

## Planning applications committee

**Date:** Thursday, 08 October 2020

**Time:** 10:00

**Venue:** Remote access

### Committee members:

#### Councillors:

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

1 vacancy

#### For further information please contact:

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### Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

## Agenda

### Page nos

#### 1 Apologies

To receive apologies for absence

#### 2 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)

#### 3 Minutes

5 - 8

To approve the accuracy of the minutes of the meeting held on 10 September 2020.

#### Committee Briefing on Changes to the Planning System, Use Classes and on the Planning White Paper 9 - 16

Notes from oral report to the meeting on 10 September 2020.

#### 4 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 4 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:

- The formal business of the committee will commence at 10:00;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available

- The committee will adjourn for lunch at a convenient point between 13:00 and 14:00 if there is any remaining business.

	<b>Summary of planning applications for consideration</b>	<b>17 - 18</b>
	<b>Standing duties</b>	<b>19 - 20</b>
<b>4(a)</b>	<b>Application no 19/00911/F - Bartram Mowers Ltd, Bluebell Road, Norwich, NR4 7LG</b>	<b>21 - 62</b>
<b>4(b)</b>	<b>Application no 20/00741/VC - Mary Chapman Court, Norwich</b>	<b>63 - 74</b>
<b>4(c)</b>	<b>Application no 20/00267/VC - Land at Dowding Road Taylors Lane and Douglas Close, Norwich</b>	<b>75 - 94</b>

Date of publication: **Wednesday, 30 September 2020**







**Planning applications committee**

**10:00 to 11:35**

**10 September 2020**

Present: Councillors Driver (chair), Maxwell (vice chair), Bogelein, Button, Lubbock, Neale, Oliver (substitute for Councillor Huntley) Peek, Sands (M), Sarmezey and Stutely

Apologies: Councillors Huntley and Ryan

**1. Declarations of interest**

There were no declarations of interest.

**2. Minutes**

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 13 August 2020.

(The chair agreed to amend the order of the agenda to take the oral report on government changes to planning policy at the end of the meeting.)

**3. Application no application no. 20/00819/F - Eaton (City of Norwich) School  
Eaton Road Norwich NR4 6PP**

The area development manager (outer) presented the report with the aid of plans and slides. The proposal was for a new sixth form block. In accordance with the rules agreed at the committee's April meeting, a statement was read out on behalf of the applicant in support of the application. (The statement had been circulated to members in advance of the meeting and is available on the council's website.)

During discussion the area development manager (outer) referred to the report and answered members' questions. He confirmed that the applicant would be required to provide a detailed landscaping scheme, as set out in condition 5, and had been in contact with the council's landscaping team. The proposal was to improve facilities for sixth form students and would not increase the number of pupils at the school. The proposal was for class room facilities and if used for evening classes would have a minimal impact. The issue of noise from students congregating in the outside area near the boundary fence was an ongoing situation which was managed by the school which would not be changed to a great extent by this proposal. The proposed planting could however limit the space available for students to access this

space. The plan included in the agenda pack showed that solar panels would cover a large extent of the roof of the proposed building.

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

Councillor Lubbock, Eaton ward councillor, said that she had opposed the earlier application by the school for a dance studio as it would have adversely affected the amenity of residents in Branksome Close. This application was for a single storey building to replace existing buildings and the houses in Eaton Road had long gardens attached to them would not create a loss of privacy or amenity. The use of the proposed building for evening classes would also not create an adverse effect on neighbourhood amenity. She did regret the removal of the substantial Leylandii hedge along the boundary but appreciated that there would be replacement planting.

Councillor Stutely commented that he considered that this was an excellent scheme. The construction would be modular and the school anticipated that it would be available for use in January 2021.

**RESOLVED**, unanimously, to approve application no. 20/00819/F - Eaton (City of Norwich) School Eaton Road Norwich NR4 6PP and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works to be carried out in accordance with submitted arboricultural report;
4. Works within RPA of trees to be carried out under arboricultural supervision;
5. Hard and soft landscaping to be agreed;
6. Surface water drainage to be agreed;

#### Informatives

1. Construction working hours and practices
2. Site clearance and wildlife.

#### **4. Application no 20/00688/F - 105 Gipsy Lane Norwich NR5 8AX**

The area development manager (outer) presented the report with the aid of plans and slides. The application was an officer one and no objections had been received. The proposal was for minor changes to the bungalow and annexe. The main issue was that the use of the annexe remained ancillary to the main dwelling. The annexe was currently occupied by the applicants' elderly family members.

During discussion the area development manager (outer) referred to the slides and showed that the footprint of the neighbouring dwelling to the east had changed to the plans and that construction had commenced in accordance with approved planning consent.

The chair moved and the vice chair seconded the recommendations in the report.

Councillor Peek, Wensum ward councillor, said that this area had been in his ward until the boundary changes, and that the large garden would easily accommodate the extension of the bungalow and annexe.

**RESOLVED**, unanimously, to approve application no. 20/00688/F - 105 Gipsy Lane Norwich NR5 8AX and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Annexe accommodation to remain ancillary.

## **5. Review of Arrangements for Public Speaking**

The area development manager (inner) presented the report. The proposal, set out in Appendix C, was to review the arrangements for public speaking which would apply whether the meeting was held remotely or face-to-face.

During discussion the area development manager (inner) together with the area development manager (outer) and the committee officer, commented on the report. The purpose of the proposal to limit speakers was to make better use of resources and reduce the length of committee meetings. The value to the decision making process of a large number of people each making the same point was questionable. The proposal also sought to redress the balance and increase the time that an applicant had to respond to issues raised by other speakers.

Members strongly opposed the proposal to limit the number of speakers to six (eight with ward councillor and agent/applicant) and considered that there should be no restriction because public participation in the committee process should be encouraged. Members also considered that the division of speakers equally between objectors and supporters would be disproportionate, particularly as the applicant would also be permitted to speak, and that the proposed first come first served basis would mean that people, including adjacent neighbours, would be denied the opportunity to put their view to the committee. The committee also noted that councillors could act as a proxy/advocate for a resident but would also be permitted to speak in their capacity as a ward councillor. Members considered that there was a need for balance and agreed with increasing the time limit for applicants or agents where there was more than one speaker. A member commented that where the application was recommended for approval the applicant should not need to address the committee if there were no other speakers. Another member said that he regretted that members did not get an opportunity to cross-question applicants.

Members also considered that going forward an element of remote participation in the committee meetings should be retained as this would assist residents who were unable to attend in person. It was noted that hybrid council and committee meetings, comprising elements of in-person attendance and remote access, were being considered at Group Leader level and by the council's corporate leadership team.

Councillor Stutely moved and Councillor Bogelein seconded that the procedure for speaking at planning applications committee as set out in appendix C of the report be approved, subject to the removal of paragraph (7) ie, removing the restrictions on the number and type of speakers.

The area development manager (outer) advised members that there were implications on staffing resources from lengthy committee meetings and that there was no legal obligation for members of the public to speak at planning committees. The proposed scheme was more generous than most councils. Broadland District Council limited speakers at its planning committee to 15 minutes in total with speakers being permitted to speak for up to 5 minutes each. At South Norfolk Council the total time allowed for speakers was 5 minutes. The chair had discretion to permit other speakers or extend the time permitted. Discussion ensued on the use of the chair's discretion and that although there should be some flexibility it should be used only in exceptional circumstances.

Councillor Stutely in moving to the vote said that he was proud that the city council stood out from other councils in allowing people to address the committee and not restrict numbers. The proposed scheme would provide the applicant with more time to address the committee when there was more than one speaker registered to speak. He also pointed out that, on the rare occasion where an application had a very large number of people wanting to speak, the committee could hold a meeting specifically for that item.

**RESOLVED**, unanimously, to approve the procedures for public speaking at committee as set out in Appendix C, subject to deleting paragraph 7 and references to it, and the renumbering of subsequent paragraphs, for inclusion in Appendix 11 of the council's constitution.

## **6. Committee Briefing on Changes to the Planning System, Use Classes and on the Planning White Paper**

The area development manager (outer) updated members on government changes to the planning system in response to the Covid-19 and proposals to change the planning system and use classes. A report on the government Planning White Paper would be considered by the sustainable development panel at its next meeting (1 October 2020).

**RESOLVED** to ask the area development manager (outer) to provide a report which will be circulated to members with the minutes of the meeting.

CHAIR

Title: **Summary of recent and proposed changes to the planning system**

Author: Mark Brown  
Area Development Manager  
07775 007897

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This note provides a brief overview of recent changes and proposed changes to the planning system along with some potential implications for Norwich.

### **Changes to Permitted Development**

The government have brought in a raft of changes to planning legislation and are due to bring in further changes in the coming months. Some have been introduced as 'emergency' measures due to coronavirus and without any consultation. A summary of the main changes are outlined below.

Five different statutory instruments amending permitted development rights have been introduced since lockdown, some have already come into effect others come into effect on 31 August. These changes provide for (this is a summary only and the original legislation should be referred too for detailed wording and details of all exemptions and requirements):

- Restaurants, cafes and drinking establishments can operate as hot food takeaways for upto a year starting 24 March 2020.
- PD rights for local authorities to undertake any development for purposes of preventing, reducing, controlling, mitigating or taking other action in connection with an emergency. These are wide ranging but temporary with any use needing to cease by the end of the year and any building erected removed up to 12 months later.
- A temporary widening of the ability to use land temporarily for a use up to 28 days between 1 July – 31 December 2020.
- Introduction of an ability to consider the provision of adequate natural light in all habitable rooms when considering prior approval applications for conversion to dwellings (i.e. such as office to residential). Floor plans and elevations are also now required.
- A range of new permitted development rights to allow for the construction of new dwellings above existing properties. This provides for:
  - Up to two additional storeys of flats (including associated works) above the following existing types of properties:
    - Purpose-built, detached blocks of flats;
    - Detached commercial or mixed use buildings;
    - Terrace properties in residential, commercial or mixed use;
    - Detached dwellings.
  - A wide range of restrictions apply including:
    - Does not apply in Conservation Areas and to Listed Buildings;
    - Does not apply to buildings constructed prior to 01 July 1948 or after 05 March 2018;
    - Limits on storey and overall height.
  - This is subject to a prior approval process which can consider the following:
    - highways;
    - air traffic;
    - contamination;
    - flooding;

- neighbour amenity, light to new dwellings;
  - design and external appearance;
  - heritage and archaeology;
  - landscaping;
  - where the building is commercial additional considerations of impact on business and noise from commercial premises.
- There is a 3 year time limit and a construction management plan must be submitted.
- Unlike other prior approval processes automatic approval is not given if a decision is not made within a time limit and unusually no time limit is given for determination however there will be a right of appeal.
- Upward extensions to dwellings allowing up to two additional storey's above an existing house.
  - Does not apply to a listed building or in a conservation area;
  - Applies to properties constructed between 1948 and 2018;
  - Includes height restrictions;
  - Is subject to a prior approval process allowing consideration of neighbour amenity, external appearance and air traffic.
- Demolition of buildings and construction of new houses.
  - Allows for the demolition of a purpose built detached block of flats, a detached building in B1 use and construction of a detached block of flats or a detached house along with associated works.
  - Some key restrictions are that this does not apply to:
    - a conservation area or listed building;
    - to buildings constructed prior to 1989;
    - if the footprint exceeds 1,000sqm;
    - if the building has not been vacant for at least 6 months;
    - the footprint of the demolished building cannot exceed the footprint of the old building;
    - upto two additional storey's can be added.
  - A prior approval process is required which considers the some of the matters as upward extensions (but not all) with the addition of design and landscaping.

## Implications

- Inability to deliver any affordable housing via prior approval process.
- Potential for poor quality housing – although natural light can be considered, there is no ability to consider matter such as internal space, external amenity space, refuse storage and cycle storage.
- Trees and landscape are not considerations for some prior approval application types. Neither is ecology however other legislation may avoid the most significant harm.
- Lack of direct reference to matters which we have a legislative duty to consider such as ecology, impact on listed buildings, conservation areas and equality leads to a fragmented system and likely confusion for the development industry.
- Potential increase in pressure on public services, particularly recreational facilities and open space.
- Changes to fee regulations have not yet been made so currently we can't charge a fee for these applications. Draft fee regulations propose a fee of £334 per dwelling (below the £462 per dwelling for a full application).
- The draft fee regulations do not provide for any fee for upward residential extension prior approval applications (note HCLG committee have recommended local fee setting last month although this has been muted since 2010).
- Resources to enforce when temporary arrangements cease.
- Likely to increase resource burden on local planning authorities rather than decrease particularly in urban areas.
- Has the potential to lead to homes in inappropriate areas.

## **Changes to the Use Classes Order**

The use classes order is to be overhauled as of 01 September with some transitional arrangements. Ultimately existing use classes A1-5, B1 and D1-2 are being removed and replaced with new class E (Commercial, Business and Service) and F1 (Local Community and Service) and F2 (Local Community).

A summary of these is contained in the table on the following page.

### **Implications**

- Changes of uses between the same use class do not require planning consent, this allows for significant flexibility between use classes now in class E in particular.
- It reduces our control and will have particular implications for some policies which seek to protect retail and office space and locate retail and leisure in sustainable locations.
- Changes to permitted development rights have not yet been drafted to reflect these changes.
- Transitional arrangements are set out meaning that permitted development rights will continue to apply until August 2021. However after this date we don't know what will happen with permitted development rights for office to residential (i.e. will all class E properties be permitted to change or will they do a partial replacement).
- It could result in an increase in leisure and retail uses in industrial estates. This has caused conflict with users in the past.

Use	Current Use Class	Use Class from 01 Sep
Shop no more than 280sqm mostly selling essential goods and with no other provision within 1km	A1	F2
All other Shops	A1	E
Financial and Professional Services	A2	E
Café or Restaurant	A3	E
Pub or drinking establishment	A4	Sui Generis
Hot food take away	A5	Sui Generis
Office	B1a	E
Research and development	B1b	E
Light industrial	B1c	E
Industrial	B2	B2
Storage and Distribution	B8	B8
Hotels and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Small HMO (up to 6 residents)	C4	C4
Clinics health centres, crèches, day nurseries, day centre	D1	E
Education, museums, libraries, exhibition/public halls, places of worship, law courts	D1	F1
Cinemas, concert halls, bingo halls, dance halls	D2	Sui Generis
Gymnasiums, indoor recreation	D2	E
Hall or meeting place for the community	D2	F2
Swimming pools, skating rinks, sports and recreation.	D2	F2



## **The Planning White Paper – Planning for the Future**

Published 06<sup>th</sup> August and consultation running for 12 weeks.

Officers have been considering this in more detail since this original summary was put together and further detail can be found in the SD Panel report located [here](#).

A brief summary of the main changes is set out below and the document is located [here](#).

### **Governments Case & Context**

- Likens the planning system to a 70 year old house which has been repaired, extended and rebuilt by the whims of whomever holds the deeds at the time.
- Radical reform is necessary and a complete overhaul is needed.
- System is too complex, decisions are discretionary not rules based, seeks to cut red tape but maintain standards.
- Public trust has been lost in the system.
- Technology is out of date.
- Assessment of housing need, viability, environmental impacts are too complex and opaque.
- Local plan process takes too long.
- Developer contributions and affordable housing is too complex.
- System does not facilitate enough homes being delivered.
- Although, acknowledges the importance of a planning system in creating great places.

### **Proposals**

#### **Local Plans**

- Point to an ideal of more simplistic rules based Victorian style planning;
- Local plans shorter in length and focused on site specifics and the allocation of sufficient land for development.
- Simplify local plans using rules based planning and introduce zoning as follows:
  - Growth areas – substantial development – outline approval given automatically;
  - Renewal areas – suitable for some development and densification, presumption in favour of development;
  - Protected areas – development restricted.
- To be adopted within 30 months or have government intervention.
- Sustainability appraisals are removed and replaced with a sustainable development test.
- Increase community involvement at plan making stage and reduce it at decision making stage.
- New data driven digital local plans (machine readable) and digital engagement systems in planning.
- A new standard methodology for housing requirements, maintaining the requirement for a Housing Delivery Test.
- Neighbourhood plans retained.
- Increase supply particularly in areas with affordability pressures to overcome affordability pressures and promote competition by requiring large sites to come forward with multiple developers and involving small builders.

### **Decision Making**

- Generic development management policies to be set nationally and set out specific development standards.
- Decision making to be faster with greater use of digital technology. Automatic refund of planning fees if not determined in time or an appeal is overturned.
- Automatic outline permission in growth areas and other forms of automatic permission for certain development types and high quality developments subject to rules based criteria.

- A subsequent details permission would be required or a local development order to grant consent automatically or development consent order on larger sites.
- A masterplan and design code should be agreed in growth areas as part of any permission in principal (prepared by the local authority – we have done similar work in the past e.g. Prospect House)
- Development different to the plan could come forward but would be the exception not the rule and would require a full application.
- Reduced information requirements on applications set nationally.
- Digital consultation.
- Greater delegation of decisions.
- Widening of permitted development to allow replicable forms of development to take place, with prior approval process continuing for some forms of development.
- Suggest that judicial review risk will be lessened under a rules based system.

## **Design**

- New development to be beautiful with a net-gain design requirement
- Local design codes to be produced, must have community support and must have bite to make them binding.
- New national design code and manual for streets to be published in the autumn.

## **Environment**

- EIA and SA practice based on European legislation to be dropped and a simpler system for assessing environmental impact introduced to avoid duplication.
- Seeks biodiversity net gains.
- Carbon neutral by 2050 (originally 2016).
- Local plans can still set spatially specific objectives around renewable energy and important views.
- Heritage assets to continue to have protection in local plans.

## **Enforcement**

- Recognised as under-resourced. Suggest the revised system will free-up resource to do more enforcement.
- Stronger enforcement powers to be introduced.

## **Resources**

- Authorities must have a chief officer for design and place-making.
- Propose to bring forward proposals to better resource planning departments later in the year and suggest that the simplification of the local plan system will allow for a re-focusing of resources.
- A step change in design skills will be needed in local authorities.
- Cost of planning services should be principally borne by land owners and developers albeit some plan making activities and enforcement should continue to be funded by local taxation – this will be considered as part of the spending review.
- Fees to be set nationally (although the HCLG committee last week recommended local fee setting).
- A new performance framework for local planning authorities to be established.

## **Infrastructure**

- National flat rate Infrastructure Levy (IL) based on the final value of a development.
- Include a value-based minimum threshold below which IL is not charged to avoid making development unviable. Potential for partial charge for marginal developments.

- Removal of S106 agreements and consideration of viability at decision stage.
- IL will cover affordable housing and assist local authorities to secure more housing on-site via a potential in-kind delivery on site. The reduced rate the RP pays compared to market is taken in-kind against the IL.
- Exemptions from the IL to be reduced so that changes of use (even if permitted development) which lead to a land value uplift are captured.
- IL to be paid at occupation rather than commencement.
- Local authorities to be able to borrow against IL revenues to support more infrastructure delivery.
- Neighbourhood share of IL to remain. Communities should be engaged on spending priorities.
- Certain amounts should be ring-fenced for affordable housing.

### **Other parallel consultations**

There are also consultations running on:

- The standard methodology for housing need - this would introduce a new element – a percentage of existing housing stock levels which takes into account the number of homes already in an area
- Securing of First Homes – requiring 25% of all affordable housing secured through developer contributions (and subsequently the IL) will be First Homes.
- Temporary lifting the small sites threshold for affordable housing provision to 40 or 50 units.
- Extending current Permission in Principle to major development.



