

Report for Resolution

Report to Planning Applications Committee
Date 23 August 2012
Report of Head of Planning Services
Subject 12/01178/F Store And Premises The Loke Dereham Road
Norwich NR5 8QG

Item
5(4)

SUMMARY

Description:	Demolition of commercial buildings and construction of 3 No. detached dwellings with garages, parking and associated site works.
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Wensum
Contact Officer:	Mr Lee Cook Senior Planner 01603 212536
Valid Date:	21st June 2012
Applicant:	Anglian Culinary Suppliers Limited
Agent:	Mr Graham Craske

INTRODUCTION

The Site

Location and Context

1. The site is located to the south of Dereham Road in between Tollhouse Road and The Loke. The site is bordered by Henderson Primary School to the south, residential development at the recently developed Whistlefish Court to the west and existing residential dwellings on The Loke to the north and Tollhouse Road to the east. The site is accessed from Tollhouse Road by vehicles.
2. The existing site contains a single storey warehouse building with fairly high ceilings bringing the building height to nearly two storeys in comparison to typical residential dwellings. There is also an associated single storey, flat roof office that was granted consent in the 1960s. The unit has been vacant in recent years.
3. There are no trees on the site but there are some to the west boundary with Whistlefish Court. The site is not within a conservation area or subject to any other constraints except being within the identified consultation zone for the Health and Safety Executive due to Bayer Crop Science around 700m to the north of the site.

Topography

4. The land within the wider area of this site slopes down from the south to the north as the River Wensum river valley is to the north.

Planning History

5. There have been two previous applications on the site for 4 dwellings, which have both been refused:
 - 09/01218/F - Demolition of commercial building and erection of 4 new dwellings. Refused 23 August 2010. Appeal dismissed.
 - 08/00005/F - Demolition of existing buildings and erection of 4 no. houses. Refused 13 August 2009.

An appeal on 09/01218/F was dismissed on the grounds of poor living conditions in relation to outlook and privacy for future occupiers, and loss of outlook for 31b Tollhouse Road.

Equality and Diversity Issues

6. There are no significant equality or diversity issues.

The Proposal

7. The application is for the demolition of the existing commercial buildings on site and redevelopment with three detached three bedroom dwellings. Plots 1 and 2 will each have a garage and parking space, with Plot 3 a designated parking area for two cars. A parking bay is also proposed adjacent to Plots 1 and 2.

Representations Received

8. 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.
9. Norwich Society: This is an improvement on the previous scheme, but the configuration of plots 1 & 2 seems clumsy and cramped compared with the far greater space for plot 3.

Issues Raised	Response
No objection provided pedestrian and vehicular access, access for emergency services and right of way is altered in any way.	See paragraph 29-38.
Pedestrians should have priority on access road as no pavements provided to maintain road safety.	See paragraph 29-30.
Support 3 dwellings now proposed instead of 4 as in previous applications.	No comments.

No pre-application consultation from developers.	No pre-application community consultation is required for residential development of under 10 dwellings. If any does take place it would be on the decision of the developer but they are not required to.
Concern over parking over site, would like clause or covenant on properties to prevent parking on roads and in passing lay-by.	The use of covenants or clauses in the deeds to a property is a matter outside of planning law. See paragraphs 31-38 relating to parking considerations.
Concern over parked cars blocking access to neighbouring properties. There should be parking restrictions in lay-by.	See paragraph 31-38.
New residents will not use garages and park on road instead.	See paragraph 31-32.
No surfacing details of access road.	See paragraph 30, 39-40.
No maintenance details of access road provided.	See paragraph 33-38.
Concern over construction phase of development and access to existing homes being blocked by construction traffic.	See paragraph 51-52.
Road could be adopted by Council so that parking can be controlled and parking restrictions applied and enforced.	See paragraph 33-38.
Double yellow lines on the junction of Tollhouse Road and The Loke would prevent parking that restricts access for cars and larger delivery vehicles.	See paragraph 36-38.

