

Report for Resolution

Report to Planning Applications Committee
Date 8 September 2011
Report of Head of Planning Services
Subject 11/01060/F Land and Buildings Rear of 2 Durham Street
Norwich NR2 2ED

Item
5(3)

SUMMARY

Description:	Construction of a two storey two bedroom town house.	
Reason for consideration at Committee:	Objection	
Recommendation:	Approve	
Ward:	Town Close	
Contact Officer:	Miss Sarah Platt	Planning Officer - Development Management 01603 212500
Valid Date:	22nd July 2011	
Applicant:	Mrs Isobel Ford	
Agent:	Mr Kelvin Harley	

INTRODUCTION

The Site

Location and Context

1. The site frontage is on the south-eastern side of Durham Street, within the rear curtilage of a corner shop and 2 flats located on the corner of Durham Street and Onley Street. The shop opens on to the corner with the ground floor flat behind, with its front entrance siding onto Durham Street adjacent to the site, and the other flat at first floor level above this and the shop. The ground floor flat has an adjoining external toilet outbuilding in Durham Street used by the shop.
2. The existing building which has now been demolished was a single storey brick building with a tiled pitched roof in a 'stable' style. The street elevation had a ground floor carriage double door and single door with an access to the attic above. There were two lean-to buildings adjacent. The building had no curtilage of its own but adjoined the courtyard at the rear of the shop, accessed via a passage to Onley Street and providing access to the rear gardens of neighbouring premises along Onley Street.
3. To the north are two single-storey garages under separate ownership and outside the site, used by the Butchers at the corner of Durham Street and Gloucester Street. To the east are the rear gardens of two-storey terraced housing along Gloucester Street and Onley Street. Opposite, on the north-west of Durham Street is a similar single plot infill house. In close proximity there are local shops on both

Durham Street and the Unthank Road Local Centre is less than 5 minutes walk away.

Constraints

4. The site is not within a Conservation Area, nor is the building listed or locally listed.

Topography

5. The site is flat.

Planning History

6. **Application 08/00821/F** proposed the 'demolition of brick and tile storage building, removal of timber storage buildings and construction of 2 No. 1 bedroom flats as a 2 storey building. The application was refused because: (1) The overdevelopment of the site would provide insufficient useable amenity space for both the proposed dwellings as well as the existing flats within the curtilage; (2) There was no cycle storage provided and inadequate bin storage; and (3) inadequate outlook to the ground floor windows and loss of privacy to neighbours from first floor windows.
7. **Application number 09/00246/F** revised the above scheme and proposed the 'demolition of brick and tile storage building. Removal of timber storage buildings. Construction of 2 No. one bedroom flats as a two storey dwelling. Again, this application was refused as it was still considered the application constituted overdevelopment of the site with insufficient amenity provision, no cycle storage and inadequate refuse storage.
8. **Application number 10/01969/F** revised the proposals further and proposed the 'demolition of outbuildings and the erection of 1 No. two storey two bedroom town house. The application was withdrawn following an issue over land ownership.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

9. The application proposes the erection of 1no. two storey two bedroom town house fronting and access from Durham Street with an enlarged rear courtyard amenity space, shared with the flats at number 2 Onley Street and associated refuse and cycle storage. No car parking is proposed. The demolition of the existing buildings has already been undertaken and did not require Conservation Area Consent (as the site is not within a Conservation Area) or prior approval for demolition.

Representations Received

10. Adjacent and neighbouring properties have been notified in writing. 8 letters of representation have been received citing the issues as summarised in the table below.

11.

