Report to Date	3 11	
Report of Subject	Head of Planning Services 12/01911/F 42 - 44 St Benedict's Street Norwich NR2 4AQ	6(9)

SUMMARY

Description:	Erection of 4 No. tw	o bed flats to the rear of existing retail premises.	
Reason for consideration at Committee:	Objection		
Recommendation:	Approve		
Ward:	Mancroft		
Contact Officer:	Miss Sarah Platt	Planning Officer - Development Management 01603 212500	
Valid Date:	26th September 2012		
Applicant:	Mr A Moore		
Agent:	Mr A Moore		

INTRODUCTION

The Site

Location and Context

- 1. The development site is a brownfield site infill plot at the rear of the host property, Cash Converters, on the south side of St Benedict's Street. The site is at the rear (south) of the property, behind, and partly over, the shop unit which has four flats above at the front (north) end of the site. This is currently a vacant plot but has had ground works carried out to implement a previous permission (see planning history).
- 2. To the north of this infill plot is the rear of the single storey shop, the flat roof of which was originally constructed with reinforcements intended for use as a car park above a supermarket. The flat roof is currently an unused, dead space overlooked by the four flats within the 2 storeys above the Cash Converters premises.
- 3. Immediately to the south is the site at 75-81 Pottergate, the site of the former Thorndick and Dawson Print works, now demolished and redeveloped to provide 15no two bedroom apartments and 3no one bedroom apartments. This site is nearing completion.
- 4. To the west the site borders the area around no1 Three Kings Lane, which includes an area of car parking serving the surrounding residential dwellings and flats. There are also a number of timber clad bike stores for residents of Three Kings Lane situated against the southern boundary. Numbers 1-6 Three Kings Lane are a group of 1980s maisonettes of one and two storeys, with associated garages. Three Kings Lane itself is a public-pedestrian only north-south through route.
- 5. The eastern boundary of the site is a private shared passage that provides access from St Benedict's Street to the rear of Cash Converters and neighbouring properties

at 38 and 40 St Benedict's Street. The south-east corner of the site adjoins the curtilage of the residential dwelling at 36b St Benedict's Street, a two storey detached house which is itself set back some 5m from the edge of the application site.

Constraints

6. Although the proposed site is not readily visible from the street frontage, the buildings either side of the shop, at 40 and 46 St Benedict's Street, are locally-listed, and the whole area is within the City Centre Conservation Area.

Topography

7. The change in levels in and around the site is significant. The current floor level of the proposed plot is up to 5m lower than the neighbouring site to the south (75-81 Pottergate). However, the site itself has been substantially cleared but still has a slight gradient falling to the north (St Benedict's Street). The flat roof of the Cash Converters shop unit is at the same height as the first floor of the residential dwellings in Three King's Lane (1-6 Three Kings Land and 46 St Benedict's Street).

Planning History

8. There are three applications affecting the Cash Converters premises, although these are not relevant to this application (4/1996/0586, 4/1996/1587, and 4/1988/1436).

History of the application site at 42-44 St Benedict's Street:

- **09/00335/F** Erection of three storey building at rear of shop to provide three selfcontained flats. This application was refused on 24th June 2009.
- Application number 09/01164/F is most pertinent. Planning permission was granted on 13th January 2012 for the 'Erection of three storey building at rear of shop to provide three self-contained flats'. All pre-commencement conditions of this permission have been discharged and the permission has been implemented on site by virtue of ground clearance works, the building of boundary walls to Three Kings Lane and the erection of the cycle store buildings, although the proposed flats have not been built out.

History of the adjacent site at 75-81 Pottergate:

- 9. The permission for the adjacent site at 75-81 Pottergate is also relevant. Planning permission 06/00854/F was approved in December 2006 for the site to the south of the application site. The proposals were for the redevelopment of the print works site to provide 15no 2 bed and 1 bed flats within 2 blocks orientated east to west, one situated to the north of the site running parallel with the proposed development at St Benedict's Street. This permission expired without being implemented.
- 10. Application number **10/01717/F** granted permission on 23rd December 2010 for the 'Erection of 15 No. two bedroom apartments and 3 No. one bedroom apartments', again running east to west in two blocks. The block to the most northern part of the site, and closest to the proposed development on the application site, is 2.7m (at its closest) point to the north boundary of the Pottergate site and 2.5 storeys tall (10.5m to the ridge in height) with the top floor accommodation in the roof space. The building has a projecting stairwell in the middle with projecting accommodation at both ends and dormer windows in the roof. The permission sought to reinstate the existing

boundary wall but this has since been amended under a Non-Material Amendment application **(12/00459/NMA)** to be a lower brick wall (taking in land level changes and changes in the height of the remaining sections of the wall) and with railings of 1.04m on top. The approved landscaping condition (no. 20) requires an evergreen hedge to be planted on the entire northern boundary.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

11. The application seeks the erection of 4no two bedroom flats to the rear of the existing retail premises.

Representations Received

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. 2 letters of representation have been received citing the issues as summarised in the table below.

