

**Report to** Planning applications committee

**Item**

09 May 2019

**Report of** Head of planning services

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

**Reason  
for referral** Objection

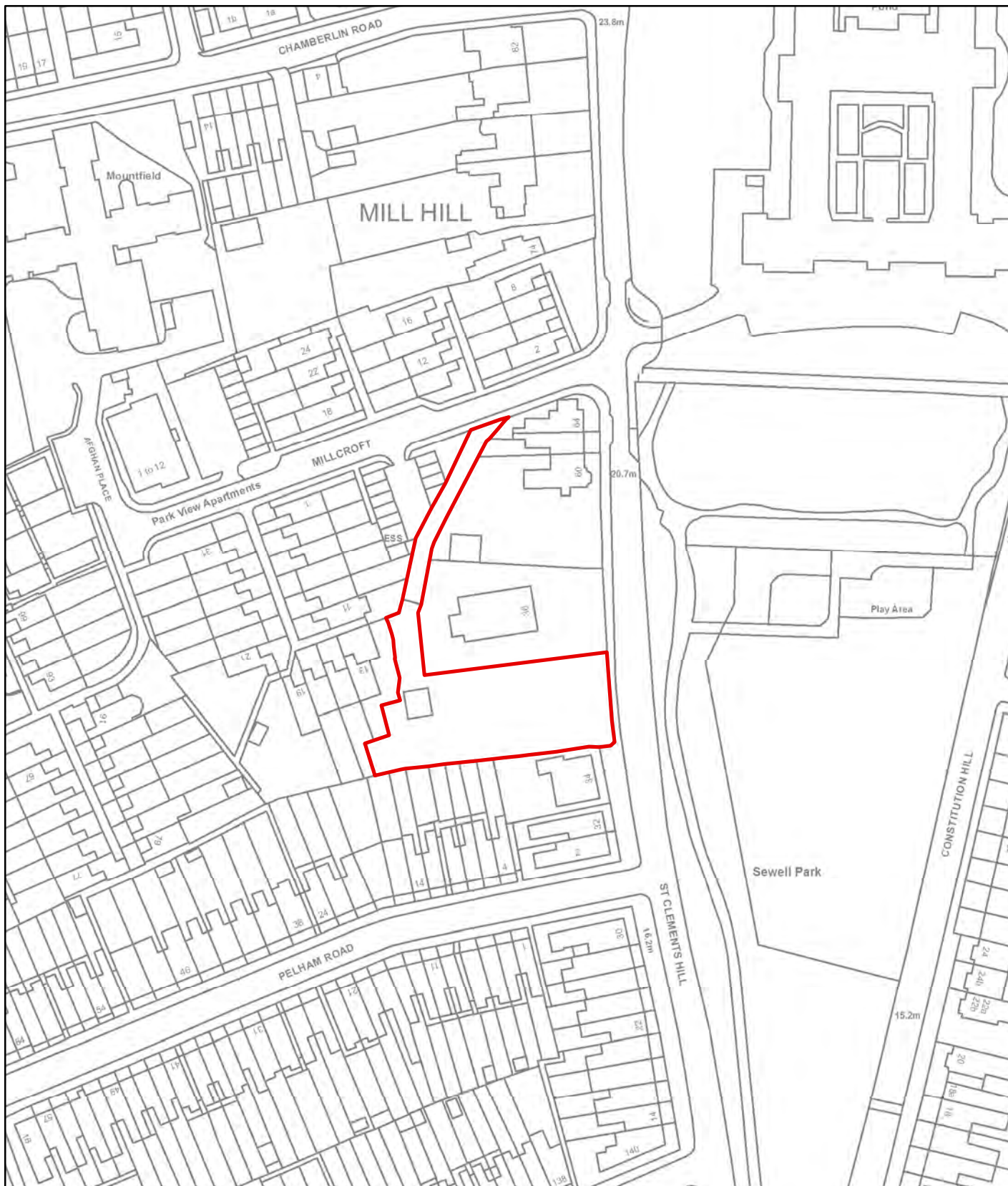
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<b>Ward:</b>	Sewell
<b>Case officer</b>	Charlotte Hounsell - <a href="mailto:charlottehounsell@norwich.gov.uk">charlottehounsell@norwich.gov.uk</a>

