

Report for Resolution

Report to Planning Applications Committee
Date 03 July 2014
Report of Head of Planning Services
Subject 14/00613/O Land Between 335 And 337 Dereham Road

Item
5(3)

SUMMARY

Description:	Outline application for the erection of 1 No. three bedroom dwelling.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Wensum
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	1st May 2014
Applicant:	Norfolk County Council
Agent:	NPS Property Consultants Ltd

INTRODUCTION

The Site

Location and Context

1. The site is located on the north side of Dereham Road between numbers 335 and 337 and the surrounding area is predominantly residential. The playground and sports field of Wensum Junior School is located to the rear of the site to the north.
2. The piece of land the subject of this application is currently undeveloped but rented out by Norfolk County Council to the occupants of 337 Dereham Road for use as additional garden space.

Constraints

3. The site is located within 500m of Heigham Waterworks. The HSE has not advised against the granting of planning permission on health and safety grounds in this case.

Planning History

4. 4/90/0564/S – Use of land for residential development between 335 and 337 Dereham Road with the reserved matters of siting, design and external appearance, means of access and landscaping of the development conditioned – approved in 1990..

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

5. The application seeks outline planning permission for the erection of 1 No. three bedroom dwelling with approval sought for the reserved matter of access only.

Representations Received

6. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received.

Issues Raised	Response
What is to become of "Finch Road" and right of way between the park entrance?	Para. 23
Why have we not been offered the piece of land in question and will we be compensated for the money already paid for the annual rent of the land?	Para. 24
The loss of the land will have an adverse impact upon the enjoyment of the neighbouring property.	Para 25
Loss of light and privacy	Para. 12-14 and 26
The driveway leading to the garage of 337 Dereham Road at the rear of the site should be no less than 8 feet across. The proposed plan does not adequately reflect this agreement of 8 feet.	Para. 18
Concern that the proposed dwelling will block the view from the side window	Para 26

Consultation Responses

7. Health and Safety Executive (HSE) – "The HSE does not advise, on safety grounds, against the granting of planning permission in this case."

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Section 4 – Promoting sustainable transport

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

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

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2014

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design

Policy 3 – Energy and water
Policy 4 – Housing delivery
Policy 6 – Access and transportation
Policy 9 – Strategy for growth in the Norwich Policy Area
Policy 12 – Remainder of Norwich area
Policy 20 - Implementation

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

NE3 - Tree protection, control of cutting and lopping
NE8 - Management of features of wildlife importance and biodiversity
NE9 - Comprehensive landscaping scheme and tree planting
HBE12 - High quality of design in new developments
EP3 – Health and Safety consultations
EP16 - Water conservation and sustainable drainage systems
EP22 - High standard of amenity for residential occupiers
HOU13 – Proposals for new housing development on other sites
TRA6 - Parking standards - maxima
TRA7 - Cycle parking standards
TRA8 - Servicing provision

**Supplementary Planning Guidance, Supplementary Planning Documents
Development Management Policies Development Plan Document – Pre-submission policies (April 2013)**

Procedural Matters Relating to the Development Plan and the NPPF

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. The 2014 JCS policies are considered compliant, but some of the 2004 RLP policies are considered to be only partially compliant with the NPPF, and as such those particular policies are given lesser weight in the assessment of this application. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most of these to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Emerging DM Policies:

DM1 Achieving and delivering sustainable development
DM2* Ensuring satisfactory living and working conditions
DM3* Delivering high quality design
DM6* Protecting and enhancing the natural environment
DM7 Trees and development
DM30* Access and highway safety
DM31 * Car parking and servicing

* These policies are currently subject to objections or issues being raised at pre-submission stage and so only minimal weight has been applied in its context. However, the main thrust of ensuring adequate design is held in place through the relevant Local Plan policies listed above.

A recent appeal decision has identified that the council does not have a five-year housing land supply for the greater Norwich area. Under paragraph 49 of the NPPF, housing policies within a local plan should be considered not up-to-date if there is no demonstrable five year housing land supply. In this instance this means that policy HOU13 of the local plan can be given no weight in determining this planning application.

The NPPF states that where a 5 year land supply cannot be demonstrated, applications for housing should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date.

Since the Norwich Policy Area does not currently have a 5 year land supply, Local Plan policies for housing supply are not up-to-date. As a result the NPPF requires planning permission to be granted unless:

- "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits ... or
- Specific policies in the NPPF indicate development should be restricted".

