

## Planning applications committee

**Date:** Thursday, 13 June 2019

**Time:** 10:45

**Venue:** Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

### Committee members:

#### Councillors:

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

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### Information for members of the public

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## Agenda

### Page nos

#### 1 Appointment of vice chair

To appoint the vice chair for the ensuing civic year

#### 2 Apologies

To receive apologies for absence

#### 3 Declarations of interest

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

#### 4 Minutes

5 - 14

To approve the accuracy of the minutes of the meeting held on 9 May 2019

#### 5 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 5 above are required to notify the committee officer by 10:00 on the day before the meeting.

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

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

Please note:

- There is a site visit for members at 9:30 to Eaton Chase. Members are asked to meet at City Hall steps at 9:10 for transport to the site visit.
- The formal business of the committee will commence at 10:45 for items 5(a) and 5(b)
- There will be an informal pre-application briefing for members of the committee, ward councillors and interested parties on proposals for University of East

- Anglia at 11:30
- The committee will adjourn for lunch at around 12:15.
- The committee will reconvene at 13:15 to consider items 5(c) to 5(l) (see separate agenda for this session)
- Please note that refreshments will not be provided. Water is available

<b>Summary of applications for consideration</b>	<b>15 - 18</b>
<b>Standing duties</b>	<b>19 - 20</b>
<b>5(a) Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW</b>	<b>21 - 44</b>
<b>5(b) Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, NR4 7QW</b>	<b>45 - 54</b>

Date of publication: **Wednesday, 05 June 2019**





**Planning applications committee**

**9:30 to 13:15**

**9 May 2019**

Present: Councillors Driver (chair), Brociek-Coulton (substitute for Councillor Maxwell) (to the end of item 11, below), Button, Peek, Ryan (to the end of item 9, below), Sands (M), Stutely, and Wright

Apologies: Councillors Maxwell (vice chair)

**1. Declarations of Interest**

Councillor Brociek-Coulton, local member for Sewell ward, declared a predetermined view in item 6 (below), Application no 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN, because she had objected to the proposal. She would speak as a member of the public and then leave the room during the committee's determination of the application.

Councillor Stutely declared an other interest in items 4 and 5 (below), Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW and Tree Preservation Order, 2014, because he resided in the area. He also declared an other interest in item 8 (below), Application no 19/00046/F - 30 Irving Road, Norwich, NR4 6RA, in that the property had been formerly owned by a member of his family.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 11 April 2019.

**3. Application nos 18/01837/F - 117-127 Trinity Street, Norwich, NR2 2BJ and 18/01838/MA - 117 Trinity Street, Norwich, NR2 2BJ**

The planner presented the report with the aid of plans and slides.

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

During discussion the planner, together with the area development manager (inner) referred to the report and answered members' questions. Members of the committee expressed concern that the development was almost at the stage of completion, yet a number of conditions had not been met. The planner advised members it was unfortunate that the applicant had submitted applications for discharge of conditions, some of which had been refused because of insufficient information, and some partially approved. It was unfortunate that it had reached this stage without the involvement of the council. The committee was being asked to consider both applications as a whole. The council could enforce the conditions

through a breach of condition. Members were advised that the parking permit scheme was covered by separate council policies and therefore could not be a condition of the planning consent. Residents of new builds in controlled parking zones were not eligible to apply for residential parking permits. The informative would advise the developer to ensure that anyone moving into the development was informed of this. In reply to members' questions, the planner explained that the windows to the bedroom and bathroom were larger than the specification on the previous consent and because of the proposal to use obscure glazing and height would reduce concerns about overlooking of the neighbouring property and not impact on the amenity of the occupants.

Discussion ensued in which members considered that there had been a series of miscalculations and the developer should take greater care in future. This put members in a difficult position and more should be done to ensure that conditions were discharged before the development was in its final stages. The area development manager (inner) explained that in accordance with the recommendations of the report, the applicant would have discharged all conditions with the exception of landscaping which would need to be approved prior to first occupation.

In reply to members' concerns, the planner (following a conversation with the agent) said that ventilation of the car park was required to mitigate the risk of fire. The car park was for a maximum of 14 vehicles. She pointed out the position of the flue which was higher than any windows on the development and a distance from the rear gardens of neighbouring properties.

Councillor Stutely said that he considered that the applicant, by not complying with the original planning application, was taking advantage of the committee and therefore he could not support the development in its current form.

**RESOLVED:**

- (1) unanimously, to approve application no. 18/01837/F - 117 Trinity Street Norwich NR2 2BJ and grant planning permission subject to the following conditions:
  1. Standard time limit;
  2. In accordance with plans.
- (2) with 7 members voting in favour (Councillors Driver, Wright, Brociek-Coulton, Button, Ryan, Sands, Peek) and 1 member voting against (Councillor Stutely) to approve application no. 18/01838/MA - 117 Trinity Street, Norwich, NR2 2BJ and grant planning permission subject to the following conditions:
  1. Development to be built in accordance with plans;
  2. Landscape scheme to be submitted, agreed and implemented prior to occupation;
  3. SUDS to be installed and maintained as agreed prior to occupation;
  4. Obscure glazing to be installed prior to occupation and retained thereafter;
  5. No occupation until renewable energy scheme fully operational;
  6. No occupation until sound insulation installed;
  7. No occupation until refuse store made available for use;
  8. Replacement tree shown on plan to be planted prior to occupation;

9. No occupation until balcony screens have been installed as shown on plans;
10. No occupation until approved landscape details installed;
11. Bird and bat boxes to be installed as agreed prior to occupation;
12. Water consumption;
13. Cycle storage to be installed as agreed prior to occupation;
14. Car parking to be laid out and managed as agreed;
15. Removal of PD rights;
16. No plant and machinery without express consent.