Issues Raised	Response
Land Ownership has not been established of the whole site.	See paragraph 33.
Views from properties on Gloucester Street will be reduced.	See paragraph 18.
Natural Light could be adversely affected by the development.	See paragraph 21.
Increased potential for overlooking.	See paragraphs 16-20.
Over-development of the site. The area is also already over-populated.	See paragraphs 22-25.
The development will have a negative impact on the value of existing homes.	Not a material planning consideration.
An additional construction site is not welcome in this area. The trade of surrounding businesses could be adversely affected by the additional construction site.	Not a material planning consideration. See paragraph 15.
The potential tenants are not suitable for the area. The owner does not manager the existing flats properly so it is uncertain that the development would be carried out properly.	Not a material planning consideration.
This is an area at risk of surface water flooding. More development will worsen the potential flood risk in the area.	See paragraph 32.
The proposals are not in keeping with the area.	See paragraph 22-25.
Increased issues with parking and traffic.	See paragraph 27-28.

Consultation Responses

12. Transportation: No objections. The development will not be eligible for parking permits.

13. The Norwich Society: The proposals lack any character and are therefore not in keeping with the surrounding properties. Was consent given for the demolitions on site?

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

Relevant National Planning Policies

PPS1 - Delivering Sustainable Development

PPS3 – Housing

PPG13 – Parking (January 2011)

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

ENV6 - The Historic Environment

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 20 - Implementation

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

- NE9 - Comprehensive landscaping scheme and tree planting
- 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

Written Ministerial Statement: 23 March 2011: Planning for Growth

Support of enterprise and sustainable development.

Principle of Development

Policy Considerations

14. The principle of residential development at an appropriate scale and with adequate facilities is considered acceptable in this instance. This is an in-fill development within an existing housing area and the development should result in an improved frontage of Durham Street. However, given the development is car free development, it is subject to the criteria of saved policy TRA9 of the Replacement Local Plan.

Impact on Living Conditions

Noise and Disturbance

15. Concerns have been raised over the issues of noise during construction. The Council's standard informative regarding considerate construction will be applied to any permission if granted. This attempts to limit the hours of construction works, makes contractors take action to prevent nuisance from dust to neighbouring properties, and limit nuisance to the highway through the control of hours of deliveries and the storage of deliveries.

Overlooking and Loss of Privacy

16. Concerns have been raised with regards to the potential for loss of privacy and increased overlooking as a result of these proposals. There are no windows at first floor level on the rear elevation so the scheme will not provide direct views over the adjacent rear gardens of properties on either Gloucester Street or Onley Street. Three windows to the bedrooms and the stair landing are provided in the south elevation (side) overlooking the shared amenity area. There will be oblique views to the rear of numbers 16 and 18 Onley Street and the two existing flats at 2 Durham Street, but the rooms that may be affected are secondary bedrooms or bathrooms. Overlooking is considered to be minimal and any detrimental impact on amenity is considered to be of an acceptable level.

17. A condition requiring obscure glazing to the first floor staircase landing window and

the ground floor bathroom window to protect the amenity of the future occupier of the proposed development without compromising light reached to the bedrooms will be attached to any permission granted.

18. No windows are proposed on the north (side) elevation.
19. It is not considered that the outlook of properties fronting Gloucester Street or Onley Street are adversely affected as a result of these proposals.
20. A condition requiring any external lighting to be positioned such as to avoid nuisance to neighbours will also be attached to any permission if granted approval.

Overshadowing

21. The existing courtyard at the site will be mostly affected by overshadowing due to the increased height of the house, but it is not well used at the moment and the proposed increased size and improved landscaping will compensate this and increase its useability. The garden at number 16 Onley Street will experience some degree of overshadowing but it is unlikely to be overly significant. The rear gardens of adjacent properties are still considered to have sufficient levels of light and sunlight.

Design

Layout

22. The now demolished former buildings created a continuous but cluttered and unattractive street frontage. The proposal sets back the frontage of the property slightly from the street line and a shallow area for bin storage is provided to the front set behind a brick wall in line with the existing Durham Street garden curtilage of the existing flats. This is a considerable visual improvement to the existing situation.
23. The amenity area provided is an enlarged shared courtyard to the new house and the two existing flats at number 2 Durham Street. This is consistent with the aims of local plan policy HOU13 and is considered acceptable and a significant improvement on the existing situation. A small area of public open space is available a short walk away at Bury Street/Newmarket Street.

