

Report to Planning Applications Committee

Item

10 June 2021

Report of Head of planning and regulatory services

Subject Application no 20/01238/F at 6 Music House Lane

5(b)

**Reason
for referral** Objection

Ward	Mancroft
Case officer	Katherine Brumpton KatherineBrumpton@norwich.gov.uk
Applicant	Sue Lambert Trust

Development proposal		
Installation of Mobile Shepherds Hut		
Representations		
Object	Comment	Support
4	0	0

Main issues	Key considerations
1	Principle
2	Design
3	Heritage
4	Amenity
Expiry date	17 June 2021
Recommendation	Approve



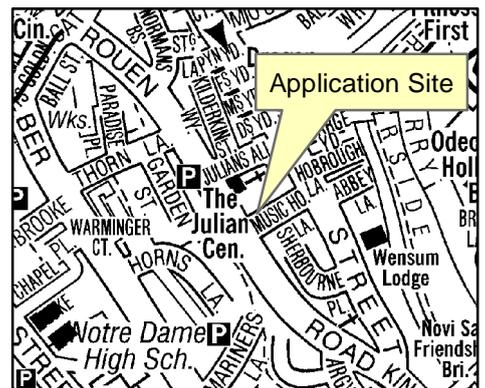
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Planning Application No 20/01238/F
Site Address 6 Music House Lane

Scale 1:1,000



NORWICH
City Council
PLANNING SERVICES



The site and surroundings

1. Site is on the corner of Music House Lane and Rouen Road and is set back from both roads. Between the building and the roads lies a largely grassed area, which also contains shrubs and trees.

The building is detached, finished in red brick with slate roof tiles and white fenestration. The area to the rear of the building is paved, and is part of the site. This borders boundary fences serving the relatively new dwellings to the north-east, which are known as St Cecillas Court.

The site itself is relatively flat, but the land falls to the north-east further down the road. The land to the north-west is substantially higher than the site and is served with a retaining wall.

Constraints

2. Conservation Area; City Centre
3. Area of Main Archaeological Interest
4. City Centre
5. Regeneration Area
6. City Centre Parking Area

Relevant planning history

7. No relevant history

The proposal

8. Siting of a shepherd's hut within the rear grounds of the site to provide additional space for delivering talking therapies, which is part of the Sue Lambert Trust's work at the site.
9. Following discussions with the agent revised plans were submitted and re-advertised/re-consulted on. The revised plans place a shorter hut than previously proposed alongside the boundary wall with the church to the north-west. The original plans showed the hut more centralised within the paved area.

Representations

10. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 4 letters of representation have been received from 3 properties 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.

Issued raised	Response
Noise disturbance	See main issue 4
Overlooking and overshadowing into the neighbour's gardens. Exacerbated by change in land levels	See main issue 4
Over dominant building	See main issue 2
Increase to light pollution	See main issue 4
Should be re-sited in site to reduce impact (original plans)	See main issue 2

Consultation responses

11. No consultations have been undertaken for this application.

Assessment of planning considerations

Relevant development plan policies

12. **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
- JCS5 The economy
- JCS7 Supporting communities
- JCS11 Norwich city centre

13. **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
- DM9 Safeguarding Norwich's heritage
- DM11 Protecting against environmental hazards
- DM22 Planning for and safeguarding community facilities

Other material considerations

14. **Relevant sections of the National Planning Policy Framework July 2018 (NPPF):**

- NPPF2 Achieving sustainable development
- NPPF4 Decision-making
- NPPF8 Promoting healthy and safe communities
- NPPF11 Making effective use of land
- NPPF12 Achieving well-designed places
- NPPF16 Conserving and enhancing the historic environment

Case Assessment

15. 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

16. Key policies and NPPF paragraphs – DM1 and DM22, JCS7, NPPF paragraph 91.
17. The current use of the site is by the Sue Lambert Trust. It is a charity which provides support for individuals who have experienced sexual abuse. The use is considered to be similar to health centres and focusses on people's health and wellbeing. As such it is considered to be a community use, which is covered by DM22. DM22 advises that enhanced facilities will be permitted where they contribute positively to the well-being and social cohesion of local communities, with preference given to locations within the city centre. Proposals for increased provision within centres are considered acceptable if the location is appropriate to the scale and function. The site is within the city centre, so is considered appropriate for expansion in principle. The area where the hut would be positioned is large enough to accommodate it. The design and amenity impact is discussed below.
18. DM1 is also considered to be relevant as it states that developments should maximise opportunities for improved health and well-being.
19. Para 91 in the NPPF advises that planning decisions should aim to achieve healthy, inclusive and safe places.
20. The Trust's work is considered to complement that of doctor's surgeries and health centres, and as such its expansion is considered acceptable in principle for the above reasons.