13.

Issues Raised	Response
The bedroom and lounge windows of the adjacent residential premises at 46 St Benedict's Street will face directly onto the proposed development which will be approximately 7m away and 10m taller. This will result in the loss of a view to City Hall Clock Tower, reduced daylight and sunlight and loss of privacy.	See paragraphs 25-27 and 43
The Norwich Society – It is impossible to see how this scheme can be implemented. It seems to be overdevelopment of a tiny site.	See paragraph 18

Consultation Responses

- 14. Heritage Environment Service No objections. Requested standard monitoring conditions. These were requested on application 09/00335/F (which was subsequently refused for other grounds (see planning history). These conditions were omitted in error from permission 09/01164/F but should be applied to any new permission granted.
- 15. Local Highway Authority No objections. The entrance and side alleyway may benefit from being lit. Refuse and recycling storage arrangements are satisfactory. Cycle parking stores are acceptable – will need details of stands to be contained therein. Informatives required.

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 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

WM6 - Waste Management in Development

WAT1 – Water Efficiency

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

- Policy 2 Promoting good design
- Policy 3 Energy and water
- Policy 4 Housing delivery
- Policy 6 Access and transportation

Policy 20 - Implementation

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

NE9 - Comprehensive landscaping scheme and tree planting

HBE3 – Archaeology assessment in Area of Main Archaeological Interest

HBE8 - Development in Conservation Areas

- HBE12 High quality of design in new developments
- EP18 High standard of energy efficiency in new developments

EP22 - High standard of amenity for residential occupiers

- HOU13 Proposals for new housing development on other sites
- TRA7 Cycle parking standards
- TRA9 Car free housing criteria
- TRA8 Servicing provision

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

The Localism Act 2011 – s143 Local Finance Considerations

Principle of Development

Policy Considerations

16. The principle of residential development has already been accepted on this site following the previous approval granted under application reference 09/01164/F. The proposals accord with the NPPF and all the relevant criteria of saved local plan policy HOU13 which both promote housing development on non-allocated sites in appropriate and accessible locations with good access to amenities. The density has increased since the last approval to 57 dwellings per hectare which for a tight urban city centre site is acceptable.

Impact on Living Conditions

- 17. The scheme consists of a single terrace block, situated partially (4.7m depth) on-top of the existing flat roof of Cash Converters and extending into the remainder of the site by 4.8m. The building will be 2 storeys in height which when positioned on-top of the flat roof gives a total height of 12m to the roof ridge from the ground level (8m from the flat roof level). The front of the residential block faces north, towards and directly opposite the flats above Cash Converters, positioned 12.2m away. This is considered to be an adequate separation distance between the dwellings given the tight urban environment. It is not considered that there will be a significant enough detrimental impact on privacy of existing occupiers of the flats above Cash Converters to warrant refusal of this application. In addition this area of the flat roof area is proposed to form a communal amenity area for both these existing and the proposed flats thereby improving the amenity for all the residents on site.
- The rear of the proposed building faces the newly built block of flats at the rear of 75-81 Pottergate. These will be 10.1m away at the closest point from the rear block of flats on this adjacent site. This distance increases towards the western boundary.
- 19. Whilst this separation distance (10.1m) is less than that recommended in the Building Research Establishment (BRE) guidance, which recommends a distance of 21m between elevations with habitable room windows facing one another, this site is within a Conservation Area where the character and tight urban environment necessitates something other than a "suburban" standard of layout. There are very few sites within the City Centre where such separation distances could feasibly be achieved. However, a reasonable separation distance should still be afforded and it is generally accepted that in urban environments this is between 12 and 15m. It should be noted that there is no planning policy requirement for the development to adhere to this guidance, and the BRE recognise their recommendations are guidelines only, to be interpreted flexibly as part of the overall planning considerations.
- 20. The extant permission (09/01164/F) offered an increased separation distance between the existing flats above Cash Converters and the proposed flats (15m), however a significantly reduced separation distance between the proposed flats and the rear of the Pottergate development was also accepted.
- 21. The precise details of the distances between buildings caused some confusion at the time of the determination of the proposals for the Pottergate development. The plans submitted in respect of the Pottergate scheme showed a distance of 7.65m between the rear block and the rear of the proposed flats on the St Benedict's Street site. Committee members were advised in the officer's report for application 10/01717/F that "Various guidance suggests that a minimum separation distance should be between 12m and 15m where a multi-storey blank wall faces windows to habitable rooms in existing or proposed neighbouring dwellings. In this instance [the Pottergate development] the proposed rear elevation wall is not blank, nor uniform, and at its closest point the [separation distance between the] two buildings [i.e. the Pottergate scheme and the permitted St Benedict's Street scheme] will be 8m deep".
- 22. However, the Pottergate scheme has since been built and the actual separation distance between the built Pottergate scheme and the extant permission (which can