Development proposal		
Subdivision of plot and construction of detached four bedroom two storey dwelling.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Principle of development
2	Design and heritage
3	Amenity
4	Trees
5	Biodiversity
<b>Expiry date</b>	7 May 2018
<b>Recommendation</b>	Approve



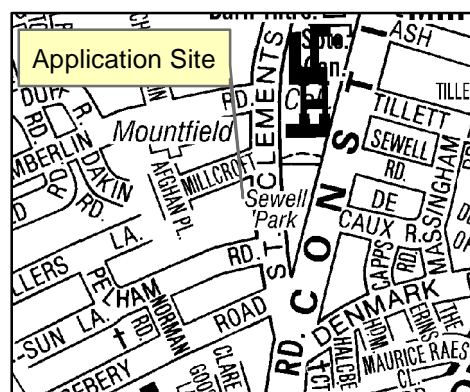
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Planning Application No 17/01886/F  
 Site Address 36 St Clements Hill  
 Scale 1:1,250



**NORWICH**  
 City Council

PLANNING SERVICES



## The site and surroundings

1. The subject site is located on the West side of St Clements Hill, North of the city centre. The ground level slopes away towards the South towards the City. The host property is a 1960's bungalow property and is therefore at odds with the more traditional brick built dwellings in the surrounding area. It can be accessed on foot from St Clements Hill and vehicular access is from Millcroft to the North. This property has an exceptionally large garden unlike many of the other properties in the surrounding area. Due to the change in ground level, the garden 'steps' down to the south of the bungalow. The plot contains a detached garage and a number of large trees, some of which are subject to TPOs.

## Constraints

2. The property is located in the Sewell Conservation Area. The property is located within a critical drainage area. The property is opposite a historic park. The property is surrounded by locally listed buildings.

## Relevant planning history

- 3.

Ref	Proposal	Decision	Date
16/01638/TPO	T19 Mulberry: Fell.	Approved	17/11/2016
16/01745/TCA	Sycamore (T1) - pollard at a height of 2m.  Elder (T2) - remove branches overhanging 34 St Clements Hill.  Holly (T3) - remove branches overhanging 34 St Clements Hill.	TPO not required	12/12/2016
16/01746/TPO	Sycamore (T12): Re pollard to previous point at approx 4m.	Approved	08/12/2016
18/00577/TPO	Beech tree - to be cut back to main trunk / close as able, reduce height of tree.	Cancelled	07/06/2018

## The proposal

4. The proposal is to sub-divide the existing garden plot and construct a new four bedroom dwelling.
5. The original proposal was not considered acceptable for a number of reasons relating to design and tree protection. Amended plans and revisions to the tree report were submitted and a period of re-consultation was undertaken. The assessment below is based on the revised plans only.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	<b>One dwelling</b>
Total floorspace	<b>218m2</b>
No. of storeys	<b>Two storey</b>
Max. dimensions	<b>13.80 x 11.20, 5.50m at eaves and 8.90m maximum height</b>
<b>Appearance</b>	
Materials	<b>Brick walls Slate roof Timber windows and doors</b>
<b>Transport matters</b>	
Vehicular access	<b>Use of existing access via Millcroft</b>
No of car parking spaces	<b>Two spaces in double garage and extension of existing driveway</b>

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received in total throughout two consultation periods citing the issues as summarised in the table below. All representations are available to view in full at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Issues raised	Response
The extant permission must be considered again in light of the designation of the conservation area.	See Main Issue 1
There is no need for another house of this size in the area.	See Main Issue 1
Harmful impact on the character of the conservation area.	See Main Issue 2
The property is mentioned in the conservation area appraisal as having a mature garden which makes an important contribution to the character of the	See Main Issue 2

