

**Report to** Planning applications committee

**Item**

14 September 2017

**Report of** Head of planning services

**Subject**

Application no 17/01022/F - Heath House, 99 Gertrude Road, Norwich, NR3 4SG

**Reason**

**for referral**

Objection

4(a)

---

|                     |  |
|---------------------|--|
| <b>Ward:</b>        | Sewell   |
| <b>Case officer</b> | Robert Webb - <a href="mailto:robertwebb@norwich.gov.uk">robertwebb@norwich.gov.uk</a> |

| Development proposal   |         |         |
|--|---------|---------|
| Redevelopment of bowling green to 4 no. dwellings and car parking. |         |         |
| Representations  |         |         |
| Object   | Comment | Support |
| 8  | 0       | 0       |

| Main issues           | Key considerations                                |
|-----------------------|---|
| 1                     | Principle of development                          |
| 2                     | Design  |
| 3                     | Heritage  |
| 4                     | Trees   |
| 5                     | Transport and servicing                           |
| 6                     | Amenity   |
| 7                     | Energy and water                                  |
| 8                     | Flood risk  |
| 9                     | Biodiversity                                      |
| <b>Expiry date</b>    | 16 August 2017 (agreed extension to 21 September) |
| <b>Recommendation</b> | Approval  |



## The site and surroundings

1. The site is a bowling green set back behind the Heath House Public House and is predominantly laid to lawn, with some small ancillary buildings on the northern boundary. It is surrounded by a number of mature trees, some of which are subject to Tree Preservation Orders. The site is surrounded by two storey residential development and associated gardens comprising flats in Garrett Court to the west and houses in Violet Road and Malty Court to the south and east respectively, with the pub being directly to the north. There is vehicle access to the green along the side of the pub on Gertrude Road, with steps leading down the green itself.

## Constraints

2. The bowling green is designated as protected open space under policy DM8 of the Norwich Local Plan Development Management policies document. The site has a number of trees which are subject to Tree Preservation Orders. It is also within a critical drainage area. The public house is a locally listed building.

## Relevant planning history

- 3.

| Ref        | Proposal   | Decision | Date       |
|------------|--|----------|------------|
| 16/00860/F | Redevelopment of bowling green to 4 no. dwellings and car parking. | Refused  | 15/12/2016 |

## The proposal

4. The proposal is the redevelopment of the bowling green to provide 4 three bedroom dwellings in a terraced row, including parking, gardens and vehicular access. The application follows an earlier refusal, due to concerns about the particular design proposed and the lack of any mitigation for the loss of the bowling green as open space. Since that time pre-application discussions have taken place with the applicant, which has resulted in the current proposal.

## Summary information

| Proposal                    | Key facts                           |
|-----------------------------|-------------------------------------|
| <b>Scale</b>                |                                     |
| Total no. of dwellings      | 4                                   |
| No. of affordable dwellings | 0                                   |
| Total floorspace            | 1 x dwelling = approximately 130sqm |

| Proposal                                | Key facts  |
|---|--|
|   | 1 x dwelling = approximately 120sqm<br>1 x dwelling = approximately 117sqm<br>1 x dwelling = approximately 100sqm<br>(All dwellings meet the National Minimum Space Standards) |
| No. of storeys                          | 2  |
| Max. height                             | Ridge height – 8.3m approx. Eaves height – 5m approx..   |
| Density                                 | 28 dwellings per hectare   |
| <b>Appearance</b>                       |  |
| Materials                               | Walls: Red facing brick<br>Roof: Clay pantiles<br>Doors: Composite<br>Windows: White UPVC  |
| Energy and resource efficiency measures | To be agreed by condition  |
| <b>Transport matters</b>                |  |
| Vehicular access                        | From Gertrude Road   |
| No of car parking spaces                | 8 spaces   |
| No of cycle parking spaces              | Each property to have cycle shed   |
| Servicing arrangements                  | Bin collection point accessed via gate from Maltby Court.  |