Consultation Responses

10. Environmental Health – no objections subject to conditions.
11. Local Highway Authority – no objections.
12. Health and Safety Executive – does not advise against development.

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

Statement 11 – Conserving and enhancing the natural environment

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

T14 - Parking

ENV7 - Quality in the Built Environment

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

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

HBE12 – High quality of design

EP1 – Contaminated land

EP2 – Testing for ground stability conditions

EP3 – Health and safety consultations

EP16 – Water resource conservation

EP17 – Water quality re. treatment of runoff from car parks

EP22 – Protection of residential amenity

EMP3 – Loss of small business units

HOU13 – Criteria for other housing site proposals

TRA6 – Parking standards

TRA7 – Cycle parking provision

TRA8 – Provision in development for servicing

Other Material considerations

Written Ministerial Statement: Planning for Growth March 2011

The Localism Act 2011 – s143 Local Finance Consideration

Principle of Development

Policy Considerations

13. The land is previously developed land located within an existing residential area with good public transport links and access to local services such as shops. As such the principle of residential development on the site is acceptable.

14. The key considerations as to whether the proposed residential development at this site is acceptable are the loss of the small business unit, residential amenity for existing and future residents, design, landscaping (both planting and hard surfacing), highway safety, provision of parking, cycle storage and refuse storage, impact on natural environment, health and safety considerations relating to land contamination and proximity to Bayer Crop Science, ground stability and energy and water conservation.

Other Material Considerations

15. Under Section 143 of the Localism Act the council is required to consider the impact on local finances, through the potential generation of grant money from the New Homes Bonus system from central government. The completion of new dwellings would lead to grant income for the council. Whilst this is a consideration the overall principle of the dwellings, design, impact on residents and other material planning considerations must also be considered. These are given due consideration below.

Loss of small business unit

16. The existing commercial buildings were built on site in the 1960s. They were in use as a variety of commercial uses since then including a plasterers' office, building supplies and most recently Anglian Catering Services warehouses.
17. Anglian Catering Services vacated the unit several years ago and have since tried to secure planning permission for residential redevelopment of the site.
18. The loss of a small business unit would only be acceptable where it is demonstrated there is no demand for such a unit or its redevelopment would benefit the amenities of adjacent residential occupiers or the wider regeneration of the area.
19. It is considered in this instance that the residential redevelopment of this site would be in keeping with the existing residential character of the surrounding area and the removal of an industrial unit that has the potential to generate noise and disturbance would be of benefit to the amenities of surrounding residential occupiers.

Residential amenity

Existing residents

20. The outlook, privacy, daylight and sunlight levels to the neighbouring residents must be considered. There was an existing single storey building on the site which would have reduced the outlook to 4 The Loke and 31b Tollhouse Road and led to some overshadowing at ground floor level to 31b Tollhouse Road.
21. The proposed dwellings would be at sufficient distance from 31b Tollhouse Road to not lead to a significant loss of outlook. The previous application 09/01218/F was refused and an appeal upheld over the loss of outlook to 31b Tollhouse Road. The 1 ½ storey component to the dwelling that forms Plot 3 is now 19m from the rear of 31b Tollhouse Road as opposed to 14m previously.
22. The outlook from 4 The Loke has also improved as one of the 1 ½ storey dwellings has been removed that would have blocked direct sunlight to the rear windows of this dwelling. There are now garages and the 1 ½ storey dwelling in Plot 3 visible from the rear of the dwelling, but these are at sufficient distance to not lead to a significant loss of outlook or daylight.
23. The orientation of the proposed dwellings compared to the existing dwellings leads to the principal windows for each dwellings being perpendicular to each other and not directly facing each other. There are no windows on the north elevation of plot 1 or the east elevation of plot 3 which are closest to the existing neighbouring dwellings. Rooflights have also been used on the north elevation of plot 3 to reduce overlooking to the neighbouring garden of 4 The Loke and 32 Tollhouse Road. Therefore the loss of privacy from the proposed new dwellings is not considered to be significant.
24. There are also dwellings on Whistlefish Court to the west of the application site with windows from the west elevation of a three storey townhouse that overlook the site. Plots 1 and 2 of the proposed development will face this townhouse. There is a minimum of 18m between these dwellings and a 5.6m hedge screening the two

sites. The windows at first and second floor of the townhouse are circulation space to a hallway and also a sitting room and bedroom. The bedroom at second floor would be sufficiently higher up to not be overlooked. Further to this the distance between the two, whilst leading to some level of overlooking to each of the dwellings would not be sufficient enough to merit refusal of the application.