# Summary of planning applications for consideration

## ITEM 4

08 October 2020

Item No.	Case number	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4(a)	19/00911/F	Bartram Mowers Ltd, Bluebell Road	Tracy Armitage	Demolition of existing buildings and erection of 32 bungalows, 22 apartments, a residents pavilion, access and ancillary development.	Objections	Approve
4(b)	20/00741/VC	Mary Chapman Court, Duke Street	Lara Emerson	Variation of Condition 9: street trees of previous permission 18/01524/F to update the scheme and drawings for street trees.	Objections	Approve
4(c)	20/00267/VC	Land At Dowding Road Taylors Lane And Douglas Close	Maria Hammond	Variation of Condition 10: landscaping of previous permission 11/00766/RM to replace landscape report.	Objections	Approve (or refuse if no deed of variation within 6 months)



## **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**

08 October 2020

**Report of** Area development manager

**Subject** Application no 19/00911/F - Bartram Mowers Ltd Bluebell Road Norwich NR4 7LG

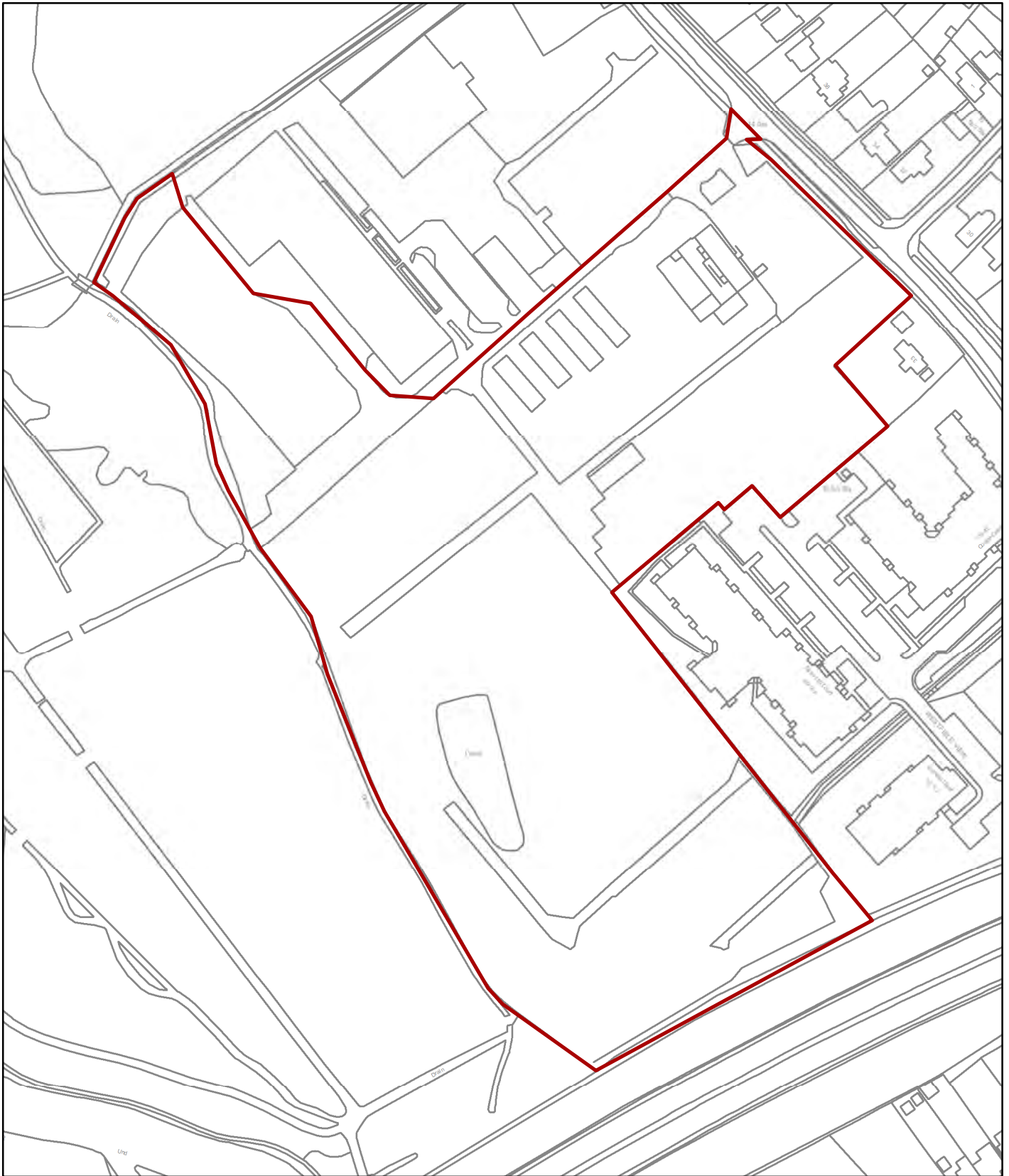
4(a)

**Reason for referral** Objections

<b>Ward:</b>	Eaton
<b>Case officer</b>	Tracy Armitage - <a href="mailto:tracyarmitage@norwich.gov.uk">tracyarmitage@norwich.gov.uk</a>

Development proposal		
Demolition of existing buildings and erection of 32 bungalows, 22 apartments, a residents pavilion, access and ancillary development.		
Representations		
Object	Comment	Support
54	3	9

Main issues	Key considerations
1 Principle of development	Principle of residential development on this site
2 Dwelling type and mix	Whether development provides for a mix of type and tenure
3 Design and landscape impact	Quality of design and whether the scheme minimising impact on the Yare Valley
4 Amenity	Impact of the development on the amenity of existing residents living adjacent to the site
5 Landscape, openspace and biodiversity	Quality of landscape proposals and whether they enhance green infrastructure
6 Trees	Impact on existing trees
7 Transport	Traffic generation and provision for parking
8 Energy and water	Whether the development makes adequate provision for energy and water conservation
9 Flood risk	Whether the development makes satisfactory provision for managing flood risk
10 Affordable housing	Whether the development makes adequate provision for affordable housing provision
<b>Expiry date</b>	30 October 2020, subject to agreed extension of time.
<b>Recommendation</b>	Approve subject to S106 Obligation and imposition of planning conditions



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Planning Application No 19/00911/F  
 Site Address Bartram Mowers Ltd, Bluebell Road

Scale 1:2,000

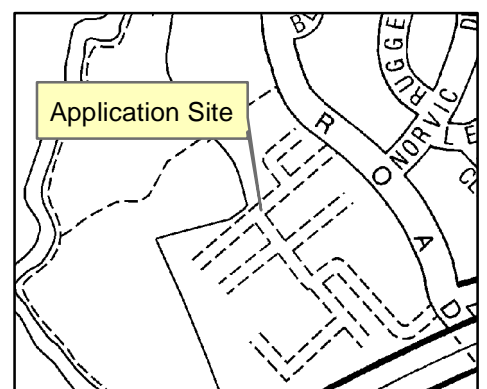


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The site is situated on the south west side of Bluebell Road and comprises predominately grassed areas formerly accommodating agricultural greenhouses and a building which was last in use as a children's nursery.
2. The site is bounded on the north-eastern boundary by Bluebell Road, the A11 Newmarket Road to the south east, by the River Yare to the south-west and vacant agricultural land to the northwest.
3. The character of the wider area is heavily influenced by the Yare Valley to the south west, as the topography slopes down from Bluebell Road towards the River Yare. The site follows this topography, with levels falling away from Bluebell Road. The boundary with Bluebell Road is marked by a linear belt of mature trees.
4. The opposite side of Bluebell Road to the east has a more suburban character with large detached houses at a high ground level than the application site.
5. Directly to the south-east of the site is development comprising phase 1 (15/01646/F). This includes a retirement living block, an assisted living/extra care block and an affordable living block. Phase 1 comprising development 2 – 4 storeys in height.
6. The site is in close proximity to Eaton District centre.
7. The development site occupies a total area of approx.1.6 hectares.

## Constraints

8. The site adjoins the Yare Valley Character Area, an area of designated open space, and is in close proximity to a County Wildlife Site (CWS) which is adjacent to the river Yare. Ground levels across the site fall from a highpoint adjacent to Bluebell Road down towards the river. There is a significant band of trees adjacent to Bluebell Road.

## Relevant planning history

9. The site has considerable planning history with the most relevant applications being listed below. Application 18/00265/F was withdrawn following concerns raised by the Council on a number of key issues which included the lack of affordable housing, the awkward transition between the three and four storey apartments of phase 1 and the proposed low level bungalows of phase 2 and the layout of the development.

Ref	Proposal	Decision	Date
08/00313/F	Use of land for the standing and display of temporary garden buildings.	APPR	25/06/2008
13/00852/U	Change of use of temporary building from retail (Class A2) to children's nursery (Class D1) for a period of two years.	APPR	12/09/2013

Ref	Proposal	Decision	Date
15/01646/F	Erection of 62 age restricted retirement (including affordable) apartments (class C3), assisted living extra care accommodation (class C2), access, car parking, landscaping and ancillary development (revised proposals: Revisions include omission of vehicle access point, reduction in height of some buildings, new footpath links).	APPR	13/12/2016
15/01839/F	Retrospective change of use from Retail (Class A1) to Children's Nursery (Class Da) including retention of associated alterations with provision of formalised car parking area and boundary planting.	APPR	29/02/2016
17/00074/D	Details of Condition 3: Materials, Condition 5: Landscaping, Condition 7: External lighting, Condition 10: Tree protection and Condition 16: Written scheme of investigation of previous permission 15/01646/F.	APPR	23/06/2017
17/00552/NM A	Amendments to planning permission 15/01646/F including changes to windows, balconies and additional living unit in place of well-being room.	APPR	04/05/2017
17/00796/D	Details of Condition 14: fire hydrants of previous permission 15/01646/F.	APPR	21/07/2017
17/01807/D	Details of Condition 4: vehicular, pedestrian and cyclist access; Condition 6: drainage and Condition 8: visitor bicycle parking of previous permission 15/01646/F.	APPR	05/04/2018
18/00143/D	Details of Condition 11: Yare Valley footpath and Condition 12: ecology of previous permission 15/01646/F.	APPR	17/05/2018
18/00225/VC	Variation of Condition 2 and Condition 4 of previous permission 15/01646/F to add 8 new parking spaces and changes to landscaping plan.	APPR	17/05/2018

Ref	Proposal	Decision	Date
18/00265/F	Demolition of existing buildings and erection of 41 care bungalows with communal facilities, access and ancillary development.	WITHDN	24/01/2019

## The proposal

10. The development proposal has been amended since first submission in June 2019, with two sets of amendments being subject to further public consultations.
11. The application as first submitted sought full planning permission for 54 x age restricted retirement dwellinghouses (use class C3). Amendments to the scheme have resulted in a reduction in the total dwelling number to 50. The scheme includes provision for 14 affordable dwellings.
12. The type of properties is mixed with the proposal being for 32 bungalows (one, two and three bedroomed) and 18 apartments (one and two bedroomed). The apartments are within three blocks, with 14 in a single block. As originally submitted this block was a 3-4 storey block. The amended scheme removes the 4<sup>th</sup> storey element.
13. The application also seeks consent for a residents' pavilion, access, car parking, landscaping and ancillary development.
14. Summary details of the scheme are set out below.

## Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of dwellings	50 (32 bungalows and 18 apartments)
No. of affordable dwellings	14 social rented units (28% based on viability)
Ancillary accommodation	Pavilion for communal use by residents
No. of storeys	Variation in height from single storey bungalows to 3 storey flats.
Density	31 dwellings per hectare

Proposal	Key facts
<b>Appearance</b>	
Materials	Brick (multi red and grey), cobbled flint, horizontal boarding and grey standing seam, plain tiles (red and grey).
Energy and resource efficiency measures	Fabric first - thermal efficiency exceeding min requirements set out in Part L of the Building Regulations  Photovoltaics
<b>Transport matters</b>	
Vehicular access	Access via Bluebell Road
No of car parking spaces	12 bungalows have single garages – providing 1 spaces + drive  Other bungalows/apartments have 1-2 spaces depending on size of property  Block of 14 apartments - 10 parking spaces  All of the residential parking will be sold as part of the freehold of the properties  Visitor parking – 8 spaces
No of cycle parking spaces	Cycle storage within garages or sheds for dwellinghouses, dedicated cycle/mobility buggy store for flats.
Servicing arrangements	Standard servicing arrangements

## Representations

15. Advertised on site. Adjacent and neighbouring properties have been notified in writing. 67 contributors have made representations citing the issues 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 proposed density is excessive. The Norwich Local Plan (R42) identifies the site as suitable for development for up to 120 dwellings. This has already been exceeded.	Addressed in Main issue 3

<b>Issues raised</b>	<b>Response</b>
Proposal fails to minimise impact on the landscape of the Yare Valley adding multilayers of buildings will further erode the natural environment of the Yare Valley	Addressed in Main issue 3 and 5
Site Masterplan envisaged phase 2 being primarily bungalows and small number of two storey blocks.	Addressed in Main issue 3
Residents of phase 1 chose their apartments based on the previous application for single storey bungalows.	Addressed in Main issue 3
The apartment building excessive in scale and not in keeping with the former expected layout of all single storey buildings.	Addressed in Main issue 3
The apartment block is too close to Daisy Hill Court should be located elsewhere on the site away from existing properties or the apartments should be reduced to two storeys with trees and greenspaces between the two phases	Addressed in Main issue 3
The apartments at the northwest end of Daisy Hill Court will have a severe loss of light, privacy and most will lose their open view of trees and the sunset from the windows and balconies	Addressed in Main issue 4
16 residents will be affected by the proposal as the proposal is now for a plain brick wall of four stories high which is only 15 metres from Daisy Hill Court residents. The single storey buggy/cycle and bin store leaves only a 7 to 8 m gap.	Addressed in Main issue 4
Daisy Hill residents' enjoyment of their properties and health and well-being will be adversely effected.	Addressed in Main issue 4
Sunlight and daylight report incomprehensible	The report details the results of recognised methods of assessing the impact of development on sunlight and daylight levels
Poor design	Addressed in Main issue 3

Issues raised	Response
Consultation during lock down when residents had no visits from friends and relatives	The application was submitted in 2019 and the assessment stage has included the lock down period. The application has included three consultation periods and efforts have been made to keep residents updated on the progress of the application.
Design of first phase includes landscape avenues between Leander Court and Daisy Hill Court - this spacing should be mirrored in phase 2.	Addressed in Main issue 5
The 4 storey building will further spoil the existing view across the Yare Valley. The development will make the McCarthy and Stone estate entirely urban. At present the open NW aspect with its view of the Yare Valley is valuable in mitigating such an urban feeling.	Addressed in Main issue 3 and 5
In order to preserve the green space it is imperative that no further development is allowed between phase 2 and the UEA.	Policy R42 defines the extent of land identified for development
Extension of SUDs feature - should not disturb the wildlife that has established in the existing SUDs feature.	The SUDs feature is subject to a planning condition – this will include a method statement
Concern over water quality of runoff	The surface water drainage system will include treatment stages
No ecological benefits have been identified and there is no consideration of impacts on existing habitats. It is unacceptable that this area of wildlife is going to be disturbed by concrete and heavy machinery.	Addressed in Main issue 7
As many trees and hedgerows should be retained as possible. The riverside path should not be converted into a solid surface path. An ecological assessment should be made of the impact on Water Voles.	Addressed in Main issue 5
Existing traffic volumes on this road are already problematic at rush hour. The phase 1 development will exacerbate this problem as will phase 2 and 3.	Addressed in Main issue 7



Issues raised	Response
No evaluation has been taken of potential deterioration in air quality	See Main issue 7 and trip generation at peak times
The development will generate more pedestrian traffic on a well-used cycle path which could be a hazard.	Addressed in Main issue 7
Existing facilities like doctors and dentist can't cope now.	Within Greater Norwich, the health sector is involved in planning for growth.
<p>Visitor parking is inadequate.</p> <p>Within phase I car parking spaces were sold for £10,000 and residents who didn't purchase a space are unable to park within visitor spaces which means they have to park on nearby roads.</p>	<p>Addressed in Main issue 7</p> <p>All parking will be sold with the freehold of the property</p>
If planning permission is granted there will be months or years of building works which will be a nuisance due to site traffic, noise and dust. Consideration needs to be given to mitigating the effect of building works on the existing residents. Where will construction workers park their cars? In phase I they parked on local roads	A planning condition is recommended requiring the submission of a Construction Management Plan prior to the commencement of development. This will include details of arrangements to manage noise, dust and disturbance and the parking of construction worker vehicles
There is concern regarding the disturbance of contaminated land.	Addressed in 'Other matters'
The proposal will reduce the value of properties in Daisy Hill Court.	This is not a material planning consideration.
McCarthy and Stone did not consult existing residents of phase I or they are not identified as key stakeholders. The SCI relates to community involvement for the previous planning application.	Although it is regrettable that McCarthy and Stone did not consult neighbouring residents, this cannot be a reason for refusing an application.
Critical letter from Daisy Hill Court residents regarding environmental management of the existing apartment block, regarding: energy efficiency; food waste recycling and creation of vegetable garden.	This letter has been passed to the applicant, these matters are not material to the determination of this planning application.
<b>In support</b>	
There is a need for this type of development.	

Issues raised	Response
This offers the opportunity to downsize from much larger properties in the area. There are very few bungalows in Eaton even though there is a large elderly population.	
This form of development frees up larger houses to younger buyers with growing families	

16. Cllr Lubbock (ward councillor) has objected to the application. 'I would like to object to the revised plans for the above development. My objection to the original plans remain because the 18 one bed apartment block remains too close to Daisy Hill Court affecting the amenity of the residents, especially their loss of visual amenity, but also the possibility of noise and disturbance. Reducing the height of that block by one storey does not reduce the adverse impact on the neighbours. The density is much higher than the original Masterplan which was for bungalows only on phase 2. The proposals result in a very cramped, over developed site unlike the phase 1 where there are landscaped areas between the blocks.'

## Consultation responses

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

### Anglian Water

18. No comments received

### Design and Conservation

19. No comment

### Environmental protection

20. The site was part of a nursery and garden machinery company and as such has the potential to be contaminated. The Desk Study/Site Investigation report indicates that asbestos and elevated levels of lead were encountered across the site. Therefore conditions should be attached requiring a scheme to deal with the risks associated with contamination of the site.

### Environment Agency

21. No objection, providing that you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit.
22. The applicant has sequentially sited all proposed development within flood zone 1. The access and egress route travels through flood zone 1 and therefore has a safe

route of access. Floor levels of the proposed buildings are set above the 0.1% (1 in 1000) annual probability flood level, inclusive of climate change. Attenuation basins are proposed which encroaches slightly into flood zone 2. It is not proposed to construct a raised embankment around the basins and compensatory storage is not therefore required as floodplain storage is not being reduced. The basin may fill with water in the 0.1% (1 in 1000) annual probability event.

### **Highways (local)**

23. No objection. Advise that the layout is logical and permeable with perimeter blocks that generally define public and private spaces. The means of access to Bluebell Road is fit for purpose and the shared use path will carry over.
24. Recommend condition - Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access/ adjoining the footway of Bluebell Road shall be constructed (for the first 10 metres into the site) in accordance with a detailed scheme (including the provision of Give way markings in accordance with the TSRGD 2016 and the repositioning of the cycleway signage as required) to be agreed in writing with the Local Planning Authority in accordance with the highways specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

### **Historic England**

25. No comment

### **Landscape**

26. Landscape comments were made on the previous iterations of this scheme, these comments relate to the revised proposals received July 2020, which incorporate changes in response to previous landscape and other officer comments. These proposals better respond to the context of the surrounding landscape and within the constraints of the layout minimise detrimental impact on landscape character itself. Potential visual impact of the proposals when viewed from the open space and wider landscape are also minimised by the reduction of height of the apartment block and a more sensitive treatment of the boundary and transition between the development and adjacent open space.
27. **Open space:** The proposed open space now presents an acceptable landscape design approach, with an appropriate level of connectivity through the development to enable public access and access by residents, without giving the impression that it is under the ownership of the residential development. There is an adequate connection proposed between Bluebell Road and the River Yare, and the design approach presents a more naturalistic transitional landscape treatment between the development site and the adjacent County Wildlife Site.
28. The management plan information submitted does not extend to the open space areas, so clarity is needed over the management of this space, who will be responsible and what operations will be undertaken. This will not be a city council asset, but as a space that will and should be accessible to the wider public it is important to understand how the space will be maintained particularly in relation to the upkeep of seating and waste management (i.e. will bins be provided to prevent litter

accumulating near the CWS), and the upkeep of any safety measures that may be required around the permanent water body and attenuation basins.