## Representations

5. Adjacent and neighbouring properties have been notified in writing. 8 individual representations have been received 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.

| <b>Issues raised</b>                         | <b>Response</b>     |
|--|---------------------|
| Loss of bowling green                        | Main issue 1        |
| Loss of trees and wildlife                   | Main issues 4 and 9 |
| Out of scale and character with the area     | Main issue 2        |
| Poor drainage at the site                    | Main issue 8        |
| Loss of privacy to properties on Violet Road | Main issue 6        |
| Inadequate parking                           | Main issue 5        |
| Overshadowing to flats in Garrett Court      | Main issue 6        |

## Consultation responses

6. 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.

### Highways (local)

7. No objection in principle on highway/transportation grounds subject to resolution of parking layout and refuse storage details. It would be reassuring if the car park layout and servicing arrangements for the extant public house was shown with this application.
8. We must ensure that the PH is not compromised by this development. As a local pub, much trade is likely to be on foot, but some patrons will travel by car, and ideally this would be accommodated on site to minimise parking pressure on the adjacent road.
9. The site access to Gertrude Road is acceptable, as is the general layout of the site. As always for aesthetic and porosity, block paving is preferred to asphalt as a surface material.

### Tree protection officer

10. I have carried out a site visit and agree with the findings of the Arb Impact Assessment/Arb Method Statement submitted by AT Coombes. I have no objections to the proposal from an arboricultural perspective, but it is essential that all the recommendations contained within the reports are fully implemented to ensure the successful protection/retention of the trees remaining on site. It is imperative that arboricultural supervision and monitoring is carried out prior to, and during, construction.

## **Norwich Society**

9. We consider the height and scale of the development to be out of proportion to the surroundings. (Comments based on original plans)

## **Assessment of planning considerations**

### **Relevant development plan policies**

**11. 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
- JCS8 Culture, leisure and entertainment
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

**12. 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
- DM4 Providing for renewable and low carbon energy
- DM5 Planning effectively for flood resilience
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM12 Ensuring well-planned housing development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM33 Planning obligations and development viability

### **Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF8 Promoting healthy communities

- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

## **Case Assessment**

14. 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 including loss of open space**

15. Key policies and NPPF paragraphs – DM8, DM12, JCS1, NPPF paragraphs 14, 49 and 74.
16. The site is within a sustainable location, close to Sprowston Road local centre, and not far from the city centre and Mousehold Heath. However the bowling green is designated as a protected open space within the local plan, and as such development of the site is subject to the criteria set out within policy DM8. This policy requires that for sites primarily used for sport and recreation purposes, the proposal should result in a qualitative or quantitative improvement to recreational facilities (either within the open space or on an alternative accessible site in the locality). In addition the benefits to sport or recreation should outweigh the loss of the open space.
17. The site is relatively small so it would not be feasible to develop the site for housing and retain any meaningful recreational facilities. As a result the applicant has agreed to provide a sum of £15,000 towards the improvement of an off-site recreational facility/open space. This would be secured via a unilateral undertaking and would be paid prior to commencement of development on site. The pitch and putt golf course at Mousehold Heath has provisionally been identified as a public sports facility that could benefit from this funding, however it could be directed towards a different local recreational facility if required.
18. The site is not currently used for bowling, and although it is not inconceivable that it could be used for this purpose in the future, it appears unlikely. Therefore obtaining a financial contribution towards improvements to another facility is considered to represent a material benefit over the current situation where the bowling green is not being used.
19. In addition, the policy requires that:
  - a) development leading to the loss of open space in general should not cause significant harm to the amenity or biodiversity value of the open space; and