Future residents

25. The dwellings have a good amount of outdoor amenity space and adequate provision for cycle storage and refuse storage. The outlook from the main habitable rooms in the dwellings is sufficient and although plots 2 and 3 are close to the road this is not a very busy road as it only serves these new houses and dwellings at 1 to 4 The Loke. The level of amenity for future residents is therefore considered to have improved from the previously refused scheme to an acceptable level.

Design

26. With reference to design, the appearance of the new dwellings ties in with the character and appearance of the existing streetscape. The surrounding development includes a variety of scales and external appearance to the dwellings. The height, scale, mass, form, choice of materials and design details are therefore all considered appropriate and do not detract from the character of the existing streetscene.
27. The existing commercial building is out of keeping with the character of the existing predominantly residential area. The proposed residential dwellings therefore improve the overall character and appearance of the streetscene.
28. To ensure a high quality design finish a condition is recommended for external facing materials to be agreed through condition.

Highway safety and parking

29. The site was previously used for storage and distribution uses with associated cars and commercial vehicles/lorries attending the site. The addition of three dwellings would not lead an excessively high number of traffic movements along Tollhouse Road or the private road that provides access to 1 to 4 The Loke. Pedestrians do use the route along the Loke, however, as it is a public right of way.
30. To ensure that the potential for conflicts between cars and pedestrians the surface treatments of the access road will need to be carefully selected to indicate to vehicle drivers that it is a shared surface where pedestrians may be walking. A condition is recommended to agree the hard landscaping details of the access road to the south and west of the dwellings.

Car Parking

31. The dwellings each have two parking spaces. Plots 1 and 2 have a garage and external parking space whilst plot 3 has two external parking spaces.
32. The parking spaces are within the maximum parking standards under the local plan. It is recognised however that the lay-by adjacent to plot 2 is likely to be used as parking spaces for two cars. The additional space for two cars would bring the parking provision in excess of the parking standards. The additional lay-by however is considered to be a compromise to help overcome local concern and impacts of potential parking along the south side of the access road.

Adoption of highway and parking control

33. It has been suggested in letters of representation that the highway is adopted to enable parking controls to be enforced by the Council. For the highway to be adopted the developer must bring the highway to a standard that can be adopted. This would entail a high cost for the developer and it would not be considered reasonable to request this is done in this instance.

34. If the road served a larger number of dwellings and had higher traffic movement levels then there could be a case to request the road is adopted. However the four existing dwellings on The Loke and three proposed dwellings would not be sufficient in this instance.
35. As the road would be a private road it would be managed privately, both in parking controls and the maintenance of it. Parking controls such as private traffic enforcement companies could be used to control parking. As this is a private road its management is a civil matter however outside of the control of public traffic enforcement measures.
36. It has also been suggested in letters of representation that double yellow lines are applied to the junction of Tollhouse Road to this site, which is adopted highway, to prevent parking and obstructions here.
37. Double yellow lines restricting parking would need to be backed by a Traffic Regulation Order to enforce no parking. This would entail a cost to enact this but also to regulate it through traffic wardens visiting the site. The justification for double yellow lines must be that there is an identifiable safety risk posed which require some form of enforcement to avoid accidents. The low number of dwellings that use this junction as an access point leads to it being unlikely that safety of cars moving in and out of the site would compromise pedestrian safety.
38. The potential for this junction to be blocked by parked vehicles is not highly likely due to the small number of dwellings proposed. The parking is likely to regulate itself in that if additional parking for visitors or residents is needed to the allocated spaces, people will choose to park on wider parts of the road than narrower sections. As a private road this would be a matter however for residents to consider with the management body for the road.