29. **General Landscape Concept within development area:** Within the constraints of the layout the landscape concept offers and appropriate balance between a suburban setting and the wider natural valley landscape. The site boundaries and edges have been strengthened where appropriate and a more naturalistic/transitional approach has been taken bordering the open space area which is more appropriate than the use of dense ornamental or municipal planting in this area.
30. Improvements have been made to the landscape offer within the pavilion square, which now includes a more meaningful design and space that should attract residents and visitors thus fulfilling its potential as part of the shared amenity space within the development area. This also offers a more meaningful connection between phase 1 and 2 developments. The inclusion of structural and ornamental planting to the boundary to the future phase area is welcomed. Overall the proposal offers an appropriate tree and plant list and will provide year round interest, balanced with maintainable landscaping.
31. **Recommendations:** No landscape objection to the proposals for the open space or within the development. It would be worth removing permitted development rights to ensure a greater level of control over the replacement or introduction of any boundary treatments, removal of front garden planting, or introduction of other miscellaneous items associated with residential development. Additional information is required in relation to management of the open space, as outlined above.
32. Concerns were previously been raised over the density of this phase of development and exceeding numbers envisaged for the site. Although there is now some balance between the density of the development of phase 2 and the wider setting in landscape terms, it is important that any future proposals for development take this into consideration at the earliest stage and that the concept of the green link through the site is implemented as sensitively as possible given the number of trees present in the adjacent site.

### **Lead Local Flood Authority**

33. No objection subject to imposition of planning condition – confirm that the proposed drainage scheme is satisfactory and that the calculations confirm no flooding occurs for 1%AEP return period +40% cc, as required. Proposed planning will secure submission of detailed design of the SUDs features, implementation and future management.

### **Natural England**

34. No comments received

### **Norfolk County Council planning obligations**

35. This development will require 1 fire hydrant per 50 dwellings at a cost of £824 per hydrant which should be dealt with through condition so this would be 2 fire hydrants on no less than a 90mm main.

36. New development will have an impact on the library service and mitigation will be required.
37. Connections into the local Green Infrastructure network, including public rights of way and ecological features, should be considered alongside the potential impacts of development.

#### **Norfolk public health**

38. No comments received.

#### **Norfolk historic environment service**

39. The proposed development site lies adjacent to an area where in 1838, 1851 and 1868, a large number of Roman pottery sherds were recovered. The number found along with the presence of wasters suggest that there may have been a Roman kiln site in the area. In addition a large amount of prehistoric flints have been recovered from the field to the north. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site. Archaeological trial trenching has been carried out and an archaeological valuation has been submitted. This has been approved and HES make no further recommendations for archaeological work.

#### **Norfolk police (architectural liaison)**

40. The application details a well laid out site, of a cul-de-sac design, which doesn't have any alleyways, back to back garden, is not permeable and has a primary vehicular access point. This layout is very encouraging as increased permeability is linked to increased crime.
41. With regards to cycle storage this must facilitate the locking of both wheels and cross bar. The store should be lit after dark. Waste containers can be used for climbing and the contents used to start fires. Consideration should be given to using waste containers with lockable lids. A carefully designed lighting plan to cover all vulnerable areas should be place. The pavilion should have a doorset that is robust,

#### **Norfolk Wildlife Trust**

42. No objection with regard to the revised landscape plan as it appears to be compatible with management of the adjacent County Wildlife Site (CWS).

#### **Norwich City Council Ecology advisor**

43. The stand-alone bat survey of the trees along Bluebell Road found no evidence of bats. The report suggests the provision of bat boxes and bat sensitive lighting during the construction phase and for permanent lighting.
44. The report identifies one roost within building 6. This roost is a small opportunistic summer day roosting site of low conservation significance and its demolition is acceptable.

#### **Development Site**

45. Whilst our landscape colleague has provided a more detailed response in terms of species, I note that the species list includes many species that will provide a biodiversity benefit, such as crab apples, lavender and black dogwood.

### **Open Space**

46. The purpose of this area is twofold; as a buffer to the CWS and as an alternative recreational space. This area also has the potential to help mitigate and provide biodiversity enhancements for the development.
47. The revised design is now more consistent with the informal nature of the space, and should provide both a visual and environmental buffer.
48. I note that some amenity grass is still proposed, which is desirable as this area is important in acting as an alternative recreational space to relieve pressure upon the CWS. The amenity grassland is now part of a much softer design and is considered to blend into the wider space. Additional seating has also been indicated, which again is considered appropriate.
49. Prior to development the area was/is largely semi improved grassland, with a small wooded area to the south west, and a tree belt along the western boundary with the CWS. There were some relatively short strips of hedge and some now demolished buildings. The proposed plan enhances this tree belt with additional planting of native trees and shrubs. Similar planting will also occur in the north corner (woodland copse) and along the south-east boundary.
50. The attenuation basin has now been enhanced from the previous plans to include vegetation, which will enable this feature to provide a real ecological benefit.
51. The other proposed habitats remain (to include wildflower areas, rough grassland, parkland trees and woodland copse).
52. As per the email below I would like to see 2 hibernaculas provided as part of this scheme, and as identified within the original 2015 application (ref 15/01646/F) the semi improved grassland area is suitable reptile habitat, and therefore the provision of hibernaculas here should provide an effective enhancement.
53. The revised plans for the Open Space represent a better design which will provide the site with ecological enhancements by introducing a wider variety of habitats.
54. Conditions relating to external lighting, bird nesting season, small mammal access, in accordance with ecology report and a construction method statement should be attached to any consent.

### **NHS**

55. No comments received

### **South Norfolk Council**

56. No comments

## **Strategic Housing development**

57. Redevelopment of this site is welcome and we support the application.
58. The Joint Core Strategy (JCS) requires 33% of the homes to be affordable, split 85% at a social rent and 15% intermediate tenure. On site this equates to 17 dwellings of which 14 would be for social rent and 3 of intermediate tenure.
59. Following receipt of a viability assessment from the applicant and subsequent independent review by BNP it has been deemed that only 14 affordable dwellings are viable to be provided on this development. All 14 dwellings would be for social rent. This equates to 28% and is a fair reflection on what is achievable to be delivered and meets the greater housing need in terms of tenure.
60. McCarthy & Stone have reached agreement with Norwich Housing Society to purchase the social dwellings. This builds upon their partnership in phase 1 of the development which saw the delivery of 20 affordable dwellings. This means that across the site as a whole will have delivered 34 affordable dwellings for social rent giving an overall delivery of 30%, all for social rent. Had the developments been fully compliant then 31 properties for social rent and 6 for intermediate tenure would have been required but we know that the greater need in the city is for social rent so a greater delivery of this tenure better meets housing need.
61. The properties are sheltered housing for residents over 55 years of age and this development will add to the sheltered housing stock in the city. Current figures from our Home Options team show that there is a limited demand for sheltered housing flats in the city but this is based upon a predominantly older stock built in the 1960's. Norwich Housing Society manage their own waiting list and were able to fully let phase 1. This development, across both phases, is specifically for older people, so new build sheltered housing should be more attractive to residents looking to down size. With the extra care facility adjacent this would allow residents to buy services in the future from a provider on their doorstep, if their needs become greater over time.
62. The proposal for the affordable housing units is for this to be delivered in a single block of flats. This is acceptable, and preferred by local registered providers, as this will allow for a registered provider to take ownership of this whole block for ease of management and to keep service charges to a minimum.

## **Tree protection officer**

63. The ramp and the widening of the footpath near T157 are both achievable, but they will have to be constructed with care to avoid damage to the trees. A suitable condition is recommended requiring a method statement and arboriculturist monitoring, in these two areas, whilst the work is being done.

## **Yare Valley Society**

64. The Local Plan envisaged in the region of 120 dwellings which is based on a low density development in order to minimise the impact on the landscape. Phase I and this development would result in 115 units. The adverse effect of a higher density than that of policy R42 has been demonstrated in the restriction of views from the construction of phase I. The density of the development should be reduced so to better achieve the aims of that policy in terms of landscape impact and views.

65. It would appear that the developer has yet to complete the works on the public open space and footpaths associated with phase 1 of the development to the agreed standard. Phase 2 should not proceed until the agreed work on the public open space and footpaths (including footpath from Bluebell Road to Yare Valley Walk on the south east side of the site) has been completed. Safeguards should be put in place to ensure that similar delays do not occur in the delivery of the public open space associated with phase 2. The footpath needs to be shown on the masterplan. The proposal also shows building of a road hard up to the SW boundary of the site. This is contrary to the Masterplan.
66. Amended plan: The revised application takes little account of earlier objections expressing concerns of the impact of the development on the Yare Valley Character Area. The density of the development should be reduced to be more in accord with Policy R42 and so to better achieve the aims of that Policy in terms of landscape impact and views. The *existing* path along the south east boundary, part of the Phase 1 development, should be shown unambiguously as forming part of the path network on the Landscape Master Plan for Phase 2. The layout of the site should be altered to provide space for planting on both sides of the boundary between the open space and the built development as shown on the original whole site Masterplan

## **Assessment of planning considerations**

### **Relevant development plan policies**

67. **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
  - JCS5 The economy
  - 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
  - JCS20 Implementation
68. **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
  - DM8 Planning effectively for open space and recreation
  - DM9 Safeguarding Norwich's heritage
  - DM11 Protecting against environmental hazards
  - DM12 Ensuring well-planned housing development
  - DM13 Communal development and multiple occupation



- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing
- DM32 Encouraging car free and low car housing
- DM33 Planning obligations and development viability

**69. Norwich Site Allocations Plan and Site Specific Policies Local Plan adopted December 2014 (SA Plan)**

Policy R42 is directly relevant to the site. The policy states that “the 5.5ha site is allocated for development of a housing scheme for the over 55s, which may include assisted living and/ or extra care housing. The development will be designed to:

- minimise impact on the landscape of the Yare Valley and important views;
- improve the strategic Yare Valley green infrastructure corridor, providing 17.5 hectares of public open space on land adjoining the site shown on the site plan with a red dotted line. The public open space will provide improved pedestrian / cycle access to and within the valley, including improvements to the Yare Valley Walk. A management plan will be produced for the open space by the developer. A legal agreement will cover arrangements for future management and maintenance, of the open space in perpetuity;
- protect and enhance environmental assets within and adjacent to the site, including retaining tree belts.”

In order to ensure that the setting and character of the site are respected and to minimise impact on the landscape and important views, proposals will accord with an agreed masterplan produced by the developer and agreed by the Council, covering the development site and adjacent open space. The masterplan will identify the precise areas within which development will be located, maximum building heights, the number and type of dwellings and the layout of open space”.

**Other material considerations**

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

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF5 Delivering a sufficient supply of homes
- NPPF8 Promoting health 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
- NPPF12 Conserving and enhancing the historic environment

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

- Affordable housing SPD adopted July 2019
- Open space & play space SPD adopted October 2015
- Trees, development and landscape SPD adopted July 2016

## Case Assessment

72. 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 council's 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

73. Key policies and NPPF paragraphs – DM12, DM13, SA policy R42, JCS policy 4, NPPF2, NPPF4, NPPF5.
74. The site is allocated for housing development in the Site Allocations Plan. The site had historically been considered as undeveloped land at the edge of the urban area, and its development had been resisted due to its location adjacent to the Yare Valley character area. However, the site was proposed for housing development for over 55s, by the site owners as part of the adoption process for the council's Site Allocations and Site Specific Policies Plan document. The Planning Inspector's report following the Examination in Public of this document required that the site was allocated for development for over 55s.
75. The Inspector considered that the provision of housing for over 55s would help to meet local housing needs and development of the site would have the potential to deliver significant areas of publicly accessible open space within the Yare Valley as well as improved access to the Yare Valley Walk itself. The site was considered to be well located to serve the needs of over 55s as it is located in proximity to shops and services within Eaton village centre and good public transport connections to the city centre.
76. As such site R42, with its associated policy to guide development, are included within the adopted Site Allocations Plan and Site Specific Policies Local Plan document, adopted December 2014. Furthermore, it is proposed that the site (currently undeveloped part) is carried forward for allocation in the draft Greater Norwich Local Plan.
77. The principle of development of the site for over 55s housing is therefore acceptable, subject to compliance the full requirements of policy R42 and other relevant policies within the Development Management Policies Local Plan.
78. Policy R42 required that in order to ensure that the setting and character of the site are respected and to minimise impact on the landscape and important views, proposals would accord with an agreed masterplan. The intention of this requirement was to 'identify the precise areas within which development will be located, maximum building heights, the number and type of dwellings and the layout of the open space. The masterplan was prepared by the developer and submitted in 2015 along with phase 1 planning application. Masterplans are prepared ahead of detailed development proposals being drawn up for whole sites. They include a detailed site assessment with the aim of identifying the principles

and parameters of future development. The masterplan is a material consideration in the assessment of this current application.

79. The current proposal relates to 1.6Ha of the 5.5Ha allocated site. Phase 1 has been completed and comprises 62 x age restricted retirement apartments (of which 20 units are social rent) and extra care accommodation which is arranged in the format of 57 units. This scheme for 50 x age restricted homes and a pavilion is proposed as phase 2 development and it is anticipated that the final phase (which includes land containing the Bartram Mowers building) will take place at a later date as part of separate application.

### **Main issue 2: Dwelling type and mix**

80. DM12 sets out principles that are relevant to all residential development. These include the requirement to provide a mix of dwellings in terms of mix, type and tenure.
81. In terms of the type of accommodation proposed under phase 2, this is for 32 private market bungalows (29 single storey bungalows and 3 dormer bungalows), 4 apartments (in the form 2 flats over garages (FOGs) and a maisonette containing 2 apartments) and 14 social rented apartments. All private units take the form of sheltered housing comprising individual housing units but with an element of support, such as a warden or scheme manager and with access to communal facilities.
82. In conjunction with phase 1, which delivered apartments and extra care provision, the proposal will contribute to the range of residential accommodation on this allocated site and accord with both R42 and DM12 in terms of type and mix.
83. In terms of tenure mix, given the scale of residential development proposed, there is a requirement under policy JCS4 for the provision of affordable housing (33% of 50 = 17.5 affordable dwellings). The applicant has submitted a Viability Assessment of the development and this has been subject to an independent review. This matter is considered in detail in paragraphs 158-162 of the report, but having had regard to this information, 14 affordable apartments is considered the level of provision that the development can support and remain viable. The council's strategic housing officer has confirmed the size and tenure of the proposed affordable housing units is acceptable and supports the application. Furthermore, negotiations with Norwich Housing Society are at an advanced stage and it is highly likely that this Registered Provider will acquire this block and manage it alongside the affordable block that they already own, constructed as part of phase 1 of the development.
84. DM12 requires that for all housing proposals involving the construction of 10 or more dwellings, at least 10% are built to accessible and adaptable homes standards. In this case all dwellings would meet this standard.

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

85. Key policies and NPPF paragraphs – JCS2, DM3, NPPF 12.
86. The site is in a particularly sensitive location adjacent to the Yare Valley Character Area. It has an open undeveloped character which forms a buffer between the urban area to the east of Bluebell Road and the open spaces of the Yare Valley to

the south west. As such policies DM3, DM6, DM12 and R42 require that proposal respond to the site's context and topography and minimises its impact on the Yare Valley and the surrounding area.

## **Density**

87. There has been concern raised by a number of local residents regarding density. The first phase delivered 119 units of residential accommodation, if units in the extra-care facility are included in the total. This phase proposes an additional 50 units and a further phase remains. The explanatory text supporting policy R42 indicated in the region of 120 dwellings on this 5.5ha site, based on the assumption that the landscape setting would require a low density design approach. However, the same text acknowledges that the scale of the development will be determined by the masterplan.
88. The 2016 masterplanning exercise suggested that the development site could sustain a greater amount of development than the 120 units referenced in the Local Plan and that phase 1 could accommodate this number alone. The effect of including a high proportion of flats on this site makes efficient use of land and increases development density well above that associated with conventional housing schemes. Phase 1 which includes 3 x apartment blocks set within a landscaped setting, results in a density of 60 dwelling/Ha across that sector of the site. The 2016 masterplan suggested that the latter phase (ie the remainder of the site following the development of phase 1) would be developed at a lower density than the first phase and would have in the region of 100 units plus a possible care home. This phase 2 application therefore would account for 50 of those units referenced in the masterplan.
89. In terms of considering density, this application proposes 50 dwellings (d) on a 1.6Ha site with a resulting density of 31d/Ha. Policy DM12 states that '*Proposals should achieve a density in keeping with the existing character and function of the area, taking account of the significance of heritage assets where relevant and the proximity to local services, and/or public transport routes. At least 40 dwellings (net density) per hectare should be achieved 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*'. In this case policy R42 identifies the sensitivity of the site location warrants a development approach which minimises the 'impact on the landscape of the Yare Valley and important views'.
90. In terms of assessing whether the density of development is acceptable the main test is whether the phased development of this site is resulting in a form of development which satisfies the R42 policy requirement of minimising 'impact on the landscape of the Yare Valley and important views'. In this regard building height, building coverage and visual integration with the surrounding landscape setting are determining factors and are considered below.

## **Layout**

91. The layout of phase 2 includes a principal vehicular access from Bluebell Road from which a number of cul-de-sacs and private drives radiate. Frontages to the buildings are set back to provide defensible space and to facilitate a garden setting to the development. Parking is a mix of on-plot parking and parallel street parking.

There are two parking courts one for the flat over garage (FOG) units and one for the flatted accommodation.

92. The pavilion will provide a communal lounge/function space. It opens up to the outside and is orientated to promote external activity to the immediate northeast space where there is a water feature as well as seating areas. A guest suite is also provided should residents' friends or family wish to stay over.
93. The pavilion is located on a NW-SE route running through the site. Pedestrians (not vehicles) can pass from Phase 1 onto this NW-SE route.
94. The layout provides for a good level of permeability and the arrangement of buildings on the plots will create a relatively open character which will mature over time as landscaping establishes.

### **Views**

95. The layout provides for the creation of two sight lines across the development (northwest to southeast and northeast to southwest axis). The latter view provides a visual connection between phase 1 and 2. This allows for a view down the axis of the site but also allows for a route for residents between communal spaces ie between the square in phase 1 and the pavilion in phase 2. The second view is created from Bluebell Road looking across phase 2 towards to open land associated with the Yare Valley.

### **Height and massing**

96. The 2016 Masterplan includes a site appraisal exercise and consideration of topography and site levels.
97. The site slopes consistently downhill from the northeast to southwest to the order of circa 4m over a length of 150m. The site also drops in level from northeast to northwest facilitating a highpoint at the NE site corner and a low point to the SW corner.
98. Having regard to topography and landscape impact, the 2015 Masterplan includes recommendations in relation to building height across the site. The Place Making Framework plan illustrates lower buildings 1- 2 storey on the higher land (closer to Bluebell Lane) and taller buildings 2-3 storey on the lower land (adjacent to the open space). In supporting text there is reference to phase 2 potentially including a 2-3 storey care home and a mix of bungalows and 2-storey houses and apartments. Phase 2 comprises primarily bungalows, and lower buildings (1-2 storey) over the majority of the site, including next to the open space. The exception to this is the 3 storey apartment block located adjacent to the open land in the SW sector of the site. This taller apartment building was not specifically referenced in the supporting text of the Masterplan, but is consistent with the Place Making Framework Masterplan as it is located on lower lying land. Compared to Daisy Hill Court (a 3-4 storey block) this proposed block is located on lower ground and therefore in section drawings acts as a step down between the 4 storey phase 1 development and lower phase 2 development.
99. The latest amendment to the application reduced the height of the proposed apartment block to 3 storeys (rather than 3-4 storey as originally proposed) and addressed the height inconsistency with the Masterplan design parameters.

