



NORWICH City Council

Committee name: Planning applications

Committee date: 12/10/2023

Report title: 22/00855/F The Cedars, Norwich, NR2 2EE

Report from: Head of planning and regulatory services

OPEN PUBLIC ITEM

Purpose:

To determine:

Application no: 22/00855/F

Site Address: The Cedars, Norwich, NR2 2EE

Decision due by: 12/10/2023

Proposal: Installation of 3no. mobility scooter stores to house 16no. mobility scooters, arranged in two blocks of 6no. to the northwest of the site and one block of 4no. stores to the east of the site

Key considerations:

- The impact that the proposal will have on the character and appearance of the building and wider area
- The impact of the proposal on neighbouring residential amenity
- The impact of the proposal on surrounding trees

Ward: Eaton

Case Officer: Daisy Hill , Planner

Applicant/agent: Sam Coughlan

Reason at Committee: Objections

Recommendation:

It is recommended to approve the application for the reasons given in the report and subject to the planning conditions set out in paragraph 43 of this report.

The Site and Surroundings

1. The site is situated to the north of Newmarket Road and access is via Ablemarle Road which then leads onto The Cedars.
2. The site features a collection of buildings, of different ages, set in attractive gardens which make up 'The Cedars' sheltered housing scheme. The Cedars offers independent living for the over 55's.
3. The surrounding area is predominately residential and within the Newmarket Road Conservation Area.
4. Norwich High School for Girls sits to the southwest of the application site.

Constraints

5. Newmarket Road Conservation Area
6. Critical drainage catchment
7. Adjacent to area of Tree Preservation Order TPO.69 (Group)

Relevant Planning History

8. The records held by the city council show the following planning history for the site.

18/01541/F	Replacement doors and windows.	APPR	19/12/2018
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The Proposal

9. The proposal involves the installation of 3no. mobility scooter stores. All to be single storey.
10. A total of 16no mobility scooters can be accommodated in the stores across two locations on the site.
11. The stores will be constructed from a galvanised steel frame with steel panel cladding (in a green finish) and feature a fireboard MgO core internal liner. The roof will be profiled galvanized steel.
12. Two stores (capable of storing 6no scooters in each) are proposed to the northwest of the site. Each store will measure approx. 7m wide, 2m tall and 1.8m deep.
13. One store (capable of storing 4no scooters) is proposed to the east of the site and will measure approx. 4.8m wide, 2m tall and 1.8m deep.

Consultation responses

14. 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.

Representations

15. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received citing the issues as summarised in the table below:

Issues raised	Response
Siting of stores	See main issue 2
Distance from flats/access issues	See main issue 4
Aesthetics	See main issue 2
Overshadowing	See main issue 4
Security/Health & Safety issues	See main issue 4
Concerns over trees & their roots	See main issue 5

Statutory and non-statutory consultees

Tree Protection Officer (Norwich City Council)

16. No objections from an arboricultural perspective.

Assessment of Planning Considerations

Relevant Development Plan Policies

17. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design

18. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM5 Planning effectively for flood resilience
- DM7 Trees and development
- DM9 Safeguarding Norwich's heritage

Other material considerations

19. Relevant sections of the National Planning Policy Framework July 2021 (NPPF):

- NPPF2 Achieving sustainable development
- NPPF12 Achieving well-designed places
- NPPF14 Meeting the challenge of climate change, flooding and coastal change
- NPPF15 Conserving and enhancing the natural environment

Case Assessment

20. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning 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.

Main Issue 1. Principle of development

21. The principle of mobility scooter stores is acceptable and supports the adaptation of the site to accommodate those with disabilities and allow them to live independently. The main policy and material considerations in this case are considered below.

Main Issue 2. Design & Heritage

22. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 124-132 and paragraphs 184-202.

23. In reference to policy, Local Plan Policy DM3 'Delivering High Quality Design' asks that design should "respect, enhance and respond to the character and local distinctiveness of the area."

