

**Report to** Planning Applications Committee

**Item**

13 January 2022

**Report of** Head of Planning & Regulatory Services

**Subject** Application no 21/01361/F Construction of 7no. dwellings  
with associated infrastructure works on land adjacent  
29 Ketts Hill, Norwich

**Reason  
for referral** Objections

4a

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<b>Ward</b>	Thorpe Hamlet
<b>Case officer</b>	Maria Hammond <a href="mailto:mariahammond@norwich.gov.uk">mariahammond@norwich.gov.uk</a>
<b>Applicant</b>	Broadland Development Services

Development proposal		
Construction of 7no. dwellings with associated infrastructure works		
Representations		
Object	Comment	Support
13	0	0

Main issues	Key considerations
1	Principle – loss of car park and redevelopment for housing
2	Design & heritage
3	Amenity
4	Transport
5	Trees
6	Biodiversity
7	Drainage
<b>Expiry date</b>	19 January 2022
<b>Recommendation</b>	Approve



## **The site and surroundings**

1. The site is an area of open land on Ketts Hill. It was last used predominantly as a car park, with a small area forming a garden to the adjacent public house. It occupies 0.15 hectares and is bound by Ketts Hill to the south, Spitalfields to the east and north and the public house to the west.
2. Being located towards the bottom of Ketts Hill, the ground slopes up to the east and levels also vary within the site with a tree-lined bank on the Ketts Hill frontage and a dip to the centre. Trees and vegetation also extend around the eastern boundary and most significantly along the northern boundary. The site has become overgrown since it was last in use.
3. West of the site, the Ketts Tavern has extant planning permissions for conversion to residential use and a bakery and hairdressers adjoin this nearer the roundabout. The Castle public house (grade II listed), associated accommodation and a printers are all accessed off Spitalfields. South of the site, across Ketts Hill, is a car sales site and to the east along each side of the road there are terraces of dwellings, predominantly from the late nineteenth/early twentieth century with some larger, more recent blocks too. The closest dwelling to the east extends to the back of the footpath along Spitalfields and has west elevation windows to the ground and first floors facing the site.
4. The site is in a controlled parking zone and there is a stretch of one hour spaces across some of the site frontage and further two hour spaces along Spitalfields at the rear. Permit holder only spaces run along the eastern boundary.
5. Historically the site was occupied by a residential terrace and redeveloped post-war with pre-fabricated single storey dwellings following likely bomb damage.

## **Constraints**

6. In terms of constraints, the site is immediately adjacent to the locally listed buildings of the former Ketts Tavern and Ketts Hill Bakery.
7. To the north across Spitalfields, there is an area of informal amenity space defined as open space in the Local Plan and beyond that Mousehold Heath rises up and is a designated Local Nature Reserve and County Wildlife Site.
8. Across Ketts Hill to the south, the site is allocated for redevelopment for housing and to the southwestern side of the roundabout there is a defined local centre at the edge of the City Centre Conservation Area. The Thorpe Hamlet Conservation Area also lies to the southwest.
9. There are surface water flow paths presenting a risk of flooding on the roads around the site and the site is in proximity to the air quality management area, defined by the ring road.
10. Relevant planning history
11. The records held by the city council show no recent planning history for the site.

## The proposal

12. It is proposed to construct a terrace of seven no. one bedroom dwellings within the site.
13. These would be staggered up the slope to the east and landscaped spaces would remain open each side of the terrace. Four off-street parking spaces are proposed off Spitalfields on the northern boundary.
14. Each dwelling would have a front garden space enclosed by a low wall that would incorporate a bin store and each would have a garden space to the rear, supplemented by a communal garden to the west.
15. The open space retained between the terrace and former pub would incorporate a footpath for access between Ketts Hill and Spitalfields. An area at the southwestern corner of the site is excluded from the development to reserve it for potential future highway improvements.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	Seven
No. of affordable dwellings	The applicant's intention is to provide all seven for affordable rent. There is no policy requirement for this.
Total floorspace	406sqm
No. of storeys	Two
Max. dimensions	Footprint: 8.5m by 31m. Ridge heights approximately 8.7 metres above ground level.
Density	46 dwellings per hectare
<b>Appearance</b>	
Materials	Red brick, dark pantiles, grey windows and cladding around openings, black rainwater goods.
Construction	Timber framed construction
Energy and resource efficiency measures	High standard of thermal efficiency, potential for air source heat pumps or solar PV built into proposal
<b>Transport matters</b>	
Vehicular access	Existing vehicular access off Spitalfields, pedestrian access from Ketts Hill and Spitalfields
No of car parking spaces	Four
No of cycle parking spaces	Individual stores in each rear garden
Servicing arrangements	Bin stores in each front garden

## Representations

16. Adjacent and neighbouring properties have been notified in writing. There have been two periods of re-consultation on revised plans following consultation on the original submission. In total, letters of representation have been received from 12 individuals and one on behalf of 'a number' of residents citing the issues as summarised in the table below. All representations are available to view in full at