be built lawfully) on the St Benedict's Street site would in reality be approximately 5.5m. Investigations of this matter show that the built development on the Pottergate site is in accord with the approved plans, albeit that there were errors on the approved drawings relating to the positioning of buildings off-site. The separation distance, coupled with the height of the Pottergate scheme and the 5m higher land level, would result in poor living conditions, for the future residents of the proposed flats at 42-44 St Benedict's Street should permission 09/01164/F be fully implemented..

23. The extant planning permission can be built at any time in the future given that part of the development has been implemented within 3 years of the date of the permission being granted. This amended scheme seeks to better balance the separation distances between the surrounding developments in order to achieve a more acceptable amenity for occupiers of the proposed flats and enable the site to be developed positively.

Amenity

External Space

24. There is a basement provided for the residential flats which is accessed from the side alleyway (at the same level as the Cash Converters shop unit), with the 4 proposed flats split across the remaining two floors (2 flats per floor). The flats meet the required space standards and the flats on the ground floor have private rear gardens of approximately 55sqm each. A new shared amenity space is to be created on the flat roof for shared provision with the 4no existing flats above Cash Converters. This shared amenity space is some 214sqm (equating to 35sqm per flat).

Daylight, Sunlight and Overshadowing

- 25. In terms of amenity for future occupiers, the permission on the adjacent site at 75-81 Pottergate (10/01717/F) permitted a much larger development in close proximity to the rear of the approved flats on the St Benedict's Site under application 09/01164/F. A Sunlight & Daylight Study was submitted with that application which assessed the levels of direct daylight and sunlight into the flats on the St Benedict's Site and this was deemed to be acceptable. However, this was based on a distance of 7.65m between the development proposals. The current proposals seek to increase the separation distance from the 'real' measurement of approximately 5.5m to 10.1m (between the rear of the nearest block at 75-81 Pottergate and the four flats on the application site), allowing increased levels of natural daylight and sunlight into the rear habitable rooms and amenity areas of the proposed flats. No new Sunlight and Daylight Study has been requested, as the levels were accepted previously in a worse case scenario, and levels are being improved under this application, that levels of natural daylight and amenity are therefore considered acceptable.
- 26. Concerns have been expressed that the proposed development will result in loss of daylight and sunlight to habitable rooms of the maisonette flats above 46 St Benedict's Street. In accordance with the BRE Guidance which states that external obstructions to daylight should not be more than 25° above the horizon, the angle of obstruction in this instance equates to 26.5°. There is an increased impact on these dwellings compared to the previously approved scheme (09/01164/F). However, taking into consideration the tight urban environment of the immediate locality, that 46 St Benedict's Street sits in an oblique position to the proposed development site. On balance the minimal loss of daylight to the dwellings on the upper floors of 46 St Benedict's Street and the minimal exceeding of the BRE guidelines for external obstructions, the proposals are considered to be acceptable.

27. Levels of light and sunlight to the existing four flats over Cash Converters will also be affected but it has previously been accepted that direct sunlight will be lost under the previous permission (09/01164/F). Daylight levels will also be affected but there is considered to be sufficient separation distance (12.2m) so as to ensure this is still at an acceptable level and the level of obstruction meets the BRE guidelines. In addition, the creation of a shared amenity space on the existing flat roof is considered to be a positive outcome of the scheme and will improve living conditions for all within the immediate vicinity.

Overlooking and Loss of Privacy

28. With regards to loss of privacy, there is considered to be an adequate separation distance between the proposed flats and the residential dwellings above the existing Cash Converters shop unit and the nearly complete dwellings in the Pottergate scheme. There will be greater opportunity for loss of privacy and overlooking to the flats above 46 St Benedict's Street when compared to the previously approved scheme but it is important to remember that these properties sit obliquely from one another and not with direct views into one another. There will still be a separation distance of 8.9m which on balance is considered acceptable considering the surrounding environment.