Informatives:

1. No parking permits;
2. Works to the highway - speak to highways.

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

(Councillor Stutely had declared an other interest in this item.)

The area development manager (outer) presented the report with the aid of plans and slides. He explained that if members were minded to approve this application there was a separate report relating to changes to the woodland tree preservation order to itemise trees on the site for consideration at this meeting. He explained that this was an outline application with details of the design and layout to be considered at reserved matters stage.

Councillor Lubbock (Eaton ward councillor), five residents of neighbouring streets, and one resident representing the residents of the sheltered housing scheme at Ryrie Court, addressed the committee with their objections to the outline planning application for this site. Their concerns included: that the access to the site was inappropriate, had poor visibility, and would cause a loss of amenity to the residents of Ryrie Court; that it would result in an increase in traffic and that residents would be disturbed during construction; that it would cause overspill parking on Pettus Road; that the natural habitat, which included rare species, would be affected by the changes to the ecology by the felling of trees; that the development would be overbearing and impact on the amenity of neighbouring properties; that the loss of car parking spaces on the car park would hinder access of emergency vehicles serving the vulnerable residents of the sheltered housing scheme; that the development would affect all the residents of all 36 bungalows in Ryrie Court, not just the 14 that planning services had written to as part of the consultation; that it would affect the residents' access to bus services and mean that those who could not walk far would not be able to access a bus stop; that the access was inadequate for the number of vehicle movements which included doctors, care staff and family visitors; that construction dust would be harmful to residents with health problems; the contention that the site was not brownfield and that the woodland was worthy of protection as natural habitat. Comments were also made that the city council as landlord to the residents of Ryrie Court had and not responded to the planning consultation on its residents' behalf. Councillor Lubbock and another speaker called on the committee to defer consideration to enable the committee to undertake a site visit.

The area development manager (outer) referred to the report and responded to the issues made by the speakers. He explained the access arrangements and that the level of parking provision for the residents of Ryrie Court was higher than would be expected for a development of its kind, with two spaces for each dwelling and two visitor spaces. The access on to the bend provided good visibility. The details of the construction management plan were set out in paragraph 49 of the report. There would be a minimal increase in traffic from the proposed four houses, with an average of 3 to 4 traffic movements per dwelling each day. A traffic management statement was not required for a development of this size.

During discussion the area development manager (outer) and the lead arboricultural officer referred to the report and answered members' questions. They explained that the development and the proposed variation of the tree preservation order (Number 467) were interlinked. There would be no point requesting planting of trees where a new dwelling would be. Although tree replacement would be sought irrespective of the outcome of the planning application. The replacement of the tree preservation order with individually listed trees would protect a large oak tree on the site, which was not currently listed. Members were also advised that the development had been designed to retain the maximum number of trees on the site and on balance the provision of much needed housing should be considered against the mitigation of the loss of trees in accordance with the ecology report. The access through the sheltered housing scheme's car park was a separate issue for the council as landlord.

The committee then considered whether further consideration should be deferred in order to hold a site visit. The committee was advised that officers had not proposed a site visit before presenting the report because the site was visible from the public highway. However, members could consider deferring further consideration of the application for a site visit if they considered that it would inform their decision. The chair moved, seconded by Councillor Wright that the committee should undertake a site visit before determining this application. Two members said that they were minded to refuse the application because it had little merit and was dependent on access to a landlocked site. One of these members said that he considered that a site visit was necessary to confirm this view.

In reply to a question, the lead arboricultural officer said that the tree preservation order had been placed on the site in 2014, when the bungalow had changed ownership, and local residents had been concerned about development on the site.

**RESOLVED**, unanimously, to defer consideration of Application no 18/01190/O - The Bungalow, Eaton Chase, Norwich, NR4 7QW, to enable members of the committee to undertake a site visit prior to the committee meeting on 13 June 2019.

**5. Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, NR4 7QW**

(Councillor Stutely had declared an other interest in this item.)

The lead arboricultural officer explained that as the proposed variation of the tree preservation order for the site was dependent on proposed development on the site, this item should also be deferred.



**RESOLVED**, unanimously, to defer consideration of Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, NR4 7QW.

**6. Application no 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN**

(Councillor Brociek-Coulton had declared a pre-determined view in this item. She did not take part in the determination of this application.)

The area development manager (outer) presented the report with the aid of plans and slides. He referred to the supplementary report of updates to reports which was circulated at the meeting and contained additional text to be included as a paragraph under the heading Section 3, Amenity and showed the location of no. 60 to the application site as part of the presentation.

A neighbouring resident addressed the committee with his objections to this proposal. These included: concern about loss of bio-diversity and natural habitat, and that it would compromise the corridor used by bats; that the proposal was contrary to DM9 and would have an adverse effect on the conservation area; that it was contrary to DM2 and would result in loss of privacy of no 60 St Clements Hill, and that there had been a number of objections from local residents. Councillor Brociek-Coulton, local member for Sewell Ward, said that the proposal would have an adverse effect on the conservation area and impact on the wildlife and bats' flight corridor. She proposed a site visit and asked that the committee to reject the application for such a development in the Sewell conservation area.

(Councillor Brociek-Coulton then left the meeting at this point.)

Discussion ensued in which the area development manager (outer) referred to the report and answered members' questions and responded to the issues raised by the speakers. He explained that the trees and vegetation on the southern border of the property would be retained and therefore the bat flight corridor would not be affected. External lights would be avoided in this area. The proposed development would have a minimal impact on the conservation area but it was set back from the neighbouring properties. He also referred to the supplementary report which showed the location of no 60 and pointed out that given the distance there would be no significant issues relating to overlooking of that property. Members sought clarification on the height of the new building in relation to the existing bungalow, and noted that there were conditions relating to the use of materials and planting.