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

Issues raised	Response
Wholly unsuitable for homeless accommodation	See main issue 1 - the proposal must be considered as market housing
Second homeless facility inappropriate to concentrate in one area – street drinking, drug taking, drug dealing, fighting, aggressive behaviour in public areas and around convenience store	See main issues 1 and 3
Unclear use	See main issue 1 - the proposal must be considered as market housing
Housing should be for local people	See main issue 1
Concerns about safety and crime	See main issue 3
Overlooking and loss of privacy	See main issue 3
Loss of light, windows will be obstructed	See main issue 3
Dispute accuracy and representation of neighbouring properties	See main issue 3
Layby along whole terrace would aid traffic flow and compensate for loss of parking from bus lane proposal	Noted. The application must be considered as submitted.
Loss of parking – retention would benefit local businesses and visitors	The site is not currently in use for parking. See main issue 4
Parking is already limited for residents and businesses, this would impact further	See main issue 4
Not enough parking proposed for development	See main issue 4
Additional traffic	See main issue 4
No consultation or transparency	The applicants voluntarily undertook a pre-submission local consultation. The application has been subject to three periods of public consultation.
Loss of trees	See main issue 5
Loss of green space	See main issues 1 and 5
Noise disturbance	See main issue 3
Additional housing will attract rodents	See main issue 3

## Consultation responses

17. 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

18. The noise impact assessment has highlighted that there be a medium to high risk of noise disturbance at the site and has proposed a series of measures to mitigate noise disturbance. Therefore, I recommend that the measures stated within the Noise Impact Assessment should be conditioned to be implemented.

19. The site investigation report recorded elevated levels of contamination across the site. Sufficient site investigation has been undertaken to confirm that elevated levels of contamination are in existence on site and that remediation is required. The submitted Remediation Method Statement is acceptable.
20. The Construction Management Plan is generally acceptable.

### **Health and Safety Executive**

21. Do not advise against development.

### **Housing Development**

22. The 2021 Local Housing Needs Assessment prepared for the Greater Norwich Local Plan Norwich has identified a high need for affordable housing, in particular one-bedroom accommodation. We therefore welcome the proposal to deliver 7 one-bedroom dwellings which would assist in meeting that need.
23. It is pleasing to see that the proposed units are compliant with Nationally Described Space standards.
24. The development has adequate amenity space within the site, and in addition to this it benefits from being adjacent to the woodland and recreational open space of Mousehold Heath. There is a sufficient level of parking within the site for the development of this sort which is within a reasonable distance of the City Centre.

### **Highways**

25. In principle the highway authority has no objection to the provision of housing on this site. Given that the former use of the site was for car parking, the proposed use with four parking spaces will generate a lesser traffic impact.
26. I note that some objectors are concerned about the loss of this parking space on the site, however it was on private land (owned by Norwich City Council) who at their discretion allowed informal parking for the surrounding area. Motorists did not have a right to park on this land or expect it was to be provided in perpetuity.
27. The Controlled Parking Zone (CPZ) makes provision for residents and businesses within permit bays, and for visitors within limited waiting bays. There is no loss of CPZ parking capacity. For this reason there is no justification for a highway objection.
28. The vehicular access to the on-site parking spaces will require works to lower the kerb and strengthen the footway.
29. Of critical importance to highway safety is maintaining adequate visibility of traffic leaving Spitalfields onto Ketts Hill, and the applicant has demonstrated that a 2.4m x 43m visibility splay is achievable within the highway extent.
30. A privately owned footway between Ketts Hill and Spitalfields is to be provided, this will be useful for residents and for the general public to gain access to the rear of the dwellings and the on-street parking to the rear that offers limited waiting spaces which is useful for visitors.

31. The new dwellings will not be entitled to on-street parking permits, but four parking spaces are provided. A low car scheme is considered acceptable. The surrounding waiting restrictions with the CPZ will also help to manage any off-site parking issues.
32. A separate highway improvement scheme for Ketts Hill for a downhill bus lane and associated waiting restriction amendments on Ketts Hill and Spitalfields is currently under consideration by the highway authority. These proposals would be subject to consultation. Should this scheme come forward, limited waiting parking on Ketts Hill would be removed that are typically used by customers to adjacent businesses. As a consequence it would be expedient to make provision for a new parking bay on land between the former Ketts Hill Tavern and the proposed new dwellings. It is therefore welcome that land allocation for highway improvement purposes has been shown on the layout plan. As the parking bay is not consequent on the development to provide it, a planning condition is not recommended. As part of the improvement scheme a review of waiting restrictions on Ketts Hill and Spitalfields adjacent to the site would be undertaken by the highway authority. Should the Ketts Hill bus lane scheme obtain approval, it is then a civil matter between the applicant and the highway authority to construct the parking bay and associated footway and for that parking bay to be dedicated as highway at the cost of the Highway Authority.
33. Should the bus lane scheme not be implemented, then the parking bay would not be constructed and no changes to waiting restrictions would occur. There would be no detriment to the proposed housing for either scenario should the bus lane scheme be constructed or not.
34. During construction it will be necessary for contractor parking to be managed on-site and wheel washing to be undertaken.

### **Citywide Services**

35. The properties will be on individual alternate weekly collections. It's worth mentioning that even though the bin stores back on to Ketts Hill, they will need to be presented on the pavement for collection.