Issues raised	Response
conservation area.	
The proposal would result in interrupted views in the conservation area. Loss of openness.	See Main Issue 2
The proposal would destroy one of the last remaining open spaces in the area.	See Main Issue 2
The design of the property is out of keeping with those in the surrounding area. It would be overbearing and disproportionate.	See Main Issue 2
The property would be at higher ground level than the neighbouring dwelling and would overlook the garden. Overlooking to other neighbouring properties.	See Main Issue 3
Noise disturbance from vehicles and people living in closer proximity.	See Main Issue 3
Harmful impact on biodiversity and wildlife corridor.	See Main Issue 4
Concerned for the protection of trees during construction.	See Main Issue 5
Difference in the number of protected trees between the plans and conservation tree survey.	See Main Issue 5
Access is narrow and could be difficult for deliveries. Construction traffic will cause congestion. Millcroft is already congested.	See Main Issue 6
The driveway is not suitable for additional traffic. There is already too much traffic.	See Main Issue 6
The proposal would further compromise the integrity of the boundary wall.	See other matters
Noise disturbance from construction.	See other matters

## Consultation responses

7. 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.

8. Revised plans were received to address a number of issues raised with the original scheme. Once revised plans were submitted, a second consultation period was undertaken.

## **Initial Consultation**

### **Design and conservation**

9. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

### **Highways (local)**

10. No objection on highway grounds. The means of access is acceptable via a shared drive.

### **Norfolk Fire Service**

11. No comments received

### **Tree protection officer**

12. Despite the inconsistencies contained within the AIA and TPP (T5 in the survey schedule is a scots pine, whereas on the TPP, the location of the scots pine is given as T6. T5 on the TPP is an ash. T6 in the survey schedule is given as a walnut, and there were no walnuts on site), the essential information regarding the tree protection measures seems to be acceptable. However, I have concerns around the root protection areas of three of the most important trees on site - T1, T2, and T3, and the proposed construction of the driveway within the RPAs of these trees. There seems to be a slight slope in this area and I would require assurances that there will be no level changes within the RPAs. Specific details regarding the special construction methods of the driveway will also be required before I can comment fully on this application.

## **Re-consultation**

### **Design and Conservation**

13. This is not an application that I intend to provide conservation and design officer comments on because it does not appear on the basis of the application description to require our specialist conservation and design expertise. This should not be interpreted as a judgement about the acceptability or otherwise of the proposal.

### **Highways (local)**

14. No objection on highway grounds. Please consider where bins will be sited, ideally in a bin store to reduce visual impact on the site. A Construction management plan as a condition is recommended.

## Norfolk Fire Service

15. I acknowledge receipt of the above application and I do not propose to raise any objections **providing** the proposal meets the necessary requirements of the current Building Regulations 2000 – Approved Document B (volume 2 - 2006 edition amended 2007, 2010, 2013) as administered by the Building Control Authority.

## Tree protection officer

16. Much better I am now happy with the AIA.

## Assessment of planning considerations

### Relevant development plan policies

17. **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
  - JCS4 Housing delivery
18. **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
  - DM12 Ensuring well-planned housing development
  - DM28 Encouraging sustainable travel
  - DM30 Access and highway safety
  - DM31 Car parking and servicing
  - DM32 Encouraging car free and low car housing

### Other material considerations

19. **Relevant sections of the National Planning Policy Framework 2019 (NPPF):**
- NPPF2 Achieving sustainable development
  - NPPF5 Delivering a sufficient supply of homes
  - NPPF8 Promoting healthy and safe communities
  - NPPF9 Promoting sustainable transport
  - NPPF11 Making effective use of land
  - NPPF12 Achieving well-designed places
  - NPPF14 Meeting the challenge of climate change, flooding and coastal change
  - NPPF15 Conserving and enhancing the natural environment
  - NPPF16 Conserving and enhancing the historic environment

## **Case Assessment**

20. 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**

21. Key policies and NPPF paragraphs – DM12, NPPF 5.
22. In 2010 the government made amendments to PPS3 (now revoked) to exclude residential gardens from the definition of previously developed land. Paragraph 70 of the NPPF states 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. The council considered this matter as part of the development of policies in the local plan and concluded that the criteria based policies in DM3 and DM12 are satisfactory to determine applications for dwellings in gardens. Therefore there are no specific policies restricting new dwellings in the gardens of existing properties.
23. 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 given that:
- The site is not designated for other purposes;
  - The site is not in a hazardous installation notification zone;
  - The site is not in the late night activity zone;
  - It does not involve the conversion of high quality office space; and
  - It is not in the primary or secondary retail area or in a district or local centre.
24. Furthermore, this proposal does not compromise the delivery of wider regeneration proposals, does not have a detrimental impact upon the character and amenity of the surrounding area which cannot be resolved by the imposition of conditions (subject to more detailed assessment below), contributes to achieving a diverse mix of uses within the locality and contributes to providing a mix of dwellings within the area. The proposal would make a small contribution to housing supply in Norwich.
25. Therefore the proposal is considered to accord with the first part of policy DM12 (subject to assessment below) and is acceptable in principle.
26. The submitted design and access statement refers to previous permissions on this site. There were several outline permissions granted on this site for two dwellings between the late 70s/early 80s. It is not clear which of those permissions has been implemented and therefore it is unclear whether there is an extant consent on the site. However, notwithstanding this matter, the principle of development is acceptable as outlined above.



