

Report to Planning applications committee
Date 8 November 2012
Report of Head of planning services
Subject 12/01933/F 140 Constitution Hill Norwich NR3 4BB

Item
5(7)

SUMMARY

Description:	Conversion of former public house and extension to provide 1 No. two bedroom ground floor flat and 1 No. three bedroom house in addition to existing first floor two bedroom flat.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Sewell
Contact Officer:	Jo Hobbs Planner 01603 212526
Valid Date:	27th September 2012
Applicant:	Constitution Motors
Agent:	Reynolds Jury Architecture

INTRODUCTION

The Site

Location and Context

1. The site is located on Constitution Hill in the ward of Sewell to the north of the city. Constitution Hill forms a significant road access connecting the area to the outer ring road to the north of the site.
2. The existing public house on site is a locally listed building. The site has been identified by the Norwich Society to be included on the revised local list as well. Sewell Conservation Area is located further to the south of the site. There are trees on the site around the east and south boundary of the site.
3. The surrounding uses include school playing fields to the west on the opposite side of Constitution Hill, playing fields to the east of the site, a car garage to the north of the site and existing residential dwellings to the south of the site. The character of the area is therefore mixed in planning terms.

Planning History

4. There is no relevant planning history.

Equality and Diversity Issues

5. There are significant equality or diversity issues.

The Proposal

6. The application is to convert the former public house and develop the rear of the site, to create three residential units when including the existing flat on the site.

Representations Received

7. Adjacent and neighbouring properties have been notified in writing. Three letters of representation have been received citing the issues as summarised in the table below. At the time of the committee report being written the consultation period had not expired, subsequent letters of representation will be verbally presented at committee.

8.

Issues Raised	Response
Loss of public house	See paragraphs 12-13
Loss of employment	See paragraph 14
Parking demand increase	See paragraph 25
Support application, but seek to ensure access and services under Constitution Opening are retained/protected.	See paragraphs

Consultation Responses

9. None received.

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

Statement 4 – Promoting sustainable transport

Statement 6 – Delivering a wide choice of high quality homes

Statement 7 – Requiring good design

Statement 8 – Promoting healthy communities

Statement 10 – Meeting the challenge of climate change, flooding and coastal change

Statement 11 – Conserving and enhancing the natural environment

Statement 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted East of England Plan Regional Spatial Strategy 2008

SS1 – Achieving Sustainable Development

ENV6 – The Historic Environment

ENV7 – Quality in the Built Environment

NR1 – Norwich Key Centre for Development and Change

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 – Promoting good design
Policy 3 – Energy and water
Policy 4 – Housing delivery
Policy 6 – Access and transportation
Policy 9 – Strategy for growth in the Norwich Policy Area
Policy 12 – Remainder of Norwich area
Policy 20 - Implementation

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

NE8 – Management of features of wildlife importance and biodiversity
NE9 – Comprehensive landscaping scheme and tree planting
HBE8 – Conservation Areas
HBE12 – High quality of design
EP10 – Noise protection between different uses
EP16 – Water conservation and sustainable drainage systems
EP18 – High standard of energy efficiency for new development
EP22 – Amenity
SHO21 – Historic public houses
HOU13 – Proposals for new housing development
HOU15 – Conversion of vacant or underused parts of buildings
HOU18 – Criteria for conversion or construction of multi-occupied dwellings
TRA3 – Modal shift away from private car use
TRA5 – Approach to design for vehicle movement and special needs
TRA6 – Parking standards – maxima
TRA7 – Cycle parking standard
TRA8 – Servicing provision

Supplementary Planning Documents and Guidance

Trees and development SPD (2007)

Other Material Considerations

Written Ministerial Statement: Planning for Growth March 2011
The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Principle of development

10. The new residential units would be on previously developed land in an area of existing residential housing, which is in a fairly accessible location and near the existing local centre of Magdalen Road/Lawson Road. The principle of residential development in this location is acceptable in principle.