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

During discussion members commented on the design of the proposed dwelling and that it was sympathetic to the adjacent buildings and would retain the lynch gate. Members also considered that the subdivision of this large garden was acceptable in that mature trees would be retained and that the natural habitat of the bats would not be affected. A member noted that the applicant would be submitting an ecological survey.

**RESOLVED**, unanimously, to approve application no. 17/01886/F - 36 St Clements Hill, Norwich, NR3 4BN and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Lighting;
5. In accordance with AIA/AMS;
6. Protection of RPAs;
7. Submission of ecology survey and mitigation measures;
8. SUDS;
9. Bin/bike stores;
10. Landscaping scheme;
11. Construction management plan;
12. Removal of PD rights for extension, curtilage buildings, boundary treatments.

(Councillor Brociek-Coulton was readmitted to the room at this point.)

**7. Application no 19/00264/F - 73 Sukey Way, Norwich, NR5 9NZ**

The planner presented the report with the aid of plans and slides.

During discussion the planner and the area development manager (inner) referred to the report and answered members' questions. This included: an explanation that planning permission was required to change the use of a dwelling house to a large (ie with 6 or more bedrooms) house in multiple occupation (HMO); that there was separate housing legislation to license HMOs; and confirming that some local authorities had taken out Article 4 Directions to control the proportion of HMOs in neighbourhoods.

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

Councillor Sands, Bowthorpe ward councillor, said that in some area of Three Score the percentage of HMOs was 60 per cent of all dwellings, and that there were problems associated with this for the local community. He said that the council did not have the tools to prevent family homes being turned into HMOs and that licensing or an Article 4 Direction were required to control the distribution of HMOs.

**RESOLVED**, unanimously, to approve application no. 19/00264/F - 73 Sukey Way Norwich NR5 9NZ and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Permission is for C3 / C4 dwellinghouse only.

**8. Application no 19/00046/F - 30 Irving Road, Norwich, NR4 6RA**

(Councillor Stutely had declared an other interest in this item.)

The planner presented the report with the aid of plans and slides.

During discussion the planner referred to the report and slides to answer members' questions. He advised members that a sunlight impact assessment had not been required and that his assessment had been based on the vertical sky component. There was a small gap between this property and the neighbouring property and therefore direct sunlight was already limited.

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

During discussion members noted that the property was currently rented and that the indications were that the extension was for it to be a family home. However, its location near to the university and hospital raised concerns that the property could become a large HMO and would cause parking issues. The planner advised members that there was an external parking area for 3 cars and a garage. No application had been received for a change of use to a large HMO.

Councillor Wright said that no two properties in Eaton Chase were the same but the design of this building was "awful" and out of scale, with too many bedrooms for a family house. The chair concurred that the building looked like a "block on a block" but that he liked the green roof element of the design. Councillor Sands said that he could not support this application because of its size and mass and impact on the windows of the adjacent property.

Members were advised that the plans did not do justice to the design in that the external walls to the ground floor would be brick and the first floor rendered.

**RESOLVED** , with 5 members voting in favour (Councillors Brociek-Coulton, Button, Ryan, Peek, Stutely), 2 members voting against (Councillors Wright and Sands) and 1 member abstaining from voting (Councillor Driver (the chair)) to approve application no. 19/00046/F - 30 Irving Road Norwich NR4 6RA and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Obscure glazing to first floor bathroom;
4. Permission is for C3 / C4 dwellinghouse only.

## **9. Application no 19/00135/F - Conifers 9 Upton Close, Norwich, NR4 7PD**

The planner presented the report with the aid of plans and slides.

In reply to a member's question, the planner said that the proposal improved the appearance of the streetscene by narrowing the gap between this property and the neighbouring property.

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

**RESOLVED**, unanimously, to approve application no. 19/00135/F - Conifers 9 Upton Close, Norwich, NR4 7PD and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Details of external materials.

(Councillor Ryan left the meeting at this point.)

#### **10. Application no 19/00176/F - 22 Milton Close, Norwich, NR1 3HX**

The planner presented the report with the aid of plans and slides.

During discussion the area development manager (inner) referred to the report and answered members' questions in relation to the extension being at right angles to the adjacent property and the impact that this would have on light. He also referred to the planning history for this site and pointed out that this application had the same physical relationship with the adjacent property established in the extant 2012 planning consent.

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

Councillor Stutely said that he did not support the application because of the impact on the amenity and outlook of the adjacent property.

A member pointed out that the house had originally been a three bedroom house but one of the bedrooms had been changed into a bathroom. He considered that this property would provide more flexibility for a family as a three bedroom house.

**RESOLVED** with 6 members voting in favour (Councillors Driver, Wright, Brociek-Coulton, Button, Sands, and Peek) and 1 member voting against (Councillor Stutely) to approve application 19/00176/F - 22 Milton Close, Norwich, NR1 3HX, and grant planning permission subject to the following conditions:

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

(Councillor Brociek-Coulton left the meeting at this point.)

#### **11. Performance of the development management service; progress on appeals against planning decisions and updates on planning enforcement cases**

The area development manager (outer) presented the report. During the presentation he referred to case reference 18/00003/ENF, land at Holt Road, Norwich, and said that at its meeting in October 2018 the committee had agreed to a number of measures as an alternative to taking full enforcement on the change of use on this site. There had been some compliance to these conditions and the hedge had been planted. However, it had come to the council's notice that there were unauthorised waste materials on the site and the police had received a number of complaints relating to the occupants and use of the site. It was therefore intended to review the situation. Members commented that the applicant had not met the

conditions required by the committee and agreed that it should be reviewed. The committee was also concerned that the site was being used as a waste repository; and, that the animals were not contained within the site and presented a hazard to traffic and airport safety. The area development manager (outer) confirmed that a report would be presented to the next committee setting out recommendations for full enforcement which would take into consideration the individuals' human rights and legal opinion.