Form

24. Gloucester Street and Onley Street are both typical late 19th century terraced streets in an area characterised by two-storey brick and pantile terraces. Durham Street by comparison is a relatively short street and forms a link between these two more prominent streets. The existing building on site is smaller in scale and height than its adjacent counterparts. It is considered that the scale, height and massing of the proposed dwelling is acceptable and shows a visually subservient and differential roofline to its neighbouring properties.
25. The elevational treatment to the proposed dwelling is rather basic in appearance but it is considered appropriate and still adopts some design characteristics from the neighbouring terraces, such as lintels and vertical emphasis to the fenestration. A modern designed porch and upper window to the front elevation ensure some variation to the surroundings.

Transport and Access

Pedestrian Access and Servicing

26. The scheme provides a front door to the proposed house on Durham Street and separate access to the courtyard through an adjoining new access in a new 1.8m high brick boundary wall, which will also provide refuse bin access. The existing access from Onley Street to the rear gardens on Onley Street will remain and be unimpeded by this development.

Car Parking

27. No car parking is provided on site and this is consistent with the aims of Local Plan policy TRA9 (Car Free Housing). Ideally, car free housing would normally include providing visitor and disabled car parking spaces, but in this instance the constraints of the site are such that this is not possible. There are on-street short-stay parking bays around the site for visitors.

28. The development will not be eligible for on-street parking permits and an informative advisory note will be added to the permission to confirm this to the applicant.

Cycle Routes and Pedestrian Links

29. The site is closely linked to the strategic cycle network and bus routes along Unthank Road. This high degree of pedestrian accessibility is a benefit to the site and ensures car free development will be acceptable.

Cycling Parking

30. Car free housing requires high standards of cycle parking. Adequate space is proposed at the rear of the house for a covered secure area for four cycles. This includes space for the two existing flats and a visitor space as well as cycle parking for the proposed dwelling. Conditions will require the design and security measures to be agreed and provision prior to occupation of the proposed dwelling. Given that it is proposed that the cycle parking is provided at the rear of the site where there is some dispute over land ownership, it is suggested that the cycle parking should be provided prior to any occupation of the dwelling. This will need to be conditioned.

Environmental Issues

Water Conservation

31. The Joint Core Strategy policy 3 requires new housing development to be water efficient and achieve Code for Sustainable Homes level 4. It is considered that this proposed development should achieve this standard and as such a condition requiring this to be met will be attached to any permission if granted approval.

Flood Risk

32. The application site is not within an area of flood risk. Whilst surface water drainage is an issue in the area, the development of this site is not considered to result in a worsened situation. The site was developed previously with numerous buildings on it and the proposed development has a reduced footprint. With careful landscaping the pourousness of the site may actually be improved. The connection of the dwelling to mains sewers would need to be agreed with Anglian Water in any case.

Trees and Landscaping

33. No trees will be affected by the proposed development. A landscaping scheme will

be required by condition to ensure the site is given an appropriate landscaped setting for the amenity space and street scene, whether hard or soft landscaping.

Ownership Issues

34. Land ownership has been raised as a concern. The applicant has provided a copy of the Land registry Title Plan which shows the site clearly and at an appropriate scale in order to determine boundaries. Whilst it is accepted that there is part of an outbuilding and a coal shed on this land, which is accessed from number 18 Onley Street, no evidence, of a sufficient quality has been produced by the objector to dispute the legal land registry title plan. As such it is considered that sufficient evidence of landownership has been provided in order to establish ownership of the site. The area of land in question concerns the cycle storage to be provided as part of this application. As a provision, a condition stating there to be no occupation of the dwelling until the cycle storage has been provided will ensure that the issue of the ownership of the land on which the cycle storage is to be built must be resolved between the two parties involved, prior to the occupation of the dwelling but not impeding its development. See also paragraph 29.

