

Our ref ENQMAM/2019/0263

22 November 2019

Dear Saul,

Location: Colney Hall Watton Road Colney Norfolk NR4 7TY

Proposal: Pre-Application advice on development of independent living/extra care housing, residential care unit, research facility, together with ancillary uses and associated highways and landscaping works.

Thank you for your enquiry. Detailed below are the main planning considerations and planning policies which are relevant to your proposal and an officer's opinion on the likelihood of permission being granted, together with details of how to apply.

Summary of advice

It is considered that this proposal may represent sustainable development and overriding benefits in the context of policy DM1.3 of the SNLP subject to detailed consideration of the proportions of class C2 and C3 development proposed, acceptable details in terms of design, scale and proportion for both new development and the conversion of Colney Hall, satisfactory mitigation of landscape impacts and effective travel planning proposals.

Constraints associated with the site which may affect your proposal

Open Countryside

Article 4s

Listed Buildings

Norwich Southern Bypass Protect Zone

Designated River valley

Tree Preservation Orders

Relevant Planning History

2014/0133	Proposed temporary office unit to rear of premises for office use	Approved
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2015/2227	Change of Use to Nursery and Montessori Pre-school	Approved
2015/2473	Building extension and alterations to car park and access drive.	Approved
2015/2474	Building extension and alterations to car park and access drive	Approved
2016/1269	Dry rot treatment and internal remedial repairs / replacement of finishes	Approved
2016/1313	Alterations to buildings	Approved
2016/1314	Alterations to buildings	Approved
2016/2917	Extension to existing building and alterations to Car Park	Approved
2016/2918	Extension to existing building and alterations to Car Park	Approved
2017/0563	Discharge of conditions 3 - windows/doors and 4 - joinery details of permission 2016/1314 (Alterations to buildings)	Approved
2017/1595	Amended window size to east elevation, install boiler flue terminal to south elevation	Approved
2017/1616	Non-material amendment application to planning permission 2016/1313 (alterations to buildings) - amended size of window to East elevation.	Approved
2019/0835	Proposed new toddler building, additional parking spaces and siting of Yurt	Approved

2012/0965	Revised timber gates in lieu of adjusted metal gates previously approved	Refused
2011/0581	Outline masterplan for healthcare campus (C2 use 16,950 sq m), with associated research and development (B1b use 1100 sq m) and ancillary development consisting of retail and restaurant/cafe (A1-A3 500 sq m) with all matters reserved. Infrastructure comprising new access roads, structural landscaping and drainage (full)	Refused
2010/1515	Internal alterations to Coach House medical consultancy rooms	Approved
2010/1369	New replacement changing room building, new triple garage (amendments for 2010/0882/H).	Approved
2010/1368	New replacement changing room building, new triple garage (amendments to 2010/0883/LB).	Approved
2009/1276	A new "Independent Living Centre" to house the Norwich Branch of the Multiple Sclerosis Society and Norfolk Multiple Sclerosis Therapy Centre and a centre for the Guideposts Trust to give direct services and information to a number of user groups.	Approved
2009/0287	Conversion of workshop and change of use of vinery, potting sheds and studio to research and development, education and training facility	Approved

2009/0286	Conversion of workshop and change of use of vinery, potting sheds and studio to research and development, education and training facility	Approved
2008/1889	Proposed extension to existing premises to provide additional medical consultancy rooms. D1 use.	Approved
2008/1888	Proposed extension to existing premises to provide additional medical consultancy rooms. D1 use.	Approved
2008/0248	Conversion of potting sheds and rebuilding of storage building to create educational/tuition facility. Replacement vinery and peach house. Associated access and parking areas.	Approved
2008/0247	Conversion of potting sheds and rebuilding of studio to create educational/tuition facility with associated access and parking	Approved
2006/0958	Erection of sub-station for courtyard hall	Approved
2006/0250	Change of Use to planning classification D1 - Consulting Rooms for Medical & Dentistry	Approved
2006/0249	Change of Use to planning classification D1 - Consulting Rooms for Medical & Dentistry	Approved