The area development manager (inner) updated members on the outcome of a couple of planning appeals as set out in appendix 1 of the report. The planning appeal for listed building consent in relation to Application no 17/01136/L had been allowed. The appeal in relation to application 18/00102/F 9 Normans Buildings had been dismissed.

During discussion, the area development managers referred to the report and answered members' questions in relation to pending planning appeals and recent appeal decisions, as set out in appendix 1 of the report, in relation to Bowthorpe Road Methodist Church and 137 Unthank Road. The shop in Magdalen Road had been repainted. No enforcement action had been taken in relation to the bed and breakfast establishment in Earlham Road as there was no evidence that it was being used as a restaurant.

Discussion ensued in which members expressed their concern that planning enforcement was under-resourced and that this resulted in cases like Trinity Street and the former Burrells shop in Unthank Road, where the local planning authority was intervening at a late stage when the applicant had not complied with planning conditions and the only option to the committee was to approve steps to mitigate the non-compliance. The area development manager (outer) said that best practice in providing planning enforcement was being considered within the resources available. The function was provided by the development control team and planners, with a reduced case load, were given a greater focus on planning enforcement. The committee suggested that consideration should be given to the employment of dedicated planning enforcement officers. Officers said that they would inform the leader of the council, the relevant cabinet member and the head of planning services.

**RESOLVED** to note the report.

CHAIR



## Summary of planning applications for consideration

## ITEM 5

13 June 2019

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
<p>There will be a site visit for members of the committee wishing to attend to the site of The Bungalow, Eaton Chase at 9:30. Members of the committee are requested to meet at City Hall Steps at 09:10 for transport to the site.</p> <p>The first part of the formal committee meeting will commence at 10:45 The reports for items 5(a) and 5(b) are set out in the agenda for this first part of the meeting.</p>						
5(a)	18/01190/O	The Bungalow Eaton Chase	Lee Cook	Outline application including matters of access, layout and scale for the erection of 5 no. two storey dwellings and associated works (Revised).	Objections	Approve
5(b)	TPO 467	The Bungalow Eaton Chase	Imogen Mole	Amendment to TPO 467 to reflect potential changes to the site following application 18/01190/O	Objections	Approve
<p>At 11:30 provided that the consideration of the above items has been concluded, the formal part of the meeting will be adjourned, and an informal briefing for members of the committee, ward councillors and interested parties on proposals will be held in the Mancroft room for: University Of East Anglia, Earlham Road – Redevelopment of the area around the security lodge, Founders Green and the west end of the main car park to provide a new academic building being designed as the entrance area to the main campus. This forms the Sky House project providing approximately 15,335m<sup>2</sup> of new academic floor-space. The proposal also includes realignment of University Drive and new bus and cycle facilities, drop off area and changes to the main car park layout and entrance.</p> <p>The committee will then reconvene at 13:15 for the second part of the formal committee meeting. The reports for items 5(c) to 5(l) are set out in the agenda for this second part of the meeting.</p>						
5(c)	18/01766/O	174 Newmarket Road	Charlotte Hounsell	Outline application including matters of access for sub-division of plot and construction of dwellinghouse.	Objections	Approve

<b>Item No.</b>	<b>Case number</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
5(d)	19/00373/F	Elaine Herbert House, The Great Hospital	Joy Brown	Demolition of care unit and construction of 19 unit sheltered housing building and associated landscaping	Objections	Approve
5(e)	19/00119/F	7 Crummock Road	Stephen Polley	Two storey rear extension.	Objections	Approve
5(f)	19/00262/U	3 Brereton Close	Stephen Polley	Construction of single storey side and two storey rear extensions.	Objections	Approve
5(g)	18/01823/VC	128 Dereham Road	Stephen Polley	Variation of Condition 4 of previous permission 17/01176/F to extend the opening hours by one hour on any day.	Objections	Approve
5(h)	18/01706/F	53 Dereham Road	Stephen Little	Two storey rear extension to create 1No. flat.	Objections	Approve
5(i)	19/00624/F	5 Primula Drive	Stephen Little	Single storey side extension.	Objections	Approve
5(j)	18/01831/F	25 Pennyroyal	Jacob Revell	Retrospective application for construction of single storey rear extension.	Objections	Approve



<b>Item No.</b>	<b>Case number</b>	<b>Location</b>	<b>Case officer</b>	<b>Proposal</b>	<b>Reason for consideration at committee</b>	<b>Recommendation</b>
5(k)	18/00003/ENF	Land at Holt Road, Norwich	Robert Webb	Unauthorised use of the land for the stationing of residential caravans and a portaloo, the storage of waste, the erection of a fence adjacent to the highway and the laying of a hard surface.	Seeking authority for enforcement action to be taken	Authorise enforcement action
5(l)	19/00381/L & 19/00403/F	Norwich School Refectory, The Close	Lara Emerson	Demolition of the existing school dining hall, adhoc structures, sheds and trees. Redevelopment of site for new dining and teaching facilities, with the provision of a new pedestrian and service access, landscaping, the relocation of an electricity substation and the provision of associated infrastructure.	To agree a site visit for this application which will be considered by the committee at a future date	That members undertake a site visit



## **STANDING DUTIES**

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

### **Equality Act 2010**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Report to** Planning applications committee