Furthermore the block at this height has a coherent built form relationship with phase 1 and provides a good visual transition between the scale of Daisy Hill Court and the 1-2 storey development proposed across the remainder of phase 2. A stand-alone taller building located elsewhere on the site would be much more prominent within the landscape and a lower block in this location would integrate less successfully with phase 1.

100. In terms of the interface of the phase 2 development with the open space and the Yare Valley, the Masterplan makes recommendation regarding landscape mitigation. An assessment of landscape matters is set out in paragraphs x-y of the report.
101. Given the predominant 1-2 scale of phase 2 and the proposed landscape mitigation, the proposed height and massing of development is considered acceptable and consistent with the masterplan, policy R42 core requirement of development minimising landscape impact on the Yare Valley and would not be unduly prominent in views from Bluebell Road or the Yare Valley itself.

### **External appearance and detailing**

102. The visualisations submitted with the application suggest a successful piece of architecture will be created across the site. The variation in height, mass and materials add visual interest, break up the mass and help the buildings fit in with their surroundings. There is a good variation across the scheme with contemporary elements being mixed with more traditional materials and detailing.
103. To ensure a high quality design, it will be important that careful consideration is given to materials and the detailing which can help reinstate the sense of place and character of the area. Brick is a dominant material in the locality and it is noted that red is prevalent. This scheme proposes multi-stock red brick but also introduces variety by using grey brick, cobbled flint, horizontal boarding and grey standing seam. This reflects the palette of materials used within phase 1. In order to ensure that the proposed development is of high quality, a palette of material samples will be required for approval by condition.
104. Overall it is considered that the design of the proposal accords with the principle of policies DM6, DM21 and R42 as the development minimises the impact on the Yare Valley and the surrounding area.

### **Main issue 4: Amenity**

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

#### **Impact upon neighbouring residents**

106. The proposed dwellings are sited some distance from neighbouring properties on the Bluebell Road and although there is one property on the south west side of Bluebell Road (33 Bluebell Road) there is a dense strip of vegetation between the site and 33 Bluebell Road. Furthermore the only windows at upper floor level of the closest proposed dwellings, within plots 26 and 27, are for shower rooms so will be obscure glazed. Therefore the proposal will not result in any undue loss of outlook, daylight, sunlight or privacy upon existing residents of Bluebell Road.

107. With regards to the impact upon neighbouring residents, the main issue for consideration is the relationship between this and the earlier phase of development and in particular the relationship between Daisy Hill Court and the proposed adjacent apartment block.
108. There are eight flats situated within the north west end Daisy Hill Court (2 at lower ground level, two at ground floor level, two at first floor level and two at second floor level). These properties currently benefit from an open aspect and views from living room and bedroom windows and balconies, across the Bartram Mowers site and the river valley. The proposed apartment building is to be sited 10.8m from Daisy Hill Court. Previously, the proposed apartment block included an attached single storey buggy/cycle store in this location which had the effect of reducing the interface between the blocks to 6.4m at ground floor level. Amendments have resulted in this single storey building and the upper storey (fourth storey element) of the main accommodation block being removed.
109. Around the time properties were being purchased within Daisy Hill Court, there was a planning application being considered by the city council for a development of bungalows on phase 2 land. This planning application was subsequently withdrawn. Objections have been received from Daisy Hill Court residents to this application, in particular to the proposed three storey apartment block, citing amenity concerns in relation to the position and height of the block and impact on light, outlook and privacy.
110. Under DM2 development will be permitted where it would not result in an unacceptable impact on the amenity of the area or the living conditions of neighbouring occupants.
111. The applicant has undertaken a daylight and sunlight study and assessed the extent to which the proposed apartment building will impact on adjacent existing residential apartments and amenity levels of occupiers. The main assessment was undertaken when the proposed scheme comprised a four storey block and an addendum to the report has been provided considering the amended three storey scheme.
112. The study includes a VSC (Vertical Sky Component) and ADF (Average Daylight Factor) assessment. The former measures the amount of sky visible from a centre point of a window. A window that achieves 27% or more is considered to provide good levels of light, but if with the development in place the figure is both less than 27% and would be reduced by 20% or more, the loss would be noticeable. ADF is used to measure the overall amount of daylight within proposed habitable spaces. The BRE Guidelines refers to BS 8206-2 *Code of practice for daylighting* and CIBSE Lighting Guide LG10, which gives recommended minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
113. This main assessment found that there are some rooms in Daisy Hill Court which will experience a reduction in daylight of greater than 20% (in terms of both VSC and daylight distribution) and that this impact therefore will be noticeable. However the assessment has also found that where there are reductions of greater than 20% in terms of VSC, the rooms in question (living rooms) are either dual aspect (with secondary windows meeting the target values for VSC and therefore meet target values for daylight distribution (>1.5%) , or retain at least 27% VSC in absolute terms (a good daylight level). Bedrooms are not dual aspect and there are four

rooms (lower and ground floor) which will experience a reduction in daylight of more than 20%. Notwithstanding this, these room would still achieve the minimum values of Average Daylight Factor (ADF) set out in the BRE Guidelines i.e a value >1%. The addendum submitted following the removal of the fourth storey of accommodation states that the assessed daylight and sunlight impact of the proposed scheme on Daisy Hill Court will be reduced, all rooms will continue to meet ADF target values and they would remain well lit.

114. On this basis although it has been found that the proposed apartment will have an impact on existing daylight levels within rooms of the adjacent Daisy Hill Court development, the level of impact is not judged to be unacceptable in terms of the requirements of DM2.
115. In terms of outlook, it is acknowledged that this will be affected by the development and that existing open views will in part be replaced by a new building. However, the application site comprises phase 2. Development of this part of the site is planned and the character and appearance of the housing development is expected to evolve as the whole site is developed. The proposed elevation facing Daisy Hill Court will include 2 gable end walls each constructed in a different brick colour and fitted with a wire framework which will support climber plants. The existing flats within Daisy Hill Court which are situated on the corner closest to the river valley (4 x flats), retain open views to the south west from the kitchen and from the secondary lounge window. Outlook from balconies sited on the north west elevation will be partially obstructed but the position of the balconies will still allow for views, in particular in a south – westerly views, to be maintained. Furthermore due to the positioning of the new block, the balcony and windows to the living accommodation within the flats in the north east corner of Daisy Hill Court (4x flats) will not directly look out onto the new block but instead will look out onto the pavilion, car park, square and bungalows beyond. The bedrooms of the flats (in particular lower ground and ground flats closest to the river valley) will be affected to a greater extent; however overall it is felt that the outlook will be satisfactory and that the level of harm is not at a level to justify a refusal.
116. The proposal will not result in direct overlooking between windows as there are no windows proposed within the gable end of the block facing Daisy Hill Court. Although the rear elevation of the proposed apartment block has projecting balconies, they are to be fitted with side privacy screens preventing direct views in the direction of Daisy Hill Court.
117. In planning terms when judging the relationship of the two blocks it is relevant to consider both the built form relationship i.e. how development as a whole will appear in short and long distance views (assessed in para. 99, and found to be acceptable) as well as amenity considerations in relation to potential loss of daylight and sunlight, outlook and overlooking. Having considered the impact of the proposal on the existing neighbours the development is judged to be in accordance with DM2.

### **Living conditions for future residents**

118. The site will provide 50 units of accommodation which range in size from one bedroom flats to three bedroom bungalows. All units exceed national space standards complying and are M4(2) compliant (accessible and adaptable dwellings).



119. It is considered that the scheme has been well designed so that all properties benefit from good levels of light and outlook. All of the bungalows benefit from a private garden and a number of the apartments will have balconies. The apartment block will also have an area of shared amenity space. The gardens are all relatively small but they are of sufficient size for the enjoyment of residents. The proposed pavilion landscaped courtyard will be available to all residents.

### **Main issue 5: Landscaping, open space and biodiversity**

120. Key policies and NPPF paragraphs – R42, DM3, DM8, NPPF paragraphs 9, 17 and 56.

121. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.

122. A key requirement of policy R42 is that development of this allocated site should: result in improved Yare Valley green infrastructure and minimise impact on the landscape of the Yare Valley.

123. Under policy R42, 5.5 hectares of land is allocated for housing and 17.5 hectares of surrounding land is identified for green infrastructure improvement.

124. The surrounding land includes important habitat, consisting of fen vegetation, grazing marshes, drainage dykes, alder and willow fen, part of which is designated as a County Wildlife Site (CWS). Bartram Mowers (site owners) have entered into a ten year management agreement (High level Stewardship Scheme) with Natural England for the whole of their site (17.5 hectares) not allocated for development.

125. The Masterplan and Phase 1 development established the scope of green infrastructure improvements as including:

- (1) public access to Strawberry Fields, to the north of the site;
- (2) an enhanced river walk;
- (3) the creation of a new public open space (located between the development and the County Wildlife Site); and
- (4) the creation of a new footpath close to the A11 connecting to the river walk.

Policy R42 requires long term management of all land to be secured in perpetuity.

126. Phase 1 development secured public access to Strawberry Fields (1) and the first section of the river walk enhancements (2). This application includes the new public open space proposals (3) which incorporate a new footpath connecting to the river walk (4).

127. The open space is intended to function as a natural buffer to the County Wildlife Site, contribute to the landscape character and biodiversity value of the Yare Valley and provide publically accessible recreational space. The landscape proposals show a naturalistic landscape treatment comprising a mosaic of habitats, including: amenity and rough grassland; wildflower meadow; and native tree and shrub planting. A water feature is proposed providing both a focal point to the open space and necessary surface water attenuation. Formal and informal footpaths are

proposed as well as seating. Footpaths connect with Strawberry Fields and with the Yare river walk, providing opportunities for circular walking routes.

128. The proposals have been reviewed by the council's landscape officer who considers the open space 'presents an acceptable landscape design approach, with an appropriate level of connectivity through the development to enable public access and access by residents, without giving the impression that it is under the ownership of the residential development. There is an adequate connection proposed between Bluebell Road and the River Yare, and the design approach presents a naturalistic transitional landscape treatment between the development site and the adjacent County Wildlife Site.' The council's ecology officer has advised that the scheme provides for ecological enhancements by introducing a wider variety of habitats. In the event of planning permission she recommends a number of planning conditions, one of which would secure provision of 2 hibernaculas (the semi improved grassland area is suitable reptile habitat).
129. The open space will offer a suitable protective buffer to the County Wildlife Site (CWS) and all land will continue to be managed in accordance with the Natural England Higher Level Stewardship Agreement. Norfolk Wildlife Trust have raised no objection to the application confirming open space proposals are compatible with management of the adjacent CWS.
130. In the event of the application being approved the S106 Obligation will secure:
- (a) A fully detailed open space landscape scheme;
  - (b) Implementation of the scheme;
  - (c) Public access rights; and
  - (d) Long term management arrangements/responsibilities for the land, including the County Wildlife Site and footpaths.
131. Within the phase 2 residential development itself, the landscape proposals include:
- (a) Structural and ornamental shrub planting of all front garden areas;
  - (b) Ornamental trees within front and back gardens (crab apple and cherry); street trees (pear and hornbeam) aligning the principal N-S route (connecting phases 1 and 2);
  - (c) Naturalistic planting of the understorey of existing tree belt (adjacent to Bluebell Road) and of areas bordering the open space; and
  - (d) A landscaped pavilion square.
132. The council's landscape officer has commented that the landscape concept offers an appropriate balance between a suburban setting and the wider natural valley landscape; the pavilion square, includes a more meaningful design and space that should attract residents and visitors thus fulfilling its potential as part of the shared amenity space within the development area; and the proposed tree and plant specification will provide year round interest. It is considered that the planting proposals will make a positive contribution to the character of the development,

support enhanced biodiversity and create a visual connection with the open space and the wider landscape.

133. In terms of the landscape proposals for the part of the development bordering the proposed open space, the Yare Valley Society have stated that this should include in-depth tree and thicket planting. They state that this approach would accord with the Landscape Mitigation Masterplan included within the Site Masterplan document, which was specifically recommended to 'screen rooftop views from the west'. Such planting is not proposed in this location. Instead within the open space, new tree groups/copses set within wildflower meadow are proposed as well as individual 'parkland' trees. This will not create a landscape barrier but instead a softer landscaped boundary allowing for filtered views and the opportunity for a degree of natural surveillance of the open space. Within the development naturalised planting is proposed comprising bulbs naturalised within grass. This approach is judged to be preferable by the council's landscape officer having regard to the predominant single storey height of phase 2 as opposed to the 2-3 storey development potentially allowed for by the Masterplan.
134. Overall the landscape proposals for both phase 2 and for the creation of a new open space will deliver both social and environmental benefit and assist in mitigating the impact of the development within the Yare Valley. The landscape proposals are judged to comply with the requirements of: policy R42 for green infrastructure enhancement; DM 3 and DM 6 which seek to safeguard and enhance wildlife habitats and require development to include integrated landscape to enhance the appearance and character of the built and natural environment; and DM8 and the requirement for new development to contribute to the provision, enhancement and maintenance of local open space. In addition to the S106 Obligations referred to in paragraph 130 planning conditions are recommended securing implementation and future management of the residential landscape scheme, removal of PD rights in relation to front boundaries and the implementation of phase 2 river walk enhancements.

## **Main issue 6 : Trees**

135. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
136. The site is predominately covered in mown grass and falls from north east to south west. The trees that are present are predominately around the outside boundaries although the grass fields are punctuated by tree belts and groups. It will be necessary to remove some trees in order to accommodate the proposed development and to widen the access road, but these trees are all of low quality and value. The trees being removed are small examples of silver birch, cherry, plum and field maple that are internal to the site.
137. A row of poplars along the northern boundary of the site provide good screening but are closely spaced and warrant management if retained. The row of predominately Norway maples which lies along part of the Bluebell Road frontage, is a strong tree feature and offers visual amenity to the area. This will be protected during the works.
138. Planning conditions are recommended securing tree protection along with a method statement and arboriculturist monitoring in relation to the proposed ramped pedestrian access from Bluebell Road and widening of the footpath near T157. The

council's tree officer has advised that these operations are achievable, but will need to be constructed with care to avoid damage to the trees.

## **Main issue 7: Transport**

139. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.

### **Trip generation**

140. The site benefits from good levels of non-car accessibility to local services and facilities in Eaton and active recreational opportunities within the Yare Valley. The site is also in close proximity to bus stops which provide regular bus access into the City Centre. The site's proximity to the existing pedestrian network and local amenities presents an excellent opportunity to encourage the use of sustainable transport from the development site.
141. A transport statement has been submitted with the application and one of the issues that this addresses is trip generation. The use of the site as a children's nursery had the potential to generate 27 trips in the AM peak, 21 trips in the PM peak and 100 trips across the 12 hour period.
142. It should be noted that the transport assessment is based on the scheme as first submitted and has not been updated to reflect the reduction of dwellings to 50. For 54 units of sheltered accommodation it is anticipated that there will be 122 daily vehicle trips which includes 9 two way trips in both the AM and PM peaks and an average of 10 trips per hour across the day. Overall this equates to approximately one vehicle every 6 minutes over a 12 hour period.
143. The net impact assessment demonstrates that, whilst the development proposals are expected to result in an additional 22 two way daily trips across the day, equating to two additional trips per hour, the number of trips in both the AM and PM peaks are expected to decrease by 18 and 12 respectively. This change is not expected to have a significant impact upon the operation or safety of the local road network, especially given that the trips are expected to be more evenly distributed across the day in comparison to the former site use whereby trips were concentrated in the AM and PM peaks. Furthermore the reduction in total number of dwellings from 54 – 50 will reduce this impact.

### **Vehicular and pedestrian access**

144. In accordance with the Masterplan, vehicular access to the site from Bluebell Road will be via the existing access point, which will be modified. At present there is an existing shared cycleway/footway across this access point and this will continue to have priority over the junction. A raised table is proposed within the site on the approach to the shared route. The local highway authority has confirmed that the junction is satisfactory and that adequate visibility can be achieved. They recommend the imposition of a condition to agree the detailed specification of the junction including road markings.
145. Access to the proposed development from the access road will be provided via a bellmouth junction and the overall residential layout is based around the creation of cul-de-sacs. In response to the proposed internal road layout as first submitted, concern was raised with the applicant that there was an excessive amount of

engineered road which in combination with the quantity of parking spaces resulted in an overly engineered layout. This has been addressed in the amended scheme through the reduction in private car parking spaces and the provision of more shared surfaces.

146. The proposal will also enhance pedestrian links through the site. There will be pedestrian access from phase 2 into phase 1 and there is also a proposed ramped access to Bluebell Road from the development.

### **Car parking**

147. The proposed car parking provision is considered to be appropriate to meet the needs of the development, given McCarthy and Stone's previous experience of car ownership at their developments. The level of car parking also accords with the Local Plan. There was concern that there was a lack of visitor car parking spaces but this has been addressed through the revisions which has reduced the amount of allocated parking spaces and increased the number visitor parking spaces. All residents will also have access to EV charging points. Where feasible the bungalows will have the infrastructure installed so residents can charge cars within their own space but where this is not feasible residents can use the two visitors spaces which have EV charge points.

### **Bin, bike and buggy storage**

148. The bungalows will have space for the storage of bins within their garden areas and there is a bin store within the flats which is of adequate size all of which can be adequately serviced. Some of the bungalows have garages which can be used for the storage of bikes and/or buggies. The other bungalows will have a shed within the garden. There is a shared cycle/buggy store for the apartments.

## **Main issue 8: Energy and water**

149. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.
150. The development is proposed to adopt a fabric first approach to their specification and the proposed U- Values are a significant uplift on the minimum requirements under Part L.
151. In order to meet the 10% renewable target it is proposed to install photovoltaics. A plan has been submitted indicating the extent and location of PV panels. PVs are shown confined to four blocks, the three apartment buildings and plot 1. The approach which seeks to maximise the output and minimise the number of panels to meet the 10% minimum requirement is considered acceptable and appropriate to the landscape setting.
152. Further details of the fabric first measures can be secured by condition. A condition should also be attached to any future planning permission to ensure that a water conservation standards.

## **Main issue 9: Flood risk**

153. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.

154. The development site is location in flood zone 1 and therefore it can be assessed as at low risk from the effects of flooding. The site is in the close proximity of flood zone 2 and 3 (almost 100 metres away on plan), both related to the fluvial and tidal flows of the River Yare. However, due to the relative elevated position of the site at least 3 metres above the top bank level of the River Yare, the site is not considered at risk from these occurrences. All development has been sequentially sited within flood zone 1 and the access and egress route travels through flood zone 1 and therefore there is a safe route of access. Floor levels are also set above the 0.1% (1 in 1000) annual probability flood level, inclusive of climate change
155. In relation to surface water flooding, there is an area at low risk of flooding that runs in between the east and western sides of the site. This equates to a water depth of less than 0.1m for a 1 in 1000 year (0.1%) surface water flooding event. The surface water pluvial flooding map also shows pockets of low significant flooding within the site towards the north east. These areas are most likely ponding of water within the site due to heavy rainfall.
156. As part of the adjacent phase 1 development, an infiltration basin was constructed and is already in operation. It was designed with the potential to be extended at a later stage to serve the phase 2 development. It is proposed to enlarge the basin as part of the scheme to utilise the preferable infiltration rates. The phase 2 development includes areas of permeable hardsurfaces. Surface water from non-permeable surfaces will drain through a network of pipes to the drainage basin. The network includes a series of traps and filters. The SUDs feature will have sufficient capacity to ensure no flooding occurs for 1%AEP return period +40% cc. The basin is designed to be positive landscape feature and will include marginal planting to support biodiversity. This form of SuDS is welcomed and the LLFA has confirmed that the drainage strategy is acceptable. Full details of the scheme, implementation and future management would be secured through the imposition of planning condition.