2004/1365	Proposed change of use from general business use to orthopaedic surgeon consulting rooms with erection of extension to rear of the Pumphouse	Approved
2004/1364	Proposed erection of extension to rear of building	Approved
2003/0034	Proposed erection of bio-fuel building	Approved
2001/1554	Conversion and extension to outbuildings for B1 business use	Approved
2001/0854	Conversion and extension to outbuildings for B1 Business Use	Approved
1997/1671	Change of use and alterations to outbuilding to form private office	Approved
1997/1672	Rebuilding works following dry rot treatment, internal alterations and replacement of first floor balcony railings with haddonstone balustrading	Approved

Relevant Appeal History

You can view details of these applications on the planning pages of the Council's website

Officers informal opinion

Background

This enquiry relates to Colney Hall which is outside but close to the development boundary for Colney. It comprises of grade II listed Colney Hall and gardens, outbuildings which are now occupied for mixed uses and a large area of mixed woodland to the north. Woodland to the west now forms the Colney Wood Burial Park which is separately accessed. The site is bounded by the River Yare to the north and Watton Road to the south which is also the main access point.

You propose a mixed residential scheme comprising of open market housing, extra care housing and a residential care unit together with ancillary uses and associated highways and landscaping works. The proposal is being brought forward in partnership with the University of East Anglia who propose to undertake research into extending and enhancing independent living. At our meetings you explained that proximity of this site to the UEA would be important for monitoring and that this research would feed directly into

the national industrial strategy in terms of developing assisted living communities.

Following concerns expressed by officers regarding the scale of your initial proposals, you tabled a scheme with a reduced quantum of development. This has been the subject of recent discussions and this response, as outlined in the sections below, relates to this later proposal only.

To clarify, your proposal now comprises of;

- 82 bed dementia care unit
- 92 extra care apartments
- 100 apartments within the woodland (optional care)
- 30 apartments within an extended Colney Hall (optional care)
- 48 co-living units (optional care)
- UEA research space
- GP surgery

Principle of the proposal

Planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in determining planning decisions. This site is outside of any development boundary and so consideration should be given to policy DM1.3 of the South Norfolk Local Plan 2015 (SNLP) which states that permission for development outside of development boundaries will only be granted where specific development management policies allow or it otherwise demonstrates overriding benefits in terms of economic, social and environmental dimensions as set out in policy DM1.1.

A significant element of this proposal is considered to be class C3 development. The Council can currently demonstrate a five year housing land supply as set out in the Interim Greater Norwich Area Housing Land Supply Assessment at 1 April 2018 and so the relevant local plan policies remain up-to-date. Therefore, proposals such should be determined in accordance with the development plan unless material considerations indicate otherwise and would justify a conflict with it. Therefore, the sections below consider these pre-application proposals in the context of policy DM 1.3 of the local plan and other relevant development plan policies.

Need for care homes and homes with care

Policy 4 of the Joint Core Strategy (JCS) specifically requires allocations to be made for housing with care within Norwich and surrounding growth locations. There is however no specific exception made within this policy for such development outside of development boundaries. Policy JCS 7 also seeks the expansion of dementia care home provision in several locations including Norwich and its immediate environs.

In your submission you also refer to the NCC Living Well – Homes for Norfolk report published in July 2018 which identifies a need for care home and extra care accommodation in the County and highlights innovative design and the use of technology as key elements of new provision.

As discussed in our meetings, it is important to establish which use classes each element of the proposed development fall within, especially as you are wishing to demonstrate that they meet an unmet need. A class C2 use is defined as “use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Care is defined as personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder and treatment’.

There is no doubt that the proposed dementia care unit represents a class C2 use and would address an identified unmet need. In order for self-contained units to be considered class C2 and having regard to recent appeal decisions, I would expect a mandatory care package to be secured through a section 106 agreement. Only on this basis, would the 92 extra care apartments as proposed be considered to be class C2. Any self-contained units proposed where a care package remains optional would be considered to remain as class C3 even where communal facilities are also included.