**Item**

13 June 2019

**Report of** Head of planning services

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

**Reason for referral** Objections

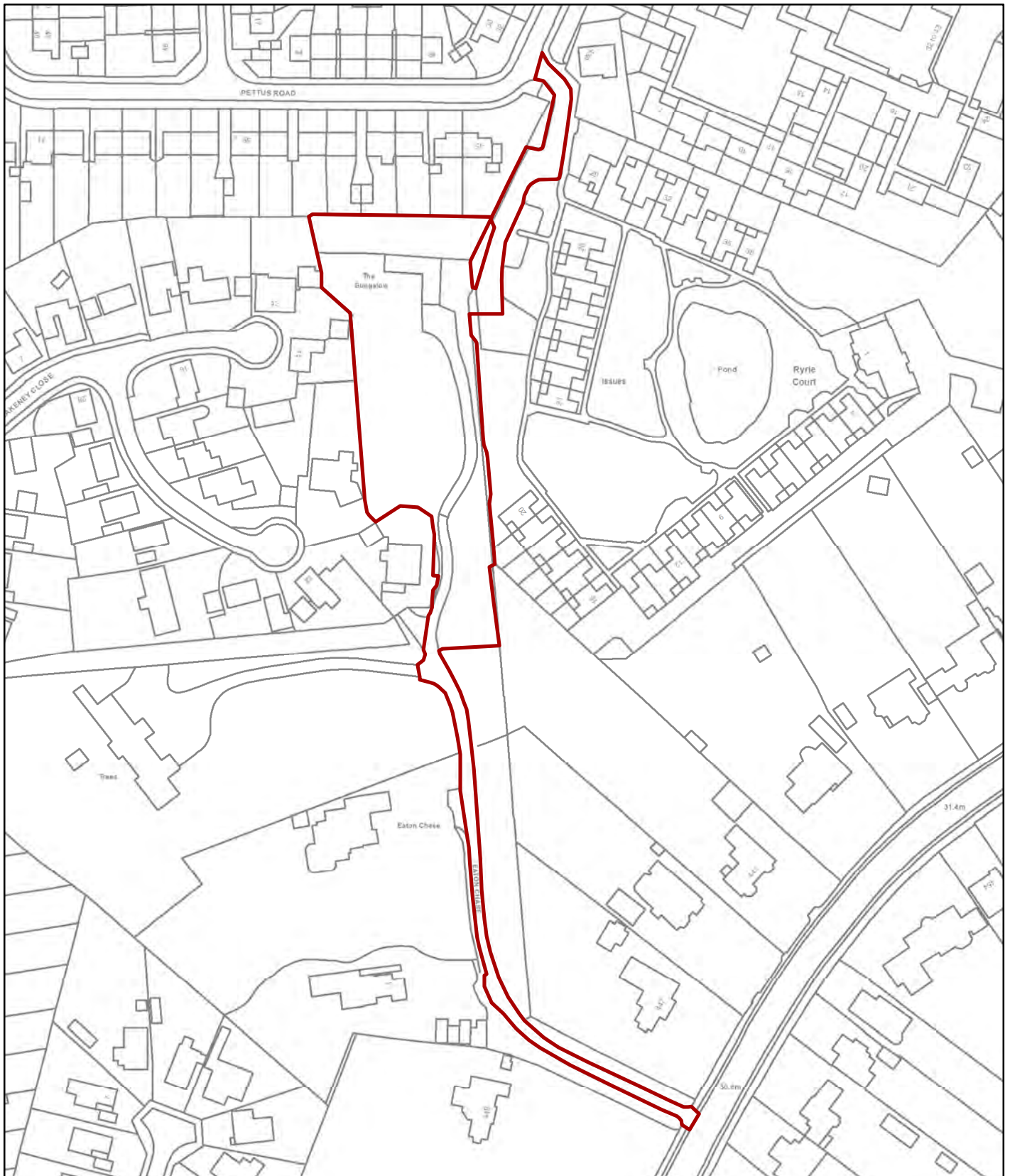
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<b>Ward:</b>	Eaton
<b>Case officer</b>	Lee Cook - <a href="mailto:leecook@norwich.gov.uk">leecook@norwich.gov.uk</a>

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

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



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

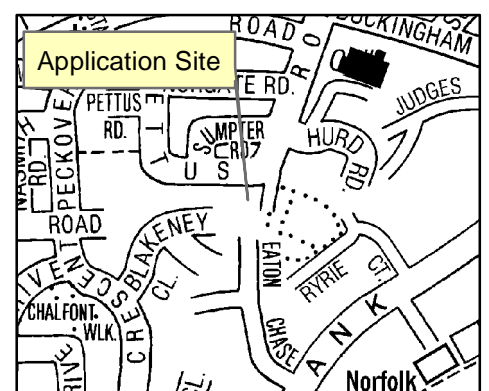


**NORWICH**  
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## The site and surroundings

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

## Constraints

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

## Relevant planning history

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

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

## The proposal

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

## Summary information

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

## Representations

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

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



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

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

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

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

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

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

## Consultation responses

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

### Asset and City Management

11. No comment

### City wide services

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

### Environmental protection

13. No comment

### Fire service

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

### Highways (local)

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

### Highways (strategic)

16. No comment

### Housing strategy

17. No comment

### Natural areas officer

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

## **Private sector housing**

20. No comment

## **Street works Network officer**

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

## **Tree protection officer**

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

## **Assessment of planning considerations**

### **Relevant development plan policies**

23. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS1 Addressing climate change and protecting environmental assets
  - JCS2 Promoting good design
  - JCS3 Energy and water
  - JCS4 Housing delivery
  - JCS6 Access and transportation
  - JCS7 Supporting communities
  - JCS9 Strategy for growth in the Norwich policy area
  - JCS12 The remainder of the Norwich urban area including the fringe parishes
24. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
  - DM2 Ensuring satisfactory living and working conditions
  - DM3 Delivering high quality design
  - DM5 Planning effectively for flood resilience
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development