11. The key considerations for the proposed development are therefore the loss of the public house, residential amenity, design, impact on trees, water efficiency and provision of refuse storage, cycle storage and parking.

Loss of public house

12. The public house is not identified as a historic pub, but policy SHO21 of the local plan requires considerations to be given as to whether it is the last pub servicing a substantial population.

13. There are no other pubs within the immediate vicinity of the site, however there are

a large number of pubs within 1km of the site including the Brickmakers, Woodman, Prince of Denmark, Dyers Arms and Duke of Wellington, the nearest is the Whalebone Public House 600m from the site. On this basis it is not considered that the pub is the last serving a substantial population.

14. Although the public house may have provided employment for the local community there is no specific policy to retain the public house or an employment use in this location. The area is a mixed use, but this does include residential. The area is not a designated area for employment and so it is difficult to justify retaining the public house on employment grounds. The public house has remained vacant whilst the applicants have tried to let the premises over the past two years. Although there were some enquiries for a commercial use no tenants were found. The applicants now intend to bring the building back to some form of use rather than leave the building vacant.

Residential amenity

15. With regard to implications for neighbouring properties the proposals are broadly considered to be acceptable. Given the orientation of the site there would be no overshadowing to neighbouring properties. The main impact would be overlooking from the new build elements to properties 1-4 Constitution Opening. To reduce the impact appropriate screening is recommended along the southern boundary. The first floor bedroom windows would be very close to the neighbouring properties at around 15m. It has been suggested that the south facing windows are obscure glazed but the applicants want to enable views across the city to the cathedral from these windows. Therefore although the relationship between the existing dwellings at 1-4 Constitution Opening and the new proposed dwelling to the rear would lead to some overlooking, given the small extent of windows that are proposed and the distance of 15m it is not considered significant enough to merit refusal of the scheme on this basis.
16. Space has been provided for outdoor amenity space for the two new dwellings. The existing flat at first floor retains a private access with internal cycle store and utility area with external refuse store. The final details of the landscaping of the outdoor amenity space are recommended to be agreed through condition.
17. A noise assessment has been submitted with the application to demonstrate how noise from the road and car garage would be dealt with. For the one bedroom that faces Constitution Hill (bedroom 2 in the ground floor flat) the room will have a mechanical supply and extract system and an acoustic through wall trickle ventilators to ensure adequate ventilation without the need to open the window. As this is a ground floor room this would also enable ventilation without leaving windows open that could lead to a security risk. No bedrooms have windows facing out onto the car garage, only rooflights to the guest bedroom of the new dwelling to the rear. A condition is recommended to agree details of the ventilation measures to ensure a good standard of amenity.

Design

18. The site is located outside the conservation area but is identified as a locally listed building. The proposal involves the demolition of a number of small single storey outbuildings which are not of sufficient architectural merit to prevent from loss.

19. The overall layout of the proposed development is considered to be acceptable in scale and form. The new development is connected to the existing building through a single storey element, creating a sense of detachment between the two storey components. The more contemporary design of the new buildings complement the more traditional design of the existing public house.
20. Minor alterations are proposed to the existing building. The additional lean-to extension to the front of the building is sympathetic in scale and form to the existing building. A condition is recommended relating to the external facing materials to be used and the joinery details for new windows proposed on the front elevation of the public house.

Trees

21. There are a number of trees along the south and east boundary of the site. These are not protected at all but do form important natural landscaping in the surrounding area. A condition is recommended for a landscaping scheme to be submitted. This should entail replacement equivalent biomass for any trees that need to be removed to enable the development.
22. The trees to the east of the site on the playing fields are at a sufficient distance from the proposed built form to not lead to any adverse impact on these trees.

Water efficiency

23. The applicants have confirmed the dwelling will meet Code for Sustainable Homes level 4 for water efficiency of 105 litres/person/day. A condition is recommended to ensure this is implemented as such.