27. Comments were received suggesting that there is no need for another dwelling of this size within the area. This suggestion is not however consistent with the latest evidence within the Strategic Housing Market Assessment 2017 that there remains a need for new dwellings including 4,982 four bedroom homes in the Greater Norwich area between 2015-2036.

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

28. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF 8, 12 and 16.
29. No. 36 St Clements Hill is an existing bungalow set within a large garden plot. The property is located adjacent to No. 34 which is a locally listed building and is within the Sewell Conservation Area. The houses in this area line the two roads (St Clements Hill and Constitution Hill) facing into Sewell Park. There are attractive views into the park from all sides. The dwellings are characteristically set back from the road and the boundary wall to the front of No. 36 is identified as an important boundary in the Sewell Conservation Area Appraisal. The Conservation Area Appraisal also praises the quality of workmanship of the dwellings in this area.
30. The trees and open spaces of Sewell Park and private gardens make a significant contribution to the character of the conservation area. The garden of No. 36 is specifically referred to in the conservation area appraisal as being exceptionally large and mature.
31. Concerns were raised that the proposal would result in the erosion of the natural character and the destruction of one of the last open spaces in the area. It is acknowledged that the proposal would result in some loss of openness along this part of St Clements Hill through the infilling of part of the garden with an additional dwelling. However, this garden space is particularly large, is much bigger than those associated with the surrounding dwellings and can therefore accommodate an additional dwelling. The proposal does not propose to remove any of the trees located on site ensuring that they continue to contribute to the verdant character of the area. The proposal is for a residential property similar to those in the surrounding area and would not be incongruous with the surrounding buildings. The property is proposed to be set well-back within the plot (approx. 10m) in order to provide a large front garden. This is without detriment to the size of the rear garden that would be available for the dwelling.
32. Concerns were also raised that the property would not be in keeping with the character of the surrounding properties. The dwelling is proposed to be designed to mirror the adjacent No. 34. The original proposal included a balcony, render and was disproportionately large. The scheme has been revised and further detail provided to indicate a more traditional use of materials and a reduced scale of the property. The boundary wall would not be altered and the dwelling set back from the road. The applicant has been made aware that constructing a property of this design in a conservation area will require a high level of workmanship and the use of high quality materials. Any attempt to reduce the quality of the scheme at a later date will not be acceptable. Although an indication of materials has been provided to provide some comfort as to the quality of the build, it is considered appropriate to require full details of materials by condition.
33. Concerns were raised that the dwelling would result in interrupted views within the conservation area. The property would be set back within the plot behind No. 34

and is therefore not considered to be intrusive in the street scene. It is acknowledged that the property to the North at No. 60 St Clements Hill currently enjoys views towards the city centre as a result of south facing windows and elevated position. The proposed dwelling may result in a change to the views from surrounding properties. Loss of outlook is covered by DM2 however this relates to avoiding development that has an overbearing impact. In this instance, concerns over loss of private views of a distant feature/object are not a material planning consideration.

34. In summary, whilst there would be an infilling of a gap within the streetscene, this infilling would be of a residential nature and therefore not incongruous to the surrounding area. The property would be set back from the boundary to reduce its prominence and the retention of the important trees on site would continue to contribute to the verdant character of the area.
35. 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.
36. In this case, subject to the retention of trees on the site and the use of high quality materials, the harm to the conservation area would be less than substantial and would be considered to be very minor i.e. at the lesser end of less than substantial harm.
37. In accordance with paragraph 196 of the NPPF, where a development results in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Taking into consideration paragraph 193 of the NPPF, the benefit of providing additional housing is considered to outweigh the very minor harm resulting from the proposal.