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

### **Other material considerations**

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

- NPPF 2 Achieving sustainable development
- NPPF 4 Decision-making
- NPPF 5 Delivering a sufficient supply of homes
- NPPF 8 Promoting healthy and safe communities
- NPPF 9 Promoting sustainable transport
- NPPF 11 Making effective use of land
- NPPF 12 Achieving well-designed places
- NPPF 14 Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 Conserving and enhancing the natural environment
- NPPF 16 Conserving and enhancing the historic environment

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

- Landscape and trees SPD adopted June 2016

### **Case Assessment**

27. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

#### **Main issue 1: Principle of development**

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

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

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

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

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

## **Main issue 2: Amenity**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Other matters**

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

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

#### **75. Heritage**

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

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

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

#### **Local finance considerations**

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

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

## Conclusion

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

## Recommendation

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

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



## **Informatives**

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

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

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

for information only

Existing Buildings to be demolished

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

New boundary vegetation to allow for privacy for existing residents

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

Existing vehicular access and driveway to be retained

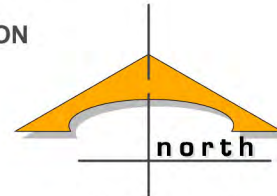
Size 8 turning - Parking spaces to be demarcated using paving details rather than paint, bond detail to be used to highlight turning square and its approach

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

New vehicular access from Ryrie Court

Size 3 turning for emergency vehicles

## EATON CHASE - UNTHANK ROAD JUNCTION



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### Accommodation and Height

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

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

1 car port

- Maximum Eaves height 2.5m - Max Ridge height 5.0m

NB. Heights above external ground levels

### KEY

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

REV. C	20-04-19 - Accommodation Schedule Amended to Match Layout
REV. B	29-01-19 Layout and accommodation amended
REV. A	16-06-18 Heights added

Studio 10 Netherlandsford, 53-55 King Street, Norwich NR1 1PW  
Tel: 01603 688151 Fax: 01603 681476  
info@camarchitects.co.uk www.camarchitects.co.uk

Client G Phillips		
Project Details New residential development		
Project Address The Bungalow Eaton Chase NR4 7QH		
Drawing Title		
Site Plan as Proposed		
Job No. 1433	Drawing Number 1433-A-PL05	
Date 26-04-19	Scale 1:500 @ A2	Revision C
Drawn EA	Checked	CSO Date

SITE PLAN AS PROPOSED



## KEY

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



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REV D Accommodation Schedule Amended to Match Layout 26 April 19  
REV A Revised planting Mitigation 31 Jan 19



Client  
G Phillips  
Project Details  
New residential development

Project Address  
The Bungalow  
Easton Chase  
NR4 7GH

Drawing Title  
Site Plan as Proposed Showing Mitigation Planting

Job No. 1433	Drawing Number 1433-A-PL08
Date 26-04-19	Scale 1:500/M3
Drawn EA	Checked CSD
Reason C	CSO Date



**Report to** Planning applications committee  
13 June 2019

**Item**

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2014. City of Norwich  
Number 467; The Bungalow, Eaton Chase, NR4 7QW

**Reason  
for  
referral** Representations for, and objections to, vary Woodland  
TPO 467, 2014  
Tree Preservation Order 467

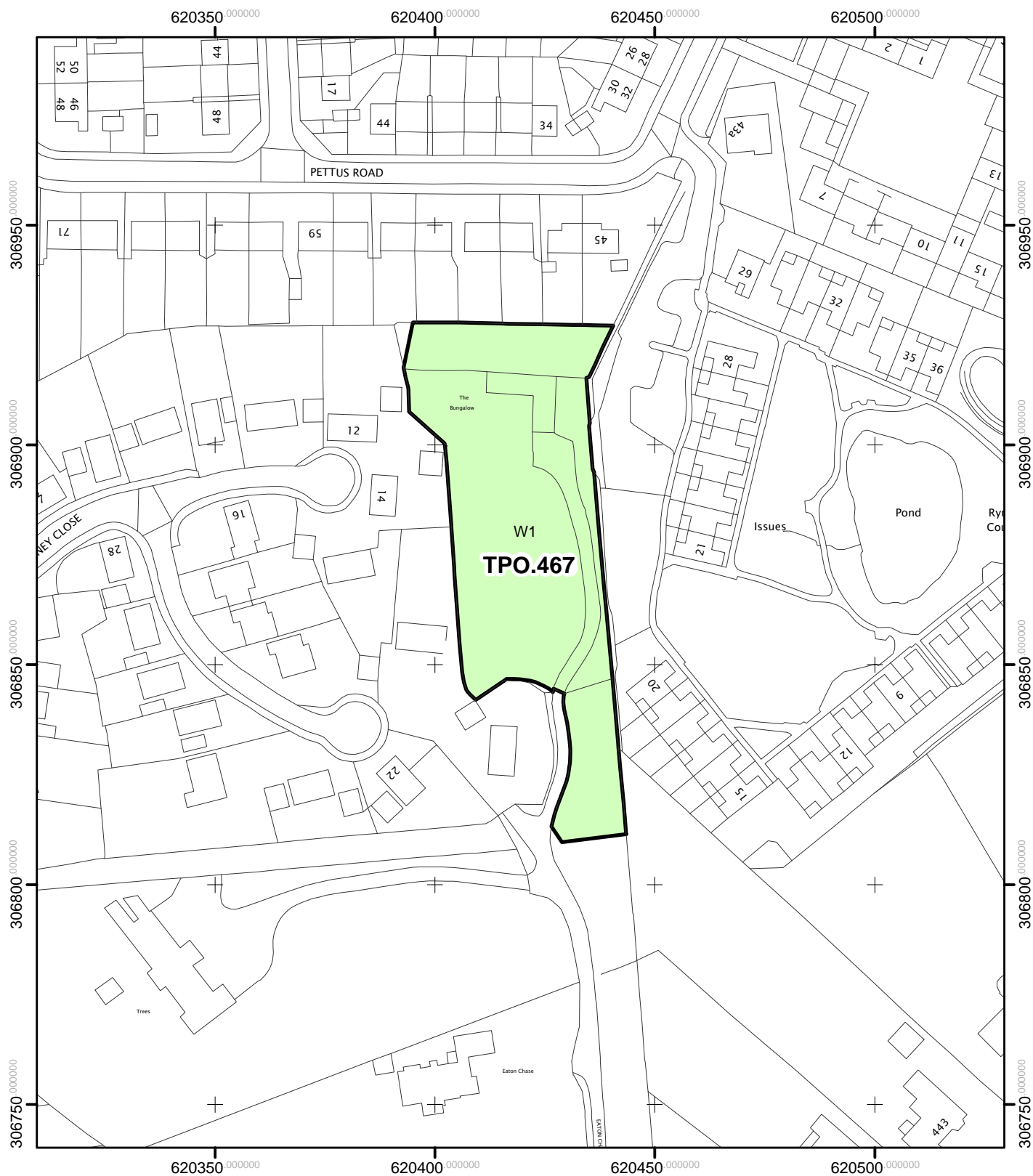
5(b)