Other Material Considerations including:

Written Ministerial Statement: Planning for Growth March 2011

Interim statement on the off-site provision of affordable housing December 2011

The Localism Act 2011 – s143 Local Finance Considerations

National Planning Policy Guidance (NPPG) (March 2014)

Principle of Development

Policy Considerations

8. The application is for outline planning permission with approval sought only for the reserved matter of access. Consent was previously granted for a single dwelling in 1990.
9. There is a presumption in favour of sustainable development, as identified within the National Planning Policy Framework 2011 (NPPF). This requires development that accords with the development plan should be approved without delay. The acceptability of the proposed development in terms of the development plan is now considered further.
10. The site is located on an undeveloped piece of land in an established residential area. The site is well served by public transport links to the city centre and surrounding area where a variety of shops and services are available. The principle of residential development on the site is therefore considered to be acceptable subject to satisfying the requirements of development plan policies.
11. This application seeks approval only for the reserved matter of access, with appearance, landscaping, layout and scale remaining to be agreed as reserved matters.

Impact on Living Conditions

12. Both layout and scale are reserved matters to be determined at a later stage. At the point at which the matters of layout and scale are assessed it will be important to ensure that the development does not impact negatively upon the residential amenity of neighbouring properties with regard to potential overshadowing, overlooking, noise and any sense of overbearing. There is no requirement for the applicant to provide upper and lower limits of the development but indicative drawings have been included as part of the application. The drawings and accompanying design and access statement indicate the proposed dwelling consistent with the form, appearance and scale of surrounding properties. Whilst the precise appearance and scale of the dwelling will need to be agreed within reserved matters, sufficient information has been submitted to provide confidence that an acceptable design can be achieved at the site.
13. Landscaping details are also reserved to be determined at a later date. The site benefits from sufficient space to be able to provide a satisfactory level of outdoor amenity space for future occupants as well as a dedicated area for refuse/cycle storage. This is reflected in the indicative plans submitted.
14. Landscaping details should also soften the overall appearance of the development with suitable boundary treatments ensuring the privacy of future residents without impacting negatively upon neighbouring residents.

Design

Layout

15. The final appearance, materials and design are reserved to be agreed. The final design should be consistent with the form and appearance of adjacent properties in the street scene. The indicative plans demonstrate that such a design can be achieved with a two-storey dwelling, featuring a double height projecting bay, which is common amongst existing detached properties located further west along Dereham Road.

Transport and Access

Access and Servicing

16. Access details have been submitted for approval. The site benefits from an existing vehicle crossover that is suitable for the proposed use. The access arrangements also provide sufficient turning space to allow vehicles to exit the site in a forward gear onto Dereham Road.
17. The indicative plans submitted show provision for refuse storage. It would be advantageous if residents could wheel bins onto hard standing for ease of collection but this detail can be addressed as part of any reserved landscaping/layout details to be agreed at a future date.
18. The applicant has stated that the adjoining properties 335 and 337 Dereham Road both have a right of way over the side driveway and that these rights are written into the deeds for each property. The illustrative layout plan demonstrates that the shared access drive is retained allowing both 335 and 337 access to the rear of their properties where their garages are located. The width of the driveway has been measured at 2.44 metres (8 feet), which is sufficiently wide enough to serve as a vehicular access.

19. 337 Dereham Road has been designed with the front door fronting east onto the plot of land the subject of this application. Unlike the neighbouring property to the east (number 335), number 337 has a door and windows on the side elevation. The shared access drive will ensure that a buffer exists between the proposed development and number 337, which will lessen any sense of overbearing that may otherwise be created by the proposed development being in closer proximity. Careful consideration to scale, layout and design at reserved matters stage will ensure that the proposed development doesn't result in an unacceptable level of harm to the amenity of neighbouring properties.

Car and Cycle Parking

20. The indicative layout plan shows secure and covered cycle parking as well as two car parking spaces. This would accord with the maximum standards set out in the appendices for both the adopted Local Plan and emerging Development Management Plan.

Water Conservation

21. The new dwelling needs to meet Code for Sustainable Homes Level 4 for water, (water usage of only 105 litres per person per day). A condition is recommended to ensure this is achieved.

Trees and Landscaping

22. The proposal is acceptable in principle in terms of arboricultural impact but an Arboricultural Impact Assessment (AIA) would be required at reserved matters stage. The AIA should include those trees located on the edge of the field to the rear of the site.

Other Issues Raised

23. Concern has been raised regarding the shared right of access of the side driveway also referred to as "Finch Road". The matter of access has been included within this outline application for approval. The layout plan and design and access statement identify the shared rights of access over the side driveway and also its preservation in order to protect the rights of access of both numbers 335 and 337 Dereham Road.