### **Main issue 3: Amenities**

38. Key policies and NPPF paragraphs – DM2, DM11, NPPF 8 and 12
39. Concern was raised regarding overlooking from windows within the South elevation of the proposed dwelling. The objection cited the change in ground level as worsening this impact. The vegetated boundary between No. 34 and the development site would prevent overlooking from the two ground floor windows which would serve the living room. The only proposed first floor window facing South would be located within the rear bay and approx. 9m from the boundary which is considered to be a sufficient distance to protect from unacceptable loss of privacy. There are no proposed first floor windows within the North elevation.
40. Concerns were also raised that the new property would result in additional noise disturbance from additional vehicle movements and residents living in close proximity. It is acknowledged that the proposal would result in an increase in the intensity of the use of the site. However, activities at the site would be residential in character and therefore in keeping with the surrounding area. Furthermore, the proposal includes the use of the existing garage and driveway which is currently

utilised by No. 36 St Clements Hill. Therefore any increase in the activity on site is not considered to differ significantly from the current situation.

#### **Main issue 4: Biodiversity**

41. Key policies and NPPF paragraphs – JCS1, DM6, NPPF15.
42. A number of representations have expressed concerns regarding the impact of the proposal upon biodiversity both during construction and once the dwelling is occupied. This relates to the loss of the green space providing a corridor from Sewell Park and noise/light disturbance.
43. Advice taken from the Ecology Officer suggests that grassed areas are not of particularly high biodiversity value, however trees/hedges etc are important for foraging and nesting etc. The construction of the dwelling would result in the loss of a grassed area. However, the scheme does not propose to remove any trees from site. Furthermore, there is no demolition required which could result in the destruction of roosts/nests.
44. Nevertheless, given the reports of wildlife using the site by surrounding residents, it is considered appropriate in this instance to require a protected species survey to be undertaken prior to the commencement of development and for appropriate mitigation and enhancement measures to be provided.

#### **Main issue 5: Trees**

45. Key policies and NPPF paragraphs – DM7, NPPF 15.
46. Concerns were raised that the trees on site would not be adequately protected during construction. An arboricultural methods statement has been submitted as part of the application and the Tree Officer is satisfied that the trees on site will be adequately protected. Compliance with the tree protection information should be secured by condition.
47. It was highlighted that the number of trees identified within the TPO plan differs from the number shown in the application information. The original TPO for this site dates back to the 1970s and therefore a number of changes to the trees of site could have occurred in this time. Through the process of this application an assessment of the existing trees on site is required to be made as well as ensuring their protection. This information has been provided and is deemed sufficient.

#### **Main issue 6: Transport**

48. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF 8 and 12.
49. Existing access to No. 35 is via an access driveway from Millcroft to the North leading to the rear of the dwelling. This access road is an informal track surface. Concerns were raised that this road would not be able to accommodate any more traffic as there are already a large number of cars using. Currently this access road serves two properties and therefore vehicle trips are considered to be very low. One additional dwelling is not considered to result in a significant increase in the number of vehicles using the road. The Highway officer has also not raised any concern with regard to the capacity of this road.

50. Concerns were raised that the congestion and on-street parking on Millcroft would make it difficult for construction traffic to access the site. It is acknowledged that there is congestion near to the driveway on Millcroft which could make access the site difficult for larger vehicles. The Highways officer has recommended a condition requiring the submission of a construction management plan which should include details of how construction traffic and deliveries will be managed.

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

51. 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	<b>Yes subject to condition</b>
Car parking provision	DM31	<b>Yes - provided on driveway/existing garage</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>
Sustainable urban drainage	DM3/5	<b>Yes subject to condition</b>

### **Other matters**

52. Concerns were raised regarding noise and disturbance during construction. This is not a material planning consideration and has not been considered further.
53. A number of representations cite stability concerns with the boundary wall between No. 36 St Clements Hill and the properties to the South on Pelham Road. Due to the change in ground level, this wall functions as both a retaining wall of land at No.36 and the rear boundary of the gardens along Pelham Road. Any alterations to make good the boundary etc. would be covered under the requirements of a landscaping condition. It is the responsibility of the land owner to ensure the safety of their site. In addition, land stability would be considered by Building Control.