<b>Ward:</b>	Eaton
<b>Case officer</b>	Imogen Mole, Lead arboricultural officer contact <a href="mailto:imogenmole@norwich.gov.uk">imogenmole@norwich.gov.uk</a>

Proposal		
To revoke and reserve Tree Preservation Order 2014, City of Norwich Number 467, The Bungalow, Eaton Chase, should planning permission be granted for new dwellings on site.		
Representations		
Object	Comment	Support
5	3	0

<b>Main issues:</b>	<b>Key considerations:</b>
1 Amenity	Level of amenity for residents of/visitors to, Norwich city
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	N/A
<b>Recommendation</b>	To revoke and immediately reserve TPO467 in light of proposed changes to the site.





**PLANNING SERVICES**

Norwich City Council, City Hall,  
Norwich, NR2 1NH  
Telephone 0344 980 3333

Date : 24 Oct 2014

Scale : 1:1,250

Drawn by : SB



## **Background**

1. In 2014, the council served a 'Woodland' category tree preservation order (TPO) at The Bungalow, Eaton Chase, to preserve an area of woodland that was perceived by local, concerned residents to be under threat due to the property being sold.
2. An objection was received to the confirmation of this order. At its meeting on 6 November 2014, the planning applications committee and resolved to confirm the order. The order was confirmed following this meeting.
3. In May 2017, the authority received an application to remove 25 sycamore trees from the site (17/00764/TPO) and permission was granted as good forestry management of the woodland.
4. Permission was granted to remove these sycamore trees with a replacement planting condition, the replacement planting has not yet been carried out.
5. Past management of the site has resulted in a number of structurally poor specimen trees, overcrowded individuals of poor quality and form.
6. The council has since received an application for a number of dwellings on the site. This application coupled with the removal of trees in 2017 (17/00764/TPO) has prompted us to review the TPO categorisation on the site and the replacement planting requirements.
7. The location of the site is shown on the attached plan.

## **The site, surroundings and content**

8. The area is located within the boundary of The Bungalow, Eaton Chase. It is surrounded by residential properties to the north, Pettus Road, to the east Ryrie Court and the west, Blakeney Close.
9. The site is dominated by sycamore trees, with ash, elm and oak occurring and occasionally lime, bird cherry with an understory of holly and cherry laurel.
10. There is a statutory duty to consult when revoking a TPO, we have sent letters to adjacent properties and interested parties to inform them of the proposed changes to the order.
11. Given the link to the current application the proposed revocation and reserving of the notice is being reported to planning committee.

## **Representations**

12. The issues set out in the representations, and the responses from the lead arboricultural officer are summarised below:

<b>Representation</b>	<b>Response</b>
The planting scheme should complement the remaining woodland habitat, not create overcrowding	Where possible good quality, existing woodland will be retained, replacement planting will be located in areas lacking trees, in particular around the boundary edges and areas void of trees to increase screening for neighbouring properties and biodiversity of the site.
The woodland is registered with the Forestry Commission as priority habitat. An ancient, historic woodland site.	<p>The authority has a statutory duty to consult the Forestry Commission (FC) for development occurring in or within 500m of ancient woodland.</p> <p>This site is not classified as ancient woodland but as an additional measure we have contacted the FC to consult them on the proposed changes to the order and the planning application. No response has been received.</p>
Changes to the order and granting consent for planning on the site contradicts the purpose of the original woodland TPO	<p>The authority has the power to vary or revoke orders.</p> <p>When land is developed, trees have been removed, replacement trees have been planted or when the authority considers the order is no longer providing appropriate or effective tree protection it is appropriate to review the order.</p> <p>Individual important trees are not currently listed, we are less informed about what is on site and should planning be granted the woodland order would no longer be appropriate.</p>
Changes to the site and enforcement of the scheme will place a burden on the authority	All planning applications have similar burden, including the administration of the existing woodland TPO.
A clear plan of the trees, setting out construction exclusion zones, root protection areas, crown spreads has not been provided	This comment relates to the associated planning application. As an outline application this level of detail is not appropriate as changes are likely and can be detailed at a later stage in the planning process.