### **Norfolk historic environment service**

36. Based on the results of a site visit, no further archaeological work will be required and we won't be asking for conditions for archaeological work to be placed the above mentioned application.

### **Tree protection officer**

37. No objections from an arboricultural perspective. Conditions covering arboricultural works to facilitate development, works on site in accordance with AIA/AMS/TPP, and mitigatory replacement planting, should be applied.

### **Landscape**

38. The proposed development is functional but lacks character and well designed spaces for the residents. The site feels overcomplicated and fragmented.
39. Existing Trees: Retention of additional existing trees is positive.

40. Design/Layout: The overall layout of the site is stiff and without much space or character for the residents private space. The levels on the site are challenging but the proposed ramp in the communal garden takes up a lot of the usable space.
41. The amenity space to south west of site will provide some amenity and aesthetic value to the streetscape if well managed. The proposed trees could be used to greater effect, the layout seems stiff and the species selected are narrow in habit when there is space for larger / broader canopied native species which would be more beneficial for carbon capture, shading, air quality and ecology.
42. Residents' Gardens: The fences that 'divide' the garden spaces only form semi private spaces and with the addition of the bike stores and ASHPs the already small gardens become smaller. The landscape plan shows areas of shrub planting adjacent to the northern boundary, this will be a good way to soften the aesthetic of the fencing. The fences that divide the garden spaces could be hedges or green screens to add some environmental value. The additional planted areas are beneficial but the ramp in the western green space takes up much of the useable space and the seating posts do not provide adequate play or seating opportunities it would be better if either a bench or posts with a flat top (play logs) were installed.
43. North boundary: It is positive that T2 is now being retained. Retention of the majority of existing trees and vegetation is good creating a green buffer between the garden space and the road.
44. It is difficult to see without a full levels plan but from the 3D views it looks like the parking area is flat, to help reduce the level change between the parking and the unit entrances the parking area could be sloped? Request details of the retaining walls to the parking area.
45. South boundary: Brick walls to the front of the residential properties may look defensive, suggest a lower brick wall or hedge.
46. West: Existing building could be screened by a native hedge.
47. East: Good green buffer to eastern boundary, would be nice to see a larger native hedge species.
48. Proposed planting: provides seasonal interest and some benefits to local ecology. I would suggest bulbs are also introduced to the residents' communal gardens to add character and seasonal interest.
49. Proposed tree species are all fairly small, there is space for larger native species that will have a greater aesthetic and environmental benefit. The species selected are narrow in habit when there is space for larger / broader canopied native species which would be more beneficial for carbon capture, shading, air quality and ecology. This is of importance when providing a suitable replacement for the existing trees being removed.
50. Drainage: one small water butt is disappointing. The proposed attenuation tank improves runoff rates but it lacks any of the other environmental benefits of other SuDS features.
51. Hard Landscaping: materials are appropriate for the site and function.



52. Conclusion: No objection in principle. However, the proposed layout of the development creates an over complex landscape that does not sufficiently meet the needs of the future residents. The proposals should be amended to create a design with more useable space for residents. The species of replacement trees is particularly important and should be reconsidered.
53. Conditions for hard and soft landscaping together with tree protection should be applied to any permission.
54. Subsequent response to amended replacement tree planting: The revised species are a little better but could perhaps have included some bigger species. The Carpinus at least is a larger growing species. The trees could be planted at a bigger size than 8-10cm girth for more immediate impact.

## **Ecology**

55. The Preliminary Ecological Assessment (PEA) has been carried out by a suitably qualified Ecologist in accordance with best practice. The conclusions and recommendations of the report are supported.
56. It is recommended that proposals should retain as far as possible the mature trees on the site, including the red oak on the north-west corner within the car park. This is on the basis that the boundary could be considered potential S41 Priority Habitat "Lowland mixed woodland" of 'local' significance.
57. Scheme layout has been revised so that only 4 existing trees would require removal. There would probably be a net loss of biomass, although this is not considered/quantified in the Tree report. Site constraints could make further replacement planting difficult to achieve on-site. The northern boundary would be reinforced to some extent by shrub and other planting.
58. Hedgehogs are potentially present. Recommendations for enhancement are supported, including a minimum of 3 swift boxes be provided on the east-facing elevation.
59. The site landscaping includes few native species although the proposed planting schedule does include plants which would benefit pollinators. The open space will be seeded with a wildflower and grass mix.
60. No additional surveys are recommended, given that the larger sycamores are not proposed to be felled, and that clearance takes place outside of the bird breeding season. This is accepted.
61. Suggested Conditions: Mitigation Details [Bird and bat boxes], Bird Nesting Season, External lighting and Small mammal access.

