

# Planning Committee

05 November 2021

Agenda item number 7.1

## BA 2021 0298 FUL Norwich - Cremorne House, Cremorne Lane - Change of use to care home

Report by Planning Officer

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### Proposal

Change of Use from dwellinghouse (C3) to residential care home (C2) with minor interior amendments.

### Applicant

Mr William Clark

### Recommendation

Approval subject to conditions

### Reason for referral to committee

Departure from the Local Plan

### Application target date

07 October 2021

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## **1. Description of site and proposals**

- 1.1. The subject comprises a sizeable detached dwellinghouse located approximately 90 metres to the south of Thorpe Road in Thorpe St Andrew. The site is bordered by areas of residential development to the north and west, and Cary's Meadow, a Norfolk County wildlife site, to the east and south. The surrounding area is residential with the exception of Cary's Meadow, and a National Grid compound some 80 metres south-east of the site.
- 1.2. The subject property has a plot size of 0.45 hectares. The 2-storey dwelling was constructed under a 2003 planning permission; a side and rear extension (also 2-storey) was constructed under a 2005 planning permission. The resulting dwelling has 6 bedrooms, 3 of which are en-suite, and 4 reception rooms which includes a kitchen/dining room.
- 1.3. There are two existing accesses to the property. The principal access is via Cremorne Lane, which is accessed directly from Thorpe Road, and passes older and newer residential development. The secondary access is via Frogs Hall Lane; this is probably best described as a relic road as it has a tarmac surface for the initial 25 metre section from Thorpe Road, this then turns to the left and disappears into what is now a residential rear garden. The lane itself carries on with a compacted shingle surface ribbon driveway with grass along the centre. The initial section of tarmac lane also provides access to a car park to the rear of a restaurant fronting Thorpe Road.
- 1.4. The site is not in a conservation area, nor is it a listed building.

## **2. Site history**

- 2.1. In 2003 planning permission was granted for the construction of a house and garage (BA/2003/3924/HISTAP).
- 2.2. In 2005 planning permission was granted for a side and rear extension (BA/2005/3769/HISTAP).

## **3. Consultations received**

### **Town Council**

- 3.1. No objection in principle, but concerns regarding access from Thorpe Road.

### **Broadland Environmental Health**

- 3.2. I write on behalf of the Environmental Quality Team in reply to your consultation regarding the above planning application. Having reviewed the application documentation, we do not wish to object to this planning application.

## Norfolk County Council (NCC) Highways

- 3.3. Thank you for your recent consultation with respect to the above and for your email dated 9th September 2021 with further supporting information.
- 3.4. The site has two point of access to the highway network, one from Frogs Hall Lane and the other from Cremorne Lane, which following a recent visit, the latter of which appears at present to be the main point of access used.
- 3.5. The access via Frogs Hall Lane is an unmade private track suitable for single file traffic only and its junction with the A1242 Thorpe Road does have restricted visibility due to adjacent property boundaries. As such any intensification of use of that access would not be acceptable in highway terms. I suspect the current constraints are why the access from Cremorne Lane may be presently favoured and I have no issue with this point of access in highway terms.
- 3.6. It is noted that the applicant advises that most staff are required to access the site by alternate sustainable modes of transport and that only the Home and Deputy Manager is permitted to park on site. I suspect it is unlikely this could be so conditioned or enforced and likewise there will be a need for service vehicles etc., to access this site.
- 3.7. Given the above, whilst having no objection to the application subject to vehicular access being made via Cremorne Lane only, which would not preclude the use of the Frogs Hall Lane access for pedestrian or cycle use.
- 3.8. Accordingly, should your Authority be minded to approve this application I would recommend the following conditions be appended to any grant of permission (see conditions 5 and 6 below).

## Norfolk Fire and Rescue Service

- 3.9. I confirm that I have no observations to make regarding this matter.
- 3.10. I acknowledge receipt of the above application and I do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 - Approved Document B (volume 2 - 2019 edition) as administered by the Building Control Authority.

## 4. Representations

- 4.1. No representations received.

## 5. Policies

- 5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).
- 5.2. The following policies were used in the determination of the application:
  - DM21 - Amenity

- DM23 - Transport, highways and access
- DM41 - Elderly and Specialist Needs Housing

## 6. Assessment

- 6.1. The proposal is retrospective for the change of a dwellinghouse (Use Class C3) to a residential care home (C2) for up to six residents with no live-in staff. There would be minor interior amendments to the dwelling. The main issues in the determination of this application are: the principle of development, impact on amenity of neighbouring residents, and highways considerations.