- b) an assessment shows that the site is no longer required for or is demonstrably unsuitable for its original intended purpose; and
  - c) there is no viable or reasonably practicable means of restoring or re-using it for an alternative form of open space.
20. With regard to criterion (a), whilst it is recognised that development of the site would inevitably cause some harm to the current open character of the green, the majority of the mature trees would be protected, and the design is considered sensitive to the surrounding characteristics of the area. It is therefore considered that significant harm would not be caused. This matter is considered in more detail in the following sections of this report.
  21. In terms of criterion (b), the applicant has stated that the site has not been used as a bowling green since late 2015, when the remaining members moved to the club at Sprowston. It is further stated that the numbers of clubs using the green has declined steadily over the last 15 years from 3 clubs to 1 when activity ceased. In addition the applicant makes reference to the lack of disabled access to the green, and the fact that it has no dedicated parking area or lights.
  22. Evidence from the Greater Norwich Area Playing Pitch Assessment (October 2014) is cited by the applicant, which concluded that there was no demand for additional bowling greens in the city, and that none of the existing greens appeared to be at capacity. The report recognised that a reduction in the number of greens/clubs could be absorbed.
  23. It is considered that sufficient justification has been made to meet the requirements of criterion (b).
  24. In terms of the requirement of criterion (c), information has been provided by the applicant to confirm that conversion to a beer garden or play area would not be practicable. It is further emphasised that the site is within close proximity to Mousehold Heath. Whilst it is not considered out of the question that the site could be used for an alternative form of open space, the application is considered in the context of the lack of a five-year housing land supply in the Norwich Policy Area and also on the basis that a financial contribution towards off-site improvements has been offered. For these reasons it is not considered justified to refuse the application on the basis of any conflict with criterion (c).
  25. For these reasons, the principle of development in this instance is considered acceptable, subject to the detailed consideration of the application under relevant planning policies.

## **Main issue 2: Design**

26. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
27. Negotiations have taken place during the application process to ensure a satisfactory design. This takes the form of a two storey terraced row with projecting gables at either end. Materials would include red bricks and clay pantiles, which would be in keeping with the characteristics of the area. The design has been modified to include a lower ridge height and the deletion of rooms in the roof which ensures the scale of development would now respect the surrounding buildings.



The design would sit comfortably in its context, being surrounded by existing two storey residential developments.

### **Main issue 3: Heritage**

28. Key policies and NPPF paragraphs – DM9, NPPF paragraphs 128-141.
29. The pub is a locally listed building and therefore care needs to be taken to ensure the development does not harm its setting. The new dwellings would not affect the principle elevation of the pub, given they are sited to the rear. In addition they would be set back from Gertrude Road and at a lower level to the pub. The design and appearance of the dwellings would not detract from the character of the pub. Details of adequate boundary treatments between the pub and development site should be sought by condition.

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

30. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
31. There are a number of trees which are subject to preservation orders and these would be protected and retained as part of the proposal. These include mature silver birch and yew trees on the southern boundary which are category B trees, and three copper beech trees along the eastern boundary which are category A. Two trees would be removed, these are common limes on the western side of the green which are category C trees. The Council's Arboricultural officer raises no objection to the impact on trees, subject to the imposition of conditions. Replacement planting would be sought by condition.

### **Main issue 5: Transport and servicing**

32. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
33. Two parking spaces are provided for each dwelling and also cycle storage sheds would be made available for each property which complies with parking standards in the local plan. Whilst objections have been made about the level of parking provision and potential impact on parking congestion the amount proposed is considered to be more than adequate. The Highway Officer raises no objection to the proposal on highways grounds.
34. A bin collection point would be provided next to Maltby Court, where residents would be able to present their bins for collection. The transport impacts and servicing arrangements of the proposal are considered acceptable.
35. Whilst the proposal would lead to the loss of a small parking area currently available for users of the pub, a further small parking and servicing area would remain which could be directly accessed from Gertrude Road. This is considered acceptable.

### **Main issue 6: Amenity**

36. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.