## **Assessment of planning considerations**

### **Relevant development plan policies**

62. **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

**63. 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
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing

**Other material considerations**

**64. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF9 Promoting sustainable transport
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment
- NPPF16 Conserving and enhancing the historic environment

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

- Landscape and trees SPD adopted June 2016

**66. Advice Notes and Guidance**

- Water efficiency advice note October 2015
- Internal space standards information note March 2015

**Case Assessment**

- 67.** 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**

68. Key policies and NPPF paragraphs – JCS4, DM12, NPPF sections 5 and 11
69. The site is currently vacant but was last used predominantly for public parking and also as a garden serving the adjacent pub which has since closed and has planning permission for residential conversion. In its vacant state with unmaintained vegetation, the site is not making any significant positive contribution to local amenity. There is no policy objection to the permanent loss of the parking and pub garden and, in principle, the pub could re-open without being unacceptably compromised by the loss of the garden.
70. Representations have referred to the site is an open, green space. Whilst there are no boundary treatments preventing access, this site is not for use as amenity space by the public, is not subject to any designation as open space and no trees or habitat benefit from specific protections. There is not therefore any policy objection to development of the land. The loss of trees and other vegetation is considered below.
71. Policy DM12 allows for new residential development across the site, other than on sites subject to certain circumstances. The only listed circumstance applicable to this site is the location within a Health and Safety Executive consultation zone (for the gas holders) but consultation has confirmed the Executive would not advise against the development. The proposal would not compromise the delivery of any wider regeneration proposals, is consistent with objectives for sustainable development and is therefore acceptable in principle, subject to the detailed considerations below. Furthermore, this is under-utilised, brownfield land which section 11 of the NPPF encourages the promotion of more effective use to meet local housing needs.
72. The application is proposed by Broadland Development Services for Broadland Housing Association on land being acquired from the City Council. Funding has been secured for the development from the Government's 'Next Steps Accommodation Programme' which seeks to provide longer term move-on accommodation as part of the Covid 19 Rough Sleeping Response. The applicants have advised that in the longer term the housing would likely to be used for general needs housing offered at an affordable rent. It is not proposed as a shelter or other communal facility for the homeless. The seven dwellings are all proposed to have one bedroom each in response to an identified local need, as supported by the Housing Development comments above.
73. In accordance with paragraph 64 of the NPPF, affordable housing should not be sought for residential developments which are not major developments (i.e. less than 10 dwellings). Accordingly, the proposed affordable tenure cannot be secured by planning obligation should permission be granted and the application must be considered as market housing for any tenure (within the C3 use class). Furthermore, any planning permission granted would run with the land and not be particular to this applicant, so it is possible it could be constructed by or later sold on to any other party who may occupy it in a different tenure.

74. Weight cannot therefore be given to the intended provision of affordable accommodation or the benefits to former rough sleepers. However, the development would meet a local need for one bedroom dwellings and that is a benefit which can be given weight and secured through an approval.
75. One representation has suggested the housing should be for local people, however there is no policy basis on which to require this on any permission that may be granted.

## **Main issue 2: Design & heritage**

76. Key policies and NPPF paragraphs – JCS2, DM3, DM9, DM12, NPPF sections 12 and 16
77. The proposed layout has been subject to revisions since the application was first submitted as addressed below. The revised proposal is comprised of a terrace which follows the historic building line to the east, provides small front gardens to the street and individual gardens to the rear with a larger communal garden to the west, shared off-street parking and landscaped open spaces. The terraced form of housing with front and rear gardens reflects the housing east of the site along Ketts Hill and is considered a positive response to the site's setting.
78. The full width of the site is not occupied by housing. Instead, areas of open landscaping and an enclosed communal garden are provided each side of the terrace which have the benefit of providing green spaces in prominent positions within the streetscene, maintaining views towards Mousehold Heath and allowing buffers to neighbouring dwellings. The generous gap at the western end has also been dictated by the reservation of space for a potential future parking layby on Ketts Hill and required separation distances proposed underground drainage.
79. The two storey scale, dual-pitched roof form and walled front gardens also positively reflect local character, as would the red bricks and pantiles. More contemporary detail and interest is added to the design with projecting framing around windows and small flat storm porches.
80. As noted above in the Landscape response, there are some unresolved matters concerning the provision of level access and the use and quality of external spaces. Regrettably, it has not been possible to satisfactorily resolve these prior to the preparation of this report as the applicant is seeking for prompt determination of the application in order to meet the stringent timeframes required by the Government funding which requires commencement on site in February 2022 (if permission is granted). However, they are willing to work with officers to develop an improved external layout and landscape scheme and to submit and agree this by condition, should permission be granted.
81. Therefore, notwithstanding the external layout matters still to be agreed, it is considered that the development is a balanced response to the spatial constraints within and around the site and the design of the terrace would be a high quality contemporary interpretation of the positive local characteristics.
82. In terms of heritage, the space to the west of the terrace protects views of and the setting of the adjacent locally listed buildings. The development would be visible in long, filtered views to and from the City Centre and Thorpe Hamlet Conservation

Areas and be seen in the wider setting of statutorily listed Castle pub. By virtue of the distances and intervening development, as well as the small scale and appropriate design of the proposal, it is not considered the setting of these assets would be harmed. The impact on heritage assets is therefore considered to be negligible and the redevelopment of this under-utilised land to provide seven new dwellings would result in public benefits that outweigh any heritage harm.

83. An archaeological desk based assessment identifies low to moderate potential for archaeological remains on the site and this has been followed by trial trenching which confirmed there is no requirement for any further investigation and archaeological heritage assets would be harmed.