Design

- 29. The design of the proposed block is considered acceptable. Extensive discussions have been had at pre-application stage with regards to the roof form and design of the building and the proposals are considered to be an improvement on the previously approved scheme.
- 30. The roof form has been specifically designed so as to result in a minimal impact on daylighting to surrounding residential properties and the weatherboarding is considered acceptable given the site is not visible from the street frontage or wider Conservation Area and the differing materials will also help to break up the bulk and massing of the proposed block.
- 31. It is not considered that there will be any detrimental visual impact as a result of these proposals on the wider Conservation Area.

Transport and Access Servicing

32. Adequate storage provision is shown on the plans for the storage of refuse and recycling facilities. A condition will be placed on any approval granted that this is provided prior to first occupation of any dwelling.

Cycling Parking and Car Parking

- 33. Secure covered storage provision for 8no cycles has been made on site which is an acceptable level. Again, a condition will be imposed to ensure provision prior to the first occupation of any dwelling.
- 34. The proposed dwellings are car free. This is acceptable given their highly sustainable location. An informative note will be added to any approval to advise that future occupiers will not be eligible for parking permits.

Landscaping

35. A condition will be placed on any approval granted for a full Landscaping scheme including details of hard and soft landscaping proposals, boundary treatments and maintenance, to include details of works to the flat roof of Cash Converters in order to provide for the shared amenity space.

Local Finance Considerations

- 36. The Localism Act 2011 amended S70 of the Town and Country Planning Act 1990 to require local planning authorities to have regard to local finance considerations in the determination of planning applications, alongside the development plan and other material considerations.
- 37. The 4 new dwellings will attract New Homes Bonus and Council Tax revenues.

Other Material Considerations

Access

- 38. The scheme proposes to access the four new flats via the private eastern alley and a new external staircase from ground level to the flat roof level and 'front' entrance. There is no access proposed from Three Kings Lane or Pottergate.
- 39. Concerns on the previously approved application were raised with regards to access in emergency situations. These were resolved following advice from Building Control officers and confirmation that the Fire Service raised no objection. The recommended conditions with regards to the need for a security gate on the eastern passage, through which emergency access can be achieved, will be re-applied to this permission, if granted.

Security and crime prevention

- 40. The site is a crime and nuisance hot-spot, largely due to the ease of forced entry into the site and the activities being concealed from public view with little natural surveillance. Activities on this site have also spilled-over into the adjacent residential areas, with arson and vandalism evident. The police recognised this development as a means of dispersing criminal activity from the area on the previous application and have raised no objections to the current scheme.
- 41. The current ease of forced entry can be mitigated by conditions being required for approval of both boundary treatment and retaining walls along Three Kings Lane, and access gate designs and secure access systems on to St Benedict's Street.
- 42. Overall, the amenity of residential neighbours will be improved and the potential for crime mitigated, whilst the new residential units will enhance the site by developing a vacant derelict site and providing on-site amenity space, in line with policies HOU13 and EP22 of the Local Plan.

Additional Considerations

43. Concerns have been raised with regards to the loss of a view of City Hall clock tower.

There is no right to view in planning terms and this loss has not been considered in the assessment of this application.

Conclusions

- 44. This application has been submitted following extensive pre-application negotiation in order to seek to overcome a potential problem brought about overly small separation distances between blocks on adjacent development sites and the application site within an enclosed area. The proposals offer a more acceptable form of development on this urban site which are preferable to the building out of the extant permission which would result in an unacceptable development with very poor amenity provision for future occupiers.
- 45. The principle of redevelopment on sites such as this is strongly supported by national and local planning policy. Although the development proposals would result in a tight urban development it is considered to represent an acceptable form of development in this location. On balance the highly sustainable location, improved amenity provision for existing and future residents of 42-44 St Benedict's Street, the reduction in the potential for crime, appropriate access, servicing arrangements and cycle storage provision, are considered to outweigh the marginal impact that may result to the residential amenities of adjoining occupiers.
- 46. Furthermore, on balance, the scheme proposed is considered to be clearly preferable to the full implementation of the extant permission on the site. Approval is therefore recommended.