Main issue 2: Design

21. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 124-132.
22. Shepherds' huts are associated with rural locations by their very nature. However, they have become relatively common in recent years and are found within domestic gardens as well as more rural settings such as fields. As a way to expand the space at the site without extending the building the proposal is considered to represent an acceptable form of design. The proposed hut includes double doors and a small flight of stairs to the front, along with a window in the side (south-west) elevation.
23. The revised plans re-site the hut to sit alongside the boundary wall with the church. The wall is taller than the proposed hut and is finished in smooth concrete. The hut would serve to break up the expanse of this wall and would not conceal anything considered to contribute positively to the character of the area.
24. The proposed design is considered to be a suitable form of development at this site and is considered to comply with the above policies.

Main issue 3: Heritage

25. Key policies and NPPF paragraphs – JCS2, DM9, NPPF paragraphs 184-202.
26. 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.
27. Site is on the edge of two character areas within the City Centre Conservation Area; King Street and Ber Street, falling just inside the King Street area. Although the building is of some age and is considered to contribute positively to the character of the area, it is not local or statutory listed and is not identified specifically within either appraisal. The adjacent church, St Julian's church is Grade I listed and a large boundary, retaining wall sits between the two properties.
28. Given its siting and scale the proposed hut is not anticipated to significantly impact upon the wider character of the area or on the adjacent church. The impact upon heritage assets from this development is considered to be acceptable, and to comply with DM9.

Main issue 4: Amenity

29. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 127.
30. The proposed hut would measure 3m to the ridge height, with the floor level being sited slightly higher than ground level. As such access is via a small flight of steps to the front. The only window would face the building currently used by the trust.
31. Located south west of the St Cecilias Court, these adjacent properties all have their main, rear gardens running alongside the paved area associated with application site. Their gardens are all served with timber boarded fences, at approx. 1.8m high. The land level within the gardens compared to the site is slightly lower but not significantly.
32. The siting of the hut will have some impact upon these adjacent residents. With approximately 1.2m of the hut visible above the fences, there will be some degree of increased overshadowing, especially for the closest neighbour at number 4. However, this is mitigated by the orientation, as light will still readily reach these gardens from the south as it is relatively open towards the road. In addition, the gardens already experience a degree of overshadowing from the south -west and west as a result of the existing building and boundary wall. As such the impact on overshadowing from the proposed hut is not anticipated to be significant.
33. Concerns have been raised that the proposal would lead to an increase in noise disturbance from the use of the hut by the Trust's clients. It is understood that some neighbours can hear some of the comings and goings and general noise of people talking already.

34. There may be some overlooking when clients and staff enter the hut, into the neighbour's gardens. The rear elevation of number 6 includes quite a lot of glazing, enabling overlooking to occur from these windows already. As above the boundary with the paved area is served with 1.8m fences, enabling some overlooking from wider viewpoints such as the pedestrian pavement serving Music House Road. The additional overlooking from those using the huts will however be noticeable given its proximity to the gardens. The submitted details identify opening hours of between 09:00 and 17:00 Monday to Friday. A condition is considered reasonable to tie the proposed use of the hut to these hours. The control of hours of use would serve to limit this impact to 'normal' working hours enabling the use of the neighbours' gardens to be impacted to a lesser extent during the weekends and evenings when they are likely to be used the most.
35. There is anticipated to be no other significant impact upon anyone's amenity.
36. No additional external lighting is shown on the submitted plans. There will be some additional light from the proposal as a result of use of lights inside the hut but this is not anticipated to have a significant impact on anyone's amenity.
37. The hut is anticipated to have some impact upon the amenity of the adjacent residents, notably from some additional overlooking and noise as people enter and leave the hut. This can be reduced and mitigated against by imposing a condition restricting the times that the trust use the hut. With this condition, policies DM2 and DM11 are considered to be complied with.

Equalities and diversity issues

38. There are no equality or diversity issues.

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

Conclusion

40. The proposed development would provide additional space for the Sue Lambert Trust to continue their work to assist individuals who have experienced sexual abuse. This is considered to be a community use and its expansion is supported at this site in principle.
41. There would be some impact upon the residential amenity of the neighbours at St Cecilia's Court. However, this impact has been reduced as a result of the revised plans, and can be mitigated further by limiting the hours of use of the hut.
42. With suitable conditions, the development is considered to be in accordance with the requirements of the National Planning Policy Framework and the Development

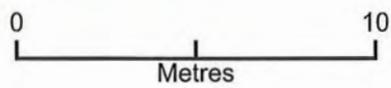
Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 20/01238/F at 6 Music House Lane and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Hours of use limited to between 09.00-17.00 Monday to Friday only.

6 Music House Lane 20/01238/F

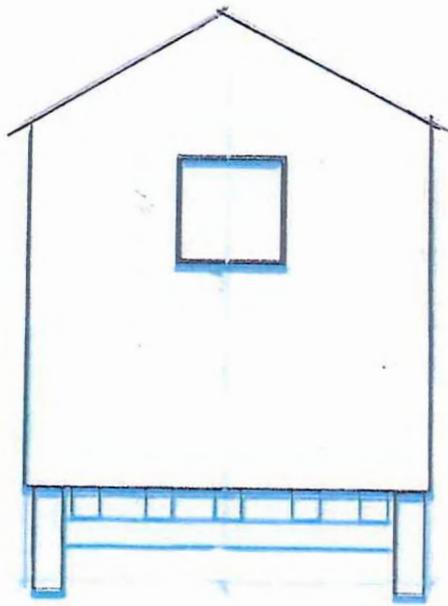
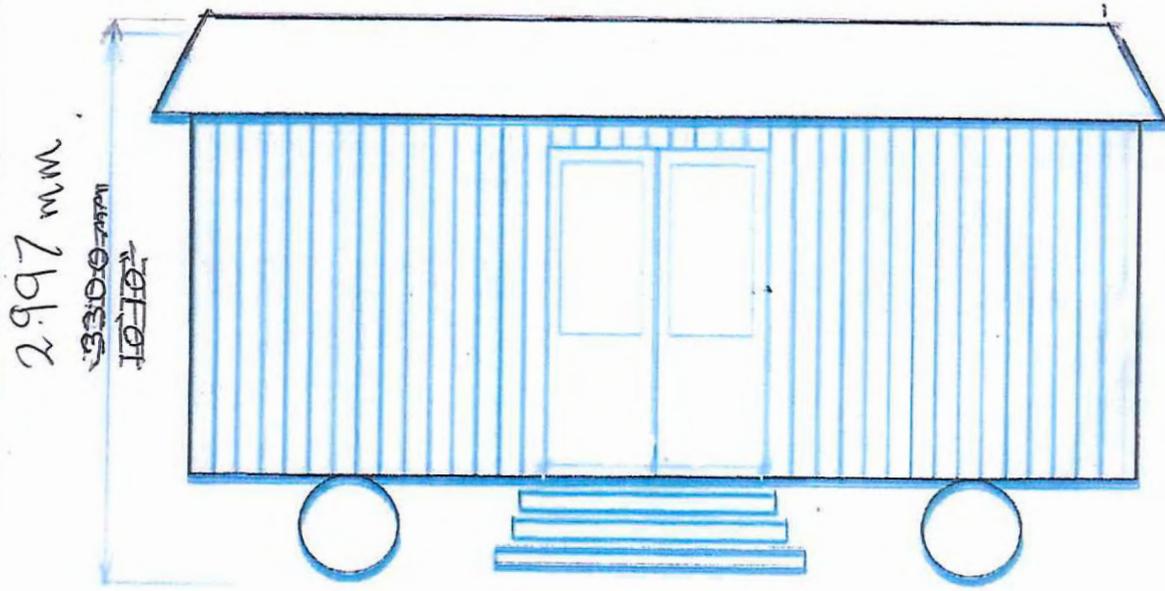
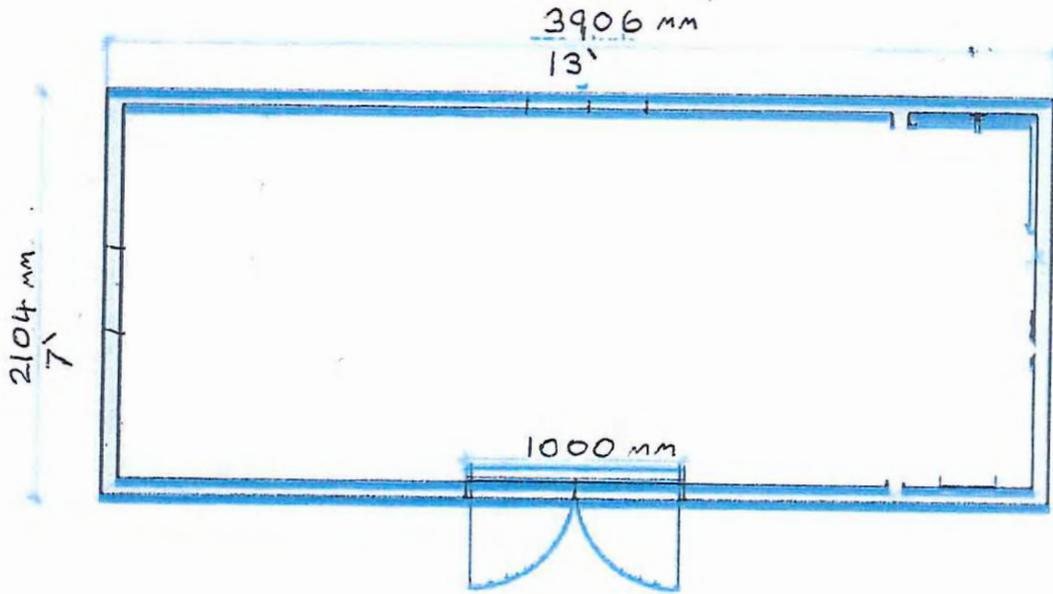


Plan Produced for: Sue Lambert Trust

Date Produced: 10 Mar 2021

Plan Reference Number: TQRQM21069120447400

Scale: 1:200 @ A4



NOT TO SCALE

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