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

84. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8, 130 and 185-186.
85. Each dwelling would comply with minimum space standards for one bedroom, two person units and all habitable rooms would benefit from adequate outlook and natural light.
86. A noise impact assessment makes recommendations for glazing and ventilation to mitigate excessive noise harming the amenity of future occupiers and these measures should be secured by condition.
87. Externally, as acknowledged in relation to landscape, the rear gardens to each dwelling are small in size, accessed from a shared route and enclosed to each side by 1.2 metre high fencing. They would not therefore offer spacious, private areas and would be overshadowed by the terrace by virtue of their north-facing orientation. Furthermore, those towards the east would be enclosed by and overshadowed by the substantial trees along the northern boundary. These individual spaces would, however, be supplemented by a larger communal space with a south-facing aspect at the western end of the terrace that would provide an additional space for the enjoyment of occupiers and secured from external access. In addition, the site is adjacent to Mousehold Heath and has good access to other green spaces so in relation to Policy DM2 the overall standard of external amenity is considered acceptable. To ensure the gardens are not compromised by any future rear extensions, it is considered necessary to remove permitted development rights.
88. In 2016, planning permission was granted to convert the adjacent pub to a single dwelling (16/00527/U). Permission has subsequently been granted for the ground floor to be used as separate dwellings (18/00617/F and 20/00811/F). It is understood these permissions are all extant. They include the blocking up of the one side window facing the application site and provision of a 1.8 metre high timber fence along the shared boundary. There is sufficient distance between this dwelling and the proposed terrace to mitigate any unacceptable amenity impacts. The proposed footpath between Ketts Hill and Spitalfields would run close to the side elevation, but as the approval for conversion includes blocking up the only window here and there would be a planted margin to provide defensible space, it is not considered there would be any harmful impacts from its use.

89. To the east, the nearest neighbouring dwelling has ground and first floor windows facing the site. A 'Rights to Light' Report was submitted with the original proposal which considers the impact of the development on light to these windows in the context of this private legal matter. It concludes it is unlikely the development would cause an 'actionable loss of light' in relation to the legal rights to light position.
90. Subsequent to this, the position of the terrace has been moved approximately 2.5 metres closer to this dwelling. The established Building Research Establishment guidance for assessing impacts on daylight and sunlight in planning applications uses a guideline that if a development does not intersect a 25 degree line from neighbouring windows, there is unlikely to be a substantial impact on daylight. The revised drawings provide sufficient and accurate information to confirm that the development would not intersect this line. Furthermore, the proposed terrace is to the west so any shadow cast towards this neighbouring dwelling would be limited to later in the day.
91. There are two proposed windows on the end elevation facing this neighbour, one to a ground floor WC and one to stairs. It is considered appropriate for this WC and all rear bathroom windows to be obscure glazed but the window to the stairs and other windows would not result in any unacceptable overlooking or loss of privacy to any neighbouring dwellings. It is not considered nearby commercial uses would be compromised by the proposed development.
92. Representations have raised concern about the dwellings being occupied by former rough sleepers, including cumulative impacts from other local facilities, and anti-social behaviour, crime, safety and pest issues. These concerns are appreciated, however, as considered at paragraph 59 above, this must be assessed as a proposal for housing of any tenure. It would not be a homeless shelter. The applicant, who is an experienced provider of affordable housing and who would manage the site, may offer the dwellings to former rough sleepers, but no specific consideration should be given to this intention in the determination of the application. In any case, in planning terms there is no reason to consider residents of any tenure are more or less likely to give rise to amenity issues than any other. Bringing this site into a beneficial use with resident occupiers and managed landscaped areas should reduce, rather than increase, any issues with rodents and pests and provide increased surveillance within and around the site to deter anti-social behaviour and crime.
93. The potential for unexploded ordnance and unstable ground conditions have been investigated and mitigation measures and a piled foundation design are proposed.
94. It is noted the site is close to the Air Quality Management Area and by replacing a car park with seven dwellings served by four parking spaces, the reduction in traffic should be of benefit to local air quality.
95. A management plan for construction should be secured by condition to manage any adverse amenity impacts during this period.