### **Main issue 10: Affordable housing viability**

157. Key policies and NPPF paragraphs – JCS4, DM33, NPPF paragraph 50.
158. As referred to in paragraph 83 of the report, the scheme provides for 14 affordable dwellings, equating to 28% of the total number of proposed dwellings. The applicant has submitted a Viability Assessment (VA) and BNP on behalf of the council has undertaken an independent review of the VA. This review has involved scrutiny of all inputs into the viability model and, on the advice of BNP, an independent cost audit. The assessment was based on the scheme as first submitted – that is a scheme of 54 dwellings. BNP advise that based on a scheme of 54, the viable level of affordable housing provision is 14 dwellings, generating a profit circa 16.4%(GDV). The NPPG states that 15-20% GDV can be considered a reasonable return to developers. Given the significant need for affordable housing in Norwich the Affordable Housing SPD indicates that a reasonable profit will be deemed to be at the lower end of this range. The applicant has agreed to provide 14 affordable dwellings on a reduced scheme total (50). This will generate a lower development value and a profit level below 16.4%. Given current economic conditions this level of provision is considered acceptable.
159. The proposed 14 affordable housing units are located in a single block. This is considered acceptable, and preferred by local registered providers, as this will allow

for a registered provider to take ownership of this whole block for ease of management and to keep service charges to a minimum.

160. In terms of tenure mix, all apartments will be for social rent, rather than including a proportion of intermediate tenure units allowed for by policy (85% rent :15% intermediate). The block is served by a lift to all floors, has dedicated communal external amenity space and residents parking.

161. The strategic housing officer has indicated support for the scheme. He advises that:

‘ McCarthy & Stone have reached agreement with Norwich Housing Society to purchase the social dwellings. This builds upon their partnership in phase 1 of the development which saw the delivery of 20 affordable dwellings. This means that across the site as a whole the applicant will have delivered 34 affordable dwellings for social rent giving an overall delivery of 30%, all for social rent. Had the developments been fully compliant then 31 properties for social rent and 6 for intermediate tenure would have been required but we know that the greater need in the city is for social rent so a greater delivery of this tenure better meets housing need.’

162. JCS4 allows the proportion of affordable housing to be reduced where the full requirement for affordable housing would render the site unviable. Independent review of the scheme has shown 14 units to the viable amount. The affordable units in terms of number, type and tenure will take a positive contribution to addressing housing need in the city. A S106 Obligation will secure this affordable provision. In accordance with the Affordable housing SPD the S106 will also include provision for further viability review (upwards only) in the event of development not being delivered within a specified time period.

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

163. 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/No - expand/Not applicable</b>
Car parking provision	DM31	<b>Yes subject to condition</b>
Refuse Storage/servicing	DM31	<b>Yes subject to condition</b>
Energy efficiency	JCS 1 & 3 DM3	<b>Yes subject to condition</b>
Water efficiency	JCS 1 & 3	<b>Yes subject to condition</b>

Sustainable urban drainage	DM3/5	Yes subject to condition
----------------------------	-------	--------------------------

## Other matters

164. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:

**Contamination** - The site was part of a nursery and garden machinery company and as such there is potential for contamination. A Desk Study/Site Investigation Report was submitted with the application and this indicates that asbestos and elevated levels of lead were encountered across the site. There is also the potential for the buildings proposed to be demolished to have asbestos containing materials within their fabric. Therefore it is proposed that a number of contamination conditions are attached to any future permission to ensure that the proposal will not pose an unacceptable risk to the environment or public health. It is considered that measures to mitigate contaminants are achievable and an appropriate planning condition is recommended.

**Archaeology** – The proposed development site lies adjacent to an area where, in 1838, 1851 and 1868, a large number of Roman pottery sherds were recovered. The number found along with the presence of wasters suggest that there may have been a Roman kiln site in the area. In addition a large amount of Prehistoric flints have been recovered from the site to the north. Consequently there is potential that heritage assets with archaeological interest will be present at the site and that their significance will be adversely affected by the proposed development. Archaeological trial trenching has been carried out and an archaeological valuation has been submitted. This has been approved and HES make no further recommendations for archaeological work.

## Equalities and diversity issues

165. Development does impact upon Phase 1 where residents are elderly. Under the Equality Act, age is a protected characteristic. However, the impact is upon their amenity which has been assessed in paragraphs 107-117 of the report. In balancing impact, it also has to be considered that the scheme provides new accessible homes for the elderly, including for elderly people who are in housing need.

## S106 Obligations

166. The following matters are to be secured by a S106 Obligation:

- (a) Affordable housing – provision of 14 x 1 bed apartments for social rent;
- (b) Further viability review (upwards only) in the event of development not starting and or being occupied within specified timescale;
- (c) Public open space – detailed scheme/ implementation/management in perpetuity;



- (d) Footpath to the River Yare close to the A11 Newmarket Road embankment and tree belt – detailed scheme/ implementation/management in perpetuity;
- (e) County Wildlife Site - management in perpetuity;
- (f) Public access rights.

### **Local finance considerations**

167. 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.
168. 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.
169. In this case local finance considerations are not considered to be material to the case.

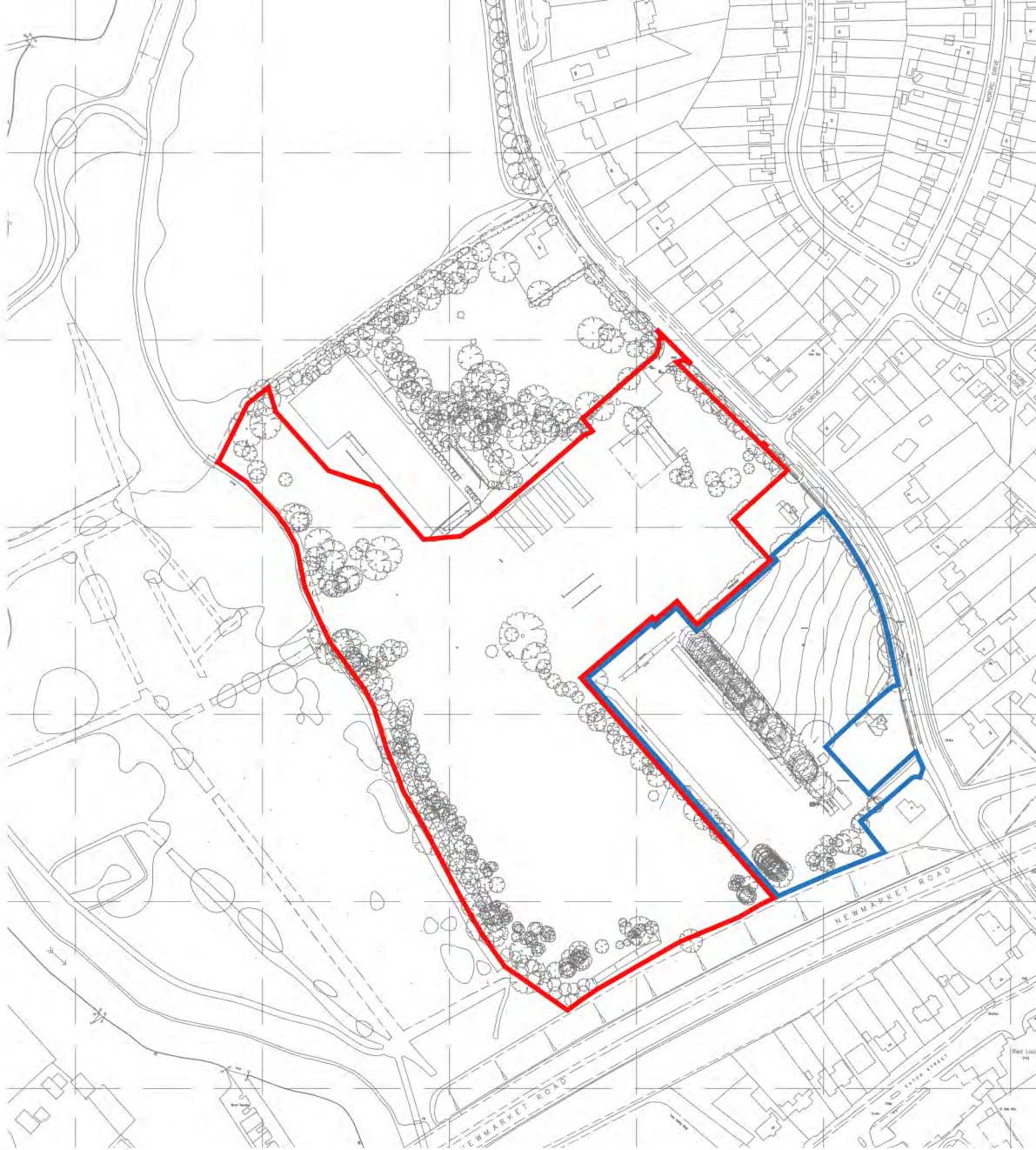
### **Conclusion**

170. This is an allocated housing site and the scheme for 50 dwellings makes efficient use of the land. The proposed quantum of development allows 14 affordable dwellings to be secured. The social benefit of delivering housing, in particular maximising the potential for the provision of affordable housing, is capable of being attributed weight in the planning balance.
171. The scheme is principally single storey and the proposed landscape scheme includes new tree planting which will positively relate to existing trees on the Bluebell Road boundary. The proposed open space is designed as a natural area supporting local biodiversity. Public access to this open space will enhance recreational opportunities and deliver health and wellbeing benefits. These benefits are capable of being attributed significant weight in the planning balance. The design, scale and density of the development in combination with the proposed landscape mitigation, minimise the impact of development on the character of the Yare Valley.
172. The proposed three storey apartment block will result in some harm to the amenity of existing residents of Daisy Hill Court and this is capable of being attributed weight in the planning balance. However, the level of impact is not judged to be unacceptable, having regard to the detailed arrangement between the two blocks and the light and outlook that would remain to/from principal rooms.
173. 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. 19/00911/F - Bartram Mowers Ltd Bluebell Road Norwich NR4 7LG and grant planning permission subject to the completion of a satisfactory legal agreement to include obligations referred to in paragraph 166 and subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Restriction – over 55s
4. Construction Management Plan – (including arrangements for construction parking)(Pre-commencement)
5. Protection - Tree protection/method statement/monitoring;
6. Protection - Nesting birds;
7. Contamination investigation/remediation(pre-commencement);
8. Stop work – unknown contamination;
9. Imported material – certification;
10. SUDs scheme (pre-commencement);
11. Stop work - unidentified archaeology;
12. Highway: Bluebell Road access - detailed scheme for the first 10m vehicular/pedestrian/cyclist access;
13. Materials - full details (including privacy screens);
14. External lighting - full details;
15. Fabric first/PVs – full details;
16. Fire hydrants – full details;
17. Implementation - approved landscape scheme;
18. Implementation – approved ecological mitigation/enhancements;
19. Implementation - approved phase 2 river walk enhancements;
20. Implementation - approved parking and servicing arrangements;
21. Implementation - approved EVCPs;
22. Provision – small mammal access;
23. Comply - water efficiency requirement 110l/person/day;
24. Comply - 10% accessible/adaptable homes;
25. Restriction - PD removal – front boundary treatments.



REV	DATE	CHK	AMENDMENTS
P00	21/06/2019	JE	Issue for Planning

REF	HEALTH AND SAFETY INFORMATION - CONSTRUCTION RISKS
△	See M&S register

NOTES  
Orig. based on existing site information provided by McCarthy and Stone.

DO NOT SCALE FROM THIS DRAWING ALL DIMENSIONS TO BE CONFIRMED ON SITE BY THE CONTRACTOR PRIOR TO CONSTRUCTION

P:\Curren\9011 Phase 2 - Bluebell Road, Eaton\Drawings\03-Current drawings\AA-Master\01-Plan\Development drawings\9011 001 Location Plan.dwg(011 001) Location Plan(ISO full sheet A1) (504.00 x 641.00 MM) (Adam Barnes)01/12/2019 4:20 PM



Feilden+Mawson

21-27 Lamb's Conduit Street, London WC1N 3AB  
1 Ferry Road, Norwich NR1 1SU  
80 St Andrew Street, Cambridge CB2 3AP  
email: [enquiries@feildenmawson.com](mailto:enquiries@feildenmawson.com)  
www.feildenmawson.com

STAGE 3 - Planning  
SCALE 1:1250 PAPER A1 DATE Jun'2019  
JOB DWG REV

CLIENT McCarthy & Stone			
JOB Bluebell Road, Eaton, Norwich			
STAGE 3 - Planning			
SCALE	1:1250	PAPER	A1
JOB	9011	DWG	001
DATE	Jun'2019	REV	P00

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# Key:

## Open Space Area

- Existing individual trees to be retained (Including Root Protection Areas)
- Existing groups of trees to be retained
- Existing trees and hedgerows to be removed / trimmed
- Proposed Woodland Edge Mix - Native Tree and Shrub planting
- Proposed standard trees in woodland edge mix
- Proposed wetland planting (Marginal and aquatic)
- Proposed parkland trees

- Proposed amenity grass - including verges to footpaths
- Proposed Wildflower Meadow
- Existing/Proposed Rough Grassland, formed with tussocky grass and wildflower mixture
- Proposed Attenuation Basin wetland meadow, formed with grass and wildflowers tolerant of seasonally wet conditions.
- Proposed Mown grass path
- Proposed Bulb planting
- Proposed Pond

## Hardworks

- Proposed Leisure Route (Compacted crushed stone with a timber edge, 1.5m Wide)
- Proposed seats
- Existing Timber Post and wire fence to be removed
- Existing/Proposed Metal estate rail fence

## Residential Area

- Proposed street trees
- Proposed garden trees
- Proposed small ornamental trees
- Proposed native planting
- Proposed structural shrubs / evergreen planting
- Proposed ornamental planting
- Mown lawn
- Long grass / wildflower meadow seeding
- Bulbs naturalised in grass
- Water feature

Rev B: Incorporates revised location of bollards.  
Rev A: Planting updated following changes to architectural proposals.

DT 14.07.2020  
DT 10.07.2020

Number Revision By Date

thelandscapepartnership  
landscape architects urban design environmental planning

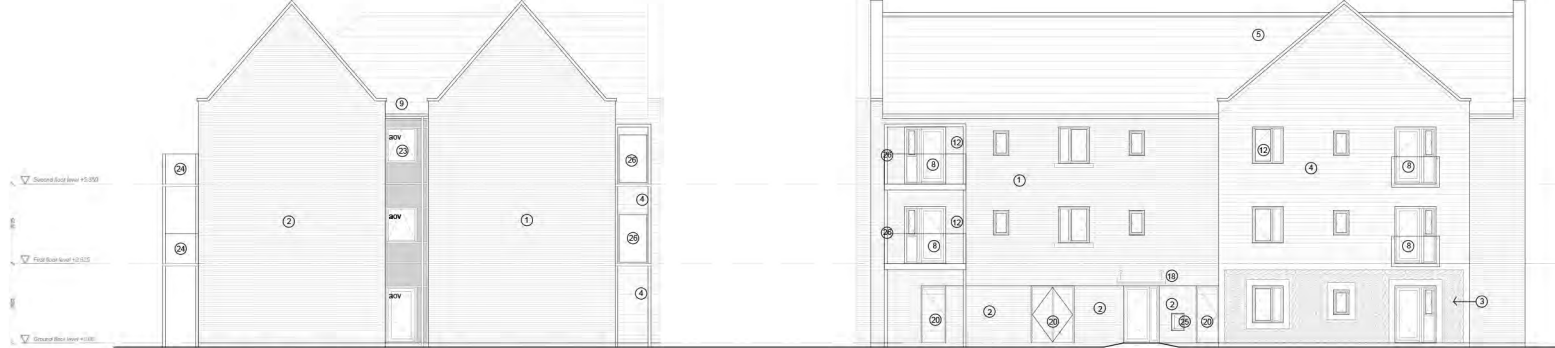
Project  
Eaton Bungalows, Bluebell Road  
Norwich

Drawing  
Landscape Masterplan

Status  
Planning

Do not scale off drawing. All dimensions & Levels are to be checked on site. Any discrepancies must be reported to the landscape architect immediately.  
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Bedford	01234 261315	<input checked="" type="checkbox"/>
Woodbridge	01394 395509	<input checked="" type="checkbox"/>
London	020 7252 0002	<input checked="" type="checkbox"/>
Norwich	01603 230777	<input checked="" type="checkbox"/>
Job No.	B19038	
Dwg. No.	103B	
Scale	1:1000@A2	
Drawn	DT/TC	
Checked	PW	
Date	30.05.2019	
North		



East Elevation

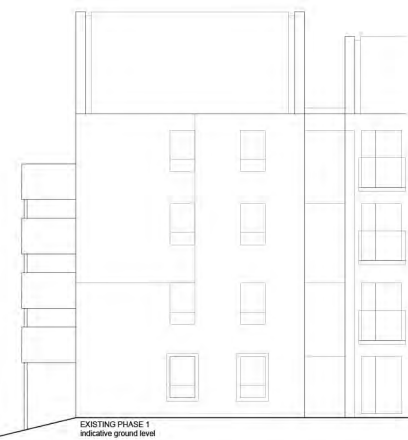
North Elevation



West Elevation



South Elevation



EXISTING PHASE 1  
indicative ground level



REV	DATE	CHK	AMENDMENTS
P00	21/06/2019	ARW	Planning Issue
P01	26/06/2019	VH	Planning Amendments
P02	29/11/2019	GD	Updated to client 'Design Freeze' comments
P03	23/03/2020	GN	Bicycle store door relocated
P04	03/07/2020	GD	Elevations amended to coordinate with adjusted floor plans
P05	14/07/2020	GD	Privacy screens added to north elevation

NOTES

REF	HEALTH AND SAFETY INFORMATION - CONSTRUCTION RISKS
XXX	

NOTES

- Multi stock red brick (with grey)
- 2no courses of red brick recessed 25mm
- Grey brick
- 2no courses of grey brick recessed 25mm
- Coloured flint
- Horizontal boarding
- Grey plain tiles
- Reddish red plain tiles
- Black metal cladding
- Clashed Juliette balconies
- Black rainwater goods
- Dark grey fascias, soffits and bargeboards
- Birley Talbot door style (colour TBC)
- Douglas glazed casement windows (light grey)

- Obscured glazing (tinted)
- Rooflights
- Timber post with brick plinth
- Flat roof with lead flashing
- Garage door
- Canopy
- Sliding doors/windows (light grey)
- Horizontal boarded doors to match cladding
- 25mm recessed red brick panel
- Lead flashing to wall abutment
- ACV with side blanking panel
- Glazed balcony
- Dry Riser
- Privacy Screen

