

**Report to** Planning applications committee

Item

12 January 2017

**Report of** Head of planning services

**Subject** Application no 16/01554/F - Grazing Land Swanton Road  
Norwich

4(c)

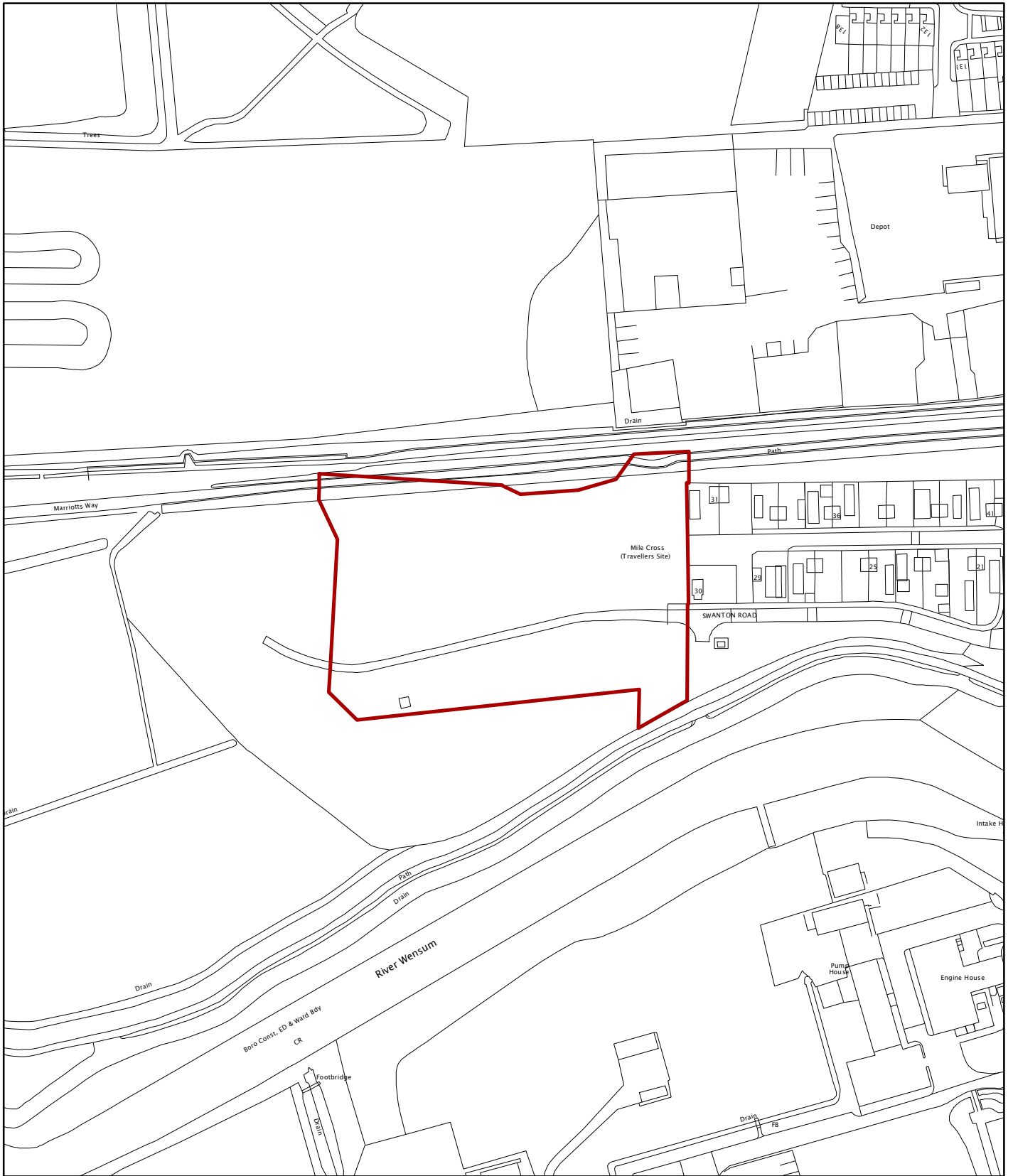
**Reason for referral** City council site / verbal/written objection / departure from  
development plan

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

<b>Development proposal</b>		
Erection of 13 No. gypsy and traveller pitches with associated amenity blocks for each plot.		
<b>Representations</b>		
Object	Comment	Support
2	0	0

<b>Main issues</b>	<b>Key considerations</b>
1 Principle	Provision of gypsy and traveller facilities; land use and management; previous use of site; loss of designated open space
2 Transport	Traffic movements; road impacts; peak periods and existing business impacts; site access / roadway design; cycle parking; bin storage; vehicle turning
3 Landscaping and open space	Planting and naturalised modelling of screening; planting and management
4 Biodiversity	Mitigation measures; lighting; invasive species
5 Trees	Quality of existing trees; retention and protection during works
6 Contamination	Site investigations; remediation and site construction detail aimed at protecting against contamination; gas protection
7 Design	Specific needs of the user group; wheelchair accessible; street elevation and garden frontage
8 Amenity	Privacy; site boundary; shading or overlooking; external amenity space
<b>Expiry date</b>	18 January 2017
<b>Recommendation</b>	Approve



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Planning Application No 16/01554/F

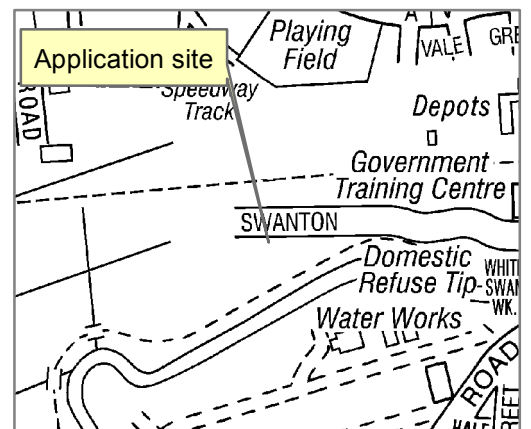
Site Address                      Grazing Land Swanton Road

Scale                                1:2,000



**NORWICH**  
City Council

**PLANNING SERVICES**



## The site and surroundings

1. The site is located to the west of Swanton Road, which is accessed off Mile Cross Road. Immediately to the east of the site is an existing travellers' site. Further to the east is a household waste recycling centre. The area is mainly surrounded by open space with Marriotts Way and Sloughbottom Park being situated to the north, the river Wensum and associated river footpath and open space to the south and open space which includes Sweetbriar Marshes SSSI to the west. The site has several bunds / embankments which are around 1m high around the site boundary with the central area being relatively flat.
2. The existing travellers' site provides 21 pitches with each pitch having a kitchen area, washing facilities and toilet. These are provided in the form of a single storey pitched roof building. Each pitch also has wooden fencing which divides each plot from the adjacent pitch. The site also has a community building. Access and egress from this site is onto Swanton Road.

## Constraints

3. The site is located on contaminated land and was a former landfill site. It is also situated within the HSE Consultation Zone for Heigham Water Treatment Works (middle zone). Land to the east is a designated Gipsy and Traveller site. Land to the west and partly to the south includes designations as local nature reserve, further to the west as County wildlife site and site of special scientific interest. The site is identified on the proposals map as an area of urban greenspace. There are also several trees around the site.

## Relevant planning history

4. It is understood that 18 pitches similar to that on the existing Swanton Road gypsy and traveller site where previously developed on the site, however these pitches were demolished some years ago and since then the site has been largely dormant. Some evidence shows that the site has been used informally to store materials and for grazing. Recent permissions in the area include:

Ref	Proposal	Decision	Date
4/1993/0710/S	Refurbishment of existing site, replacement of amenity blocks and erection of wardens office and store.	approved	22/11/1993
07/01195/W	Redevelopment of the recycling centre, including removal of stell cladding from the southern facade of the building, to be replaced with roller shutters, some hard landscaping at the front of the building.	approved	not determined by NCC
11/00176/CF3	Extension to existing Travellers' site to create 3 No. additional pitches comprising of 1 No. single amenity block and 1 No. double amenity block, erection of fencing,	approved	not determined by NCC

Ref	Proposal	Decision	Date
	installation of 2 No. 5m high lighting columns and alterations to the access road.		

## The proposal

5. The proposal is to create a new separate site adjacent to the existing Gypsy and Traveller's site to provide 13 new residential caravan pitches and two storage compounds. Each pitch will have a single storey amenity block which includes a wc, washing facilities and sitting / kitchen area. Landscape bund will be provided around the site and screen fencing to storage areas. Low level bollard lighting is proposed to the roadway and external lights to amenity buildings. The proposal also includes a separate access to the site at the end of Swanton Road. Space is shown as being available for the possible location of a community room next to the main road entrance.

### Summary information

Proposal	Key facts
<b>Scale</b>	
Total no. of units	13 pitches each with space for two No. trailers and parking
Total floorspace	Internal floor-space of each day unit approximately 28m <sup>2</sup> including internal walls.
No. of storeys	Single storey amenity blocks with pitch roof
Max. dimensions	Each day unit is approximately 6.85m deep x 4.95m wide. 3.1m to eaves height and 4.2m to ridge
<b>Appearance</b>	
Materials	Brick and roof tiles. Painted timber windows and doors.
Construction	A fabric first approach is to be adopted to enable increased building performance to minimise running costs for the tenants.
Energy and resource efficiency measures	Residents have advised that the amenity buildings are used predominantly during the daytime; the applicant has pursued an underfloor heating solution, utilising tariffs and the floor as a slow release heat source.
<b>Operation</b>	
Ancillary plant and equipment	None shown
<b>Transport matters</b>	
Vehicular access	Via Swanton Road. Access road is designed as a cul-de-sac

Proposal	Key facts
	and turning is available at the west end of the new roadway.
No of car parking spaces	2 marked per plot and 3 marked for possible community building area
Servicing arrangements	Access available along Swanton Road and bin standing areas are provided within each pitch. Some access works might be required to enable larger vehicle access and maintain a one way route for adjoining site. This is said to be part of wider management strategy. A dedicated area is shown for residents to store any materials along with a second storage area proposed for the existing site.

## Representations

6. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 1 letter of representation has been received and a local resident has telephoned 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
Need for traveller sites; allocation in Local Plan; management of the site	Main issue 1
Loss of Open Space	Main issue 1 and 3 to 5
Highway impacts and impact on the operations of the adjacent Waste Facility	Main issue 2
Impact of contaminants on human health (verbal comment)	Main issue 6
Claimed ownership of the site (not owned by the City Council) (verbal comment)	Paragraphs 61 to 62

## Consultation responses

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

### Environmental protection

8. No objection in principle. Looked at the reports and broadly agree with their conclusions and recommendations. It is clear that there is a degree of contamination on site that makes it currently unsuitable for the proposed end use.

However, considers that the reports would be sufficient to prevent any additional pre-commencement conditions, provided a contractor remediation method statement is provided with the detailed scheme as recommended in the report conclusion. Otherwise, our standard conditions will apply as usual. No occupation will be allowed until the remediation works have been verified. A condition re the discovery of previously unknown contamination will also be recommended. Building control will need to be satisfied with the proposed gas protection and potable water supply works.

9. Second comment - have reviewed the submitted additional information, satisfied that the pre-commencement condition(s) can be avoided and can proceed with condition suggestions requiring subsequent verification, to stop works if unknown contaminants are found and to provide details for certification of imported materials

#### **Environmental services team**

10. No objection in principle. The current collection arrangement with the existing site is a one way system so the collection vehicle does not require turning around or reversing. The proposed new section of the site appears to have one road as an entrance/exit, in which case there will need to be turning point - either in the existing site or in the new section to enable to the vehicle to turn around and exit in a forward gear. Refuse vehicle dimensions provided.

#### **Environment Agency (EA)**

11. No comments

#### **Health and Safety Executive (HSE)**

12. Does not advise, on safety grounds, against the granting of planning permission in this case

#### **Highways (local)**

13. No objection in principle. Swanton Road is a minor side street, and there is nothing particularly unusual or dangerous about the bends on it. The amount of traffic movement that would be created by a further 13 pitches are unlikely to be of any significance by comparison with the number of vehicles on the road now, particularly in view of the recycling facility. The only issue is whether any additional movements at peak periods would lengthen the queues, which are only there as a result of the capacity at the recycling centre (and not the capacity of the road). Expectation would be that the number of additional vehicle movements during any peak period would be so small as to be unnoticeable. Does not believe there is substance in the objection from a transport perspective.
14. No issue about access to public transport and local facilities either. All of these are within walking distance of the site, and access to them would therefore not be affected by any queues.

#### **Housing strategy**

15. No objection in principle. The housing development team fully supports this application. The Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2012 identified a requirement for 13 additional gypsy and traveller

pitches by 2021. The site was allocated for the provision of the gypsy and traveller community within the 2004 Local Plan; however was not captured within the latest Local Plan; as options for the site were being explored.

16. The council had previously decided against extension of the existing site on this land, as DCLG guidance on the design of sites indicated that “experience of site managers and residents alike suggest a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage”. The adjacent Swanton Road site already has 21 pitches. Broadland Housing Association (BHA) has indicated that they will manage the site as separate to the existing provision with its own vehicular and pedestrian access. This will mitigate against the risks identified in the DCLG guidance. We welcome that this site will be all for affordable housing to be owned and managed by BHA, who currently manage the Harford Bridge site.
17. The site has good access to public transport, services and community facilities including shops, healthcare facilities and schools. The individual pitches are of a generous size allowing for two large caravans, two vehicles and significant amenity space for residents. This will help reduce on street parking on the site making a safer environment for children. The design has been amended and agreed in consultation with the local gypsy and traveller community with larger pitches, traffic calming and landscaping screening measures having been enhanced. The proposal for additional areas of storage will help to ensure that the site is well maintained and we note that this is also being provided to the existing site. Whilst there is no requirement for enhanced energy saving measures it is encouraging to see that a fabric first approach is being adopted along with under floor heating which will help to keep fuel bills for residents lower. HCA funding has been confirmed for the development meaning this site will be delivered quickly to meet the identified need.

### **Landscape**

18. Discussed at pre-application stage. No objections raised to principle.

### **Norfolk county lead flood authority**

19. No objection in principle. Standard advice provided.

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

20. No comments

### **Natural areas officer**

21. No objection in principle. The ecological report and mitigation measures should adequately address the biodiversity issues.

### **Tree protection officer**

22. No objection in principle. Has met with arborist and representatives from the developers. Discussed the bunds around the site and agreed they should be of irregular form, with gentle rises and falls to give a more natural looking finish. The planting on the bunds should be naturalistic, and informal. To be comprised of groups of native species including hawthorn, guilder rose and field maple. There is minimal tree work required, some crown lifting of retained trees to facilitate the

construction of the bund and some coppice work of willow and bramble cutting on the approach road to improve the overall appearance. The work does not appear to pose any risk to retained trees and all construction appears to be outside of the RPA's of retained trees.

## **Assessment of planning considerations**

### **Relevant development plan policies**

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

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS4 Housing delivery
- JCS6 Access and transportation
- JCS9 Strategy for growth in the Norwich policy area
- JCS12 The remainder of the Norwich urban area including the fringe parishes

#### **24. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- 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
- DM11 Protecting against environmental hazards
- DM12 Ensuring well-planned housing development
- DM14 Meeting the needs of Gypsies, travellers and travelling showpeople
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Other material considerations**

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

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment

#### **26. Department for Communities and Local Government (DCLG); Planning policy for traveller sites August 2015**



27. Supplementary Planning Documents (SPD)
  - Landscape and trees SPD adopted June 2016

### **Case Assessment**

28. 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**

29. Key policies and NPPF paragraphs – DM8, DM12, DM14, JCS1, JCS4, NPPF paragraphs 49 and 14.
30. In terms of the provision of gypsy and traveller accommodation the evidence base underlying the Joint Core Strategy and the former East of England Plan single issue review identified a need within the Greater Norwich area for an additional 15 permanent residential pitches for gypsies and travellers in each local authority area between 2006 and 2011 with a greater level of provision where needs were higher. As mentioned in the housing strategy comments above the GTAA undertaken in 2012 on behalf of the local authorities within the greater Norwich area identified a requirement for 51 additional gypsy and traveller pitches by 2021.
31. This issue is one of ongoing discussion between the local councils. However, it remains the City Council's preference to meet its identified needs within its own administrative area and land holdings. The site was allocated for the provision of the gypsy and traveller community within the 2004 Local Plan; however was not captured within the latest Local Plan as options for the site and gypsy and traveller provision were being explored at the time of Plan examination. The council had previously decided against extension of the existing site and has had regard to DCLG guidance in terms of site size and single site management.
32. Policy 4 of the JCS sets out that new sites should be provided in accessible locations and in locations where local research demonstrates they would meet the needs of the Gypsy and Travellers community. Policy DM14 is considered to provide an appropriate basis for consideration of applications for such uses in the absence of an allocated site for development. This works to assist independent Registered Providers to pull together attractive bids for grant funding support as sites become available.
33. An established site is immediately adjoining the proposed development. The area is in an accessible location and suitable for such a use. In terms of management each site is shown to be independent of each other with separate facilities and access. Broadland Housing has identified its proven track record in terms of managing gypsy and traveller's sites and the site will be owned and managed as a separate site to the existing one thereby reducing local management issues. The scheme meets an identified need for the area and HCA funding has been confirmed for the

development. The site is available and suitable to meet an identified housing need. As such it is considered that the development is acceptable in principle.

34. The scheme involves the loss of some urban greenspace, the site being identified on the proposals map as urban greenspace, and as such policy DM8 is relevant. The Open Space Needs Assessment (2007) looked at both the quality and quantity of open space across the whole of the Norwich City Council area. The site is situated within the north area (Catton Grove, Mile Cross and Sewell) and although there is a shortage of open space in this area, the study acknowledges that there may be circumstances where areas of open space with poor quality and low value for the community might be redeveloped for other purposes where this might have a larger overall benefit.
35. The site is a semi-natural private area of green space created by the levelling out of land which in the past has been used as a tip and as an earlier gypsy and traveller's site. The quality of this part of open space is poor and has more recently been used as grazing land. The main benefit of the site is in providing a visual link to wider and more important open space and designated wildlife sites. In terms of the design of the new pitches care has been given to ensuring that the site is screened from the surrounding valley area and planting proposed to mounds which will enhance planting links in the area and provide local habitat enhancements. The scheme proposes the removal of Japanese knotweed and giant hogweed. The management / site set up is shown to also include localised rubbish clearance to help improve the amenities of the wider area.
36. Given that the quality of the open space is poor; it is not fully publically accessible; that the proposal only involves losing a small part of the open space; and that there is no biodiversity and limited amenity interest in retaining the site in its existing form there is no objection of the loss of urban greenspace as it is considered that the specific benefits of improving gypsy and traveller site provision and as planned to also provide localised habitat enhancement would outweigh the loss in this instance.

## **Main issue 2: Transport**

37. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
38. Swanton Road leads off Mile Cross Road to the east and serves an existing gypsy and traveller site and commercial type premises along the northern side of the road. It is a relatively minor side route and main traffic movements include those for the local recycling facility. The agent has been asked to review road impacts and capacity and additional information has now been submitted to confirm that the amount of traffic movement that would be created by a further 13 pitches would not be significant and vehicle movements during any peak periods very limited. The additional pitch provision should therefore not have a significant effect on the operations within the area.
39. The lower part of Swanton Road operates a one-way route for the existing site. There is no requirement for the new site access to have an approved vehicle cross over however final details are suggested by condition to show how access will be maintained for both sites and the internal roadway designed. Secure cycle parking would be advisable if not accommodated in any site sheds. It is suggested that

Sheffield stands are provided, set in a concrete base. There is adequate room for bin storage and vehicle turning space shown within the site layout. Accessible storage compounds are also provided to give site storage facilities for residents. These are of a suitable design and layout to serve each area. There are no objections on transportation grounds subject to conditions mentioned above.

### **Main issue 3: Landscaping and open space**

40. Key policies and NPPF paragraphs – DM3, DM8, NPPF paragraphs 9, 17 and 56.
41. Open space impacts are considered above and subject to suitable landscaping the loss of the existing poor quality area is considered to be acceptable.
42. The existing Gypsy and Travellers site is already situated within the river valley. The new scheme shows a screening bund and also details measures to protect certain trees on site. A reasonably detailed scheme has been worked up showing native species planting and naturalised modelling of the proposed bund features. These should help to reduce the visual impact of any new development and as such a condition is suggested for landscaping to agree final details of planting and management and to agree any hard surface materials and final detail of other potential biodiversity enhancements e.g. bird and bat boxes. Subject to conditions for landscaping and tree protection, it is not considered that the size or location of the new development will have a significantly detrimental impact on the character and setting of the valley.

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

43. Key policies and NPPF paragraphs – JCS1, DM6, NPPF paragraph 118.
44. The site is mainly semi improved neutral grassland which has been subject to grazing in recent years. The natural areas officer has confirmed that the ecological report and mitigation measures should adequately address the biodiversity issues and there should be little adverse impact on the wider area. The lighting recommendations in the assessment are appropriate and should be followed. Although the river is likely to be the most important bat foraging corridor in the area, the Marriott's Way may also be used by bats for foraging or as a 'commuting' route into the city centre it is important to avoid light spill here. Final details of site and bollard lighting are suggested by way of condition to ensure protection of amenities within the area.
45. Regarding invasive species a specialist company has been engaged to eradicate the Japanese knotweed known to be present on the site before clearance or construction work starts. It is expected that all work would be guaranteed and followed up with site inspections for 2 – 3 subsequent growing seasons to ensure that the knotweed has been successfully eliminated. The site is within a known Giant hogweed 'hotspot' and the council has been controlling it on council land in the vicinity for many years. Although mature plants are relatively easy to kill using herbicide treatment, Giant hogweed grows readily from buried seed. It is likely that disturbance during construction works may encourage new plants to grow from the seedbank. As the ecological assessment points out, not only is GH invasive it also represents a significant hazard to human health, especially to children who are more likely to come into direct contact with it. It is important that the site is inspected for any signs of GH in the growing season following the completion of site

works and treatment arranged as necessary and an appropriate informative is suggested to be included in any decision.

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

46. Key policies and NPPF paragraphs – DM7, NPPF paragraphs 109 and 118.
47. All trees are confined to the periphery of the site. These include some mature sycamore on the northern boundary and some stands of crack willow to the south and west. Groups contain trees forming continuous features or clusters with similar characteristics and assist with the landscape setting of the area. Seven trees and three tree groups have been classed as Category B and eight individual trees and one group have been classified as Category C. All are of a reasonable quality or have potential to mature to provide amenity benefits within the area.
48. All trees are shown to be retained and protected during development. Remedial tree work has; however, been specified for arboricultural and health and safety reasons and has been agreed in principle with the tree officer. Tree impact is therefore limited. Assessment and recommendations have been made in terms of any necessary works and to protect the trees during construction. Conditions are suggested for provision of tree protection in accordance with submitted arboricultural documents and retention of such protection during construction.

### **Main issue 6: Contamination**

49. Key policies and NPPF paragraphs – DM11, NPPF paragraphs 120-122.
50. The site is situated on a former landfill site and as such policy DM11 is of particular relevance. The applicant has undertaken some site investigations and made recommendations which environmental protection officers have made comments on. Further detail has been submitted to assess remediation and site construction detail aimed at protecting against contamination on the site.
51. The applicant has confirmed their appointed contractor's remediation strategy aimed at avoiding the need for a pre-commencement condition in the event that planning permission is granted. In addition and in line with the geotechnical report undertaken by Delta-Simons Environmental Consultants for the site, measures are proposed in respect of gas protection and contamination to each of the habitable dayrooms and external amenity spaces / garden areas within the proposal.
52. External amenity / garden areas are to be excavated to a depth of 600mm, a coloured geotextile membrane (to ensure it is easily identifiable) laid to separate and encapsulate the made ground and 600mm of imported topsoil used to restore site levels. A dual gas protection measure has been proposed under each of the amenity units, with 50mm gas void matting being laid at the base of excavated area prior to re-compaction of engineering fill. The gas void matting will be vented to air via an external gas vent box located at ground level. The proposal also includes for a continuous DPM Gas membrane to be situated around the foundation construction to each of the amenity units; the membrane will be lapped, taped and jointed to ensure a continuous sealed protection layer. The gas protection measures proposed offer at least two layers of defence against an apparent low risk of gas identified in the investigation, and should there be concerns about gas

during/following construction the void former provides the means for an active venting approach.

53. Environmental protection officers raise no objection to the application with regards to this issue and suitable conditions are suggested requiring subsequent verification of remediation works, to stop works if unknown contaminants are found and to provide details for certification of imported materials to protect future occupants and water sources. The site is also situated within the Health and Safety Consultation Zone for the Heigham Waterworks. HSE confirm that they do not advise against development of this site.

### **Main issue 7: Design**

54. Key policies and NPPF paragraphs – JCS2, DM3, NPPF paragraphs 9, 17, 56 and 60-66.
55. The applicant has worked through a number of design options in consultation with existing residents to get to a design which responds to the specific needs of the user group. Two designs have been developed, a general needs unit and a wheelchair accessible unit, (designed in accordance with Part M4 (3) requirements) offering a sizable, flexible day room space.
56. The amenity block provides day facilities, in terms of kitchen, bathroom and recreational space. The design of the amenity buildings has been developed to further reinforce the residential street typology of the scheme, through the creation of a strong street elevation and garden frontage. The layout and design of the pitches and amenity blocks are considered acceptable and are in keeping with the other blocks on the adjacent site.

### **Main issue 8: Amenity**

57. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
58. Each of the pitches is screened to retain privacy and the two sites separated by landscaping and screen fencing. The buildings are single storey and there are no significant issues of shading or overlooking. Each pitch also provides a significant amount of external amenity space, to the front, rear and side of the plot with a patio area being provided to the rear of the amenity block. Concerns about privacy and security with regard to the site boundary have been addressed by inclusion of increased height landscaped bunds which separate the site from adjacent open spaces. As such it is not considered that the new pitches will have a negative impact upon the amenities of the area.

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

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

<b>Requirement</b>	<b>Relevant policy</b>	<b>Compliance</b>
Cycle storage	DM31	Yes subject to condition
Car parking provision	DM31	Yes subject to condition
Refuse Storage/servicing	DM31	Yes subject to condition
Energy efficiency	JCS 1 & 3 DM3	No – see below
Water efficiency	JCS 1 & 3	Yes subject to condition
Sustainable urban drainage	DM3/5	Yes subject to condition

### **Other matters**

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

#### Land ownership

61. A local tenant has claimed that he had some interest in the site in the ownership of Norwich City Council by virtue of the fact that he had grazed his horses there for some time and has managed access onto the site. This has implications in terms of administration of the planning application and Strategic Housing has sought legal advice in this matter. It is understood that the freehold of the traveller's site is owned by Norwich City Council. This has then been leased to Norfolk County Council (lease due to end next year). The county council have then granted tenancy agreements to various traveller tenants.

62. The usual issues to be concerned about would be whether someone has claimed adverse possession to the land or whether they have acquired any rights over the land in connection with his existing tenancy agreement. No detailed legal claim on the land backed up with legal argument and evidence has been submitted. I am advised that the claimant has in principle agreed to accept one of the new leases/licences being offered in respect of the land. The legal advice given is that both of the above scenarios are highly unlikely and the site is owned by the City Council who is free to develop the land subject to anything mentioned in the freehold title, any existing rights of way and any planning/environmental licences /applications being granted.

#### Energy and water

63. Key policies and NPPF paragraphs – JCS3, DM1, NPPF paragraphs 94 and 96.

64. In terms of the energy strategy this is a complex issue in terms of the difficulty which the applicant faces in terms of site management and maintenance of low zero carbon technologies in use for the day rooms to provide 10% of energy requirements on site and they are cautious of the use of renewable technology in this location. The applicants starting point is to ensure residents are provided with heating systems that are affordable to use, straightforward to install, operate and maintain and suitable for the location. Their preferred option is for a fabric first approach in order to reduce energy demand, rather than renewables that over time might fail to deliver predicted savings.
65. Residents advise they will likely make greater use of the proposed enlarged amenity blocks during the day but will spend night-times in their trailers / mobile homes. This occupancy pattern lends itself to a rapid thermal response, which might best be achieved by underfloor heating and using the floor as a thermal store. The amenity blocks are classed as non-residential for Building Regulations and so the usual requirements for Part L 2013 for domestic dwellings do not apply.
66. The thermal insulation properties (U-values) of the proposed fabric - walls, floors, roofs and windows have been reviewed and found that these exceed Building Regulation requirements for this type of building by 30%. This shows a commitment to providing systems which reduce energy demand.
67. Broadland Housing Association advise that they have been involved in extensive research and development in this field. They have pointed to being the first to develop the Eco Homes standard very good in the City; first to mainstream use of structurally insulated panels in the East of England; provided Passivhaus development in North Norfolk with national award for Best Affordable Housing Scheme; been commissioned by Innovate UK for proposed development at Carrow Quay to be a case study to inform future Building Regulations on adaptations to mitigate impacts of future climate; are piloting partners for an EU Horizon 2020 funded project to develop technologies to improve delivery of low energy buildings; are engaged by UEA for research into Equity and Justice in Energy Markets to inform Government policy; and are currently developing approaches to support occupants optimise the energy efficiency potential of their homes.
68. In terms of the energy strategy there are benefits in terms of maintenance and management in using the proposed approach and in potentially reducing fuel bills for future occupants through other means. This scheme is very individual in terms of end use and it is appreciated that the nature of daytime occupation would not necessarily easily fit within a blanket application of policy for low zero carbon technologies being used on-site. Given the background of the developer and end use proposed it is considered acceptable in the circumstances of this application to agree a fabric first approach and energy efficient services to minimise energy use rather than request additional on-site energy generation technologies. A condition is suggested; however, to ensure and that water conservation measures are incorporated into the scheme in line with domestic water level limits.

#### Flood risk

69. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
70. The site is shown on Environment Agency mapping to be mainly in Flood Zone 1, but in Flood Zone 3 at its south east corner and surrounded by land in Flood Zones

2/3. Flood Zones 1 are 'low' probability flood zone areas defined as land having a less than 1 in 1000 or greater annual probability of river flooding. The submitted report advises that when ground levels are compared with predicted river flood levels, that the site is above both the 1 in 100 and 1 in 1000 year flood levels for the River Wensum with allowance for climate change.

71. The development is also shown to comply with EA requirements for floor levels in Flood Zones 2/3 where a minimum ground floor level of 4.91m AOD should be adopted for the new development based on river flood levels with a +20% allowance for climate change. Existing ground levels are shown as 5.81m AOD at entrance up to 7.26m AOD which will be naturally sited above the above minimum requirement.
72. Ground conditions are not suitable for infiltration of surface water run-off due to known underground contaminants and a discharge to the watercourse is required. On-site storage and flow control is suggested to be provided that limits any discharge to the equivalent 'greenfield' run-off rate for the 1 in 1 year storm event, for all storms up to and including the 1 in 100 year event plus 40%. Foul drainage should connect by gravity to manhole connection on Swanton Road and Anglian Water has confirmed to the applicant that there is sufficient capacity for this. The submitted report suggests that the developer should register with the Flood Warnings Direct Service so that they can advise the site occupiers of any flood alerts for the area. This and final detail of design and management of flood attenuation system are suggested by way of condition.