Affordable housing

The Council’s Housing Enabling & Strategy Officer supports in principle the provision of specially designed accommodation for older people, especially those living with dementia, which would meet an identified unmet need. In addition, the principle of providing communal facilities, including care, for people with a range of needs and varying levels of independence would also be generally supported.

Class C3 development would generate an affordable housing requirement of 33% in line with local plan policy, which would be secured through a legal agreement. In this instance, it is considered that any tenure split could favour affordable ownership tenures. This affordable housing requirement should be provided on-site unless off-site provision or a financial contribution in lieu can be robustly justified.

However, concern has been expressed regarding the potential impact of service charges on the affordability of the homes for residents. Service charges can be a significant burden for residents and this scheme would appear to propose a significant amount of internal access roads which would have to be maintained. This should be addressed in support of any application.

Visual impact and landscape impact

Policy DM4.5 of the SNLP states that all development should respect, conserve and, where possible, enhance the landscape character of its immediate and wider environment. At this stage, you have submitted an indicative masterplan only and so it is not possible to provide detailed design comments. This site is adjacent to a designated river valley where particular regard should also be had to protecting its distinctive characteristics. The site is currently well screened from wider views by large areas of plantation planting. However, the Council’s Landscape Architect has commented that this also includes good quality and some significant trees. Concern has been expressed whether the quantum of development indicated could be accommodated without significant harm to the distinctive character of this site. In addition, there would be potential for conflict between older residents and trees which would be in proximity to buildings given the challenging changes in ground level across the site. Any application should be supported by a full AIA and a landscaping strategy indicating how harm to the existing landscape character could be mitigated.

Impact on the historic environment

Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:

S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 Planning (Listed Buildings and Conservation Areas) Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

DM Policy 4.10 sets out that proposals must have regard to the historic environment and safeguard the setting of such buildings. A reduction in the scale of your original proposals for new development has created more separation and detachment from the listed building and this is welcomed. The Council's Senior Design & Conservation Officer remains concerned that vehicle access will go directly between the hall and the converted outbuildings and close to the walled garden, as well as along the historic driveway through the parkland. Therefore, careful consideration should be given to widening and upgrading of the access and its potential harm to the setting of this complex of listed buildings.

Colney Hall itself is in a deteriorating condition and at our recent meetings we discussed your proposal for extension and conversion of the hall to provide around 30 units with some communal facilities. The re-use of an existing building in the countryside is supported in principle by local plan policies and officers considered that the harm caused by this proposal may be outweighed by the benefit of bringing this listed building back into long term viable use. This would be subject to achieving an acceptable scheme for extension of the hall in terms of scale, design and proportions which should reflect the special character of the listed building. As discussed, this should not include any proposal to add a third floor to the hall itself as this would not be considered acceptable under the current listing. However, there may be scope to provide a third floor within an extension subject to considerations of scale, design and proportions. At our meeting, officers also agreed that, in principle, a contemporary design approach could be considered acceptable.

Highway safety

Policy DM3.11 of the SNLP states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network. The Highway Authority commented initially on your larger scale proposal but advise that their comments remain relevant to your current scheme. As part of any formal submission, the Authority would require a transport assessment that should consider all junctions between the A47 and Colney Lane inclusive. The assessment years will need to be year of opening and 10 years after year of opening. Committed Development should comprise Norwich Research Park along with consented residential at Colney Lane/Roundhouse Way and Bowthorpe. It is suggested that your highways consultant engage with the Highway Authority at the earliest opportunity to scope out the full requirements of this assessment including trip rates and growth factors.

In addition, the proposed access should be in the form of a traffic signal controlled junction with the B1108. A footway/cycleway should be provided at the north side of the B1108 to link with the existing facility to the east and DDA compliant bus stops should be provided at the B1108 in vicinity of the development access.

In our meetings, we discussed the poor connectivity of this site with nearby services and facilities. It is considered that tangible travel planning proposals such as a car club or community bus service may represent an additional benefit which could, in part, mitigate this concern.