Conclusions

35. The scheme will provide a necessary new dwelling with a suitable form of design and a layout sufficient to provide adequate shared amenity space for the proposed single dwelling and the two existing flats. Subject to the conditions, improving the appearance of the site, the appearance to Durham Street, and the amenity of the local area the development is considered acceptable. This brownfield site is in a sustainable location and benefits from close proximity to a range of local shopping facilities and bus and cycle network connections to the city centre, and taken with the adequate cycle storage proposed on site, will justify the inability to provide on-site car parking. Notwithstanding the increased height of development at the site the impacts on neighbouring amenity will be small and minimised further by the appropriate use of conditions.

36. Overall the scheme is considered acceptable and in accordance with national policy PPS1, PPS3 and PPG13 policies 2, 3 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policy ENV7 of the East of England Plan, and saved policies HOU13, HBE12, EP22, NE9, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).

RECOMMENDATIONS

Recommended to approve application number 11/01060/F subject to the conditions as outlined below:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- 2) The development hereby approved shall be carried out in accordance with the plans and details as specified on this decision notice.
- 3) Before the commencement of the development hereby permitted, full details of the following shall be submitted to and approved in writing with the Local Planning Authority:

- a) bricks;
- b) roof tiles;
- c) lintels and cills;
- d) porch canopy;
- e) new windows and doors,
- f) cycle storage;
- g) refuse storage;
- h) boundary treatments, and;
- i) new gate.

The development shall then be constructed in full accordance with the agreed details and retained as such in perpetuity.

- 4) Before the commencement of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the species, number and size of any new trees and shrubs at the time of their planting. The scheme shall also include full details of all hard landscaping, including surface materials and details of any railings or other boundary treatment. The scheme as approved shall be carried out prior to the first occupation of the development or such further period as the Local Planning Authority may allow in writing.
- 5) Prior to the first occupation of the new dwelling hereby approved, refuse and cycle storage areas shall be provided, and all boundary treatments installed and all landscaping provided in accordance with the approved details as per conditions 3 and 4 of this permission. This shall thereafter be permanently retained.
- 6) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 105 litres/person/day, equivalent to Level 4 of the Code for Sustainable Homes for water usage. No occupation of [any of] the dwelling[s] shall take place until a full Code for Sustainable Homes assessment which relates to that dwelling and which confirms that the development has been constructed in accordance with Level 4 for water usage has been submitted to and agreed in writing by the local planning authority. All completed water conservation measures identified shall be installed in accordance with the details as agreed and thereafter permanently retained.
- 7) The windows, hereby permitted, on the rear elevation of the building and serving the bathroom and on the south elevation at first floor level serving the stairwell shall be installed with obscured glazing with a degree of obscurity equivalent to Pilkington level 5. The glazing shall thereafter be retained in accordance with this detail unless otherwise agreed in writing by the Local Planning Authority.
- 8) Any external lighting provided shall be positioned as such to avoid light nuisance or disturbance to residents of neighbouring properties.

Informatives:

- 1) You are advised that the council expects the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary shall only be carried out between 7.30am and 5.30pm Monday to Friday, between 7.30am and 1.00pm Saturday and not at all on Sundays or Bank Holidays;
 - (b) The quietest available items of plant and machinery shall be used on site. Where equipment such as generators are necessary, they should be enclosed to reduce noise levels, if applicable.