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

96. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF section 9

97. The existing vehicular access off Spitalfields would be widened and this is acceptable to the Highway Authority, subject to securing the specification of the construction.
98. Representations have raised concern about the loss of parking from the site, the impact of the new housing on already limited parking and the under-provision of parking on-site. The site has not been available for parking for over a year and when it was, it is understood it was used by locals and commuters. There is no policy objection to the loss of provision and no identified need for a car park here. Parking on surrounding roads is managed with permit controls. It is noted representations have reported limited availability, but this proposal would not impact upon that as future occupiers would not be entitled to permits. Four car parking spaces are proposed to serve the seven dwellings which is in accordance with Policy DM32, as this is an appropriate location for low-car housing given the proximity to the city centre and availability of public transport.
99. Concern has also been raised about additional traffic generation, however the proposal would result in a significant net reduction of parking spaces on-site and thus reduce traffic movements in comparison to its former use.
100. The front boundary walls have been demonstrated not to impede the required visibility splay at the junction between Ketts Hill and Spitalfields to protect highway safety.
101. Refuse and cycle storage is proposed in accordance with standards in conveniently located and well-designed shelters.
102. The Highway Authority have developed a proposal for a bus lane downhill on Ketts Hill and associated improvements in the area around the application site. This is due to be subject to public consultation shortly and has already received some publicity.
103. The layout of this proposed housing development reserves space for a parallel parking lay-by on Ketts Hill to be provided in future by the Highway Authority. This would allow two parking spaces to be provided for visitors to the local businesses where an existing length of one hour spaces would be lost as a result of the bus lane development. In addition, the proposal incorporates a footpath giving direct access between Ketts Hill and Spitalfields adjacent to the former pub. The bus lane scheme proposes additional visitor parking spaces along Spitalfields, so this footpath, which would be available for the public to use (but not adopted), would provide a more direct route for customers to the businesses than walking around the perimeter of the site.
104. Pending the public consultation, there is no certainty at this stage that the bus lane proposal would be delivered, but it has been satisfactorily demonstrated that the proposed development of this site would not compromise its future delivery and, indeed, would facilitate some replacement parking and improved access. As the two schemes are independent of each other and the acceptability of the planning application is not contingent on the provision of any highway improvements, no conditions linking the two are necessary.
105. The proposal is therefore acceptable in respect of parking, highway and transportation matters subject to conditions securing management of traffic and

parking during construction and provision of vehicular access, car and cycle parking and refuse storage provided prior to first occupation.

## **Main issue 5: Trees**

106. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
107. Each road boundary around the site is occupied by trees of different species, size and value. In total there are 13 trees, with the most significant forming a group to the eastern end of the northern boundary and one individual red oak towards the northwest corner.
108. The original submission proposed removing eight trees to facilitate the construction of the terrace and parking. Seven of these trees were assessed to be category B which Policy DM7 seeks to retain in the first instance and there would have been a loss of biomass and biodiversity. The applicant was asked to re-consider the layout to retain as many existing trees as possible and explored different options. Some of these would result in other adverse impacts and compromise the quality of the development.
109. The revised layout which is now proposed results in the loss of four trees: three along the Ketts Hill frontage and one on the northern boundary to Spitalfields. These are all category B.
110. The three along Ketts Hill are relatively small in stature compared to those on the northern boundary but do make a positive contribution to the streetscene. Their removal is necessary to accommodate the terrace in a position which respects the historic building line to the east and does not encroach on the root protection areas of the trees to the rear, whilst also providing sufficient space for rear gardens.
111. The single tree to be removed on the northern boundary is an ash adjacent to the existing vehicular access point which is proposed to be widened to facilitate on-site parking. Other positions for parking have been explored but would result in adverse highway, parking and amenity issues. Vehicular access off this part of Spitalfields is considered the optimal location and this particular position results in the minimum required tree loss and allows for the retention of the more significant adjacent red oak.
112. In accordance with Policy DM7, trees should be retained as an integral part of developments, except where their long-term survival would be compromised by their age or physical condition or there are exceptional and overriding benefits in accepting their loss. With regards the latter point, development requiring the loss of category B trees, this is only permitted where:
  - a) the removal of a tree or hedgerow will enhance the survival or growth of other protected trees or hedgerows;*
  - b) it would allow for a substantially improved overall approach to the design and landscaping of the development that would outweigh the loss of any tree or hedgerow.*
113. It is considered that the applicant has been through a process of exploring options to retain all or more trees and the revised layout proposed is a balanced solution



which would provide a development that respects the historic street pattern, provides a high standard of amenity for future occupiers, protects the amenity of neighbouring occupiers, provides vehicular access and parking in a suitable and safe position and allows for a high quality landscape design.

114. The loss of these category B trees and the contribution they make to the streetscene and local amenity is regrettable, however in this instance it is considered to be necessary to facilitate the beneficial use of this vacant site to provide new dwellings in a way which does not unacceptably harm or compromise other factors.
115. Where tree loss is accepted in accordance with Policy DM7 criterion (a), replacement planting of at least equivalent value is required. Whilst the full details of a landscape scheme are yet to be agreed, details of ten replacement trees to be planted in the spaces to the east and west of the terrace have been submitted. The application notes two of the trees to be removed are ash and that ash dieback is present in the area so these have an uncertain future lifespan and the other two are whitebeam which is not a native species. The proposed replacement trees are estimated to be approximately 40% of the size of the existing whitebeam at the time of planting but would have a potential longer lifespan and all be native species, or varieties of. They acknowledge there would be a temporary decrease in the biomass of tree cover, but consider the overall planting on site (to include other soft landscaping) would increase biodiversity from the existing situation.
116. It is disappointing that a more objective means of assessing the value of trees to be removed and their replacement has not been provided (e.g. Defra's biodiversity metric). The future limitations of the four trees to be removed are noted, however it is considered that the replacement trees could be larger growing species and/or larger at the time of planting. The applicant's landscape consultant does not consider there is sufficient space within the site for larger growing species to be used and they would be too constrained to reach their full potential over their lifespan. They also do not consider there to be any advantage in planting trees of a larger size from experience of these not being as successful in establishing as the 8-10cm girth size proposed.
117. The ten proposed replacement trees would go some way to mitigating the four trees to be lost, both at the time of planting and over the lifetime of the development. However, as it is not the optimum solution nor objectively quantified, the proposal cannot be considered as fully compliant with the objectives of DM7 to provide equivalent biomass and it is considered necessary for the landscape scheme to be agreed by condition to also include revised proposals for replacement tree planting. Given the constraints on time to negotiate a better solution prior to preparation of this report and determination of this application, this will allow further room for discussion and negotiation to secure the optimum solution. In addition, the biomass and biodiversity value of all soft landscaping can be appraised as a whole in a comprehensive landscape scheme.
118. The trees to be retained still represent a constraint on development. There would be small areas of encroachment into root protection areas so a tree protection plan and method statement have been submitted and a condition ensuring compliance with these is necessary. In addition, the canopy of the trees towards the northeast corner would enclose and overshadow some of the rear gardens, even after some proposed reduction works. The amenity impacts of this are considered above and it