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www.feildenmawson.com

DRAWING  
Flats Plots 37 - 54  
Elevations

CLIENT  
McCarthy & Stone  
JOB  
Bluebell Road, Eaton, Norwich

STAGE 3 - Planning			
SCALE	1:100	PAPER	A1
JOB	9011	DWG	122
DATE	01.05.2019	REV	P05

















**Report to** Planning applications committee

**Item**

8 October 2020

**Report of** Area development manager

**Subject** Application no 20/00741/VC - Mary Chapman Court,  
Norwich

**Reason  
for referral** Objections

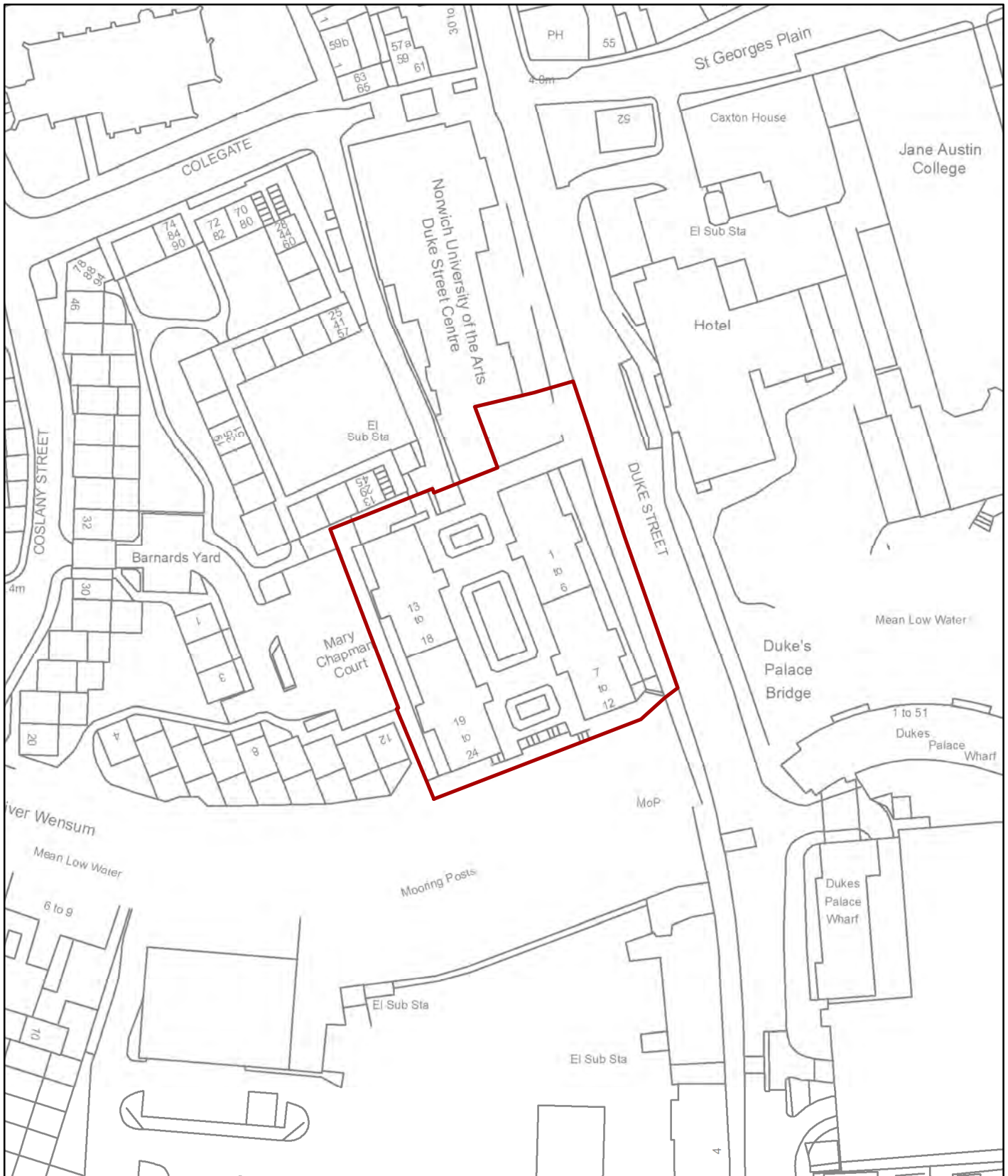
4(b)

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<b>Ward</b>	Mancroft
<b>Case officer</b>	Lara Emerson - 07956 288283 - <a href="mailto:laraemerson@norwich.gov.uk">laraemerson@norwich.gov.uk</a>

Development proposal		
Variation of Condition 9: street trees of previous permission 18/01524/F to update the scheme and drawings for street trees.		
Representations		
Object	Comment	Support
2	0	0

Main issues	Key considerations
1. Landscape and trees	Street trees, overall landscape proposals.
<b>Expiry date</b>	16 October 2020 (extended from 30 September 2020)
<b>Recommendation</b>	Approve



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Planning Application No 20/00741/VC

Site Address Mary Chapman Court, Duke Street

Scale 1:1,000

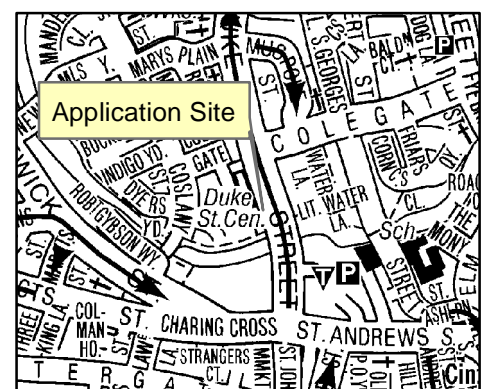


**NORWICH**  
City Council

PLANNING SERVICES



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## The site, surroundings & constraints

1. The site is located on the western side of Duke Street and on the northern bank of the River Wensum, adjacent to Dukes Palace Bridge.
2. To the north of the site is a two-storey Norwich University of the Arts (NUA) building, known as the Duke Street Building, which houses the university library and teaching spaces. To the west of the site is the three-storey Barnard's Yard housing estate.
3. On the opposite side of the river to the south of the site is the vacant Dukes Wharf site which currently stands at 5 storeys (but has had a consent for an additional 2 storeys although this has now lapsed). On the opposite side of Duke Street to the east of the site is a hotel car park which has permission for a purpose built student accommodation block (18/01552/F).
4. Mary Chapman Court provided three-storey student accommodation, but following consent for demolition and redevelopment, Mary Chapman Court has been demolished and the site is currently under development in accordance with the plans approved via 18/01524/F. The development will provide a new building comprising a lower ground and ground floor of educational facilities (lecture theatre, teaching spaces, offices) and six floors of student accommodation above (100 student rooms). The proposal also includes the provision of a new public open space beside the river, an enhanced riverside walk with ramped access to Duke Street, a new 'student square' between this building and the Duke Street Building to the north, green roofs across the site and a service yard utilising existing access from Colegate.
5. The site sits within the Northern Riverside Character Area of the City Centre Conservation Area and adjacent to the Colegate Character Area. The NUA building to the north of the site is locally listed. There are no other designated heritage assets within the immediate vicinity of the site, but there are numerous listed bridges and buildings within a 100m radius.
6. The site sits within one of the city's designated Regeneration Areas, an Area of Main Archaeological Interest, Flood Zone 2 and the Critical Drainage Catchment Area.
7. There is a large London Plane tree situated at the south-west corner of the site.

## Relevant planning history

Ref	Proposal	Decision	Date
18/01524/F	Demolition of student accommodation block, erection of new build academic and residential accommodation for Norwich University of the Arts, including works to riverside walk and other associated external works.	Approved	18/01/2019
19/00809/NMA	Non-material amendment to previous permission 18/01524/F to allow for revised plans.	Approved	16/07/2019
19/00922/D	Details of Condition 11: archaeological written scheme of investigation; Condition 13: construction method statement (partial discharge demolition	Approved	04/09/2019

Ref	Proposal	Decision	Date
	phase); Condition 14: contamination; Condition 20: ecological mitigatory work; Condition 21: bat boxes; Condition 22: vegetation clearance during bird nesting season and Condition 25: arboricultural impact assessment of previous permission 18/01524/F.		
19/01798/D	Details of Condition 6: cycle and refuse storage, Condition 13: construction method statement, Condition 17: piling, Condition 18: flood warning and Condition 19: SuDS of previous permission 18/01524/F.	Approved	11/02/2020
20/00518/NMA	Amendment to previous permission 18/01524/F to allow various detailed design changes.	Approved	21/05/2020
20/00992/D	Details of Condition 13: Construction Method Statement of previous permission 18/01524/F.	Approved	08/09/2020

### The proposal

8. The development as approved via 18/01524/F included 3 no. street trees along Duke Street, positioned between cycle stands. However, during the course of construction it has become apparent that existing and proposed service runs below the pavement do not provide enough space for these street trees. As such, the proposal is to vary condition 9 of application 18/01524/F to allow for three trees within planters in the same locations as those previously proposed, along with an additional tree at the northern end of the site, in front of the adjacent 'NUA Duke Street' building, and an additional tree within the open space adjacent to the river.
9. It should be noted that the application as originally submitted proposed replacing the three street trees with just the tree in front of the NUA Duke Street building. It is to these original proposals which two members of the public objected. A subsequent public consultation was undertaken on receipt of the revised proposals, but no additional comments have been submitted.
10. The committee is asked to note that the original permission for the redevelopment of the site under 18/01524/F remains intact; indeed the site is being developed under this earlier consent. The application before committee at the meeting is solely to consider the variation of condition 9, which relates to street trees.

### Summary information

Scale	
Total no. of student rooms	100
Total floorspace	4410m <sup>2</sup>
No. of storeys	7 (with a lower ground floor visible from the riverside walk)
Appearance	
Materials - walls	Red brick with a metal ground floor colonnade

Materials - roofs	Mixed sedum green roofs & single ply membrane
Materials - windows	Metal with projecting box shades
Landscaping	Open space to the south and north with seating steps, trees and new planting
<b>Operation</b>	
Employees	8 full-time (plus visiting lecturers)
Opening hours	Educational facilities: Mon-Thurs 08:30-21:00 Fri 08:30-17:00 Sat 09:00-17:00 Sun Closed
Ancillary plant and equipment	Roof mounted and hidden from view
Renewable energy	Air source heat pumps generate 20.5% of the building's total energy usage
Water efficiency measures	Reduced flow water fittings to be used throughout the development
<b>Transport matters</b>	
Vehicular access	None (except for servicing)
No of car parking spaces	0
No of cycle parking spaces	30 secure & covered for resident students and staff 36 visitor spaces on Sheffield stands
Servicing arrangements	Via Colegate

## Representations

11. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below. Note that these 2 objections were received in response to the originally submitted scheme which involved replacing the three trees with just 1 tree in front of the NUA Duke Street Building. A subsequent public consultation was undertaken on receipt of the revised proposals, but no additional comments have been submitted.

Issues raised	Response
The street trees serve to soften the appearance of the building	See Main Issue 1: Landscaping and trees.
The replacing of 3 street trees with 1 tree is insufficient	See Main Issue 1: Landscaping and trees.
Alternative landscaping should be proposed on Duke Street	See Main Issue 1: Landscaping and trees.

## Consultation responses

12. 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.

## **Landscape**

13. Initial comments based on originally submitted scheme raised concerns over the lack of greenery on Duke Street and highlighted missed opportunities for tree/shrub planting. The comments also listed some additional information that would be required in order to fully assess the landscaping proposals.
14. Final comments based on revised scheme:
15. I can confirm additional details and documents submitted on 7th September and email dated 24.09.2020 from Stephen Flynn, provide required further information and clarify items raised in my previous comments. Proposals are also now considered acceptable, providing additional tree planting proposals along the street scene, namely
  - 3 trees and associated planting in planters on the street frontage,
  - one plane to the north extent of the site and
  - a newly proposed tree to the southern extent of the site.
16. I am happy that these features will positively contribute to the street scene of Duke Street and are an acceptable compromise given what was initially approved along the frontage and the limitations that have arisen due to utilities.
17. If the documents supplied today by Stephen could be added to the list of approved drawings, I would be happy to recommend this scheme for approval.
18. As discussed earlier, we will need to take up maintenance arrangements with Norfolk County Council Highways. They may require commuted sum or potentially NUA will require license to cultivate and maintain the planters themselves.

## **Assessment of planning considerations**

### **Relevant development plan policies**

19. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
  - JCS2 Promoting good design
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
  - DM1 Achieving and delivering sustainable development
  - DM3 Delivering high quality design
  - DM6 Protecting and enhancing the natural environment
  - DM7 Trees and development
  - DM8 Planning effectively for open space and recreation
  - DM9 Safeguarding Norwich's heritage

### **Other material considerations**

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



- NPPF7 Requiring good design
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

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

- Trees, development and landscape SPD adopted June 2016

## **Case Assessment**

23. 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 Policy Framework (NPPF), the council's 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.
24. The fundamental principle of development of this site in the manner proposed has already been found to be acceptable through the grant of planning permission under 18/01524/F. The issues to be considered in the determination of the application before committee relate only to the differences between the development approved under 18/01524/F and that proposed by the variation of condition 9, i.e. those issues that relate to street trees.

## **Main issue 1: Landscaping and trees**

25. Key policies and NPPF paragraphs – DM3, DM7, DM8 NPPF paragraphs 9, 17, 56, 109 and 118.
26. Policy DM7 of the adopted Norwich Development Policies Document requires major developments that have a frontage onto a highway of more than 10 metres to provide for the planting and maintenance of street trees. This is particularly pertinent to Duke Street and this application, as the building line has been brought forward and height of the building increased. The provision of tree planting in this location was therefore considered necessary in order to retain a sense of human scale and to soften the streetscene. From the information submitted officers are in agreement with the applicant that tree planting is not feasible in the footway locations previously approved.
27. The scheme which has been submitted following negotiations will positively contribute to the street scene of Duke Street. The proposals are an acceptable compromise given what was initially approved along the frontage and the limitations that have arisen due to utilities.

## **Equalities and diversity issues**

28. There are no significant equality or diversity issues.

## **Local finance considerations**

29. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance

considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

30. 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. 20/00741/VC - Mary Chapman Court Norwich and grant planning permission subject to the following conditions:

1. Development to commence within 3 years of original consent;
2. In accordance with plans;
3. Materials as per those agreed;
4. Landscaping scheme to be installed and maintained as agreed;
5. Heritage interpretation scheme to be agreed;
6. Details of bicycle storage to be agreed;
7. Refuse collections to take place with use of a reversing assistant;
8. Details of dropped kerb;
9. Trees to be provided within the highway as agreed;
10. Travel plan to be shared;
11. To be carried out in accordance with the written scheme of investigation;
12. Site management plan to be agreed, including arrangements for student drop off & pick up, provision of CCTV;
13. Construction method statement to be adhered to;
14. Contamination preliminary risk assessment;
15. Stop works if unknown contamination found;
16. No further drainage to the ground without express consent;
17. No further piling without express consent;
18. Flood warning and evacuation plan to be adhered to;
19. SUDS implementation;
20. Ecological mitigation measures to be implemented in accordance with report;
21. Specification and locations of 8 bat boxes as per agreed details;
22. All boundary treatments to include small mammal access;
23. Lighting scheme to be submitted (to protect wildlife and light the open space);
24. In accordance with Arboricultural Impact Assessment;
25. Renewable energy to be provided in accordance with Design & Access Statement.

### **Informatives:**

1. Construction working hours & considerate construction.
2. Asbestos to be dealt with as per current government guidelines.
3. A planning brief for the archaeological Written Scheme of Investigation will be provided by Norfolk County Council, Historic Environment Service.

4. The loading bay will require a 'loading only' restriction to be established with associated signage. This will entail a Traffic Regulation Order fee of £1995 plus any signage/post costs.
5. The costs involved in the relocation of any street furniture (such as road signs or street lights) need to be met by the applicant.
6. Street naming and numbering; the council has a statutory responsibility with regard to postal addressing, if a building name is required to be used formally please contact us for advice.
7. As the footway will need to be reconstructed to ensure it is strengthened for vehicular use and repaved for an embedded loading bay this will require a S278 agreement.
8. The applicant will need to cover the maintenance of the trees located on the highway and apply for a licence. Alternatively, a 30 year maintenance fee is applicable for each street tree (payable via the S278 agreement). Please contact [developerservices@norfolk.gov.uk](mailto:developerservices@norfolk.gov.uk) for more information.
9. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.









- SITE BOUNDARY**

  - NCC Reserved walkway boundary
  - Existing Highway boundary
  - Proposed Highway boundary

**EXISTING FEATURES**

  - Tree to be retained
  - Road protection zone
  - Features to be removed
  - Extent of basement
  - Streetlight  
K67 - 10m x 10m x 10m

**HARDWARES (kerbing and edging)**

  - K1 - Textured aggregate treads  
Note: see kerbing schedule for details
  - K2 - Textured aggregate channel  
Note: see kerbing schedule for details
  - K3 - Precast concrete kerbs  
Note: see kerbing schedule for details
  - E1 - Upstand edge edging  
Note: see kerbing schedule for details
  - E2 - Edging  
Note: see kerbing schedule for details
  - E3 - Tree surround  
Note: see kerbing schedule for details
  - E4 - Steps  
Note: see kerbing schedule for details
  - E5 - Curb steps  
Note: see kerbing schedule for details
  - E6 - Curb steps  
Note: see kerbing schedule for details
  - E7 - Edging to asphalt  
Note: see kerbing schedule for details
  - E8 - Tree collar  
Note: see kerbing schedule for details
  - E9 - Tree collar  
Note: see kerbing schedule for details
  - E10 - Textured aggregate edging  
Note: see kerbing schedule for details
  - E11 - Stone edge around tree  
Note: see kerbing schedule for details

**HARDWARES (walling)**

  - W1 - Setting walls A, B & C  
Note: see walling schedule for details
  - W2 - Setting wall D and wall to ramp  
Note: see walling schedule for details
  - W3 - Lychet wall  
Note: see walling schedule for details
  - W4 - Retaining wall to Riverside  
Note: see walling schedule for details
  - W5 - Retaining wall to service yard  
Note: see walling schedule for details
  - W6 - Retaining wall to north steps  
Note: see walling schedule for details
  - W7 - Retaining wall to end of Plant Room  
Note: see walling schedule for details

**HARDWARES (surfacing)**

  - S1 - Stone paving  
Note: see surfacing schedule for details
  - S2 - Paving to building front  
Note: see surfacing schedule for details
  - S3 - Clay paving  
Note: see surfacing schedule for details
  - S4 - Resin bound surfacing  
Note: see surfacing schedule for details
  - S5 - Paving to highway footpath  
Note: see surfacing schedule for details
  - S6 - Pavement off road and trafficked footpath  
Note: see surfacing schedule for details
  - S7 - Surfacing to service yard  
Note: see surfacing schedule for details
  - S8 - Surfacing to pedestrian routes  
Note: see surfacing schedule for details
  - S9 - Hazard warning paving to terrace A  
Note: see surfacing schedule for details

**SOFTWARES**

  - F1 - Shade tree  
Note: see software schedule for details
  - P2 - Edge trees  
Note: see software schedule for details
  - P3 - Feature trees  
Note: see software schedule for details
  - P4 - Low lying planting  
Note: see software schedule for details
  - P5 - Tree in planter  
Note: see software schedule for details
  - P6 - Tree pit in planting area  
Note: see software schedule for details
  - P7 - Tree pit in paving  
Note: see software schedule for details
  - P8 - Tree pit in planting area  
Note: see software schedule for details

**HARDWARES (furniture)**

  - F1 - Timber seating edge  
Note: see furniture schedule for details
  - F2 - Rolling  
Note: see furniture schedule for details
  - F3 - Guard rail  
Note: see furniture schedule for details
  - F4 - Safety railing  
Note: see furniture schedule for details
  - F5 - Bollards  
Note: see furniture schedule for details
  - F6 - Removable bollards  
Note: see furniture schedule for details
  - F7 - Cycle stand  
Note: see furniture schedule for details
  - F8 - Bench  
Note: see furniture schedule for details
  - F9 - Bench  
Note: see furniture schedule for details
  - F10 - Bench  
Note: see furniture schedule for details
  - F11 - Bench  
Note: see furniture schedule for details
  - F12 - Bench  
Note: see furniture schedule for details
  - F13 - Bench  
Note: see furniture schedule for details
  - F14 - Bench  
Note: see furniture schedule for details
  - F15 - Bench  
Note: see furniture schedule for details
  - F16 - Bench  
Note: see furniture schedule for details
  - F17 - Boundary fence  
Note: see furniture schedule for details
  - F18 - Storage  
Note: see furniture schedule for details
  - F19 - Door opening  
Note: see furniture schedule for details
  - F20 - Key box  
Note: see furniture schedule for details
  - F21 - Parking sign  
Note: see furniture schedule for details
  - F22 - Tree Planter  
Note: see furniture schedule for details
  - F23 - Tree Planter  
Note: see furniture schedule for details

**HARDWARES (lighting and electrical)**

  - L1 - Streetlight  
Note: see lighting schedule for details
  - L2 - Directed light  
Note: see lighting schedule for details
  - L3 - Bulbhead downlight  
Note: see lighting schedule for details
  - L4 - Facade lighting  
Note: see lighting schedule for details
  - L5 - Downlight  
Note: see lighting schedule for details
  - L6 - Linear wallwash lighting  
Note: see lighting schedule for details
  - L7 - Buried lighting  
Note: see lighting schedule for details
  - L8 - Recessed electrical box  
Note: see lighting schedule for details
  - L9 - Softly mounted spotlight  
Note: see lighting schedule for details

**HARDWARES (drainage & irrigation)**

  - D1 - Wet drain  
Note: see drainage schedule for details
  - D2 - Grated channel drain  
Note: see drainage schedule for details
  - D3 - Recessed box for watering plant  
Note: see drainage schedule for details
  - D4 - High capacity channel drain  
Note: see drainage schedule for details
  - D5 - Surface venting box  
Note: see drainage schedule for details
  - D6 - Marble cover, recessed marble cover and access chamber  
Note: see drainage schedule for details
  - D7 - Gully  
Note: see drainage schedule for details

**PLANNING CONDITION DISCHARGE**

  - Material updated
  - Cycle stand updated
  - Proposed highway updated
  - Restraining edge updated
  - Paving sign updated
  - Steps G updated
  - Marble, nodding eye positions updated
  - Streetlight moved
  - Tree planter added
  - Tree in planter added
  - Cycle rack added
  - Lighting updated
  - Slopes F updated

**sheilsflynn**

CUSTOMER: NORWICH UNIVERSITY OF THE ARTS

PROJECT: DUKE STREET RIVERSIDE

TITLE: Detail Landscape Plan - North Area (Courtyard - Service yard - Duke Street)

DRAWN: MSH CHECK: SF Project No./ Draw No.