### Principle of development

- 6.2. The proposal is considered acceptable in principle insofar as it represents the change of use from one form of residential provision to another. However the type of use does represent a change of use from Use Class C3 'Dwellinghouses' to Use Class C2 'Residential institutions' and therefore must be assessed in accordance with relevant planning policy.
- 6.3. In this case, the Local Plan for the Broads contains a specific policy, DM41 which considers elderly and specialist housing need. This states that a change of use to elderly or specialist needs housing will be supported if they are located within a development boundary. It is accepted that the site is not within the development boundary for Thorpe St Andrew, which lies some 500m to the east, but it is also noted that the western boundary of the site is on the boundary of the City of Norwich, meaning that the City Council's development boundary is to the immediate west. It is also noted that the existing use of the property is residential and the siting is within a built up residential area. Public transport points are within 200m of the site and are well serviced by three regular bus services which are direct to the city centre and serve outside towns and villages also.
- 6.4. In explaining the need for a siting within a development boundary, the reasoned justification for Policy DM41 cites being close to services and facilities as important to provide benefits to residents, staff, and visitors. In this case, the transport links provide an acceptable service, but it is acknowledged that facilities are less satisfactory in terms of shops and doctors, although it should be noted that this is not markedly worse than the nearest area within the nearby development boundary.
- 6.5. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless there are other material considerations that indicate otherwise. Taking into account the location close to the City of Norwich boundary, the good transport links, the small scale of care accommodation at a maximum of 6 and the absence of resident staff, it is considered that, whilst sited outside of a development boundary and therefore a departure from the Local Plan for the Broads Policy DM41, there are a

number of considerations which weigh in favour of the proposal and as such, the location of the proposed care home is considered to be acceptable.

### **Local need and local provision**

- 6.6. Policy DM41 stipulates two criteria for consideration with regard to local provision and these are: criterion (i) that there is a local need for the accommodation proposed, and criterion (ii) that there is not an undue concentration in the area. It is clear from the policy justification that provision of support for people to remain in their homes and the provision of some additional Use Class C2 facilities will be needed. This does relate to provision for an ageing population. The applicant in this case is Cascade whose operation 'supports people living with autism, mental health conditions and learning difficulties along the road to greater independence'. They build their model around normal homes in normal neighbourhoods, have existing homes in Yorkshire and Norfolk, and cite in their supporting statement a recent internal analysis report which demonstrates a significant lack of facilities in the local area. This information would support the proposal with regard to criteria (i) and (ii) of Policy DM41 of the Local Plan for the Broads.
- 6.7. Information in support of the application has been received from the Norfolk County Council Senior Commissioning Manager for Learning Disabilities. They advise that there is evidence of a clear need for accommodation for people with behavioural and learning difficulties. This means that people have already been identified as likely to benefit from the proposed accommodation in this location, which includes bringing people back into Norfolk from out of county placements. It is considered that this information is sufficient to satisfy the requirement regarding local need for the accommodation, and not an undue concentration in the area, with regard to criteria (i) and (ii) of Policy DM41 of the Local Plan for the Broads.

### **Amenity of residential properties**

- 6.8. Policy DM41 criterion (iii) relates to impact on amenity, landscape character, the historic environment, and protected species or habitats. The proposal is for a change of use from one form of residential to another form of residential, with no external changes proposed. Any impact of the proposed change of use would therefore be limited to amenity, and consideration against policy DM21 (Amenity) is appropriate.
- 6.9. The existing dwelling lies on the edge of an area of fairly high density housing, comprising terraced rows and flat developments, with lower provision of semi-detached properties. The subject dwelling is rather different in being a large detached dwelling on a generous sized plot. As such, it is considered that the subject dwelling maintains sufficient separation to neighbouring dwellings to ensure that there would be no undue loss of amenity taking into account the existing lawful use of the property. The maximum number of residents is 6; the potential increase in comings and goings, including staff and visitors, is considered to be reasonable given the siting of the property and the character of the surrounding area. The proposed change of use is

therefore considered acceptable with regard to Policy DM21 and criterion (iii) of Policy DM41 of the Local Plan for the Broads.

### **Highways and access**

- 6.10. The subject site benefits from two access points, one from Cremorne Lane and one from Frogs Hall Lane. As is clear from the consultation response received from the Highways Authority, only one access is suitable to serve vehicles attending the site. As such, the Highways Authority has assessed the proposal and raise no objection subject to the imposition of a planning condition to restrict vehicular access via Cremorne Lane only. This is considered reasonable and acceptable and would be included with any grant of permission. Further to this it is considered appropriate to include a condition requiring clear signage at the Frogs Hall Lane entrance/exit advising 'no vehicular access', and that publication materials only refer to vehicular access via Cremorne Lane. Subject to the proposed conditions, the proposed change of use is considered acceptable with regard to Policy DM23 of the Local Plan for the Broads.

## **7. Conclusion**

- 7.1. The proposed use of an existing dwellinghouse as a care home is considered acceptable in principle as it provides residential care in a largely residential setting. Whilst the site lies outside of a defined development boundary and is a departure from the Local Plan for the Broads Policy DM41, there are a number of considerations which weigh in favour of the proposal. The site has been assessed as an accessible location with good links to public transport and acceptable levels of services.
- 7.2. Sufficient information has been submitted to establish that there is a local need for the accommodation proposed, and that there is not an undue concentration in the area.
- 7.3. The Highways Authority has raised no objection to the change of use from a dwelling to a care home subject to conditions regarding the use of Cremorne Lane only for vehicular access.
- 7.4. The change of use from a dwelling to a care home is therefore considered acceptable with regard to Policies DM21, DM23, and DM41 of the Local Plan for the Broads.