is acknowledged that throughout the lifetime of the development, these trees would compromise amenity for future occupiers and there may be pressure to reduce or remove them. It is, however, considered they can be retained as part of the development and any future pressure for tree works can be managed accordingly.

119. It is also noted that there is a tree to be retained adjacent to where the proposal reserves space for a potential future highway parking layby. Construction of any such works is likely to require removal of this tree and that would need to be agreed privately between the Highway Authority and land owner. As far as this planning application is concerned, the tree would remain as part of this proposed development and it must be considered on that basis.

## **Main issue 6: Biodiversity**

120. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 8, 170, 175-177.
121. An ecological assessment identifies the tree belt along Spitalfields may be used as a bat commuting and foraging area and by common birds and that the areas of mature trees could be considered as lowland mixed woodland which is a priority habitat of local importance in accordance with section 41 of the Natural Environment and Rural Communities Act (2006). The revisions to the layout reduce the loss of existing trees and retain the majority of this woodland area. Policy DM6 only allows for the substantial loss of priority habitat in exceptional circumstances and where it can be recreated or compensated for. The assessment considers the area of woodland lost to be very small and the habitat loss to not be significant, it is not therefore 'substantial' when considered in relation to DM6 but it should still be adequately compensated for on site.
122. The revisions to the layout have minimised the habitat loss and, as considered above, replacement tree planting would provide some on-site mitigation. Therefore in respect of minimising impact and mitigating loss on-site, the proposal can be considered broadly in accordance with DM6 and paragraphs 174(c) and 180 of the NPPF. However, the loss could be further mitigated and biodiversity gain enhanced with more robust replacement tree planting to be agreed by condition.
123. The assessment makes recommendations for the clearance of trees and other vegetation to take place outside the bird breeding season, lighting design to prevent trespass onto adjacent areas, control of non-native species and for surface water not to add additional pressure on discharges to the Wensum.
124. Enhancements are recommended in the assessment including bird and bat boxes, native tree and shrub planting and native grass seeding. These shall all need to be incorporated in the landscape scheme.
125. External lighting has been designed and sited to minimise light trespass to trees and beyond the site boundaries and surface water will be managed on-site without any direct discharge to the Wensum.
126. As well the landscape scheme incorporating the enhancement measures recommended, conditions concerning the time of works outside the bird nesting season, managing additional lighting and requiring provision of small mammal access gaps in fencing shall be necessary.

## Main issue 7: Drainage

127. Key policies and NPPF paragraphs – JCS1, DM5, NPPF section 14

128. There is risk of surface water flooding around the site and the development would increase the impermeable area, potentially exacerbating this risk. A drainage strategy demonstrates that it is not possible to infiltrate here, but proposes intercepting some roof run-off in a water butt and for the remainder to drain to an attenuation tank that would discharge to the surface water sewer. Parking and other surfaces would be permeable.

129. In accordance with the Lead Local Flood Authority's standing advice, sustainable urban drainage systems should address issues of water quality and quantity and be of benefit of amenity and biodiversity. Furthermore, the submitted ecology assessment recommended the use of green roofs. The applicant has been asked to consider how the drainage could incorporate additional amenity and biodiversity benefits but has not been able to do so within the constraints of the development.

130. Whilst this is regrettable, the proposed attenuated drainage strategy would satisfactorily manage the risk of surface water flooding to the development itself and around the site, use permeable surfaces and incorporate water storage, so it is in accordance with Policy DM5.

## Compliance with other relevant development plan policies

131. 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	JCS1 & JCS3	Yes subject to condition
Renewable energy	DM2, DM3	The plans indicate areas for air source heat pumps and solar panels. There is no policy requirement for renewable energy on this scale of development but details should be agreed by condition to consider the detailed appearance and any noise impacts.
Contamination	DM11	Site investigations identified contamination and a remediation method statement has been submitted which proposes a soil cover system. This is acceptable and should be secured by condition.

## Equalities and diversity issues

132. There are no equality or diversity issues.

## S106 Obligations

133. As noted above, the intention to offer these dwellings for affordable rent to people in need is welcomed, however, in accordance with paragraphs 57 and 64 of the

NPPF, it is not appropriate to require this by planning obligation on this scale of development.

### **Local finance considerations**

134. 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**

135. The application proposes developing a former car park and pub garden to provide seven no. one bedroom dwellings to meet an identified local need. The design approach is considered appropriate for the area and there are no unacceptable impacts in terms of amenity, highways, drainage or contamination which cannot be satisfactorily mitigated by condition.
136. Four existing category B trees, including a small area of locally significant priority habitat, would be lost to facilitate the development. This is considered to be justified to allow for a site layout which supports the beneficial redevelopment of this under-utilised brownfield land for housing without unacceptably harming other factors. Replacement planting is necessary to mitigate this loss and can be agreed by condition to secure the optimum solution to restore biomass, habitat and biodiversity interest.
137. This replacement tree planting should be incorporated in a comprehensive landscape scheme to provide a high quality development for the enjoyment of residents and to positively contribute to local character and amenity whilst also enhancing biodiversity. This can be satisfactorily dealt with by condition subsequent to any permission being issued.
138. When assessed as a whole, this is a proposal to deliver seven new homes to meet an identified local need on a vacant area of brownfield land which would result in. benefits to local housing supply and amenity.
139. The development is therefore considered to be 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 21/01361/F Construction of 7no. dwellings with associated infrastructure works on land adjacent 29 Ketts Hill, Norwich and grant planning permission subject to the following conditions:

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

3. Agreement of landscape scheme to incorporate replacement tree planting and subsequent implementation and maintenance;
4. Compliance with construction management plan;
5. Arboricultural works to facilitate development;
6. Works on site in accordance with arboricultural impact assessment, method statement and protection plan;
7. Compliance with remediation method statement and subsequent verification;
8. Works outside bird nesting season;
9. Noise protection to building envelope;
10. Noise mitigation measures to windows facing Ketts Hill;
11. Details of renewable energy prior to installation;
12. Bat and bird boxes provided prior to first occupation;
13. No external lighting other than in accordance with submitted details;
14. Small mammal access gaps in fencing;
15. Provision of surface water drainage and subsequent maintenance;
16. Vehicular access, car and cycle parking and refuse storage provided prior to first occupation;
17. Unknown contamination;
18. Imported material;
19. Bathroom windows to be obscure glazed;
20. Removed permitted development rights for extensions;
21. Water efficiency.

and specifications  
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# Site Legend

- Existing asphalt (footpath)
- New asphalt to match existing
- Paving Slabs
- Loose gravel
- Gravel with geo grid
- Hedge
- Grass
- Maintained Planting
- Vision splay
- Option for Solar Panel
- Tree to be retained (RPA)
- Tree to be removed (RPA)
- Log perch seat
- External Lighting
- Boundary Line
- Ramps

- CBF1.8m 1.8m close boarded fence
- BW1.2m 1.2m high brick wall with capping detail
- BW1.4m 1.4m high brick wall with capping detail
- BW1.8m 1.8m high brick wall with capping detail
- CL1.2m 1.2m chain link fence (timber post)
- CBF1.2m 1.2m close boarded fence
- CBF1.5m 1.5m close boarded fence
- CBG1.35m 1.35m close boarded gate
- H1.5m 1.5m native hedge
- H1.2m 1.2m native hedge
- MH1.5m 1.5m metallic hoop fence



PI1 Approved for Planning	26.12.21	26
PI2 Approved for Planning	26.11.21	26
PI3 Approved for Planning	26.11.21	26
PI4 Approved for Planning	26.11.21	26
PI5 Approved for Planning	26.11.21	26
PI6 Approved for Planning	26.11.21	26
PI7 Approved for Planning	26.11.21	26
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PI100 Approved for Planning	26.11.21	26

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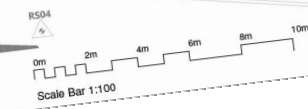
Project:  
**Ketts Hill**  
Norwich

Client:  
**Broadland Development Services**

Site:  
**Proposed Site Layout**

Grading Number:  
**KETH-H-W-SA-XX-DR-01**

Status:  
**PLANNING**



Proposed Site Plan





Front Elevation



Rear Elevation



Left Elevation



Right Elevation

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All dimensions are to be checked and verified on site by the Main Contractor prior to commencement; any discrepancies are to be reported to the Contract Administration.

This drawing is to be read in conjunction with all other relevant drawings and specifications.

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## Material Legend

1 : 50

- (1.0) Red Brick
- (2.0) Grey Pantile
- (3.0) Dark Grey Extruded Frame
- (4.0) Dark Grey UPVC Casement Windows
- (5.0) Black UPVC Rain Water Goods
- (6.0) Cant Brick Sill to Rear Windows

PS	Issued to Planning	15.12.21	JK
PS	Issued to Planning	30.11.21	JK
PS	Issued to Project Team	15.11.21	JK
PS	Issued to Planning	28.10.21	JK
PS	Issued to Planning	15.10.21	JK
PS	Issued to Planning	25.09.21	JK
Rev	Comment	Date	Chk
304967	Scale @ A1: As Indicated	Drawn By: JK	Chk: JK



## Vision, form and function

Project:  
Ketts Hill  
Norwich

Client:  
Broadland Development Services

Title:  
Proposed Elevations

Drawing Number:		
KETHH-IW-XX-XX-DR-A-1002		
Status:	Purpose of Issue:	Revision:
D5	PLANNING	P6