SCALE: DATE: 1:100 @ A1 SEP 2020

426-PCD-062 B

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**Report to** Planning applications committee

08 October 2020

**Report of** Area Development Manager

**Subject** Application no 20/00267/VC - Land at Dowding Road  
Taylors Lane and Douglas Close Norwich

**Reason  
for referral** Objections

4(c)

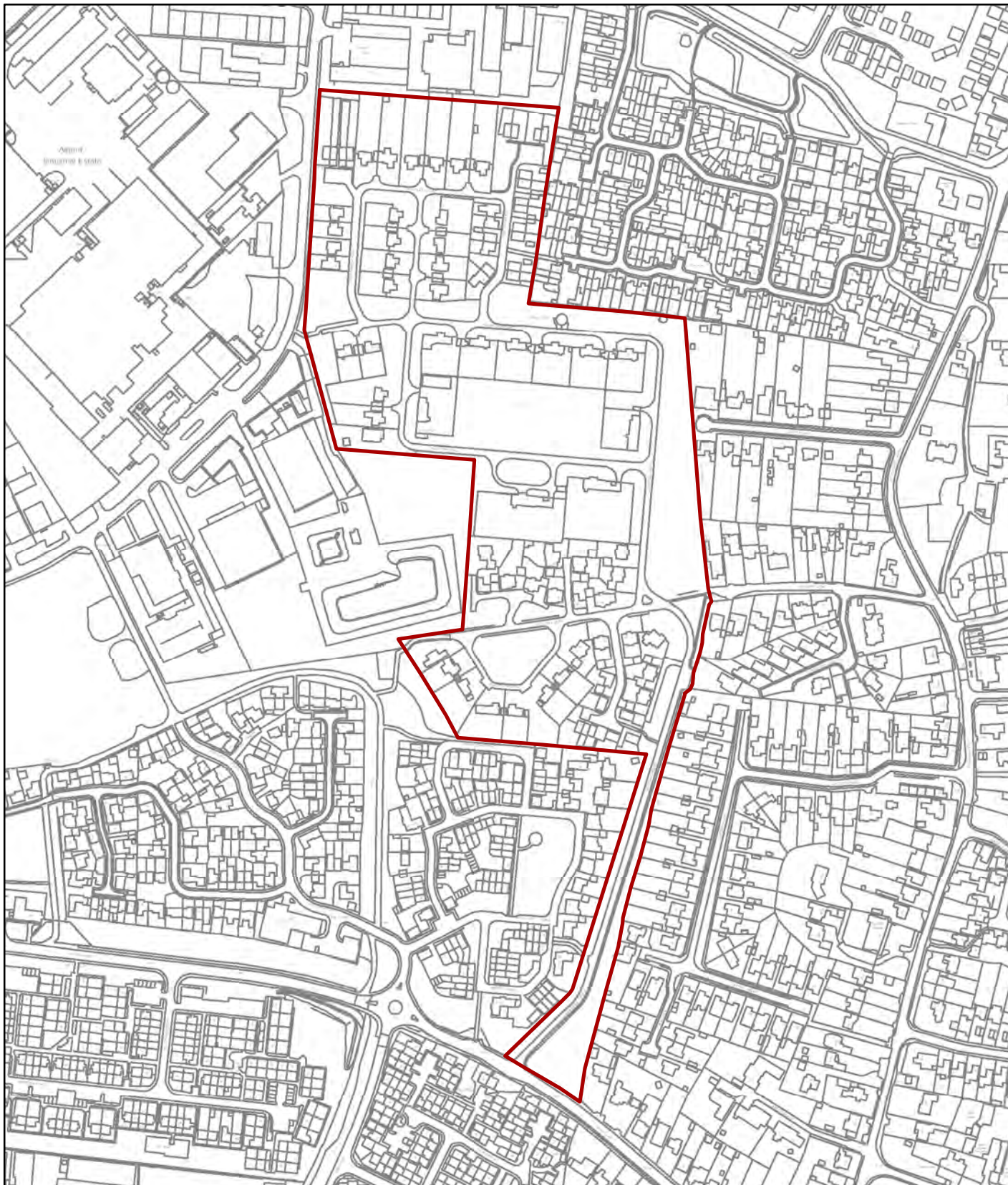
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<b>Ward:</b>	Catton Grove
<b>Case officer</b>	Maria Hammond - <a href="mailto:mariahammond@norwich.gov.uk">mariahammond@norwich.gov.uk</a>

Development proposal		
Variation of Condition 10: landscaping of previous permission 11/00766/RM to replace landscape report.		
Representations		
Object	Comment	Support
5	1	0

Main issues	Key considerations
1	Principle of proposed changes to landscaping
2	Biodiversity
3	Amenity
<b>Expiry date</b>	12 June 2020
<b>Recommendation</b>	To: (1) approve subject to conditions and a section 106 agreement securing a contribution to affordable housing; (2) refuse if a satisfactory section 106 agreement is not completed within six months.





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Planning Application No 20/00267/VC  
 Site Address Land at Dowding Road,  
 Taylors Lane & Douglas Close  
 Scale 1:4,000

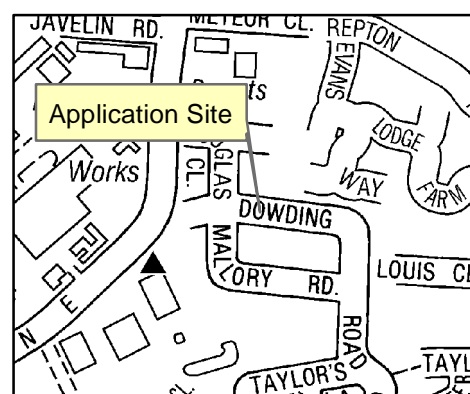


**NORWICH**  
 City Council

PLANNING SERVICES



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## The site and surroundings

1. The application concerns land around Dowding Road, Taylors Lane and Douglas Close; a residential area off Fifers Lane, north of the city.
2. The area was originally a development of RAF housing which has subsequently become market housing and further developed with new infill dwellings (07/1427/O).
3. The dwellings, both original and new, are largely detached with private gardens and large, open green spaces exist around the built development.

## Constraints

4. Many of the green spaces throughout the area are defined as open space in the Local Plan and many of the mature trees are protected by TPOs.
5. The area is within a critical drainage catchment.

## Relevant planning history

6.

Ref	Proposal	Decision	Date
07/01427/O	Erection of 51 dwellings, 25 detached and 26 semi-detached houses with garages. (Revised information).	APPR	30/03/2009
11/00766/RM	Reserved matters of appearance, landscaping and layout for previous outline planning permission 07/01427/O 'Erection of 51 dwellings, 25 detached and 26 semi-detached houses with garages. (Revised Layout)'.	APPR	15/11/2011
11/01909/D	Details required for Condition 4: Hard and Soft Landscaping; Condition 5: Arboricultural Method Statement; Condition 6: Surface Water Drainage; Condition 7: Foul Water Drainage; Condition 8: Pollution Control; Condition 9: Surface Water from Roads; Condition 10: Contamination; Condition 11: Resource Efficiency; Condition 12: Renewable Energy; Condition 13: Waste Management; Condition 14: Car Parking, Cycle and Refuse Storage; Condition 15: Fire Hydrants; Condition 17: Access Arrangements; Condition 18: Construction Management Plan; Condition 19: Bat Survey; Condition 20:	PART	20/07/2012



Ref	Proposal	Decision	Date
	detached and 26 semi-detached houses with garages. (Revised Layout)'. '		

## The proposal

7. The application proposes varying a landscape management plan previously agreed in accordance with condition 10 of the reserved matters permission for the new dwellings. This condition required the submission and agreement of a landscape management plan for all landscaped areas outside the curtilage of dwellings and for these areas to be subsequently maintained and managed in accordance with the plan to be agreed.
8. That plan was subsequently submitted and agreed (application 12/01692/D and 12/01488/D in respect of condition 7 of revised reserved matters for part of the site 12/00354/RM).
9. The approved soft landscaping of the site included areas of wildflower planting and the associated landscape management plan included provisions to maintain these with the objectives of:

*“To maintain sustainable grassland and wildflower areas for visual amenity and wildlife benefit: To include mixes for meadows and wetland areas. To maintain healthy biodiversity in the sward. To ensure freedom from water logging, burning, drought and excessive wear that might cause degradation and failure.”*
10. To achieve these objectives, the management regime for these areas includes cutting in the early spring and winter. The documents also makes provision to replace the wildflower areas if they are distressed, failing or degraded.
11. The approved wildflower planting includes a large area at the entrance from Fifers Lane, strips along Dowding Road, an area within a central grassed space to Embury Crescent and areas along Taylor’s Lane.
12. The application proposes amending the permission to apply to a revised landscape management plan. The revision to the landscape management plan proposes removing all wildflower areas, except the largest at the Fifers Lane entrance, and to replace these with grass to be mown in accordance with the agreed measures for the other existing areas of amenity grass. The affect of this change will be to grant a new outline permission for the existing development.
13. The application has arisen from negotiations with the applicants to improve management of the land and achieve compliance with the previously agreed management plan. Representations received on the application highlight some of the local concerns which have informed these negotiations.

## Representations

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

Issues raised	Response
Additional housing is being requested on our continued reduction of Green spaces, the open spaces here are for the use of our community and is used everyday. Object to the planning permission to reduce our valued and much wanted greens spaces within our community.	This individual has been contacted to clarify the nature of the proposal and confirm that no new housing is proposed in the application. No further response has been received.
Stop cutting trees down and ruining the bird wildlife, would rather hear the birds sing which is more calming than noisy disturbance by yet more residents. Impacts on health.	See main issue 2 for biodiversity.  There is no proposal to remove trees in this application.
The wild flower meadows in question, were beautiful and people came and admired them from far and wide. Unfortunately they have not been looked after well and no longer flower as they once did. This applies to whole area, it is a poor example of what it was once.	See main issue 1.
Pleased the plan will be enacted to improve the amenity of the area but not clear whether existing hedges, which provide a visual amenity, habitat for birds and wildlife and security to property, would be protected. Hope these would remain.	The amended landscape management plan does not propose making any changes to the management of hedges or trees.
Object to this amendment, or at least look to adjust the landscape with reference to planting. 5 Mature Flowering Cherry Trees needed to be cut down over the last 3 years and nothing has been done to replace any of them leaving ugly stumps. Sure that they should have replaced. Why not request that the applicant Plant / replace these trees and also look to plant Native species in replacement of the flowering meadow which only looks	Trees protected by TPO have been removed with permission and the TPO regulations require replacement planting. This can be enforced separately to this application.  Alternative planting proposals noted.

attractive for 2 months. Tree planting will look pleasing and create shape (especially with a flowering species used) and also have a Green Carbon catchment / benefit.	
The site is failing - including the wildflower meadows, due to lack of care and failure to comply with the planning requirements by the owners. I would hope that as part of the decision making a firmer commitment by the owners is sought to ensure that they contractually deliver the management scheme as set out in the document, something they have never done.	See main issue 1

## Consultation responses

15. 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.

### Landscape

16. I note: 3.4.5 Replacement of Wildflower Areas; The Wildflower areas on the site shall be replaced with grass as soon as reasonably practicable and thereafter maintained in accordance with this document.
17. This would represent a reduction of the approved landscape scheme. No explanation seems to be provided and no alternative features to replace the landscape and ecological benefits appear to be proposed.
18. Please could the applicants submit a revised report that explains clearly what revisions to the approved scheme are proposed together with reasoned justification?
19. Without this, I am unable to support the application.

## Assessment of planning considerations

### Relevant development plan policies

20. **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
21. **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
  - DM6 Protecting and enhancing the natural environment

- DM8 Planning effectively for open space and recreation
- DM12 Ensuring well-planned housing development

### **Other material considerations**

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

- NPPF2 Achieving sustainable development
- NPPF8 Promoting health and safe communities
- NPPF12 Achieving well-designed places
- NPPF15 Conserving and enhancing the natural environment

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

- Trees, development and landscape SPD adopted June 2016

### **Case Assessment**

24. 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**

25. Key policies and NPPF paragraphs – DM1, DM2, DM3, DM6, DM8, DM12, NPPF sections 8, 12 and 15
26. In accordance with Policy DM8, the open spaces would be retained as part of the proposal and remain open for use and enjoyment by residents.
27. This application is a result of negotiations with the land owner which have sought to achieve compliance with the previously approved landscape management plan.
28. Since 2015, the Council have received complaints about the standard of, or lack of, maintenance of the landscaped green spaces. Management responsibilities are split between two different land owners, and the complaints have only concerned those areas which are the responsibility of the applicants for the current application. Whilst grass areas have been mown on a reasonably regular basis, the less regular tasks, such as hedge pruning, replacing trees and cutting the wildflower areas have often been neglected. Complaints have focused on the appearance of the wildflower areas, hedges and shrubs overgrowing paths and litter and fly tipping. Officers have monitored the site and sought to resolve this with the applicants. In August 2016 a breach of condition was served but this was not complied with promptly and the situation has continued.
29. More recently, whilst maintenance has continued to fall short of the standards set out in the approved management plan, the overall appearance and amenity of the area has not deteriorated to a point where officers have considered it expedient to use enforcement powers to require compliance. The most recent visit found the site

to be actively managed with the grass mown and hedges cut back from paths. It should be noted that correspondence with complainants and negotiations with the land owners has been time intensive for officers and, to date, has achieved limited voluntary compliance with the existing management plan.

30. The application seeks to remove all but the largest wildflower area, which have deteriorated in appearance due to weeds and nettles in places, in order to reduce the management burden and improve the appearance of the site. The smaller areas which are proposed to be removed include narrow strips within grass verges which are inherently difficult to mow around and manage; mowing continuous areas of grass in these areas would be less onerous and more likely to result in a neat and tidy appearance.
31. Representations received highlight some of the local concerns about the standard of management and maintenance here and, in principle, an amendment to the management plan which would improve the amenity and appearance of the area is welcomed.
32. The amended management plan retains all other maintenance and management measures as previously approved and it is considered that these remain relevant and appropriate.
33. It should be noted that an alternative to approving the proposed amendment is to enforce the provisions of the existing landscape management plan, in particular the requirement to replace the degraded wildflower areas.
34. The merits of the proposal in respect of biodiversity and amenity are considered below.

## **Main issue 2: Biodiversity**

35. Key policies and NPPF paragraphs – JCS2, DM6, NPPF section 15
36. One of the objectives of incorporating the wildflower areas in the landscaping was for wildlife benefit.
37. The comments of the Landscape Officer (above) in this respect are noted and it is appreciated that the application documentation does not set out the rationale or justification for the proposal, nor does it propose any alternative biodiversity enhancement in place of the wildflower areas. The proposal has, however, been amended since the initial submission which proposed removal of all wildflower areas, to instead retain the largest and most impactful area at the entrance from Fifers Lane.
38. Policy DM6 and paragraph 170 of the NPPF seek the enhancement of biodiversity in new development. This proposal would remove one aspect of an approved scheme which delivered that enhancement and this is regrettable. Regard is also had to paragraph 130 of the NPPF which advises that local planning authorities should seek to ensure that the quality of approved development is not materially diminished as a result of changes to a permitted scheme.
39. As approved, the wildflower areas should have delivered biodiversity benefits, however they have failed to thrive and have become dominated by less beneficial species. Any benefit they offer must be balanced against the harm their degraded

appearance has, as visual amenity was another stated objective for the wildflower planting and this is considered below.

40. It is proposed to remove the wildflower areas in spring so that the operation of removing them does not result in any harm to biodiversity.

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

41. Key policies and NPPF paragraphs – DM2, DM3, DM6, DM8, DM12, NPPF sections 8 and 12
42. In respect of visual amenity, wildflower areas can contribute to the soft landscaping of a high quality housing development to enhance the character of the area and enjoyment of the open spaces. However, the areas in question are small and hard to maintain and have attracted complaints, along with the maintenance of the rest of the area. Proper management and, restoration if necessary, would be the optimum solution, although the state of the areas has not been such as to warrant further enforcement action. The submitted proposal aims to strike a compromise which would respond to some of the concerns raised by residents, maintain the largest wildflower area and would secure more manageable larger areas of amenity grass instead.
43. The amendment to retain the largest area at the most publically visible position at the junction with the busy Fifers Lane is welcomed and will retain the biggest benefit in respect of visual amenity.

### **Equalities and diversity issues**

44. There are no significant equality or diversity issues.

### **Local finance considerations**

45. 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.
46. 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.
47. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

48. This application has arisen from a regrettable situation where an existing management plan has not been fully complied with and the approved landscaping scheme has not achieved its stated aims.
49. Proposing an amendment which removes some of the biodiversity and visual amenity benefits from a landscaping scheme is regrettable and, contrary to



paragraph 130 of the NPPF, does diminish the quality of the approved development.

50. However, given the context of this situation where the wildflower areas have attracted local complaints, it is considered that the most pragmatic way forward is for all but one of the wildflower areas to be removed and replaced with grass which can be mown and maintained with the surrounding spaces. This is considered to be the solution which is most likely to achieve an improvement to visual amenity in the long term. The amendment which has been negotiated to retain the largest area that has the greatest biodiversity interest and most significant enhancement to visual amenity is considered necessary to make the proposal acceptable.
51. It is recognised that this is something of a compromise position however, on balance, the development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan.
52. Procedurally, it is necessary to vary the outline permission which this proposal relates to (rather than the reserved matters approval) and this was subject to a section 106 agreement securing on-site works, off-site contributions and affordable housing. Whilst the development has been completed and these works and contributions delivered, there are ongoing obligations in the agreement concerning the affordable housing which it is necessary to retain. A deed of variation is therefore necessary to secure this and the recommendation is to approve the application subject to completion of an appropriate agreement. The applicant is aware of this but has not yet progressed discussions with the other necessary parties. In order to ensure the application is determined promptly, the recommendation is subject to a time period to resolve this, after which the application should be refused.
53. Whilst the current state of the site is not strictly being maintained in alignment with the current management plan, it is necessary to consider the expediency of any further enforcement action. Some improvements to management have been made and it is not considered that on the basis of the current state of the site that further enforcement action would be expedient were this application to be refused. Clearly this could be kept under review were the state of the site to deteriorate further. However, it is anticipated that approval of this proposal will assist the satisfactory management of this site and address some of the complaints which have been received about its appearance and amenity.