24. The occupant of number 337 Dereham Road currently has a lease arrangement in place with NPS, as agents working on behalf of Norfolk County Council, to use the site in question for use as garden space. The issue has been raised as to why this area of land has not been offered to number 337 and whether compensation will be offered for the amount of annual rent already paid. The applicant has indicated that a legal process has begun to terminate this contract. This is a legal matter and cannot be considered as part of the assessment for this planning application.

25. An objection has also been received stating that the loss of this piece of land will harm the enjoyment of the residents currently renting it out. Whilst this may be the case and is regrettable, the application site is in separate ownership and the termination of the lease agreement allowing its use by the neighbouring property cannot be considered material to this application. Number 337 Dereham Road benefits from garden space at front and rear, sufficient in size to serve the detached dwelling.

26. Concern has been raised that the proposed development will block the view from the side window on number 337 Dereham Road. The loss of a view cannot be considered as a material planning consideration. Appearance and scale will need to be approved

within a reserved matters application at a future date, and careful consideration will need to be given in ensuring no significant harm to the residential amenity of neighbouring properties in terms of overlooking, overshadowing and any sense of overbearing.

Local Finance Considerations

27. Under Section 143 of the Localism Act the council is required to consider the impact on local finances. It is a material consideration when assessing this application. The benefits from the finance contributions for the council however must be weighed against the above planning issues.

Financial Liability	Liable?	Amount
New Homes Bonus	Yes	Based on council tax band. Payment of one monthly council tax amount per year for six years
Council Tax	Yes	Band not yet known
Community Infrastructure Levy	Yes – unless self build exemption applies.	£75 per square metre. Internal living space of dwelling is not yet known.

Conclusions

28. The site is in an accessible location well served by public transport links to the city centre and surrounding area where a variety of shops and services are available. The access details included within this application are acceptable and ensure the retention of the shared access drive for both neighbouring properties as well as enabling vehicles to safely exit the site in a forward gear. Based upon the indicative information it is considered that a scheme can come forward at the reserved matters stage that satisfactorily preserves the amenity of neighbouring residents and be of an acceptable design standard.

29. Subject to agreement of reserved matters relating to appearance, landscaping, layout and scale, and conditions relating to tree protection and water conservation, the development is considered acceptable and in accordance with Sections 4, 6, 7, 10 and 11 of the National Planning Policy Framework (March 2012), Policies 1, 2, 3, 4, 6, 9, 12 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), saved policies NE3, NE8, NE9, EP3, EP16, EP22, HBE12, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan (2004), relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations

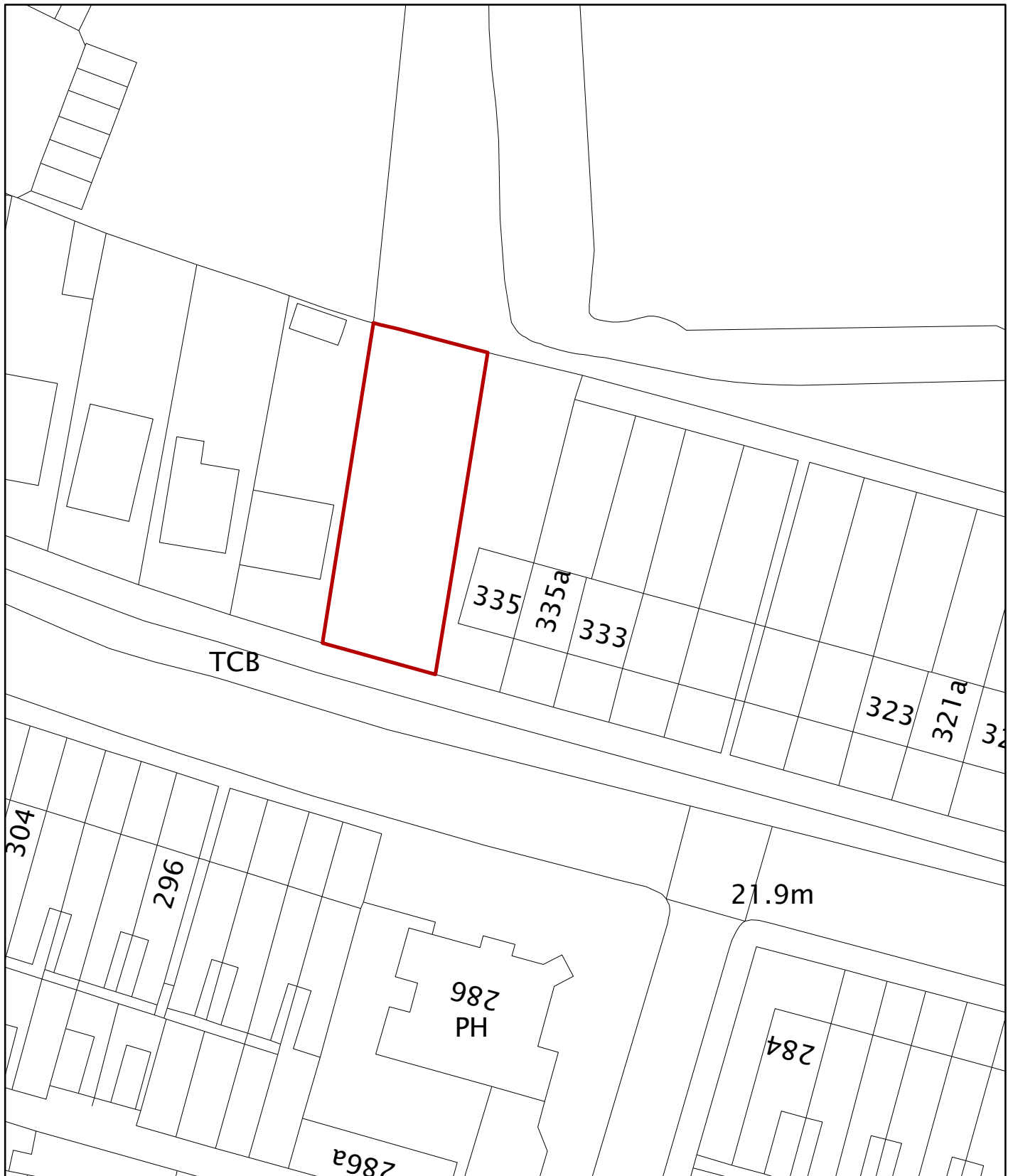
RECOMMENDATIONS

To approve Application ref.14/00613/O at land between 335 and 337 Dereham Road and grant planning permission, subject to the following conditions:

- 1) Standard time limit for outline application.
- 2) No development until approval of reserved matters including appearance, landscaping, layout and scale.
- 3) Development in accordance with plans in respect to access.
- 4) Water conservation.
- 5) No development in pursuance of this permission until an AIA has been submitted and approved in writing by the local planning authority.
- 6) Details of secure cycling storage and refuge storage.

Informatives:

- 1) Refuse and recycling bins to be purchased by applicant with agreement from the Council's city wide services department.
- 2) Any hard standing to be of a permeable material.
- 3) Street name and numbering enquiries.
- 4) Construction working hours.
- 5) Outline permission only, no permission granted for specific layout or design of development. However ,a single storey or more than two storey property is unlikely to be considered an acceptable design as it would be out of character with the surrounding area. Further submission of reserved matters required.



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Planning Application No 14/00613/O

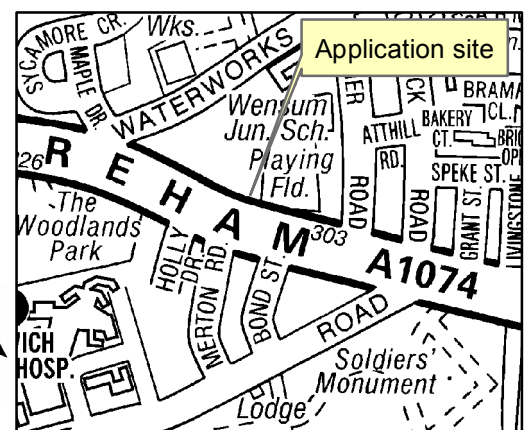
Site Address Land between 335 and 337
Dereham Road

Scale 1:500

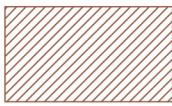


NORWICH
City Council

PLANNING SERVICES



KEY



Land with existing rights of access for 335 (1984 deed) & 337 (1985 deed) Dereham Road

1.8m close boarded fence

parking

parking

Shed

1.8m close boarded fence

Position of Dwelling For Illustrative Purposes Only
Access to be Fixed as Shown

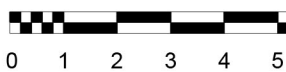
Bins

1.m timber pallisade fence

Hedge

2.44m (8ft)

SCALE IN METRES



0 1 2 3 4 5

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A 16 04 14 fence and access revised

REV	DATE	DESCRIPTION

Address.

Land between 335 and 337 Dereham Road Norwich Norfolk

Title.

Illustrative Site Layout Plan

Plan No.

01-01-13-2-1344/03

Scale

1:100 @ A3

Date:

March 2014

DRAWN BY

RG

CHECKED BY

RS

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