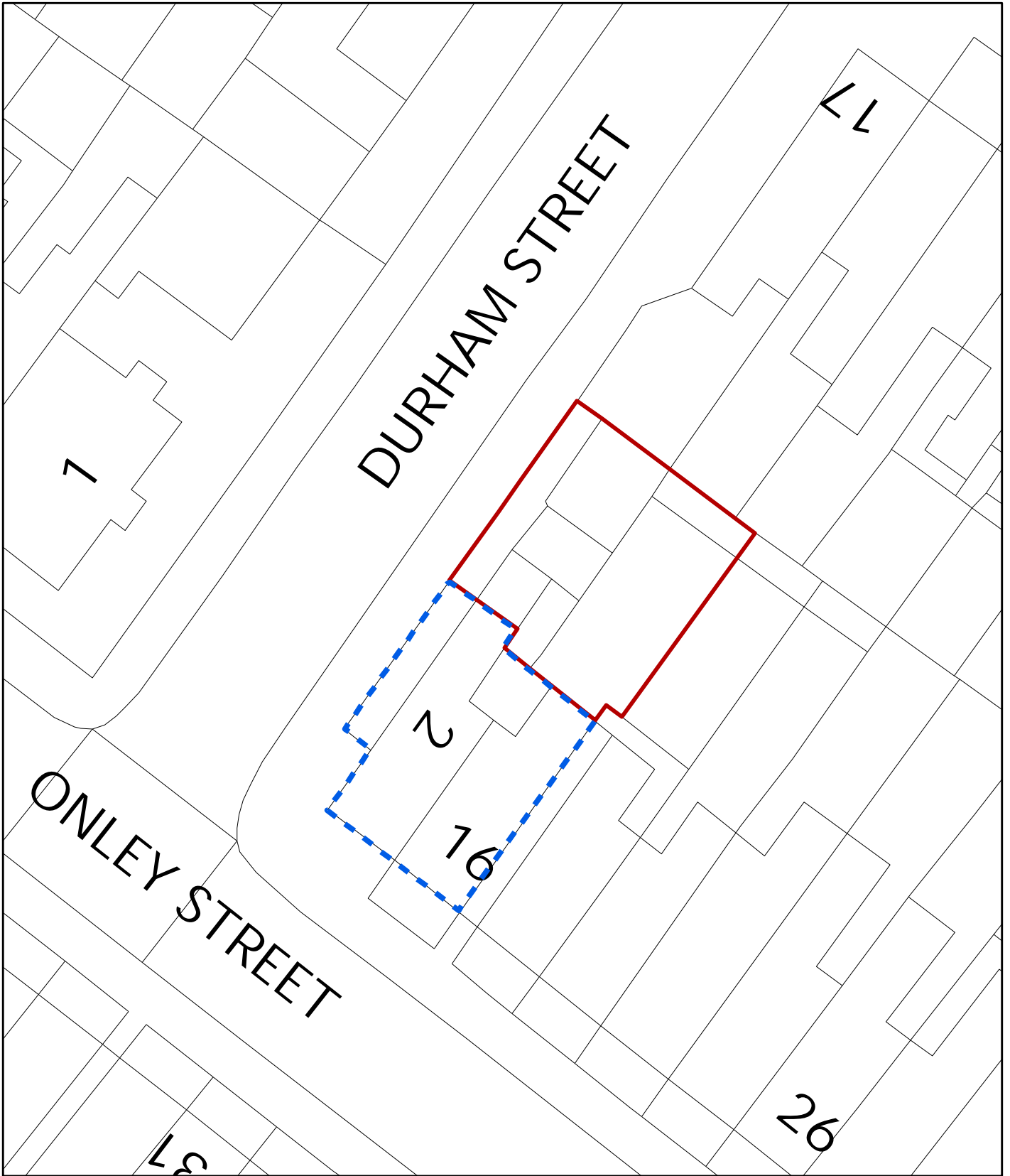
- (c) Deliveries shall only be received within the hours detailed in (a) above.
- (d) Adequate steps shall be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- (e) There shall be no burning on site;
- (f) Only minimal security lighting shall be used outside the hours stated above;
- (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as to not cause an obstruction or block visibility on the highway.
Any divergence from these recommendations should be referred to the councils environmental protection department for approval.

The council also recommends membership of a scheme, such as the Considerate Constructors Scheme.

- 2) The applicant is advised that the dwelling will not be eligible for parking permits.