Landscaping and surface treatments

Hard and soft landscaping

39. To ensure the development has a high quality design finish a condition is recommended for the hard landscaping, boundary treatments and soft landscaping in the form of planting to be agreed.
40. Any paving used on the site should be permeable paving to prevent surface water run-off to some degree on the site.

Cycle and refuse storage

41. Cycle and refuse storage has been provided for the dwellings to an acceptable level, along with a refuse collection area within 11m of the adopted highway. Refuse lorries already access the dwellings at 1 to 4 The Loke in any case and so refuse collection will be possible from this collection area.
42. A condition is recommended that the cycle and refuse storage is brought into use before the dwellings are occupied.

Natural environment

Protected species

43. A report has been submitted with the application to demonstrate that there are no protected bat species on the site. There may well be nesting bird species in the mature vegetation on site and so an informative on the decision has been recommended to raise awareness of disturbance issues and help control any site clearance works between March and September. No other protected species were considered to be likely on site.

Trees

44. There is a mature hedge along the west boundary of The Loke that is around 5.5m high and provides screening between this site and the neighbouring residential development at Whistlefish Court. This is not within the application site but is adjacent to the access road. It is unlikely that any development would have an adverse impact on this hedge as it is already bordered by the existing access road. The proposed dwellings are at a sufficient distance to not lead to any impacts on the roots of this vegetation. There are conifers in the garden of 4 The Loke to the north of the site. Again these are at sufficient distance for the proposed development to not have a significant impact on these.

Health and safety considerations

45. The site is within the Health and Safety Executive (HSE) consultation zone for Bayer Crop Science which is located further to the north of the site. The HSE were consulted but they did not advise against this residential development in the existing residential area.

Ground contamination and land stability

46. A report has been submitted with the application identifying likely ground contamination from the previous commercial uses on this site. There are also known chalk mines in the area which were likely to be filled with unknown refuse. This may lead to ground gases.
47. The contamination report gives an adequate level of detail to identify potential land contaminants. Although it is considered unlikely there are contaminants on site and the topographical nature of the site leading it to be less likely contaminants could migrate to the site from other contamination sources, further site investigation work would be needed prior to development commencing and prior to first occupation. This work would identify potential contaminants and remediation measures. It would be reasonable to condition this, along with a condition relating to unknown contamination found during the course of development, requiring the developer to agree with the Council how this would be adequately dealt with.
48. The accompanying report also identifies that the site should be covered with 600mm of clean material. A condition is recommended to require certification or evidence of the uncontaminated nature of the soil to be demonstrated before it is put on the site.
49. The Phase One Desktop Study for ground contamination has also identified the potential for mining in the surrounding area. This report recommends that further ground stability work is carried out before any works start on site. A condition is therefore recommended as such.

Energy and water conservation

50. The development is for three dwellings houses. As such there is no requirement for renewable energy on site but there is for water conservation. All new dwellings should meet the level of water conservation required by Code for Sustainable Homes Level 4 of 105 litres per person per day. A condition is recommended to require this be implemented in the new dwellings.

Other matters raised

51. In letters of representation the issue of the construction phase of the development leading to disruption to local residents was raised. The dwellings at 1 to 4 The Loke require the access road to the south of the development site to be clear to access their properties. Whilst the eventual access rights to all of the existing and proposed dwellings are a civil matter outside of the planning process, the construction phase

can be considered to prevent disturbance to the adjacent residents.

52. A condition is therefore recommended that a Construction Method Statement is submitted and agreed with the Council to prevent inappropriate parking or storage of building materials and equipment during the construction stage.