RECOMMENDATIONS

To approve application number 12/01911/F (42-44 St Benedict's Street) and grant planning permission, subject to the following conditions:

- 1) Standard time limit;
- 2) In accordance with details submitted;
- 3) Submission of external materials details for approval
 - a. walls (bricks (including mortar mix and bond type), render and weatherboarding) and;
 - b. roof;
- 4) Prior approval of details:
 - a. New windows;
 - b. New doors;
 - c. External Staircase, to include details of balustrade, materials, tread and riser depths;
 - d. Juliette balconies (scale drawing 1:20)
- 5) External Lighting Strategy
- 6) Details of landscaping to be submitted, implemented, managed and maintained;
- 7) Water Conservation New Housing
- 8) Submission of cycle / bin storage details
- 9) Provision of servicing
- 10) Provision of cycle parking
- 11)Obscured glazing provision

12) Archaeology – Written Scheme of Investigation (WSI)

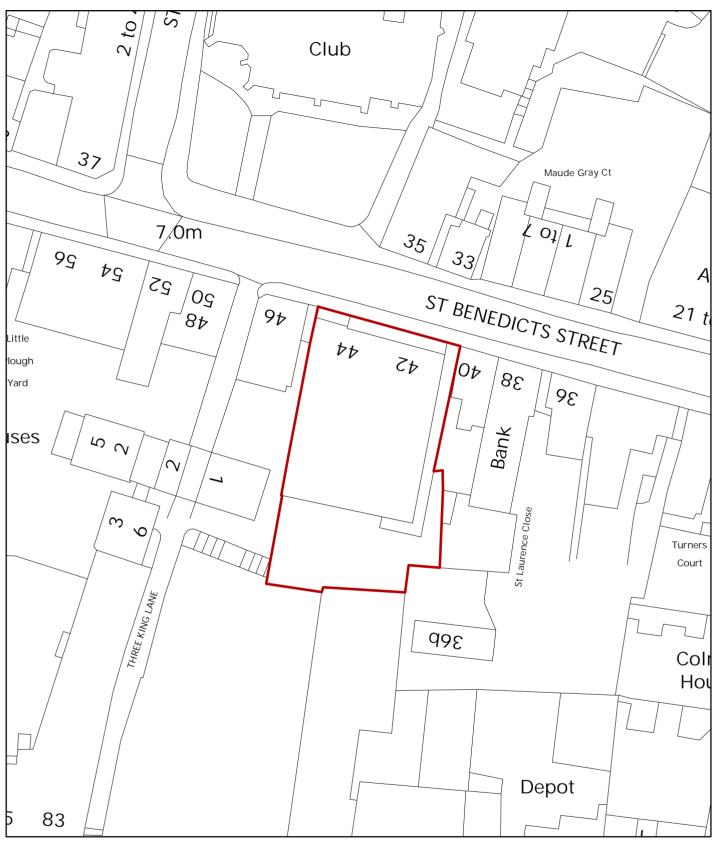
- 13) Archaeology Demolition/development in accordance with WSI
- 14) Archaeology No occupation until site investigation and post investigation assessment completed.
- 15) Archaeology Stop work if unidentified features revealed.

Informatives

- 1) Car free housing / parking permits
- 2) Bins to be purchased by the applicant
- 3) Re-naming or re-numbering queries
- 4) Landscape Management Plan
- 5) Landscape Schedule of Maintenance Operations
- 6) Construction Working Hours
- 7) Archaeological Brief and Norfolk Historic Environment Record (If needed if arch conditions needed).

Reasons for Approval:

- 1) The principle of redevelopment of this site is supported by national and local policy and previous approvals for similar schemes. The proposals would result in an acceptable form of development, in a highly sustainable location with adequate amenity provision. Any marginal adverse impact on residential amenity of neighbouring residential dwellings will be outweighed by the benefits of the proposals. Subject to compliance with the conditions of this decision the scheme is considered to offer improved amenity provision for occupiers of adjacent dwellings, a reduction in the potential for crime in the wider area, appropriate access, and adequate servicing arrangements and cycle storage provision. The proposals are therefore considered to be in accordance with the NPPF, policies SS1, ENV6, EN7, WM6 and WAT1 of the East of England Plan Regional Spatial Strategy 2008, policies 2, 3, 4, 6 and 20 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policies NE9, HBE3, HBE8, HBE12, EP18, EP22, HOU13, TRA7, and TRA8 of the adopted City of Norwich Replacement Local Plan 2004 and all material considerations.
- 2) The proposals offer a more acceptable form of development to those already granted consent and partially implemented on site. The application seeks to re-balance the separation distances between this development and development on adjoining sites to establish more acceptable levels of amenity provision for the wider area. On balance, the scheme proposed is considered to be clearly preferable to the full implementation of the extant permission on the site and are therefore considered to be in accordance with the NPPF, policy EN7, of the East of England Plan Regional Spatial Strategy 2008, policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 and saved policy EP22 of the adopted City of Norwich Replacement Local Plan 2004 and all material considerations.



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Planning Application No12/01911/FSite Address42-44 St Benedicts StreetScale1:500