37. In terms of occupier amenity, the dwellings proposed exceed the national minimum space standards. Each dwelling would be provided with a private garden, and although these are somewhat small, they are considered acceptable given the city location and the very close proximity of the site to substantial open space at Mousehold Heath.
38. Regarding impact on surrounding occupiers, the proposal has been modified to reduce impacts, including a reduction of the height and a slight movement of the footprint away from the boundary with the flats at Garratt Court. In addition directly facing windows have been avoided where they would be at close proximity to existing dwellings. It is considered that whilst the proposal would be a noticeable change for existing residents, no material harm would be caused.
39. The proposal would not cause material overshadowing or loss of sunlight because it meets Building Research Establishment (BRE) standards in terms of separation distance and height compared to the neighbouring dwellings. The relatively blank elevation on the western elevation of the build would maintain privacy for the flats in Garratt Court, and a condition is recommended to maintain this. The separation distance from the properties in Violet Road of approximately 21 metres is adequate to ensure the impacts are acceptable in that regard in terms of directly facing windows.

#### **Main issue 7: Energy and water**

40. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
41. A condition is recommended to ensure the proposal complies with the policy requirement that the dwellings meet the requirement of 110 litres/person/day in terms of water efficiency.

#### **Main issue 8: Flood risk**

42. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
43. The site is within a critical drainage area as designated by the local plan, however it is considered feasible that a suitable drainage scheme could be designed to mitigate flood risk. Further details of this would be sought by condition and the scheme would be expected to maximise permeable surfacing and water attenuation measures via condition.

#### **Main issue 9: Biodiversity**

44. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
45. The site has ecological value in terms of the trees however the majority of these would be retained as part of the proposal. The green itself would generally be expected to have low ecological value given its previous use. The site has the potential to provide bat/bird boxes and replacement planting to ensure some mitigation/enhancement is provided to ecological features. Overall the development of the site would not cause material harm to biodiversity, providing suitable landscaping and ecology measures are sought by condition.

## **Other matters**

46. A number of residents have raised concerns about the impact of construction works, however this is not a material planning matter in the determination of the application.
47. The proposal is CIL liable, in addition to the contribution towards open space improvements.

## **Equalities and diversity issues**

48. There are no significant equality or diversity issues.

## **Local finance considerations**

49. 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.
50. 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.
51. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

52. Although the proposal would lead to the loss of the bowling green which is an area of protected open space, the tests within policy DM8 in terms of demonstrating that the green is no longer required for its original purpose and ensuring a meaningful contribution towards improving an off-site recreational facility have been met. In addition to these factors, regard is had towards the five-year housing land supply position, with four additional dwellings making a small contribution towards meeting the shortfall within a sustainable location. The impacts of the proposal are considered acceptable.
53. 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. 17/01022/F - Heath House 99 Gertrude Road Norwich NR3 4SG and grant planning permission subject to the completion of a satisfactory unilateral undertaking to ensure the payment of £15,000 towards the improvement of a local recreational facility and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials condition