## **Recommendation**

**To:**

- 1) approve application no. 20/00267/VC - Land At Dowding Road Taylors Lane and Douglas Close, Norwich, and grant planning permission subject to the re-imposition of all conditions from the former outline consent with the following amendments/additions and a deed of variation:
  1. In accordance with plans
  2. In accordance with approved reserved matters
  3. Landscaping as agreed
  4. Surface water drainage to be retained as agreed

5. Foul drainage to be retained as agreed;
6. Pollution control as agreed;
7. Surface water from roads and impermeable surfaces to discharge via trapped gullies;
8. Water, energy and resource efficiency as approved;
9. 10% renewables as approved;
10. Waste management plan as approved;
11. Parking to be retained;
12. Fire hydrants as approved;
13. Access as approved;
14. Footpaths to be retained as approved;
15. Trees to be managed as agreed;
16. Noise mitigation to be retained as agreed;
17. Water conservation measures to be retained as agreed;
18. Solar panels to be retained as agreed;
19. Open spaces to be managed in accordance with revised landscape management plan;
20. External lighting to be retained as agreed.

And;

2) where, a satisfactory legal agreement is not completed within six months of the date of this committee meeting, to refuse planning permission, for the following reason:

1. The proposal fails to secure commitment to ongoing obligations concerning affordable housing. The proposal is therefore contrary to Policy 4 of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (2011, amendments adopted 2014), Policy DM33 of the adopted Development Management Policies Local Plan (2014) and paragraph 63 of the National Planning Policy Framework (2019).

### **Article 31(1)(cc) 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 to retain the largest existing wildflower area, the application has been recommended for approval subject to appropriate conditions and for the reasons outlined in the officer report.

# **LANDSCAPE MANAGEMENT AND MAINTENANCE PLAN**

## **GUIDE TO THE MANAGEMENT OF SHARED AREAS AT FIFER'S LANE, NORWICH**

# 1.1 INTRODUCTION

## 1.2 PURPOSE AND SCOPE OF DOCUMENT

This Landscape Management and Maintenance Plan (“Management Plan”) has been prepared to provide details as to how the shared landscaped areas within the Fifer’s Lane development will be maintained and managed. It has been prepared in compliance with Condition 10 of the reserved matters approval (reference 11/00766/RM) for this development. It includes supporting plans, reports and specifications that illustrate the works carried out during the construction of the grounds as follows:- (drawing numbers JBA 11/74/05,06,07,08,09,&10). It also includes details about how the public open space within the site will be managed as required by the Section 106 Agreement for this development dated 30 March 2009. The purpose of this document is to schedule all required maintenance regimes, operations and works necessary for the satisfactory management of the landscape after the initial five years contractual, establishment maintenance period has ceased. The Management Plan divides the work required to manage the site into two types: Annual Works and Occasional Works. The Annual Works are those works that will be required every year, such as watering, weeding and cleaning. The Occasional Works are those that will be required on an irregular or cyclical basis, such as repairs and renewals.

## 1.3 THE SITE

### 1.3.1 Location

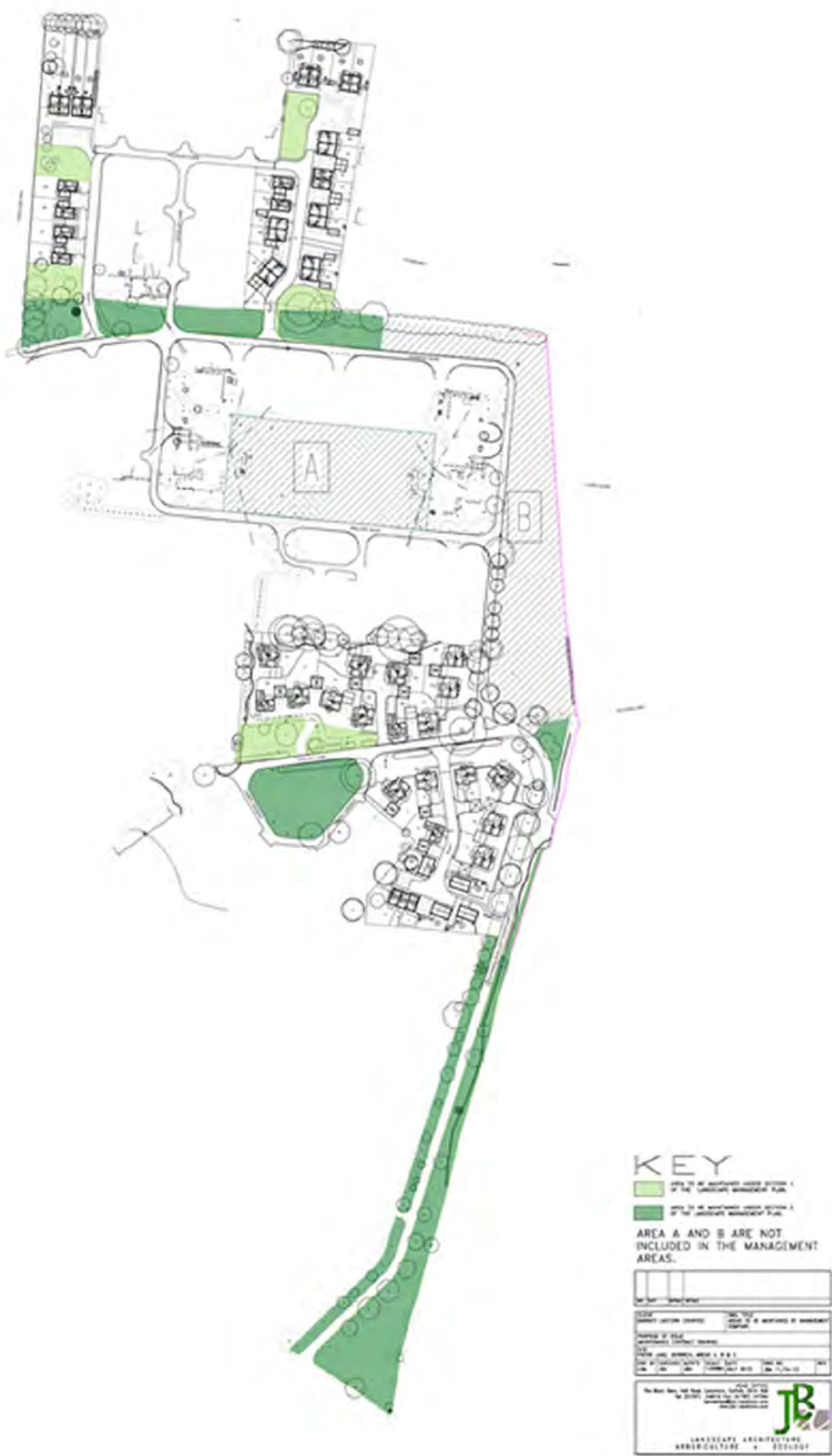
The site is located at Fifer’s Lane, Norwich. The site is surrounded by residential areas to West, South and East. To the north the site is bounded by Norwich Airport. See Fig’s 1 and 2.

Fig 1. Location plan: Road Map: Not to scale





Fig 2. Location plan: Close up: Not to scale



Contractor, up to and not exceeding 5% of the plant stock. Specimens, shrubs or herbaceous plants so replaced shall be the same as those specified, previously supplied and approved. Include any works necessary to enable planting to be properly carried out, i.e. removal and disposal of dead material. Once annually the site shall be considered for the need for any strategic replacement or enhancement planting, to broaden the age class of tree groups, in the interests of the long-term sustainability of strategically important vegetation.

#### **3.4.2 Newly Planted Trees**

Any tree that dies or is necessarily felled as a result of storm damage, vandalism, mechanical damage, fungal decay or other such cause, but which is not felled or removed as part of any programme of thinning or coppicing, shall be replaced like for like. Such replacement shall be with a specimen of either the same species or similar species as those existing. Possible damage to the drainage and waterproofing of any capping layer (where such exists) must be considered before choosing a replacement tree. The option for replacing with a different species is to allow some flexibility and to avoid problems encountered with 'Same Species Disease' to ensure a sustainable shrub cover in the interests of visual amenity. Where alternative species are being considered, then the species should be suitable to the character of the site, either native or if ornamental, then appropriate to the type of trees adjacent to them.

#### **3.4.3 Existing Mature Trees**

Following the annual arboricultural assessment, works recommended for each tree shall be carried out by an approved skilled, qualified and approved arboricultural contractor, and any work to trees protected under a Tree Preservation Order (TPO) shall first have a formal application made for such works to the LPA. Arisings from such works shall be removed from site, unless needed to enlarge or renew Eco piles.

#### **3.4.4 Non-native Shrubs and Herbaceous Plants**

Cut back any shrubs, herbaceous plants or hedgerow plants where they have become old, misshapen, leggy or they have lost their vigour. Replace shrubs plants that are lost, damaged or become sick or weak from senescence, vandalised, theft, disease, drought, inclement or stormy weather, fungal or other pathogenic or pest attack, chemical spillage or other adverse cause. Replace such shrubs or hedgerow plants with the same or similar species on a one for one basis. Nursery stock shall be container grown and shall be a minimum stock size of 3L pot to horticultural trade association classifications of stock size, quality, and number of breaks. Include grubbing out any existing shrubs or hedgerow plants to be replaced, including chipping all arisings and bagging up accumulations and carting off site.

#### **3.4.5 Replacement of Wildflower Areas**

The Wildflower areas on the site shall be replaced with grass as soon as reasonably practicable and thereafter maintained in accordance with this document except the area nearest to the entrance to Dowding Lane which is shown cross hatched black on the plan below:



In respect of the above area of retained wildflower, and in the event that it is distressed and failing, dead material will be removed and the topsoil will be recultivated to a depth of 100mm. Small areas may be reseeded following the autumn cut by spreading the cut arisings onto the bare soil to set seed. For more wholesale degradation of the wildflower meadow sward, cultivate the affected area until a fine, level tilth is achieved, removing rocks and stones greater than 20mm diameter. Do not fertilise or herbicide. Evenly seed with an appropriate mix of wildflowers and grasses, to a mix and at a rate as agreed with the Landscape Architect or consultant ecologist. Carefully rake in thoroughly to ensure that the seed is a few millimetres below the surface. Roll using a very light roller or a cylinder mower, ensuring the surface is even and level. In the event of unexpected dry weather water thoroughly to field capacity using a fine spray hose and continue to water to maintain a moist soil until complete establishment. Protect newly seeded areas by metal stakes and high visibility tape to restrict access and hand weed out persistent residual weeds and new germinated ruderal weed seed.

#### **3.4.6 Hard Landscape Surfacing, Street Furniture and Playable Items**

Where scheduled inspection detects any paved areas, enclosing elements, structures and street furniture are in need of replacement, extension or alteration to function satisfactorily and to minimise risk of injury, then these repairs or renewals should be effected immediately. Relay unit paving where there occurs differential settlement or the units wobble, or are not firmly bedded, jointed or pointed. Ensure that the units are relayed to match the bonding pattern existing on site. Repaint the metalwork where there occurs chipping and flaking, using paint type and colour to match that existing. Repair any fences where rails, braces, panels, etc have become loose or weak. Replace any broken panels or units, carting away the failed materials to skip. Replace playable items as required following monthly inspections, where such items are found to be beyond repairable condition.



## **5.1 ANNUAL WORKS FOR SECTION 2 (LANDSCAPED AREAS SHOWN IN DARK GREEN ON FIGURE 2)**

### **5.2 AIMS**

#### **5.2.1 To Ensure Health and Safety of All Visitors to the Grounds**

Rysa Lodge Residential Properties Ltd will uphold its duty of care that the landscape elements, both hard and soft, are safe, clean, and that all reasonable steps have been taken to minimise risk of injury and damage to persons and property, including in relation to pedestrian paving and planting; avoiding trip hazards and injury by thorny unkempt stems.

#### **5.2.2 To Achieve a standard of Maintenance**

To maintain hard and soft landscape elements in good condition, state of repair and clean, free from snags and hazards. To this end, the areas will be inspected regularly and any works that become necessary in respect to the condition, cleanliness and soundness of structures, features, facilities, vegetation and surfaces will be carried out. These works shall include sweeping; wiping; washing; staining; painting; tidying and other such ancillary works in respect of hard landscape elements. Maintenance of soft works shall include weed control, pest control, watering, pruning, fertilising, grass cutting and general lawn care, such as spiking and scarifying and any other such ancillary works in respect of soft landscaping; all set out in the clauses below.

### **5.3 OBJECTIVES**

#### **5.2.3 Tree: Existing**

To provide a sustainable landscape feature, managed to a suitable height, width and profile to ensure maximum longevity and amenity benefit. To ensure that the trees do not present Health and Safety problems and maximise diversity.

#### **5.2.4 Trees: New Tree Planting**

To provide an attractive visual amenity by defining space and through creating a sense of height and scale. Proposed trees shall be maintained to ensure survival and health and open growth. To achieve typical heights, spreads and characteristic density of foliage common to the respective specie without compromising safety or access issues.

#### **5.2.5 Amenity Grass, Lawns and Greens**

To maintain healthy, hard wearing grass with a consistent colouring. To ensure freedom from pests and diseases, water logging, drought and excessive wear that might cause degradation and failure. To ensure safe and comfortable use of amenity spaces.

#### **5.2.6 Wildflower Mixes**

To maintain sustainable grassland and wildflower areas for visual amenity and wildlife benefit: To include mixes for meadows and wetland areas. To maintain healthy biodiversity in the sward. To ensure freedom from water logging, burning, drought and excessive wear that might cause degradation and failure.





In respect of the above area of retained wildflower, and in the event that it is distressed and failing, dead material will be removed and the topsoil will be recultivated to a depth of 100mm. Small areas may be reseeded following the autumn cut by spreading the cut arisings onto the bare soil to set seed. For more wholesale degradation of the wildflower meadow sward, cultivate the affected area until a fine, level tilth is achieved, removing rocks and stones greater than 20mm diameter. Do not fertilise or herbicide. Evenly seed with an appropriate mix of wildflowers and grasses, to a mix and at a rate as agreed with the Landscape Architect or consultant ecologist. Carefully rake in thoroughly to ensure that the seed is a few millimetres below the surface. Roll using a very light roller or a cylinder mower, ensuring the surface is even and level. In the event of unexpected dry weather water thoroughly to field capacity using a fine spray hose and continue to water to maintain a moist soil until complete establishment. Protect newly seeded areas by metal stakes and high visibility tape to restrict access and hand weed out persistent residual weeds and new germinated ruderal weed seed.

## 5.3 METHOD

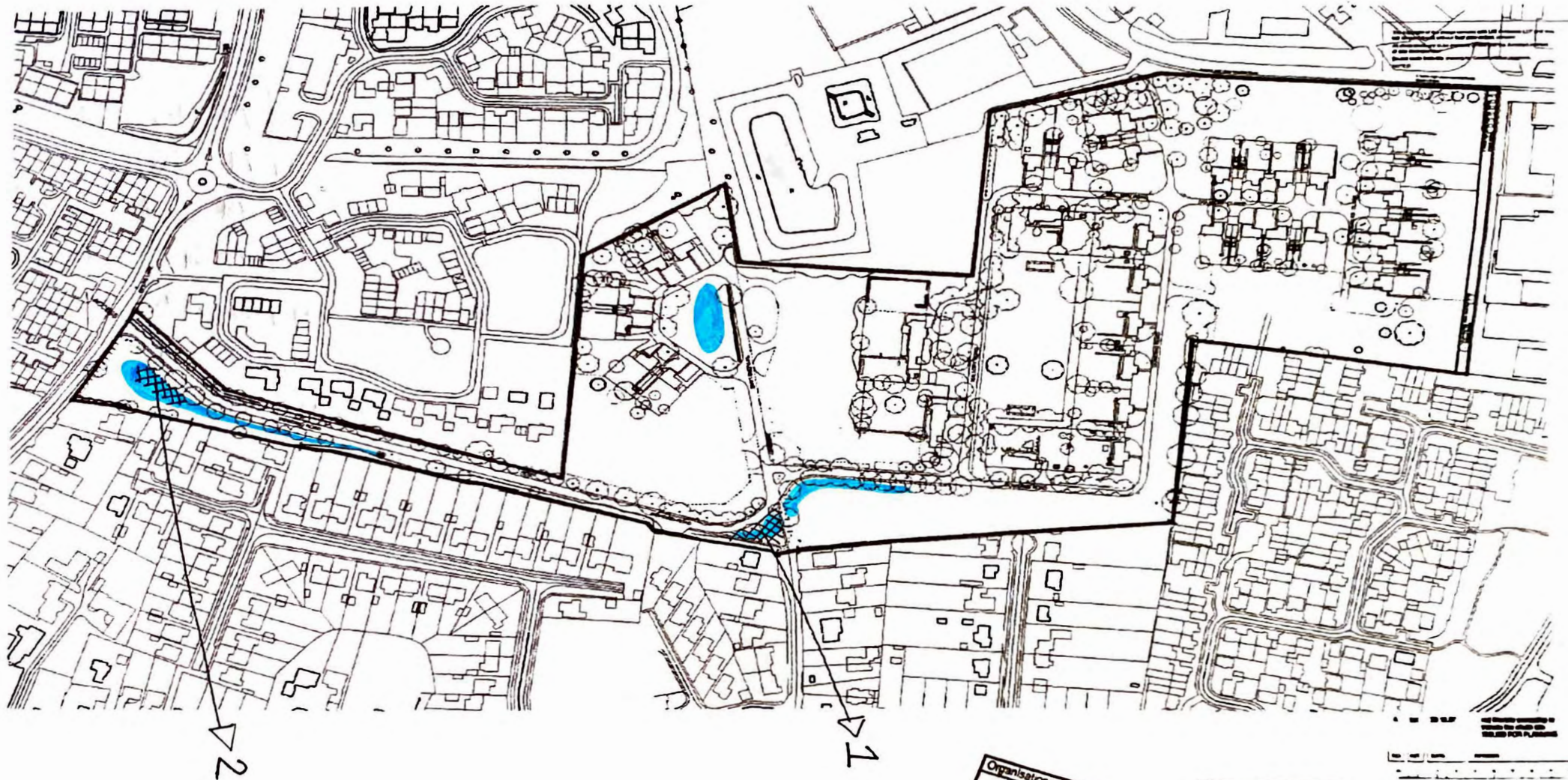
### 5.3.7 Wild Flower Mixes

Strim/mow rough grass and meadow areas with suitable strimmer or flail equipment, to a height of 75mm, once annually. The timing shall be in accordance with any specialist instructions from the consultant ecologist to ensure that any reptiles are protected, or in the event of no reptiles being present, in late August. It is essential that the August cut be carried out in a period of continuous dry weather. Delay the cut, if necessary, until the weather is forecast to be dry for at least 4 days. All cut material shall be left for a maximum of 3 days after cutting (but only if dry) to allow the cut material to dry out, helping to set the seed. Rake off cut material no later than 3 days after cutting, (and at once in the event of unexpected wet weather to prevent the cut material rotting and damaging the wild flower sward). Then remove arisings from site at once. An extra cut may be carried out if required in the late spring, following the same procedure as above.

### 5.3.8 Amenity Grass

Mow grass with a rotary mower once during the spring (late March), to a height of 50mm, and then every 7 days thereafter between April and March using a cylinder mower cutting at intervals as required according to growth rate. Allow for 20 cuts per year, continuing cutting until November. Cut to a height of 25mm and increase to 50mm in continuously hot and dry weather conditions.





Organisational Development  
20 DEC 2007  
Post Room

20 DEC 2007  
Parker's Road

**lsi architects**  
RYSA LOODE PROPERTIES LTD  
PIPER'S LAKE  
SITE LOCATION PLAN  
2500 1-1 025 A