<b>Representation</b>	<b>Response</b>
The site is important ecologically, plans present a loss of habitat	<p>The ecological report and mitigation measures are set out in the application.</p> <p>Replacement planting and other mitigation measures have been assessed by qualified ecologists.</p>
The perimeter of the site is already well stocked with trees, the planting plan illustrates planting in these areas	Where good quality trees are growing on the perimeter of the site and can be retained, they will be. The detail of where replacement trees will be planted can be amended to take into account the neighbouring properties, existing vegetation and proposed dwellings.
Service route for the new dwellings have the potential to damage trees	As an outline application this level of detail has not yet been submitted, non-invasive techniques, like air-spading and thrust boring, can be employed to minimise the risk of tree damage through the service connections.
Loss of vegetation and screening will be detrimental to neighbouring properties	Where possible perimeter vegetation will be retained, replacement planting will provide additional trees on site.
Properties on Pettus Road do not want robust boundary planting and want smaller trees to be planted	The specifics of the planting plan can be amended to accommodate this.
Neighbouring properties would like space to maintain the boundary edges	The specifics of the planting plan can be amended to accommodate this.
Recent tree cover loss will be permanently lost by the development	The effects of the proposed development have been assessed by qualified ecologists, from an arboricultural perspective, low quality trees have been removed and replacement planting plan illustrating areas of planting is acceptable.

<b>Representation</b>	<b>Response</b>
The planning application and replacement planting would not be acceptable if no development was proposed	<p>The planting plan and the development proposals must go together and be considered together.</p> <p>If no planning application was submitted replacement planting will still be required as part of the felling work in 2017.</p>
An updated tree plan needs to be provided referencing the retained trees	Varying the order will provide this level of information as well as a full planning application. This application is outline.
Replacement trees should be native, woodland trees	The specifics of the planting plan can be amended to accommodate this.
The outline application will denature the woodland turning it into gardens	<p>The woodland TPO has enabled us to require higher levels of replacement planting than would normally be seen on a development site.</p> <p>The garden of The Bungalow was once that, a garden but the level of replacement planting will allow a woodland feel along the boundary edges.</p>

## **Main issues**

### **Issue**

13. The discharge of the condition to replace trees following the removal work in 2017 has not yet taken place and is required. It is important these new trees should be part of a cohesive plan for the future use and layout of the site.
14. Important individual trees, including an oak tree displaying veteran characteristics is not listed and therefore not adequately protected as part of the woodland category TPO.
15. Should planning be granted for the dwellings on site, it is proposed to revoke the woodland category TPO and immediately reserve the TPO on site, listing important individual trees, groups of retained trees and the newly planted trees.
16. If the planning application is not granted, no changes to the order will be made, but irrespective of the planning decision replacement planting will still be required and can be secured by a tree replacement notice.

## **Conclusion**

17. The objections to the proposed changes to the Order have been taken note of, and whilst officers appreciate the issues and concerns raised, it is their opinion that the trees are best protected by varying the order taking into account the future changes to the site.
18. Minor amendments to the planting plan can address the issues and concerns raised.

## **Recommendation**

19. To revoke Woodland TPO 467 and immediately reserve individual and groups of trees listed on the same site Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW, should planning permission for new dwellings be granted.



## IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

### TOWN AND COUNTRY PLANNING ACT 1990

#### TREE PRESERVATION ORDER 2014

#### THE CITY COUNCIL OF NORWICH NUMBER 467

**ADDRESS: The Bungalow, Eaton Chase, Norwich, NR4 7QW.**

**THIS IS A FORMAL NOTICE** to let you know that on **25<sup>th</sup> June 2014**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities & Local Government.

The Council has made the Order *to secure the retention of the area of woodland at the property so that any future management is carried out within the bounds of good arboricultural and woodland management practice.*

[The Order took effect, on a provisional basis, on **25<sup>th</sup> June 2014**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, whichever occurs first.]

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, we must receive them in writing by **24<sup>th</sup> July 2014**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact **Michael Volp, Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546)**.

DATED this **25<sup>th</sup> June 2014**.

Signed

Tree Protection Officer  
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

**COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Objections and representations**

**6.—**(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Dear Resident,

**Tree protection – The Bungalow, Eaton Chase**

I am writing to let you know I have received a proposed tree planting plan for The Bungalow, Eaton Chase. The planning service is also now consulting on the outline planning application at this site (18/01190/O).

Alongside the planning application, we are reviewing the way the trees are protected on the site.

You are probably already aware this site is covered by a woodland preservation order, TPO 467. The woodland category's purpose is to safeguard the woodland as a whole. Guidance states, it is unlikely to be appropriate to use the woodland classification in gardens.

Tree work was undertaken in 2017 to remove 25 poor quality sycamore trees (17/00764/TPO). The planting plan submitted was insufficiently detailed and did not address any future plans for the site.

The council are now in a position to evaluate the plans and the proposed replacement planting. The large areas of tree planting around the boundary edge will enhance the wildlife value of the site; recreate robust boundary edges and also encourage positive management of the site and trees through residential occupancy.

We need to make sure these new trees are afforded robust protection and to do this we will revoke the woodland preservation order after the replacement tree planting has taken place and on the same day, reserve a preservation order illustrating the new groups of planting and individually important trees on site.

For ease of access details of the tree replacement plan are being held with the documents on the above application (18/01190/O). If you have any comments you wish to make on the tree replacement works please let me have these within 21 days of the date of this correspondence.