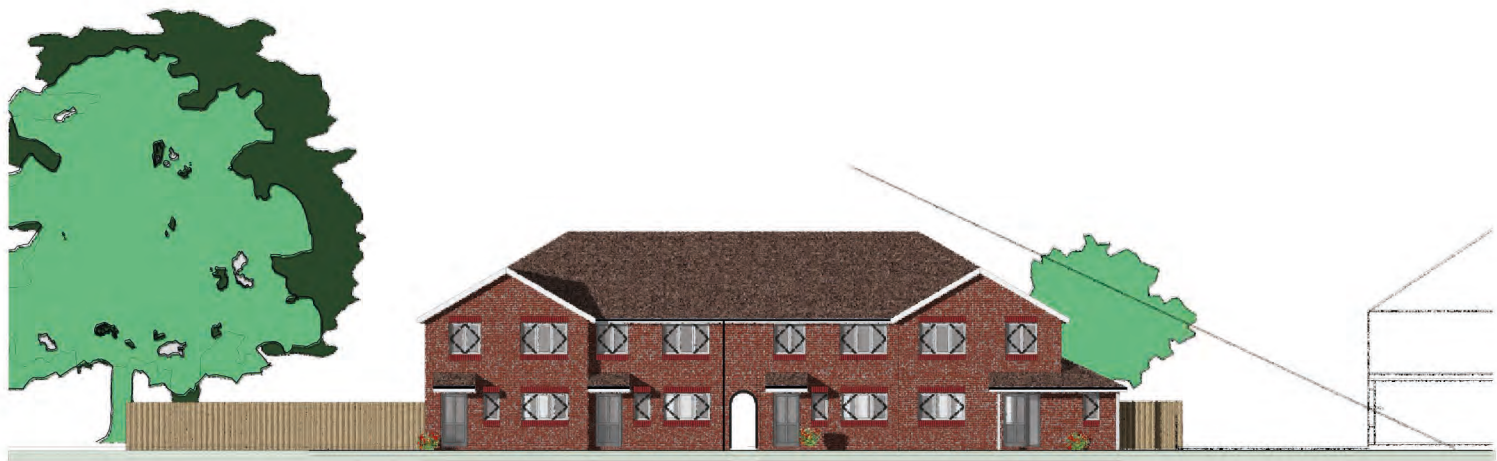
4. Landscaping condition
5. Water efficiency
6. No additional windows on western elevation
7. Works in accordance with approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS).
8. Arboricultural supervision and monitoring measures to be approved and implemented.
9. Protection of root protection areas.
10. No siting of services or soakaways within the root protection areas.
11. Mitigatory replacement tree planting details to be approved and implemented.
12. Surface water drainage and flood risk mitigation measures to be agreed and implemented.

**Article 35(2) Statement:**

The local planning authority in making its recommendation has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations, following negotiations with the applicant and subsequent amendments the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.



These drawings and associated notes are for obtaining planning permission and building regulation approval only. Ensure that all statutory inspections are carried out by building control. Check all dimensions on site before putting work in hand. Not to be reproduced without permission. Client and builder to liaise and ensure compliance with CDM Regulations 2015 and provision of Health & Safety Plan.



Proposed Street Scene  
Scale 1:100

REFER TO FINISHES SCHEDULE

|   |                               |          |
|---|-------------------------------|----------|
|   |                               |          |
| A | Blocks joined to form terrace | 10.08.17 |

MIKE LEE ARCHITECTURAL SERVICES  
10 Shipden Avenue, Cromer, Norfolk, NR27 9BD  
Telephone: 01263 510396  
Mobile: 07765 148 064  
Email: mike.ra.lee@gmail.com

Project  
Heath House PH, Gertrude Road, Norwich.  
Proposed Residential Development.  
For Adar Developments.

Proposed Street Scene (Plots 1, 2, 3 & 4)

|                        |                          |
|------------------------|--------------------------|
| Date August 2017       |                          |
| Scale As Indicated @A1 | Drawing ref: 2015/152-36 |



These drawings and associated notes are for obtaining planning permission and building regulation approval only. Ensure that all statutory inspections are carried out by building control. Check all dimensions on site before putting work in hand. Not to be reproduced without permission. Client and builder to liaise and ensure compliance with CDM Regulations 2015 and provision of Health & Safety Plan.