Reasons for Approval:

- 1) The scheme will provide a necessary new dwelling with a suitable form of design and a layout sufficient to provide adequate shared amenity space for the proposed single dwelling and the two existing flats. Subject to the conditions, improving the appearance of the site, the appearance to Durham Street, and the amenity of the local area the development is considered acceptable. This brownfield site is in a sustainable location and benefits from close proximity to a range of local shopping facilities and bus and cycle network connections to the city centre, and taken with the adequate cycle storage proposed on site, will justify the inability to provide on-site car parking. Notwithstanding the increased height of development at the site the impacts on neighbouring amenity will be small and minimised further by the appropriate use of conditions. Therefore, the scheme is considered acceptable and in accordance with PPS1, PPS3 and PPG13 policies 2, 3 and 20 of the Adopted Joint Core Strategy for Broadland, Norwich and South Norfolk (March 2011), policy ENV7 of the East of England Plan, and saved policies HOU13, HBE12, EP22, NE9, TRA7, TRA8 and TRA9 of the City of Norwich Replacement Local Plan (Adopted Version November 2004).



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Planning Application No 11/01060/F
Site Address 2 Durham Street
Scale 1:250



NORWICH
City Council

PLANNING SERVICES

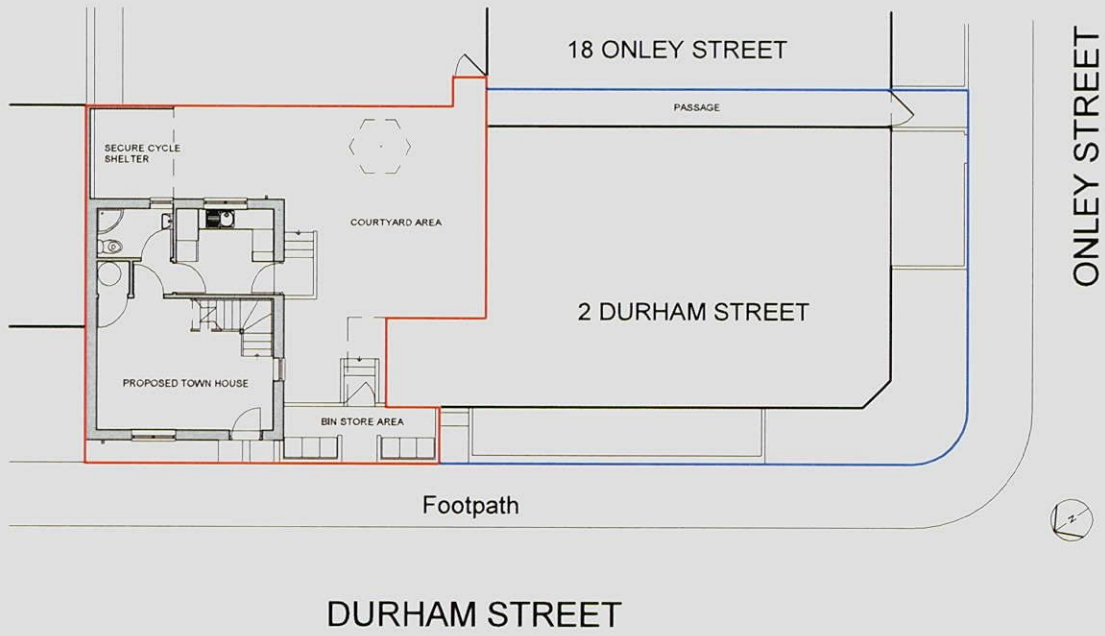


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Organisational Development
22 JUL 2011
Post Room

DCD-2 \$
11/01060/F



ADMIN
21 JUL 2011

REVISED

This drawing should be printed to A4 size for correct scale



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Proposed Town House
Durham Street Norwich
For Isobel Ford

Block Plan

Project number 4541

Date 07/06/2011

Drawn by KPH

4541/09A

Scale 1 : 200