Access, parking and servicing

Cycle parking and servicing

24. Sufficient space has been provided for covered and secure cycle storage for each dwelling, along with space for three 240ltr wheelie bins. A condition is recommended to ensure provision of this storage prior to first occupation. As part of the landscaping scheme details are also recommended to be requested for screening structures around refuse and cycle storage structures on the site, particularly the ones to the front of the public house.

Car parking

25. Car parking is proposed at a level of one space per dwelling with space for a visitor parking off road. A condition is recommended to agree the final details of the parking area layout and surfacing materials, which should be permeable.

Local Finance Considerations

26. The proposed dwelling would lead to revenue for the council through council tax and New Homes Bonus grant funding for the completion of new dwellings. Whilst this would be of benefit to the council and a consideration under Section 143 of the Localism Act other material planning considerations must also be weighed against this benefit.

Other matters raised in representations

27. Access to and protection of services under Constitution Opening has been raised in a letter of representation. As this is outside of the site as shown on the site location plan this does not form part of the application site. The rights of way along Constitution Opening would be a civil matter outside of planning control. The safety of people using the established rights of way would be a matter of site safety adjacent to a public highway, which again would be outside of the remit of planning legislation to control. Again the protection of services that run along Constitution Opening would be a civil matter outside of the control of planning legislation and it would be down to the applicant to ensure the services are adequately protected during construction.

Conclusions

28. The proposed development would provide a re-use of a building that has been vacant for a sufficient amount of time to consider alternative uses. Whilst the loss of a public house is resisted where possible, given the fact this public house is not on the historic pub list and there are a number of other public within 1km of the site it is difficult to protect the pub. The benefit of the re-use of an existing building and the provision of two new homes is considered to outweigh the loss of the public house in this location in this instance.

29. It is considered that the benefit of reusing a vacant building and providing two additional homes outweighs the loss of the public house use. The contemporary design of the proposed new development complements the existing more traditional appearance for the former public house and that the proposal is unlikely to have an adverse impact on the immediate neighbours or wider area by virtue of the orientation and distance to the nearest residential dwellings and use of appropriate landscaping around the site. As such the proposal accords with the criteria set out within policies NE8, NE9, HBE12, EP10, EP16, EP22, SHO21, HOU13, HOU15, HOU18, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, policies 1, 2, 3, 4, 6, 9 and 12 of the Joint Core Strategy (2011) and statements 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework (2012).

RECOMMENDATIONS

To approve application no 12/01993/F at 140 Constitution Hill, Norwich and grant planning permission, subject to the following conditions:-

1. Standard time limit.
2. In accordance with plans.
3. Prior approval of details for external materials and joinery details for windows.
4. Water conservation to Code for Sustainable Homes Level 4.
5. Landscaping details, management and maintenance – including boundary treatments, screening for refuse/cycle storage, permeable hard surfacing and planting details (including replacement trees).
6. Refuse, cycle storage and parking laid out as per approved plans.
7. Details of mechanical ventilation system for noise attenuation purposes.

(Reasons for approval: The decision is made with regard to policies NE8, NE9, HBE12, EP10, EP16, EP22, SHO21, HOU13, HOU15, HOU18, TRA5, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, policies 1, 2, 3, 4, 6, 9 and 12 of the Joint Core Strategy (2011), statements 4, 6, 7, 8, 10, 11 and 12 of the National Planning Policy Framework (2012) and all material considerations. The benefit of reusing a vacant building and providing two additional homes outweighs the loss of the public house use. The contemporary design of the proposed new development complements the existing more traditional appearance for the former public house and that the proposal is unlikely to have an adverse impact on the immediate neighbours or wider area by virtue of the orientation and distance to the nearest residential dwellings and use of appropriate landscaping around the site)



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Planning Application No 12/01933/F

Site Address 140 Constitution Hill

Scale 1:750



NORWICH
City Council

PLANNING SERVICES







plain brick facade with small opening windows for ventilation and framed views to the north

existing flat roof construction replaced by
new lean to construction following existing roof line