Conclusions

53. The proposed residential development of the former industrial site is considered to be of benefit to the character and appearance of the residential area and the new development less likely to lead to noise disturbance to adjacent residents. Conditions are recommended however in relation to the former commercial use of the site and the known mining activities in the area in relation to ground contamination and ground stability.
54. It is considered that the design of the new dwellings does not detract from the character and appearance of the existing residential properties in the wider area, subject to appropriate conditions relating to choice of materials and landscaping arrangements.
55. The proposed residential dwellings are at a sufficient distance to neighbouring properties to not lead to a loss of outlook and windows are appropriately located to avoid significant overlooking.
56. The provision of cycle and refuse storage is acceptable. Although the parking provision is in excess of parking standards through the provision of a lay-by adjacent to plot 2 this is considered to be a compromise in this instance to help prevent parking on the access road. As the road is private any parking enforcement would need to be carried out by the management or owner of the access road. The adoption of this road has been considered but due to the small number of additional dwellings and resultant cars and the cost of bringing the road to adoptable standards it is not considered reasonable or necessary.
57. As such the proposal accords with the criteria set out within policies NE8, NE9, HBE12, EP1, EP2, EP3, EP16, EP17, EP22, EMP3, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan and policies 1, 2, 3, 4, 6, 9 and 12 of the Joint Core Strategy.

RECOMMENDATIONS

To approve application no 12/01178/F “Demolition of commercial buildings and construction of 3 No. detached dwellings with garages, parking and associated site works” and grant planning permission subject to the following conditions:

- 1) Standard time limit
- 2) In accordance with plans
- 3) Hard and soft landscaping, including use of permeable paving
- 4) External facing materials and boundary treatments
- 5) Refuse and cycle storage implemented as shown on plans
- 6) Water efficiency to Code for Sustainable Homes Level 4
- 7) Construction method statement
- 8) Existing contamination – submission of details prior to development
- 9) Existing contamination – submission of verification report prior to first occupation
- 10) Unknown contamination
- 11) Imported ground materials (topsoil and subsoil)
- 12) Ground conditions – submission of engineering solution following investigation

Reasons for approval:

- 1) The decision is made with regard to policies NE8, NE9, HBE12, EP1, EP2, EP3,

EP16, EP17, EP22, EMP3, HOU13, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan, policies 1, 2, 3, 4, 6, 9 and 12 of the adopted Joint Core Strategy March 2011 and all material considerations.

- 2) The residential development of the former industrial site will be of benefit to the character and appearance of the residential area and less likely to lead to noise disturbance to adjacent residents than the former use. The design, scale, form and choice of materials of the new dwellings do not detract from the character and appearance of the existing residential properties in the wider area and or have a significant adverse impact on the amenities of existing neighbouring residents by virtue of the distance to neighbouring properties and appropriately located windows to avoid significant overlooking.
- 3) The additional dwellings and resultant traffic movements and parked cars will not have a detrimental affect to the appearance of the streetscape or highway safety due to the small increase in traffic movements and car numbers on the access road, with the additional two parking spaces in excess of the parking standards providing a compromise to address potential parking on the access road.

Informative Notes:

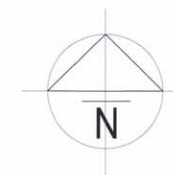
- 1) Construction working hours
- 2) Asbestos
- 3) Bins to purchased from Council prior to occupation
- 4) Awareness of site clearance impacts between March and September to protect nesting birds



SOUTH ELEVATION / SECTION TO ACCESS ROAD 1:100



SITE PLAN 1:200



Organisational Development
06 JUN 2012
Planning Reception

12/01178F

Rev A Layout amendments to planners advice gpi May 2012

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Chartered Architectural Technologist