### **Equalities and diversity issues**

54. There are no significant equality or diversity issues.

### **Local finance considerations**

55. 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.

56. 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.
57. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

58. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

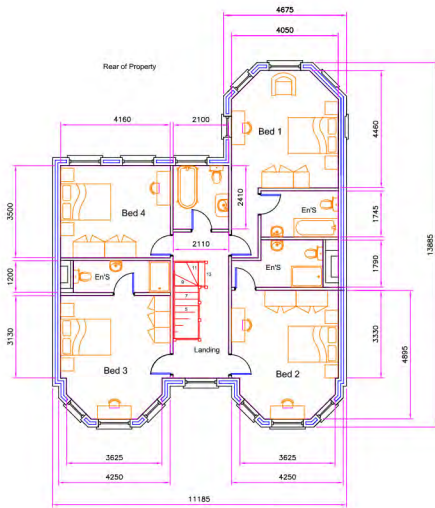
## **Recommendation**

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

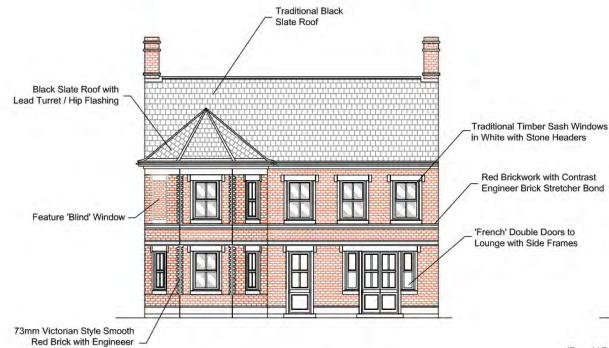
1. Standard time limit;
2. In accordance with plans;
3. Materials;
4. Lighting;
5. In accordance with AIA/AMS;
6. Protection of RPAs;
7. Submission of ecology survey and mitigation measures;
8. SUDS;
9. Bin/bike stores;
10. Landscaping scheme;
11. Construction management plan;
12. Removal of PD rights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