24. The siting of the stores, in two separate locations will have some impact both on outlook from residences and on the setting of The Cedars however they are not considered to present such a visual barrier in order to be considered unacceptable. The current proposal does seek to preserve some element of openness when viewing both in and out of the housing scheme.

25. The stores in themselves are more substantial structures, and it is important that materials are sympathetic with the open verdant setting of the conservation area. The cladding features a green coloured finish and is considered to be a sympathetic colour that will keep the stores in context with the character of the area.

26. In terms of impact on the wider setting in the context of the conservation area (Policy DM9), while the open setting to the northwest is a characteristic on which the proposal will impact to some extent, it should be borne in mind that the grass field to the northwest is used as a school sports facility and is not accessible to the wider public. There will be little or no visibility of the stores

from the public realm. Particularly given this, the proposal couldn't be said to represent any notable harm to the conservation area.

27. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

Main Issue 3. Amenity

28. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
29. Of particular relevance in terms of amenity is Local Plan Policy DM2 'Ensuring satisfactory living and working conditions'.
30. We also have to consider that there will be amenity and safety benefits from residents having the facility to store their scooters in a secure location outside of the main building. So it can reasonably be argued that these considerations can outweigh a degree of negative impact on the outdoor amenity space, particularly given the wellbeing benefits for older people of continued mobility.
31. While the proposed location is relatively visually prominent, it has the advantage of not being situated too close to any residence and so not having a more direct impact in terms of loss of light and outlook. It also appears to be suitably accessible and close to the existing hard surface path.

Main Issue 4. Flood risk

32. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 155-165.
33. The site is located within flood zone 1, within a critical drainage catchment. Though there is some identified flood risk, the stores do not cover sufficient area to justify a requirement of sustainable drainage measures, therefore the proposal is considered to be acceptable.

Main Issue 5. Trees

34. Key policies and NPPF paragraphs – JCS1, DM7, NPPF paragraphs 170 and 175.
35. The local area has established trees and bushes as does the site itself. However, no trees are proposed to be felled or pruned as part of the development and upon consultation there are no objections from an arboricultural perspective. More specifically, the larger stores will sit outside of the root protection area of T4 and the smaller store, although within the root protection area for T1, will sit upon the existing hard surface. The Tree Officer is satisfied with the proposals and a condition is recommended to ensure compliance with the Arboricultural Impact Assessment (AIA).

Main Issue 6. Nutrient Neutrality

36. Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar
(b) River Wensum SAC

Potential effect: (a) Increased nitrogen and phosphorus loading
(b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads & Wensum SACs, and if so, whether or not those effects can be mitigated against.

The council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16 March 2022.

(a) Broads SAC/Broadland Ramsar

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

(b) River Wensum SAC

- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal does not:-

- Result in an increase in overnight accommodation in the catchment area of the SAC;
- By virtue of its scale, draw people into the catchment area of the SAC
- Result in additional or unusual pollution to surface water as a result of processes forming part of the proposal.

In addition, the discharge for the relevant WwTW is downstream of the SAC.

Consequently, the proposal would not result in an increase in nutrients flowing into the SAC in the form of either nitrogen or phosphorous.

Conclusion: It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

37. The proposals seek to support those living with disabilities living in an older persons sheltered housing scheme and therefore there are equality and diversity benefits associated with the application.

S106 Obligations

38. There are no S106 obligations relevant/applicable to this application.

Local finance considerations

39. 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.

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

Human Rights Act 1998

41. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

Section 17 of the Crime and Disorder Act 1998.

42. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Planning Balance and Conclusion

43. 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

44. To approve application 22/00855/F - The Cedars, Norwich, NR2 2EE and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Works in accordance with AIA, AMS, TPP

Appendices: None

Contact name: Daisy Hill

Telephone number: 01603 987566

Email address: daisyhill@norwich.gov.uk



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