### **Equalities and diversity issues**

73. There are significant equality and diversity issues.
74. Within the DCLG planning policy for traveller sites for the purposes of planning policy "Gypsies and Travellers" means: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
75. Gypsy and Irish Travellers are also considered an ethnic minority group. The needs of Gypsy and Traveller populations are diverse and consideration should be given to differing needs and wishes.
76. One of the proposed pitches has been designed as a wheelchair accessible unit with revised access and washing facilities (accessible shower) for elderly and disabled users. The scheme overall provides for additional pitch provision in an accessible location within the Norwich area to be managed by a known Registered Provider of housing.

### **Local finance considerations**

77. 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.



78. 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.
79. In this case local finance considerations are not considered to be material to the case.

## **Conclusion**

80. Within the Norwich area there is a need to provide a considerable number of additional pitches up to 2026. Swanton Road is an established Gypsy and Travellers site which is well managed. It is considered that the proposed development adjacent to this existing site is capable of being managed and delivered in line with current guidance. The new site is appropriate and justified in this location, despite this being a departure of policy DM8 of the Development Plan. The development is in accordance with the general requirements of the National Planning Policy Framework, and it has been concluded that there are no material considerations that indicate that the application should not be approved or be determined otherwise.

## **Recommendation**

To approve application no. 16/01554/F - Grazing Land Swanton Road Norwich and grant planning permission subject to the following conditions:

1. Commencement of development within 3 years from the date of approval;
2. Development to be in accord with drawings and details;
3. Details to be agreed before above slab level works commence of facing and roofing materials; joinery; verges; and external lighting;
4. Details before above slab level works commence of cycle storage; site access / alteration of one way system; turning head; and bin stores provision;
5. Details before above slab level works commence of landscaping including: planting; tree pits; biodiversity enhancements, bird and bat boxes; site treatment works; boundary treatments, including any proposals to separation of private amenity areas, gates, walls and fences; and landscape management and implementation programme and maintenance;
6. Compliance with AIA and AMS and Tree Protection Scheme implemented prior to commencement;
7. Retention of tree protection during construction;
8. Water efficiency measures;
9. Details before above slab level works commence of the surface water drainage system future maintenance and implementation including details before occupation of emergency flood warning - Flood Warnings Direct Service so that site manager can advise the site occupiers of any flood alerts for the area;
10. Details before occupation of contamination verification plan;
11. Cessation of works if unknown contaminants found and submit details of remediation;
12. Details before occupation of testing and/or suitable compliance of all imported material prior to occupation;

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

The local planning authority in making its decision has had due regard to paragraph 187 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 at the pre-application and application stage the application has been approved subject to appropriate conditions and for the reasons outlined within the committee report for the application.

## **Informatives**

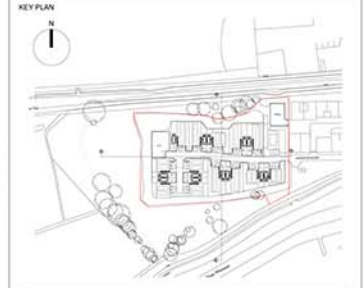
- Impact on wildlife
- Control of invasive species
- Highways contacts, street naming and numbering, design note, works within the highway etc.



Do not scale from this drawing, use written dimensions only.  
 0m 5 10 15 30m  
 1:500

ORIGINAL SHEET NO. **A1**

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**KEY**

REVISION NO.	REVISION DESCRIPTION	DATE	BY	CHECKED BY
A	Amended Layout			
REVISED BY: DO	DATE: 31/10/16	CHECKED BY: AC	DATE: 31/10/16	
<b>PURPOSE OF ISSUE</b>				
For Planning				
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**CLIENT**  
 Broadland Housing Association

**PROJECT**  
 Swanton Road  
 Norwich

**TITLE**  
 Proposed Site Plan

<b>SCALES</b>	<b>DATE</b>	<b>DRAWN</b>	<b>CHECKED</b>
1:500 @ A1	06-10-16	DO	AC
<b>PROJECT NO.</b>	<b>DRAWING FIELDS</b>	<b>UNIQUE NO.</b>	<b>REV. CODE</b>
11-27-16-1-1058 DR-A	006		A