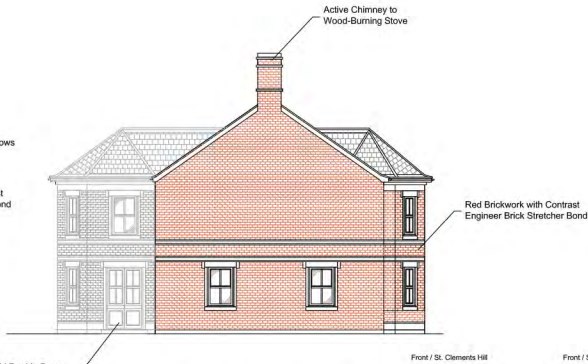




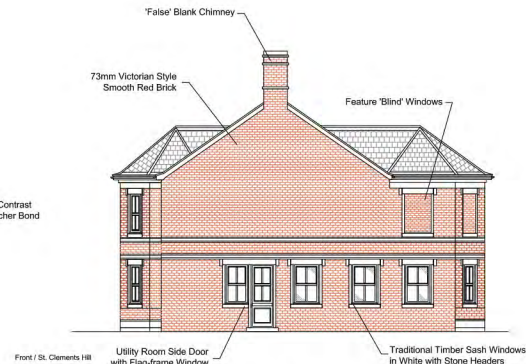
Proposed First Floor Plan



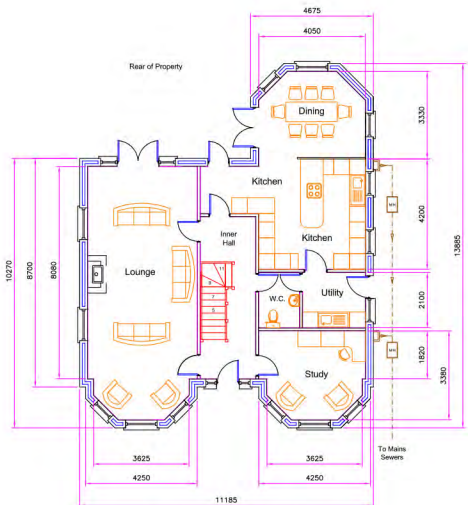
Proposed Rear Elevation - West



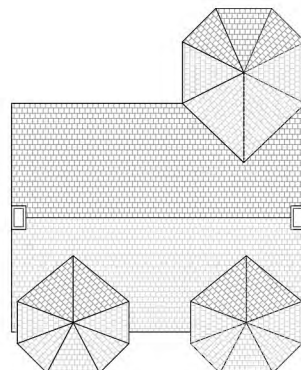
Proposed Side Elevation - South



Proposed Side Elevation - North



Proposed Ground Floor Plan



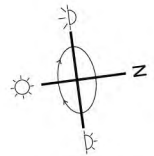
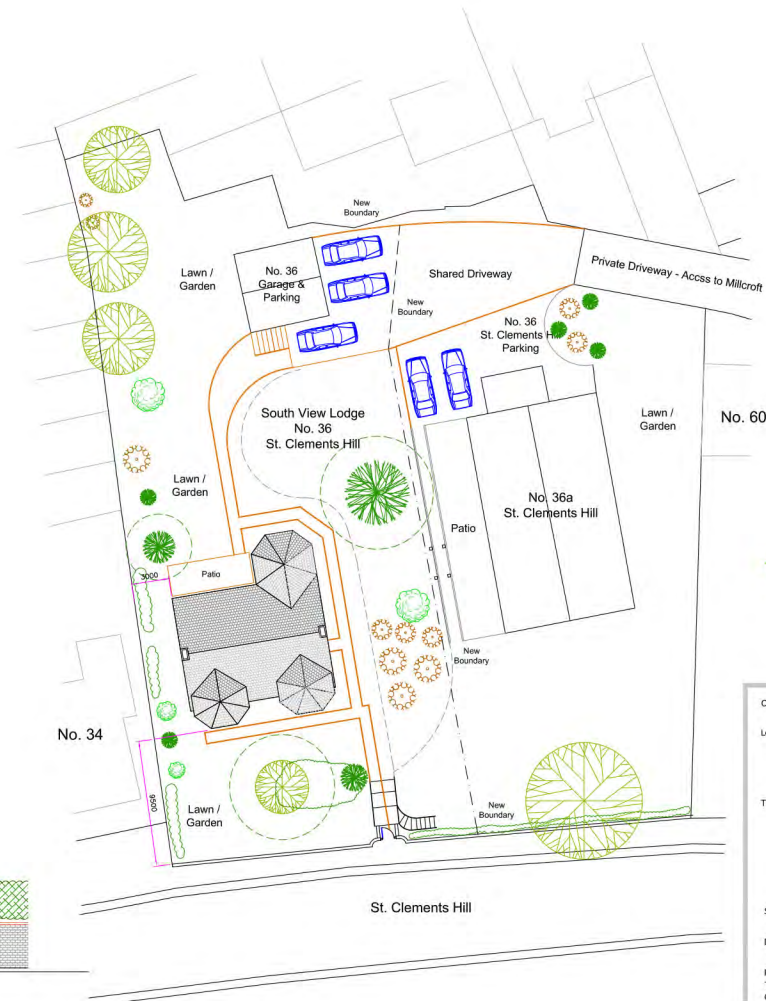
Proposed Roof Plan



Proposed Front Elevation - East



Proposed Front Elevation Street View off St. Clements Hill



Proposed Site / Plot Plan  
Scale 1:200

This drawing is to be read in conjunction with Drg Nos. TD041117-PP-2 & Associated Documents

All dimensions noted are approximate and for reference purposes only. Ensure full dimensional survey is undertaken prior to any site layout, development or structural work.

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Client: Mr. C. Brockwell  
Location: South View Lodge  
36 St. Clements Hill  
Norwich  
NR3 4BN  
Title: South View Lodge - Sub-division of Plot & Proposed New Four Bedroom Detached Residential Dwelling  
Planning Permission Approval  
Proposed Plans & Elevations  
Scale @ A1: 1:100 / 200 Drawn by: G. Daynes  
Date: Nov 17 Approved:  
Preliminary Tender Construction  
Drawing No: TD041117-PP-1 Revision: