in enhancing this long standing underused site and potential for revision to and the re-establishment of tree planting, habitat and site management. Amenity and highway impacts have been largely reduced in the revised scheme and subject to conditions should be adequately addressed. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

## Recommendation

To approve application no. 18/01190/O - The Bungalow Eaton Chase Norwich NR4 7QW and grant planning permission subject to the following conditions:

1. Standard time limit for outline consents;
2. Reserved matters to relate to appearance and landscaping;
3. In accordance with plans;
4. Details of sustainable urban drainage scheme;
5. Protection of birds during nesting season;
6. Details of updated ecological survey and proposed enhancement
7. Details of external lighting;
8. Details of car parking, electric vehicle charging points, cycle storage, bin stores, access / mews road surface;
9. Details of parking control, alterations and management scheme for Ryrie Court;
10. Details of Construction Management Scheme including road condition survey;
11. Tree officer site meeting;
12. Detail of arboricultural information;
13. Compliance with Arboricultural Implications Assessment, Arboricultural Method Statements etc. and Tree Protection Scheme implemented prior to commencement;
14. Siting of services within protected areas;
15. Retention of tree protection - no changes etc. in ground levels within root protection areas / construction exclusion zones
16. Removal of PD rights for extensions, alterations and roof alterations;
17. Garages to be retained for parking purposes only and not converted;
18. Water efficiency measures to comply with latest standards;
19. Cessation of works if unknown contaminants found and submit details of remediation;
20. Details of testing and/or suitable compliance of all imported material prior to occupation.

## **Informatives**

1. Considerate constructors;
2. Dealing with asbestos;
3. Impact on wildlife – protected species;
4. Note of TPO;
5. Land ownership;
6. Highways contacts, street naming and numbering, design note, works within the highway etc.;
7. Street Works Network officer comments.

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

for information only

Existing Buildings to be demolished

Extent of Amended TPD. Please refer to Mitigation Planting Plan and report produced by Talking Elm Tree Services

New boundary vegetation to allow for privacy for existing residents

Existing trees to be retained/removed as necessary. Refer to AIA report for tree details

Existing vehicular access and driveway to be retained



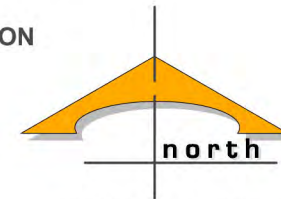
Size 8 turning - Parking spaces to be demarcated using paving details rather than paint, bond detail to be used to highlight turning square and its approach

### EATON CHASE - UNTHANK ROAD JUNCTION

Refuse collection point to be demarcated in the paving with small gap between the bins and parking space.

New vehicular access from Ryrie Court

Size 3 turning for emergency vehicles



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### Accommodation and Height









Plot 1 - 3B House @ 90m <sup>2</sup>	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 2 - 3B House @ 90m <sup>2</sup>	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 3 - 4B House @ 146m <sup>2</sup>	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 4 - 3B House @ 90m <sup>2</sup>	- Max Eaves height 5.4m - Max Ridge height 8.7m
Plot 5 - 4/5B House @ 303m <sup>2</sup>	- Max Eaves height 5.4m - Max Ridge height 8.6m

TOTAL - 758m<sup>2</sup>

1 car port - Maximum Eaves height 2.5m - Max Ridge height 5.0m

NB. Heights above external ground levels

### KEY

-  Existing Tree
-  New tree landscaping
-  Private garden
-  Existing building
-  New dwelling
-  Private drive
-  Private parking
-  Mitigation Planting Area

REV C	28-04-19 - Accommodation Schedule Amended to Match Layout
REV B	28-01-19 - Layout and accommodation amended
REV A	19-08-18 - Heights added



Client: G Philipps  
Project Details: New residential development.

Project Address: The Bungalow Eaton Chase NR4 7QH

Drawing Title: Site Plan as Proposed		
Job No: 1433	Drawing Number: 1433-A-PL05	Revision: C
Date: 26-04-19	Scale: 1:500 @ A2	Drawn: EA
Checked: EA	CSO Date:	

### SITE PLAN AS PROPOSED



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New boundary vegetation to allow for privacy for existing residents

Existing trees to be retained/removed as necessary. Refer to AIA report for tree details

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REV D Accommodation Schedule Amended to Match Layout 26 April 19

REV A Revised planting Mitigation 31 Jan 19



**Client**  
G Phipps

**Project Details**  
New residential development

**Project Address**  
The Bungalow  
Easton Chase  
NR4 7QH

**Drawing Title**  
Site Plan as Proposed Showing Mitigation Planting

Job No. 1433	Drawing Number 1433-A-PLD8
Date 26-04-19	Scale 1:500(M3)
Drawn EA	Checked CSJ Date
Revision C	

## SITE PLAN AS PROPOSED SHOWING MITIGATION PLANTING

N.B. To be read in conjunction with Mitigation Planting Plan produced by Talking Elm Tree Services