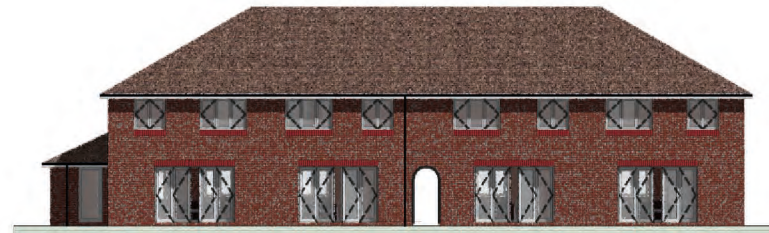
3 Proposed N/E Elevation  
Scale 1:50



1 Proposed NW Elevation  
Scale 1:100



2 Proposed S/E Elevation  
Scale 1:50



4 Proposed S/W Elevation  
Scale 1:100

REFER TO FINISHES SCHEDULE

|   |                               |          |
|---|-------------------------------|----------|
|   |                               |          |
| A | Blocks joined to form terrace | 10.08.17 |

MIKE LEE ARCHITECTURAL SERVICES  
10 Shipden Avenue, Cromer, Norfolk, NR27 9BD  
Telephone: 01263 510396  
Mobile: 07765 148 064  
Email: mike.ra.lee@gmail.com

Project  
Heath House PH, Gertrude Road, Norwich.  
Proposed Residential Development.  
For Adar Developments.

Proposed Elevations (Plots 1, 2, 3 & 4)