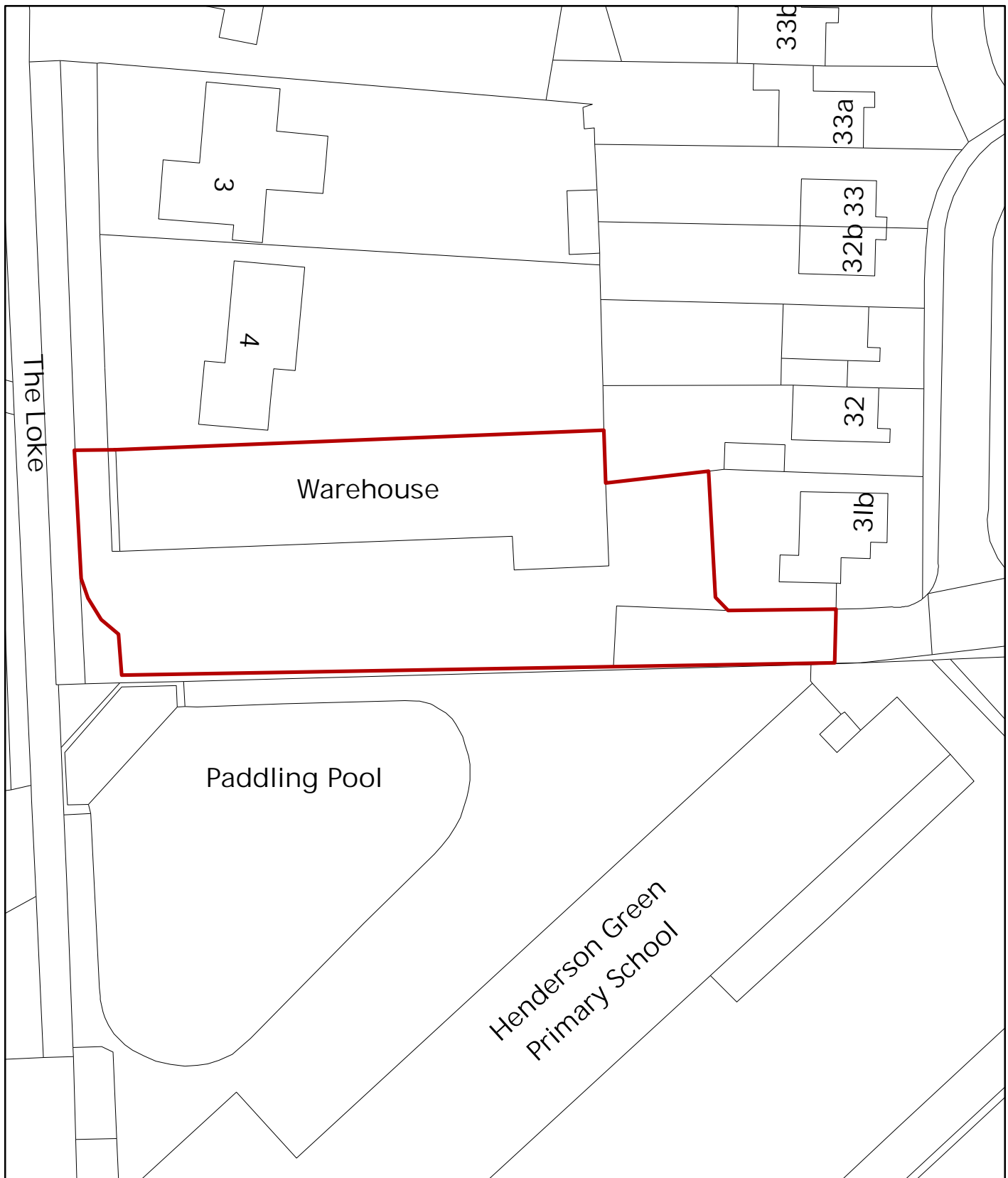
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Client: Anglia Culinary Suppliers Ltd

Job Title: Residential Development
The Loke, Tollhouse Road, Norwich.

Drawing Title: Site Layout & Street Scene

DATE: March 2012 Scale: 1:100/1:200 @A1
Drawing No.: GC118/01 A



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Planning Application No 12/01178/F

Site Address Store and Premises, The Loke, Dereham Road.

Scale 1:500



NORWICH
City Council

PLANNING SERVICES