## **8. Recommendation**

- 8.1. That planning permission be granted subject to the following conditions:
- i. Time limit
  - ii. In accordance with approved plans
  - iii. Use as care home only, no other C2 uses
  - iv. Vehicular access via Cremorne Lane only.
  - v. Details of signs to advise no vehicular access via Frogs Hall Lane.

- vi. Publication material to refer to vehicular access via Cremorne Lane only.
- vii. Numbers of residents and staff, and the use of the parking areas in accordance with submitted information.
- viii. Access, on-site car parking, turning/waiting area provided prior to first use.
- ix. No external lighting without written permission

## 9. Reason for recommendation

- 9.1. The development is considered to be in accordance with Policy DM21 and DM23, of the Local Plan for the Broads. Whilst the development is not fully compliant with Policy DM41 and is therefore a departure from the Local Plan, in this instance other material planning considerations on balance mean that this development is considered to be sustainable development and therefore considered acceptable.

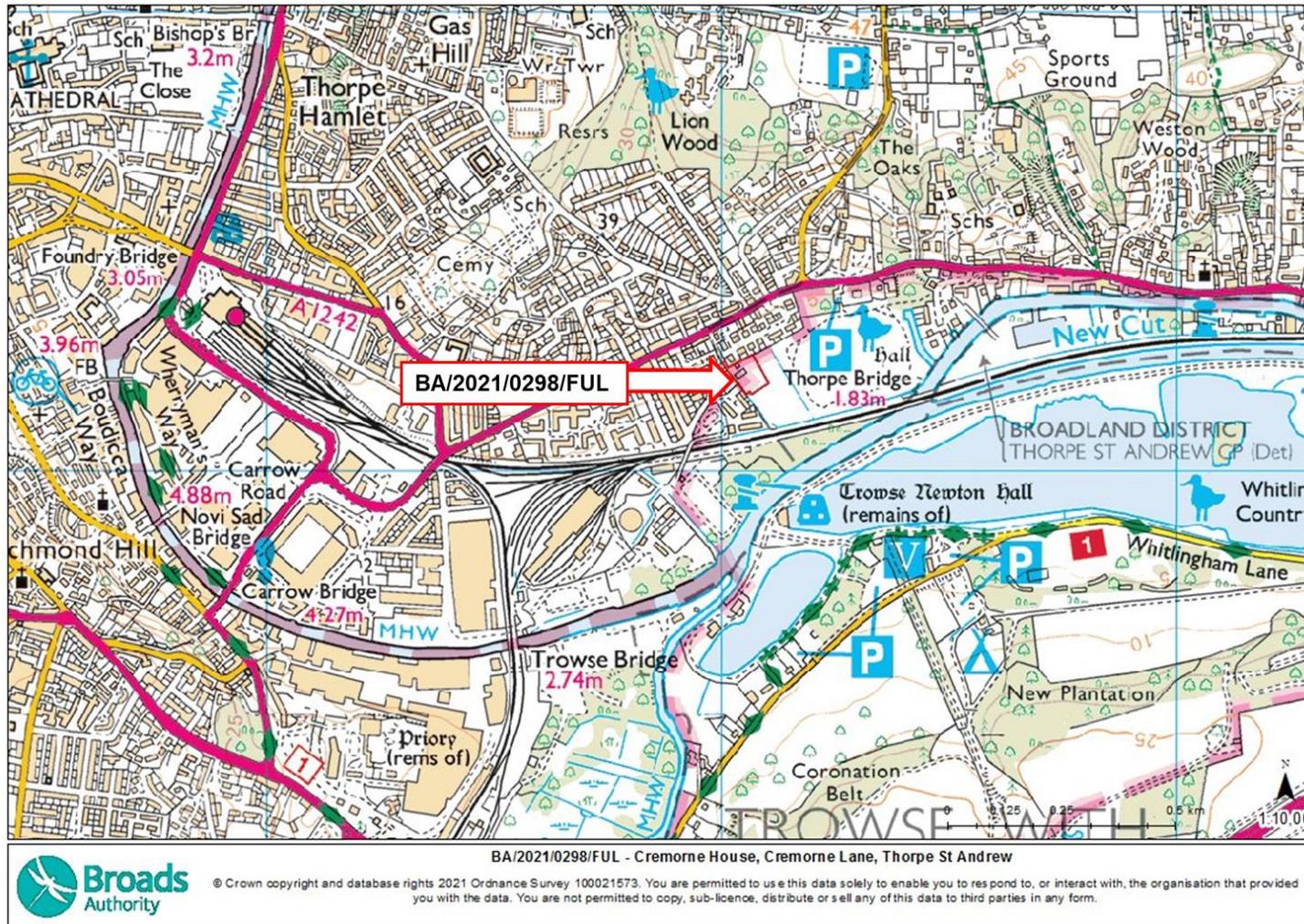
Author: Nigel Catherall

Date of report: 21 October 2021

Background papers: BA/2021/0298/FUL

Appendix 1 – Location map

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