Provision of health services

The STP has raised concerns that the proposed development, by virtue of its scale and the potential health complexities of the likely patient cohort, would have a significant impact on health and social care facilities in the area. Following discussions, you are now proposing to provide a GP surgery at the Global Clinic. This may represent an additional benefit to be taken into account in determining an application. The Council would consult the STP on any application and you would be required to demonstrate that there is an existing need for this service in the locality, not just within the proposed development.

Research hub

It is considered that the UEA's research involvement is a material consideration in assessing this proposal and the provision of a research hub within the scheme would be important to maintain the functional link between these two elements.

Land Quality

The Council's Environmental Protection Team has commented that any formal application should include proportionate but sufficient site investigation information for land quality on the site, including ground gases if appropriate, (a risk assessment) to determine the existence or otherwise of contamination affecting the site, its nature and extent, the risks it may pose and to whom/what (the 'receptors') so that these risks can be assessed and satisfactorily reduced to an acceptable level. For the avoidance of doubt this should also include the site of the proposed allotments.

Drainage and Flood Risk

Policy DM4.2 of the SNLP states that sustainable drainage measures must be fully integrated within designs to manage any surface water arising from development proposals and to minimise the risk of flooding.

The LLFA are the statutory consultee in respect of formal applications but the Council's Water Management Officer has commented informally at this stage. The majority of this site is within flood zone 1 with areas along the northern, eastern and western boundaries within flood zone 3. The site is generally at a low risk of flooding from surface water. A flood risk assessment will be required as part of a formal submission and it should be demonstrated that a sustainable surface water drainage strategy can be achieved.

The Anglian Water (AW) asset map does not identify a foul sewer close to this location. Early discussion with AW is recommended to confirm the method of non-mains disposal that would be the most appropriate to minimise the risk to the water environment.

Open space provision

In September 2018, the Council adopted new guidelines for the provision of open space in residential developments. Whilst this proposal would be likely, in part, to be exempt from

the requirement to provide children's play space, it should incorporate older children, adult and informal recreational space. You should review your proposal against these requirements to ensure that it would be policy-compliant. If you are not providing the required amount justification for this would need to be provided.

Conclusion

While the research aspects of this proposal are a material consideration, this can only be given limited weight and so this proposal for class C2/class C3 development should also work alone and be acceptable in its own right when assessed against local plan policies, having regard to the NPPF and taking all material considerations into account. It is also important that the different elements of this proposal are interlinked in terms of assessing the likely benefits.

The provision of class C2 accommodation including specialist dementia care would address an identified unmet need and could represent a significant social benefit that would be supported in principle by policy. The provision of class C3 units on this unallocated site which is outside of any development boundary would conflict with local plan policy. In this instance, this could contribute to the provision of needed class C2 accommodation within a mixed and balanced community setting and would secure the long term future of the listed Colney Hall. However, the proportion of C2:C3 proposed would need to demonstrate that the scheme would bring forward a significant benefit. The provision of a GP surgery to serve the wider community may also be considered to be a social benefit if this need can be demonstrated.

As discussed, the Council has taken legal advice and it is recommended that the amounts of class C2 and class C3 development be controlled by specifying their relative proportions rather than nominating particular units. This could be secured by legal agreement and it is considered that this could allow for movement between use classes of a property as residents' care needs increase or when new residents arrive.

At this stage, there is insufficient information to assess further the impacts of this proposal on the plantation woodland and how this could be successfully mitigated to preserve the wider landscape setting of the site.

In conclusion, It is considered that this proposal may represent sustainable development and overriding benefits in the context of policy DM1.3 of the SNLP subject to detailed consideration of the proportions of class C2 and C3 development proposed, acceptable details in terms of design, scale and proportion for both new development and the conversion of Colney Hall, satisfactory mitigation of landscape impacts and effective travel planning proposals.

Details of the policies referred to above can be seen on the Council's website www.south-norfolk.gov.uk on the planning pages.

Community Infrastructure Levy

The council now applies Community Infrastructure Levy (CIL) charging to some forms of new development. The charging schedule and more information on liability can be found here on the Community Infrastructure pages of the Council's web site.