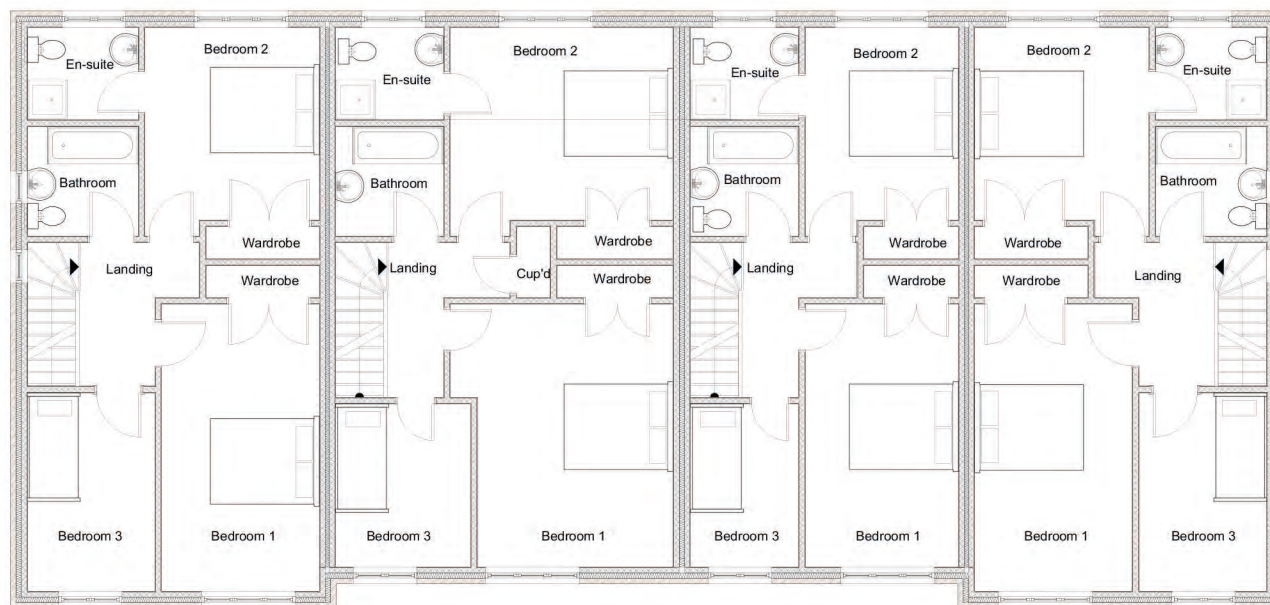
Date March 2016

Scale As Indicated @A1

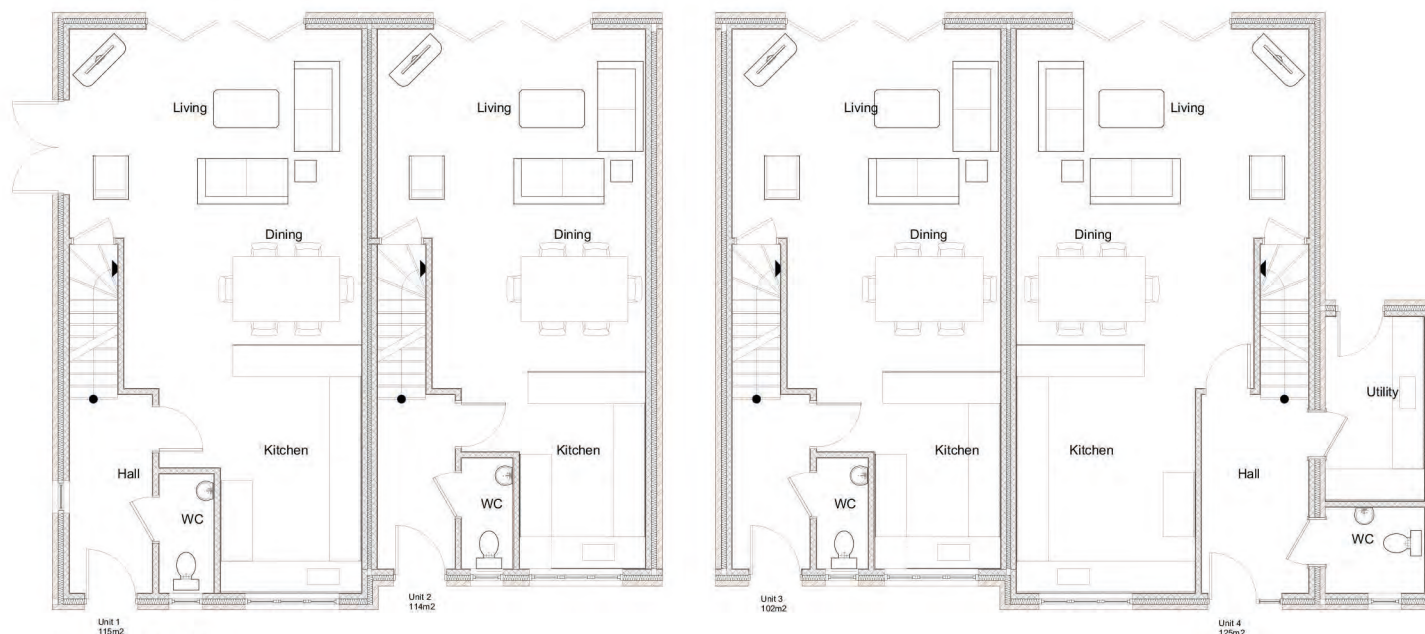
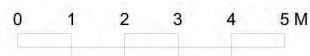
Drawing ref: 2015/152-34A



These drawings and associated notes are for obtaining planning permission and building regulation approval only. Ensure that all statutory inspections are carried out by building control. Check all dimensions on site before putting work in hand. Not to be reproduced without permission. Client and builder to liaise and ensure compliance with CDM Regulations 2015 and provision of Health & Safety Plan.



2 Proposed First Floor  
Scale 1:50



1 Proposed Ground Floor  
Scale 1:50

|   |                               |          |
|---|-------------------------------|----------|
|   |                               |          |
| A | Blocks joined to form terrace | 10.08.17 |

MIKE LEE ARCHITECTURAL SERVICES  
10 Shipden Avenue, Cromer, Norfolk, NR27 9BD  
Telephone: 01263 510396  
Mobile: 07765 148 064  
Email: mike.ra.lee@gmail.com

Project  
Heath House PH, Gertrude Road, Norwich.  
Proposed Residential Development.  
For Adar Developments.

Proposed Floor Plans (Plots 1, 2, 3 & 4)

Date March 2016

Scale As Indicated @A1

Drawing ref: 2015/152-33A