From the information you have submitted, some elements of this proposal will be liable for CIL

Section 106 Agreement

The proposed development will require the completion of a Section 106 Agreement regarding the provision of affordable housing, open space and the implementation of an approved travel plan.

Consultees

As part of the planning application, we are likely to consult the following bodies. You may wish to contact them prior to submitting an application:

Lead Local Flood Authority llfa@norfolk.gov.uk (charged for service)
Environment Agency enquiries@environmentagency.gov.uk (charged for service)
Anglian Water
Historic England
Highways England
Highway Authority – Norfolk County Council
Norfolk County Council – Minerals
Norfolk County Council – Planning Obligations
Norfolk Historic Environment Service
Natural England – For Standing Advice on protected species please go to <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

How to apply

The Council's Statement of Community Involvement strongly encourages developers and agents of all application types to engage with the community at the earliest opportunity. Particularly with larger schemes, you are encouraged to contact town/parish councils, local community groups and neighbours at the earliest possible stage. Involvement by all parties allows issues and concerns to be raised as soon as possible, potentially enabling them to be addressed and giving communities the opportunity to shape or influence the development proposals, giving the planning application the best chance of success.

Further information how to apply can be found on the Council's web site under "planning" and "How do I submit a planning application" (<http://www.south-norfolk.gov.uk/how-do-i-submit-planning-application>).

We would encourage you to submit your application on line using the Planning Portal <https://1app.planningportal.co.uk/>. Details of the information needed to complete your application can be found on the Planning pages of the Council's website. You should submit a completed application form, site location plan (to appropriate scale, red line around all of land required for the proposal and sufficient road names/features to easily identify the site), fee and a full set of existing and proposed site, floor and elevation plans as necessary to explain the proposal.

I would highlight that your application should include :

- Design and Access Statement
- Statement of community involvement

I would also request that the application includes :

- Planning statement
- Archaeological field evaluation
- Heritage statement

- Flood risk assessment
- Arboricultural assessment
- Ecology assessment
- Noise impact assessment
- Air quality assessment
- Energy, water and construction statement
- Transport statement, assessment and interim travel plans
- Land contamination desk top and intrusive study

A CIL Additional Information Requirement Form should be submitted.

Consent under the Building Regulations may be required for the proposal and work should not proceed until any necessary consent has been obtained. Please contact CNC Building Control on (0808 1685041), or enquiries@cncbuildingcontrol.gov.uk for more information.

You should be aware that any pre-application advice provided by the Local Planning Authority is made at officer level only and does not constitute a formal decision of the Council. Any views or opinions expressed, are given without prejudice to the consideration by the Council of any formal planning application, which will be subject to wider consultation and publicity.

It should be noted that policies, constraints etc. change from time to time and may affect the advice given. The weight that can be given to pre-application advice may therefore decline over time.

The provisions of The Freedom of Information Act bind the Council, as a public authority, and therefore it should be presumed that information supplied to the Council is likely to be disclosed under the above Act if requested. If you want information to remain confidential, you should state clearly why. Information sent to the Council "in confidence" may still be disclosed under the above Act. Before sending such information you are advised to take legal advice if there are fears that disclosure would prejudice you in some commercial way.

The details submitted in the application form and associated information will be stored on computer and will be used to correspond with yourself, and to undertake Council Services. Personal data will be retained for 10 years as part of the lawful processing of the enquiry.

Your rights - Under data protection legislation you have the right to request access to, rectification, restriction, or objection to the processing of your personal data, as detailed on our [Data Protection Policy](#). You can contact our Data Protection Officer at e) right2know@s-norfolk.gov.uk or t) 01508 533943. You also have the right to lodge a complaint with the regulator, the Information Commissioner's Office.

Please note: Where a fee has been paid for an enquiry, further enquiries in respect of the same project can be made free of charge by the same enquirer who paid the original fee, but only within a period of 6 months from the date of the original advice given and charged for. A fee will be charged for any further enquiry after this time has elapsed.

Yours sincerely

Blanaid Skipper
Planning Officer